

2021 LSBC 48  
Hearing File No.: HE20180090  
Decision Issued: November 30, 2021  
Citation Issued: October 25, 2018

THE LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL  
HEARING DIVISION

BETWEEN:

**THE LAW SOCIETY OF BRITISH COLUMBIA**

AND:

**SUMANDIP SINGH**

RESPONDENT

**DECISION OF PRESIDENT'S DESIGNATE  
ON AN APPLICATION FOR A FURTHER  
STAY OF ORDER PENDING REVIEW**

Written materials: November 19, November 23 and  
November 24, 2021

President's Designate: Geoffrey McDonald

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

- [1] The Respondent seeks a further stay of suspension until the section 47 review board issues its decision. The original stay of suspension, issued on May 28, 2021, will expire on November 30, 2021. The Respondent argues that this application meets the three part test for a stay in *RJR MacDonald Inc. v Canada (Attorney General)*, 1994 1 SCR 311. The Law Society takes issue with the third part of the *RJR*

*MacDonald* test, noting that the previous President’s Designate had limited the stay to six months to “... promote expediency in proceeding to review ...” (*Law Society of BC v. Singh*, 2021 LSBC 42 at para. 25). The Law Society argues there is an absence of evidence that the Respondent has attempted to expeditiously move this matter forward and seeks a limited order with an expiration date. In reply, the Respondent argues that a failure to be expeditious is not part of the *RJR MacDonald* test. The Respondent further argues that an expiration date could require bringing a further application or “... could inappropriately impress urgency on the Review Board”.

## FACTS

- [2] On January 8, 2020, Sumandip Singh (the “Respondent”) was found to have committed multiple instances of professional misconduct. That misconduct, set out in *Law Society of BC v. Singh*, 2020 LSBC 01, occurred over a two year period and included the following:
- (a) enabling the illegal practice of law by a disbarred lawyer;
  - (b) inappropriate conduct towards the public, other lawyers and the court/tribunal;
  - (c) commissioning an affidavit, two solemn declarations and two separate *Land Title Act* Form A Freehold Transfer forms when the Respondent had not witnessed the signature of the affiants;
  - (d) failure to provide minimum quality of service to the Respondent’s client CA; and
  - (e) making 28 false factual statements to Law Society staff when those staff were seeking information regarding the above misconduct. Despite multiple warnings by Law Society staff, the Respondent continued to attempt to deceive the Law Society regarding his misconduct.
- [3] The Respondent admitted all of the above in an Agreed Statement of Facts tendered on the first day of the hearing (*Law Society of BC v. Singh*, 2020 LSBC 01, at para. 3).
- [4] The hearing panel ordered a two-year practice suspension, noting that in their view the Respondent’s conduct very nearly required disbarment (*Law Society of BC v. Singh*, 2021 LSBC 12 at paras. 71 and 75). On April 14, 2021, the Respondent

filed a Notice of Review pursuant to Rule 5-19 and section 47 of the *Legal Profession Act* and sought a stay of the suspension until the review could be heard.

- [5] On May 28, 2021, the President's Designate granted the application for a stay of suspension until the earlier of November 30, 2021, or the review board rendering a decision, or further order of the President, President's designate, or the review board (*Law Society of BC v. Singh*, 2021 LSBC 42, at para. 26). The stay of suspension was time limited to "... promote expediency in proceeding to review, and to limit the time held in abeyance" (*Law Society of BC v. Singh*, 2021 LSBC 42 at para. 25).
- [6] The Respondent submitted the review record to the Law Society on June 22, 2021. There is no evidence of any further steps to move the review forward until October 4, 2021, when a pre-review conference was held. The Respondent did not provide any evidence or explanation for this nearly four-month delay. The Respondent provided their submissions for the review on October 18, 2021, and the review date of January 31, 2022 was confirmed on November 8, 2021. The Respondent did not apply for a further stay until November 19, 2021 – eight business days before the stay of suspension was set to expire.
- [7] The Respondent asserts that if the suspension occurs, he will be unable to financially support his family. The Respondent also identifies eight client matters scheduled for various hearings and conferences between December 3, 2021, and December 17, 2021. He also details a judicial case conference on January 17, 2022, a Residential Tenancy Branch tribunal hearing on January 24, 2022, a "tentatively scheduled" one day chambers application on the January 25, 2022 assize, and a February 3, 2022, hearing in Tax Court. The Respondent describes a two-and-a-half-week trial in March 2022 and a one-day Provincial Court hearing on April 6, 2022. These clients could be prejudiced by a suspension as they will need to retain new counsel, but the Respondent has tendered limited evidence as to the effect of any potential prejudice. In his affidavit the Respondent asserts his clients will be prejudiced by requiring new counsel and the loss of trial plans and case strategies he has already prepared. The Respondent does not advise whether he could provide those trial plans and case strategies to new counsel. The Respondent does not explain why the clients who wish to continue with him as counsel would be "particularly prejudiced" (November 19, 2021 affidavit of Sumandip Singh, at para. 15).

