

2020 LSBC 25
Decision issued: June 5, 2020
Citation issued: October 25, 2018

THE LAW SOCIETY OF BRITISH COLUMBIA

In the matter of the *Legal Profession Act*, SBC 1998, c. 9

and a hearing concerning

SUMANDIP SINGH

RESPONDENT

**DECISION OF THE PRESIDENT ON AN
APPLICATION TO RECONSTITUTE HEARING PANEL**

Written materials: May 24, 2020
June 2, 2020

President: Craig Ferris, QC

Discipline Counsel: Mandana Namazi
Counsel for the Respondent: Joven Narwal

[1] On June 2, 2020, as President, I was provided with an application delivered by Sumandip Singh, (the “Respondent”). The application seeks various orders as follows:

1. An order that the discipline hearing on sanction be adjourned pursuant to Rule 4-40;
2. An order that the panel be reconstituted to include a current practising Benchler, pursuant to Rule 5-2; and

3. An order that the disciplinary hearing be held in person, pursuant to the principles of procedural fairness.
- [2] The jurisdiction to order an adjournment (order #1) or to determine the procedure before the hearing panel (order #3) is within the discretion of the hearing panel. The constitution of that panel (order #2) is within my discretion as President under the Law Society Rules (the “Rules”) and, in particular, Rule 5-2. These reasons, therefore, determine the application with respect to order #2; the constitution of the panel.
- [3] By way of background, the panel to determine this citation was originally constituted by me to include Jeff Campbell, QC. At the time, Mr. Campbell was a sitting Bencher. Mr. Campbell was subsequently appointed a Judge of the Provincial Court of British Columbia. Thereafter, I ordered, pursuant to the discretion provided by Rule 5-3(1), that the hearing continue with the remaining two panel members, Ralston Alexander, QC, a Life Bencher, and Paul Ruffell, a public member of the Tribunal.
- [4] The application asks me, in essence, to reconsider my decision under Rule 5-3(1) and to add a sitting Bencher to the panel. The Respondent asserts that “practising” lawyers are better suited to assess current practice standards and that assessment by one’s peers is an objective of the Law Society that will be served by appointing a current Bencher to join the panel. The Respondent also says the appointment of a new member to join the panel would not violate the “he who hears must decide” principle.
- [5] I dismiss this application. There is no provision in the Rules that provides for this type of application to be made. Under the Rules, the selection and composition of a panel is exclusively within the discretion of the President. I see no reason to review the discretion I exercised when I ordered that the hearing continue with the remaining two panel members.
- [6] The Rule specifically says that a panel is to be chaired “by a lawyer” (Rule 5-2(3)(a) and include a “Bencher” or a “Life Bencher” (Rule 5-2(3)(b). This panel is chaired by Mr. Alexander, who is both a practising lawyer and a Life Bencher. One of the objects of the Rules is to ensure that the panels appointed are composed of those best suited to determine a citation. That policy objective, which is relied upon by the Respondent to ground his application, is therefore met by a panel constituted in accordance with the Rules. This panel is constituted in accordance with the Rules.

- [7] Furthermore, I take the Respondent's objection to the present composition of the panel to suggest that a public member of the Tribunal ought not to have similar or equal say with Bencher or lawyer members of the panel with respect to a lawyer's conduct. This is simply wrong. The Bencher table has for many years included public representatives appointed as Benchers who are not lawyers. They have an equal voice at the Bencher table. Similarly, the Law Society Rules provide for the appointment of public representatives to hearing panels. This is consistent with the objectives of the Law Society to ensure a public voice in Tribunal decisions. Accordingly, the objectives suggested by the Respondent as the basis for his application do not reflect the current objectives of the Law Society of British Columbia and could not provide the proper basis for an application of this type.
- [8] The application for the appointment of an additional panel member is dismissed and the remainder of the relief sought is referred to the hearing panel.