

2021 LSBC 15
Decision issued: May 11, 2021
Citation issued: October 25, 2018
Citation amended: June 6, 2019
Citation further amended: July 19, 2019

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 HEARING PANEL
ON AN APPLICATION TO VARY AN ORDER
UNDER RULE 5-12**

Written materials: April 27, 2021

Panel: Ralston S. Alexander, QC, Chair
Paul Ruffell, Public representative

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

BACKGROUND

- [1] This Hearing Panel ordered that the Respondent be suspended from practice for a period of two years commencing April 1, 2021 or on such other day as the parties agreed upon.
- [2] The Respondent characterized this language as an “invitation” to amend the commencement date of the suspension. It was instead a recognition that the Respondent may have issues winding up his practice in the two-week period that

was available between the issue of our decision and the proposed commencement date of the suspension.

- [3] Following an exchange of correspondence, the parties agreed that the start date of the suspension would be May 1, 2021.
- [4] Following that agreement, the Respondent filed an application for a Review of the Disciplinary Action decision of the Hearing Panel on various grounds and has filed an application for a stay of the suspension pending the outcome of the Review. That application is not before this Panel.
- [5] The Respondent has made an application to the President pursuant to Law Society Rule 5-12 for a further postponement of the commencement date of his suspension to June 1, 2021. Rule 5-12 provides the President with options to deal with that application, one of which is to refer the application to the original panel. He has done that.

DISCUSSION

- [6] The Respondent seeks the further postponement on the basis that there are several ongoing client matters where the clients will be prejudiced if they are required to be dealt with by new counsel.
- [7] He notes particularly a recent decision of the Supreme Court that imposed the specific performance of a contract of purchase and sale in favour of his purchaser client. That decision is still within the appeal period, arrangements for a new completion date for the purchase must be concluded and the matter of costs to the successful client are still to be settled.
- [8] The Respondent is additionally scheduled to be in several settlement conferences in mid-May and the Respondent's knowledge of the circumstances of the files will clearly make those attendances more beneficial for the clients than if replacement counsel are instructed to appear.
- [9] The Law Society opposes the application on several grounds, but primarily on the basis that the factual basis of the application is "weak" and that the matters that are alleged to be complex and require the particular background of the Respondent in the files are not of sufficient difficulty that replacement counsel would be challenged to discharge effectively. On this point the Panel believes that the specific performance remedy is sufficiently unusual to justify the continued engagement of the Respondent pending the expiration of the appeal period and any applications that may be mounted by counsel to the unsuccessful vendor.

- [10] None of the considerations described in the previous paragraph can form the basis of any application for a further extension of the commencement date of the suspension. The Respondent is instructed to get these issues, if any, resolved or handed off prior to June 1, 2021.
- [11] The Respondent seeks to join this application for a postponement of the commencement date of his suspension with the decision on his application for a stay of the suspension pending the outcome of the Review. This Panel has no standing in the application for the stay pending the Review, and we will not address that aspect of the application of the Respondent.
- [12] The stay application will be dealt with by others, and we do not intend to address that issue in these reasons. We have determined that the best interests of the clients of the Respondent are served by this Panel granting a single, one-month extension of the commencement date of the suspension to June 1, 2021, and we so order.
- [13] The Law Society has asked that we impose conditions if we are inclined to grant the requested extension. We have determined that there is a single condition necessary to ensure that the public interest in this matter is respected and that the necessary respect for the ability of the legal profession to be self-regulating is preserved.

DECISION

- [14] The extension of the commencement date of the previously ordered suspension to June 1, 2021 is granted on the condition that, in any future Rule 5-12 application by the Respondent, he is required to advise the body hearing the application that this Panel granted this requested extension with the expectation that no further extensions of the commencement date of the suspension would be sought or granted. This condition is of course subject to the decision (before June 1, 2021) of the pending application for a stay of the suspension pending the outcome of the Review.