## DISCUSSION

- [8] The onus is on the Respondent to satisfy the three part *RJR MacDonald* test. The Respondent must establish that: (1) the review raises a serious question; (2) there will be irreparable harm if the stay is not granted; and (3) the balance of convenience and public interest favours the imposition of a stay.
- [9] The previous President's Designate found that the Respondent had raised questions that were neither vexatious or frivolous as defined in *Law Society of BC v. Goldberg*, 2007 LSBC 53 and *Law Society of BC v. Sas*, 2016 LSBC 15. The previous President's Designate was "... particularly convinced that a review is required to determine the serious questions of whether the composition of the *Singh* DA hearing panel violated principles of natural justice and procedural fairness, and whether the panel's imposition of a suspension beyond the range argued by either party constituted an error in law" (*Law Society of BC v. Singh*, 2021 LSBC 42 at para. 18). I will rely on the finding of the previous President's Designate. On that basis the Respondent has met the first part of the *RJR MacDonald* test.
- [10] The Respondent deposes that he will suffer irreparable harm if a stay is not granted. The Law Society has not made any submissions on this point. The Respondent has met the test for irreparable harm.
- [11] The third part of the test evaluates where "... the balance of convenience lie[s] having regard to the public interest" (*Goldberg*, at para. 12). The public interest includes "both the concerns of society generally and the particular interests of identifiable groups" (*RJR MacDonald* at p. 344). The public interest requires that lawyer misconduct is effectively and efficiently addressed by the Law Society. Appropriate sanctions must be brought in a reasonable time against lawyers who misconduct themselves. Any penalty imposed by a hearing panel is for the purpose of protecting the public (*Goldberg*, at para. 12). On the other hand, the Respondent's current clients are a part of the public who could be prejudiced if the Respondent is suspended. As the Respondent has already received one stay of suspension that was time limited to "... promote expediency in proceeding to review, and to limit the time held in abeyance" (*Law Society of BC v. Singh*, 2021 LSBC 42, at para. 25), the balance of convenience requires an evaluation between the public interest, which falls towards ensuring that lawyer misconduct is dealt with properly and efficiently, and the interests of the Respondent and any clients who might be prejudiced by a suspension.
- [12] The Respondent admits to multiple acts of professional misconduct including acts of deliberate dishonesty in response to Law Society investigations of his practice.

This is serious misconduct that the public rightfully expects to be addressed in a timely manner. Unexplained delays undermine the public interest. There is no evidence the Respondent took any steps to move this matter forward between filing the review record on June 22, 2021, and setting the pre-review conference for October 4, 2021.

- [13] I find that the unexplained delay between June 22, 2021, and the October 4, 2021, pre-review hearing is a failure by the Respondent to move this matter forward expeditiously as directed by the previous President's Designate. The Respondent should not benefit from his failure to act. However, despite the previous decision limiting the stay of suspension to November 30, 2021, the balancing of convenience with a view to the public interest requires a short extension to ensure the Respondent's clients with matters in the near future are not prejudiced. With respect to later matters set for the later third of January 2022 and thereafter, the Respondent has tendered limited evidence as to what prejudice the clients might suffer. There is insufficient evidence to conclude that new counsel could not be obtained and the files forwarded with the prepared trial plans and case strategies.
- [14] The application is allowed in part. The previous stay of suspension issued on May 28, 2021 is extended from November 30, 2021 to January 7, 2022.