

The Law Society of British Columbia
In the matter of the *Legal Profession Act*, SBC 1998, c.9
and a hearing concerning

Narinder Rishi

Applicant

**Decision of the Hearing Panel
on Application for Call and Admission**

Hearing date: June 28, 2006

Panel: Robert McDiarmid, Q.C., Chair, June Preston, Jan Lindsay

Counsel for the Law Society: Jason Twa

Counsel for the Applicant: William Clark

Background

[1] I want to thank counsel for their work here, and I want to preface my comments by saying that this is a case where, in the opinion of the Panel, all the parties involved did what they were supposed to do. Ms. S. rightly brought this matter to the attention of Ms. B. Ms. B. rightly assessed this matter as being potentially an ethical issue and properly brought it to the Credentials Committee.

[2] It was a matter that the Credentials Committee would without question have had difficulty deciding, and that's why there is in our Rules the ability for the Credentials Committee to refer this matter to a hearing, and so the parties involved, to get the matter here, did their job. And Mr. Twa also acted in the best traditions of the bar by bringing to our attention the case authority that was, I think, supportive of admitting the Applicant, and that is the case that was cited, a decision where the committee was the former Chief Justice of British Columbia, Allan McEachern, sitting as chairman when he was a Bencher, and Messrs. Rankin and Daniels.

[3] With that, by way of preface, I should say that this Panel has no concerns about the ethical and moral fibre of the Applicant. We find that he is of good character and repute, and his fitness in the sense of moral fitness, is not an issue for us.

[4] We find that the e-mail, that is at Exhibit 2, Tab 27, was not an attempt to cheat: rather the Applicant had picked up what for him, and quite frankly for this Panel, was a key issue and a valid matter for inquiry.

[5] The Applicant was concerned about the discrepancy between the correct name of one of the contracting parties and had attempted to clarify that. The manner in which he did that may well have contravened the PLTC handbook requirements, but it's to be noted that there was a change in policy as a result of what was a perceived lack of clarity by PLTC itself following this incident.

[6] So we find that the Applicant is a candidate for admission, but with two conditions:

(a) For one year the Applicant not practise by himself, but rather practise in a setting with at least one other lawyer. That setting should be approved by the Practice Standards Committee to ensure that his language proficiency be enhanced. There will be liberty to apply to this Panel to change that approval authority if need be. That can be done by convening by teleconference of this Panel if necessary;

(b) The Applicant must undertake to attend Continuing Education courses totalling at least 12 hours, which is two days of courses, in the first year of practice. One of those courses should have as its topic legal drafting. The other can be any other law-related course. It would be more helpful if it was in an area of law in which he is practising. These courses need not necessarily be courses put on by the Continuing Legal Education Society, but if they are from some other organization, then approval for those courses must be obtained from the Practice Standards Committee.

[7] Applicants who seek to be members of the Law Society of British Columbia are expected to pay the costs associated with that application, including, in particular, costs of this proceeding.

[8] The Applicant has paid \$2,500 as a deposit toward those costs. We have determined that costs in the amount of \$2,000 should be awarded and that that will be paid from the \$2,500, and \$500 returned to the Applicant.

[9] We want to add one other point. Mr. B. attempted to assist a colleague who was struggling. We are of the view that the collegiality shown by Mr. B. was appropriate and consistent with the best traditions of the bar.