

IN THE MATTER OF THE LEGAL PROFESSION ACT  
AND IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF  
**Amarpreet Singh**, A MEMBER OF THE LAW SOCIETY OF ALBERTA  
**REPORT OF THE HEARING COMMITTEE**

On January 11, 2008, a Hearing Committee composed of Bradley G. Nemetz, Q.C., (Chair), Julia Turnbull, Q.C., and Yvonne Stanford, convened at the Law Society offices in Calgary to inquire into the conduct of Amarpreet Singh. Mr. Timothy Meagher appeared for the member who was also present and Mr. Michael Penny appeared for the Law Society.

## **INTRODUCTION**

[1] Mr. Amarpreet Singh was admitted to the Law Society of Alberta in 1994. He relocated his practice to Ontario in 2001 and changed his Alberta status to inactive/non-practicing in July of 2004. In early 2005 he decided to return to Alberta and form a partnership with his former student, Mr. T. Aujla. In anticipation of the move they registered an LLP and opened trust accounts over which they each had signing authority. Mr. Singh relocated his residence and family on the weekend of August 27 and 28, 2005. He had called the Law Society on August 24, 2005 enquiring about the formalities of changing his status back to active.

[2] On a previous visit to Alberta, on August 4, 2005, Mr. Singh had signed one trust cheque. On August 24, 2005 he signed another. On August 25<sup>th</sup> and 26<sup>th</sup> he signed a total of 14 trust cheques. He thought he could do this under the mobility rules as he was still an active member of the Law Society of Upper Canada. He was wrong in this assumption. A visiting member under the mobility rules cannot open a trust account and an inactive member cannot have a trust account or sign trust cheques. These rules are clear. His breach of the rules led to the first set of citations before this panel.

[3] When called by the Law Society of Alberta about one of the cheques written on August 26<sup>th</sup>, \$100,000 trust cheque, the member acknowledged that he had signed it and advised that this had occurred when Mr. Aujla was out of the office. The member did not disclose that he had written other trust cheques. This conversation and a second with Mr. Busch on September 1<sup>st</sup> resulted in the second citation before this panel, that of failing to be candid.

## **JURISDICTION**

[4] Jurisdiction was established by entering as exhibits the Letter of Appointment, Notice to Solicitor, Notice to Attend, Certificate of Status and Certificate of Exercise of Discretion. Further, the member's counsel accepted the jurisdiction and composition of the panel.

## **OTHER PRELIMINARY MATTERS**

[5] There were no other preliminary matters.

## **THE CITATION**

[6] The member was charged with the following citations:

1. IT IS ALLEGED that you breached the Rules of the Law Society of Alberta by signing trust cheques while your status was that of an Inactive/Non-Practising member, and that such conduct is conduct deserving of sanction.
2. IT IS ALLEGED that you were less than candid with staff of the Law Society of Alberta and thereby breached the *Code of Professional Conduct*, and that such conduct is conduct deserving of sanction.

## **DISCUSSION**

[7] By agreement of counsel the Hearing Committee received 21 exhibits, including a Statement of Admission of Guilt. In addition Mr. Singh testified.

[8] The evidence clearly established that Mr. Singh contravened the rules of the Law Society of Alberta. Rule 72.1(4) prohibits a visiting lawyer from opening or maintaining a trust account in Alberta. Further, under Rule 72.3(2)(a) and (b), a lawyer from another jurisdiction loses his ability to practice under the mobility rules once that lawyer establishes an economic nexus with Alberta either by taking up residence in Alberta or by opening a trust account here. Further, a non-practicing Alberta lawyer cannot operate a trust account or sign trust cheques and those activities are specifically prohibited by Rule 124(7).

[9] As stated above, there was unequivocal evidence that Mr. Singh opened a trust account and signed trust cheques. He did not check the rules of the Law Society in this regard. He did not call the Law Society, before he opened up a trust account. He called the Law Society before the bulk of the cheques were written but he did not receive a response before he wrote the cheques.

[10] In the circumstances Mr. Singh breached the rules of the Law Society, and breached them in a manner that is of considerable concern to the Law Society. The Law Society views the rules regarding trust accounts and trust money as being central to its role of protector of the public interest.

[11] Further, in his Statement of Admission of Guilt, Mr. Singh acknowledged signing these trust cheques, which totaled \$660,707.19, and agreed that that conduct was deserving of sanction. Mr. Singh offered an explanation that he signed the cheques when his partner was

away and stated that he would not have signed the trust cheques had his partner been in the office at the time the cheques were given to him for signing.

[12] With respect to the second citation, the Law Society stated that a conviction should be entered as Mr. Singh failed to advise the Law Society of all the cheques that had been signed by him and the fact that he focused his answer solely on the one cheque of \$100,000, which had been sent to a lawyer who had checked Mr. Singh's status and had reported the matter to the Law Society.

[13] The sequence with respect to this cheque is of some significance. On August 26<sup>th</sup> Mr. Singh signed a trust cheque of \$100,000 which was delivered to Mr. Corey Gish, a Barrister and Solicitor in Lacombe. The \$100,000 was a deposit that accompanied an agreement for purchase and sale. The student at the law firm checked Mr. Singh's status, found him to be inactive, and reported the matter to the Law Society.

