

Balraj Singh Parmar

Vancouver, BC

Called to the Bar: May 21, 1999

Suspended from practice pending hearing: November 30, 2000

Voluntarily ceased membership: January 1, 2001

Disbarred: October 3, 2002

Discipline hearing: June 24 and October 3, 2002

Panel: G. Ronald Toews, QC, Chair, Margaret Ostrowski, QC and Anne K. Wallace

Reports issued: September 3 and November 1, 2002; indexed as [2002] LSBC 20

Counsel: Todd R. Follett, for the Law Society; Mr. Parmar, on his own behalf

Non-publication application to the Benchers: May 7, 2003

Summary

While representing a client on a legal aid basis in a child access matter, Mr. Parmar solicited and accepted funds from his client's father as payment towards Mr. Parmar's services, although this was contrary to the terms of his legal aid appointment. Mr. Parmar then wrongfully converted the funds by failing to account for them to the law firm that employed him. He advised his client on a number of occasions that he had set the matter down in court when this was untrue, and then advised that the court dates could not proceed for various reasons, which was also untrue. On one occasion, Mr. Parmar suggested to his client that opposing counsel or a family member of the opposing party may have had someone within the court registry sabotaging the case as an explanation for why it did not appear on the court list. By such a suggestion, he brought the administration of justice into disrepute. Mr. Parmar concocted various court and other documents, which he delivered to his client to convince the client that he filed those documents although he had not. On another file, Mr. Parmar represented a client on an immigration application. He failed to file the application but misled the client by telling her that he had done so and by sending her a letter he had concocted from Citizenship and Immigration Canada. The hearing panel found that Mr. Parmar had demonstrated his complete unsuitability to be a lawyer and that the public and the profession must see that the Law Society regards such misconduct as deserving of the strongest sanction. The panel ordered that Mr. Parmar, then a former member, be disbarred and pay \$18,782.33 as costs of the proceedings. The Benchers dismissed Mr. Parmar's application for non-publication of this matter.

Facts

Client BD

In February, 2000 Mr. Parmar began representing BD on a legal aid retainer in a family law matter. BD was seeking to set aside an ex parte order ending access to his child.

Mr. Parmar told BD that, because the file was complex and required extra work, BD must pay him \$5,000 since legal aid did not pay enough. Mr. Parmar asked to receive one-half this amount prior to the hearing and suggested BD contact his family for the money since BD lived on a disability pension and was unable to pay.

BD's father subsequently withdrew \$2,500 from his bank account in cash and paid it to Mr. Parmar. Mr. Parmar, who was an employed associate of a law firm, did not account to his firm for this money but instead wrongfully converted it to his own use.

Although BD had told Mr. Parmar that his case was urgent, Mr. Parmar delayed on bringing the matter to court and gave various explanations for the delay. He first advised BD that the application would proceed in Supreme Court on April 13, 2000, but told the client that day that the case had been adjourned because opposing counsel had filed a praecipe stating she had insufficient time to prepare. Mr. Parmar delivered to his client a copy of the purported praecipe. In fact, Mr. Parmar misled his client as he had not set the matter down for April 13, there was no adjournment by opposing counsel and Mr. Parmar had concocted the praecipe.

Mr. Parmar next told BD that the matter would be heard on May 5, 2000, but called his client that day to say he was ill and would not be able to attend court. In fact, Mr. Parmar had not set the matter to proceed on May 5. He then advised BD that that matter would proceed on May 19. Mr. Parmar reached BD on his cell phone on May 19, while BD was en route for court, to say that the hearing would not proceed as Mr. Parmar had settled the matter with opposing counsel. In fact, Mr. Parmar had not set the matter for May 19 and had not reached a settlement. Both his statements misled his client.

Mr. Parmar told BD that the matter was to proceed in court on June 2. When BD arrived at the courthouse that day, Mr. Parmar told him the case had been deleted from the list. He suggested that counsel representing BD's former wife, or a member of her family, may have someone within the court registry sabotaging the case. He suggested this as a reason the matter had not been on the court lists. Mr. Parmar in fact had never set down a June 2 court date and his explanations to his client were untrue.

BD, his father and his sister confronted Mr. Parmar and asked him to explain why the various court dates had not proceeded. BD said that he had made enquiries and learned that nothing had been filed in the registry since he had retained Mr. Parmar. BD asked for copies of all the documents that Mr. Parmar said he had filed.

