

# In the Court of Appeal of Alberta

**Citation:** Wang v Law Society of Alberta, 2026 ABCA 62

**Date:** 20260303  
**Docket:** 2401-0359AC  
**Registry:** Calgary

**Between:**

**Xiaoli Lily Wang**

Appellant

- and -

**Law Society of Alberta**

Respondent

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**The Court:**

**The Honourable Acting Chief Justice Dawn Pentelchuk  
The Honourable Justice William T. de Wit  
The Honourable Justice Alice Woolley**

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## **Memorandum of Judgment Delivered from the Bench**

Appeal from the Order by  
The Honourable Justice D. Jugnauth  
Dated the 22nd day of November, 2024  
Filed on the 3rd day of December, 2024  
(Docket: 2401 09635)

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**Memorandum of Judgment  
Delivered from the Bench**

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**de Wit J.A. (for the Court):**

[1] The appellant, Ms. Wang, appeals the decision of the chambers justice to strike her application for judicial review. For the reasons that follow the appeal is dismissed.

***Background***

[2] The appellant retained a lawyer in 2016 to assist her in appealing a costs order against her. That appeal did not proceed and was deemed abandoned. Over five years later, in 2022, the appellant made a complaint about the lawyer to the respondent, the Law Society of Alberta. The complaint was summarily dismissed by the Law Society's Executive Director pursuant to section 53(4)(a) of the *Legal Profession Act*, RSA 2000, c L-8.

[3] Pursuant to rule 85(6)(f) of *The Rules of the Law Society of Alberta* the Executive Director may summarily dismiss a complaint where there has been a significant delay in bringing forth the complaint. The decision noted the delay of approximately five years from the events outlined in the complaint to when the complaint was made and stated that complaints delayed more than three years will not engage the regulatory process without exceptional circumstances.

[4] The appellant appealed the dismissal of her complaint to the Appeal Panel of the Law Society, which agreed there had been significant delay in bringing the complaint, and that there were no exceptional circumstances to explain the delay. The Appeal Panel upheld the Executive Director's decision and dismissed the complaint pursuant to section 54(2)(a) of the *Legal Profession Act*.

[5] The appellant then filed an originating application for judicial review in the Court of King's Bench seeking to quash the Appeal Panel decision. The Law Society filed an application to strike the originating application for failure to disclose a reasonable cause of action. The chambers justice held that, as the complainant in professional disciplinary proceedings, the appellant did not have standing to seek judicial review of the Appeal Panel decision. The originating application was struck.

***Issue***

[6] The appellant raises several grounds of appeal, which can be narrowed to a single issue: does the appellant have standing to seek judicial review of the Appeal Panel's decision?

### ***Standard of Review***

[7] Whether a pleading discloses a cause of action is a question of law, reviewed for correctness. If the law is correctly stated by the judge then the decision to strike the pleadings is assessed on a reasonableness standard: *Mitten v College of Alberta Psychologists*, 2010 ABCA 159 at para 9 [*Mitten*].

### ***Analysis***

[8] A complainant in professional regulatory proceedings is not a party to those proceedings, unless made one by the governing legislation: *Mitten* at paras 16-17; *Makis v College of Physicians and Surgeons of Alberta (Complaint Review Committee)*, 2019 ABCA 341 at para 23. A complainant does not seek a personal remedy through professional discipline. It is the role of the regulator, and not the complainant, to ensure that professional standards are met: *Tran v College of Physicians and Surgeons of Alberta*, 2017 ABQB 337 at paras 22-23 [*Tran QB*].

[9] As a non-party to the disciplinary proceedings a complainant has very limited rights to commence judicial review of a regulator's decision regarding their complaint. The complainant has no standing to seek judicial review of the merits of the regulator's decision, including a decision not to proceed with disciplinary action: *Mitten* at para 17; *Tran v College of Physicians and Surgeons of Alberta*, 2018 ABCA 95 at paras 5-9 [*Tran CA*]; *Makis v College of Physicians and Surgeons of Alberta (Complaint Review Committee)*, 2020 ABCA 451 at para 8. The appellant relies on *Warman v Law Society of Alberta*, 2015 ABCA 368 [*Warman*], which the chambers judge did not mention. That case refers to standing for procedural issues and it is not authority that a complainant to the Law Society has standing in every case. The facts in *Warman* are much different than the facts in this case. A complainant who has a statutory right to appeal a decision dismissing a complaint has a limited right to seek judicial review of the fairness of the appeal process: *Mitten* at para 17; *Warman* at para 6. The duty of fairness owed is at the low end of the spectrum and judicial review will be granted only if the appeal process was conducted in a fundamentally unfair manner: *Tran CA* at paras 6, 9; *Mitten* at para 17.

[10] The appellant's originating application states as its basis that the Appeal Panel exercised its discretion in an unreasonable way. The appellant raised no clear allegations of procedural unfairness in either her originating application or her submissions before the chambers justice. Her argument focused on the merits of the decision to dismiss her complaint, not on the process. Nor does a review of the record indicate the existence of any procedural unfairness.

[11] The chambers justice correctly referred to case law suggesting that the appellant has no standing to bring her originating application for judicial review on the merits of the Appeal Panel's

decision, and it was within his discretion to strike the application. Accordingly, the appeal is dismissed.

[12] Rule 9.4(2)(c) is invoked, and the Court will prepare the resulting order, and we have decided that no costs will be payable in this matter to either party.

Appeal heard on January 13, 2026

Memorandum filed at Calgary, Alberta  
this 3rd day of March, 2026.

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de Wit J.A.

**Appearances:**

Appellant X. Wang

A.N. Moulton, KC  
for the Respondent