On June 29 Mr. Parmar faxed BD documents purporting to be notices of motion dated April 1, May 29 and June 23, 2000. These were not in fact documents that had been filed. Mr. Parmar concocted them for delivery to his client.

On July 13, 2000 Mr. Parmar made an application in BC Supreme Court on behalf of BD to set aside the ex parte order, but the application was dismissed. One of the reasons the court gave for the dismissal was that it did not have a transcript of the reasons of the court

that had made the original order. Mr. Parmar told BD that he had ordered the transcript. On making enquiries, however, BD came to the view that no transcript had been ordered.

On August 10 Mr. Parmar gave BD a copy of a letter purportedly from a transcription company confirming that the transcript had been ordered. In fact Mr. Parmar had not ordered a transcript and had concocted the letter. He also sent his client copies of notices of motion dated April 1, April 16, May 10, May 29 and June 23, which he said had been filed in the court registry. In fact Mr. Parmar had not filed these documents but had concocted them for delivery to his client.

Client DC

In February, 1999 DC retained Mr. Parmar to complete an urgent application for family class sponsorship of her husband who resided in India but wished to come to Canada. In April, 1999 DC signed a document that Mr. Parmar advised was an application for sponsorship. Mr. Parmar told his client he would file the document immediately.

Mr. Parmar rendered an account to DC. As the matter did not seem to progress, DC made enquiries of Citizenship and Immigration Canada. In January, 2000 she learned that no application had been submitted in 1999.

DC contacted Mr. Parmar and asked for an explanation. Mr. Parmar insisted that the application had been filed and offered to provide proof. After several telephone conversations with DC, Mr. Parmar faxed to his client a letter purportedly from the case processing centre of Citizenship and Immigration Canada. In fact, Mr. Parmar had not filed his client's application and had concocted the letter that he faxed to her.

Verdict

The hearing panel found that Mr. Parmar was guilty of professional misconduct in the following:

Client BD

- soliciting and accepting funds as payment for legal services when he was representing a client on legal aid, contrary to the terms of his legal aid retainer;
- wrongfully converting funds received from his client's father by failing to account for those funds to the law firm that employed him;
- advising his client on a number of occasions that he had set down a matter in court when this was untrue;
- advising his client that such court dates could not proceed for various reasons, which were untrue, including one occasion on which he suggested that opposing counsel or a family member of the opposing party may have had someone within the court registry sabotaging the case and, by such a suggestion, bringing the administration of justice into disrepute; and

- concocting various court documents and other documents and delivering these to his client.

Client DC

- failing to file an application for a client in an immigration matter and misleading the client by telling her the application had been filed; and
- concocting a letter purportedly from Citizenship and Immigration Canada and delivering that letter to his client in an attempt to deceive her.

Penalty

The hearing panel stated that Mr. Parmar had violated a broad range of fundamental rules that govern the legal profession, thereby demonstrating his total unsuitability to be a lawyer. He had lied to his clients and bolstered his lies by forging court documents and other documents. He had further bolstered his lies by suggesting that opposing counsel or the client's ex-wife were influencing someone within the court registry to sabotage his client's case and, by this suggestion, bringing the administration of justice into disrepute. Mr. Parmar received money as fees from his client's father, even though such payment violated the terms of his agreement with Legal Services Society, and he wrongly converted this money to his own use, rather than depositing it to the trust account of the law firm that employed him.

Mr. Parmar tried to deceive another client in an immigration matter by showing her an immigration document that he had concocted and claimed to have filed when he had not in fact done so.

Mr. Parmar's clients in these circumstances were left without the legal redress they expected and had to retain other lawyers. While Mr. Parmar told the panel that he did not intend to hurt anyone, he knew that he did in fact hurt his clients.

The panel found that Mr. Parmar suffered from clinical depression, but this was not an excuse for or a mitigation of his professional misconduct, and that he admitted he knew his behaviour was wrong.

The panel was mindful of the issues of general deterrence and public confidence in the integrity of the legal profession. The public and the profession must see that the Law Society regards such misconduct as deserving of the strongest sanction.

The panel ordered that Mr. Parmar:

1. be disbarred; and
2. pay \$18,782.33 as costs of the proceeding.

The Law Society published notices of Mr. Parmar's disbarment in October, 2002. Mr. Parmar applied to the Benchers for an order that no summary of his discipline hearing be

published to the profession. On May 7, 2003 the Benchers rejected Mr. Parmar's application and ordered that publication proceed.

Discipline Case Digest — 2003: No. 16 June (Parmar)