[14] As stated above, Mr. Singh's contact with the Law Society started when he left a voice mail message with the Law Society on Wednesday, August 24, 2005 indicating that he wished to transfer his status to active and asked for information. The individual at the Law Society to whom he was directed and with whom he left the message was not in the office that week. Mr. Singh emailed the Law Society employee on Monday August 29<sup>th</sup> referring to his voice mail message and asking for information on transfer. Thus, he had called the Law Society on Wednesday August 24<sup>th</sup>, he signed the cheque on Friday August 26<sup>th</sup>, he moved his family into his rental accommodation on August 27<sup>th</sup> and 28<sup>th</sup> and contacted the Law Society again on August 29<sup>th</sup>. The Law Society spoke with Mr. Singh on August 29<sup>th</sup> and advised him of what was involved in the reinstatement process.

[15] On August 30<sup>th</sup> the Law Society received the letter concerning the cheque. On August 31<sup>st</sup> the Law Society spoke with Mr. Singh concerning the prohibition against him practicing law now that he had established an Alberta nexus and the disqualification concerning signing trust cheques. On September 1<sup>st</sup> Mr. Busch called Mr. Singh, reaching him on his cell phone and had a brief discussion with him, again warning him about setting up a practice and simultaneously discussing the trust cheque. In both of these telephone calls Mr. Singh did not advise the Law Society that he had signed other cheques. He did advise the Law Society that he had signed the cheque only because Mr. Aujla was away from the office and there was a time constraint associated with getting the money out to Mr. Gish.

[16] In his Admission of Guilt Mr. Singh states: "I was less than candid with the staff at the Law Society when I was asked by Ms. Tanya McCullough on August 31, 2005 whether I had been doing any Alberta practice of law since moving to Calgary, to which I answered no and when she asked whether I had signed any Alberta trust account cheques and I answered no. I admit that such conduct is conduct deserving of sanction".

[17] After hearing the evidence the panel accepted the admission of guilt with respect to the second citation, failing to be candid to the Law Society but, for the reasons set out below, concluded that the failure to be candid was at the lower end of circumstances that would support a finding of conduct deserving of sanction.

[18] Mr. Singh had been an active member of the Law Society of Alberta until just over 12 months before he returned to Calgary and established residence on the weekend of August 27<sup>th</sup> and 28<sup>th</sup>. He felt that he could practice under the mobility rules and have his status changed easily upon arrival. He called the Law Society a few days before taking up residence. He signed the cheques when his partner Mr. Aujla was out of the office attending to Mr. Aujla's father who was in hospital. In addition he completed his reinstatement application on August 31<sup>st</sup> and delivered it to the Law Society.

[19] The Committee further notes Mr. Singh's explanation concerning the telephone calls with Ms. McCullough as follows:

12. Ms. McCullough then asked me if I was carrying on any practice of law in Alberta and whether I had written any trust cheques. I understood both of these questions to be asked in the context of whether I had done such activities since establishing residency in Alberta having just been advised that I was not allowed to undertake such activities. Because I had not taken on any files or done any work on any files other than signing trust cheques, I told her that I had not been carrying on the practice of law in Alberta. It told her that I had not signed any trust cheques under the mistaken assumption that she was asking whether I had done so since establishing residency in Alberta. I assumed that Ms. McCullough was enquiring about my practice since the previous weekend which was the triggering date in my mind for being disqualified from so doing in Alberta.
13. I realize my answers were incorrect because I had signed trust cheques in August (the vast bulk of which were signed on August 26, 2005) and I realize that I should have provided a more complete answer to Ms. McCullough. I should have either asked her for clarification of the time frame she was asking about or I should have stated to her the time frame that I was referring to. It was a mistake for me to not clarify my answer and as a result I acknowledge that my answers were misleading.

## **SANCTION**

[20] Counsel for the Law Society stated that normally he would ask for a suspension of at least 30 days for trust account violations given the importance of trust accounts and rules concerning

trust accounts and candour. However, after hearing Mr. Singh's explanation counsel for the Law Society suggested that a fine of \$5,000 and costs of the hearing would be appropriate.

[21] Counsel for Mr. Singh cited a number of matters favouring a more lenient sanction: the guilty plea, the early acceptance by Mr. Singh of error in his failing to be candid with Ms. McCullough (he did this by letter to the Law Society of Alberta on October 11, 2005), the absence of harm to clients, and the impromptu nature of the telephone calls. Also he noted that Mr. Singh has paid a heavy price for the transgressions in that he remains unable to practice law as a result of these pending citations. In that regard counsel for Mr. Singh noted, as had the Hearing Committee, the substantial delay between the initial complaint and this hearing.

[22] The Hearing Committee is impressed with the submission of the member's counsel. The Hearing Committee notes that the effect of these breaches of the rules and the Code of Professional Conduct on Mr. Singh has been disproportionate to his transgression. The complaint was received by the Law Society on August 30, 2005. Mr. Singh provided substantial response to it on October 11, 2005 and that response remains the same today. The Hearing Committee has no doubt that part of the time that has been taken up with this matter arose as a result of the Law Society suspecting that Mr. Singh was or had been engaged in unauthorized practice of law beyond the specific matters that are before the committee. However, the committee notes that there are gaps of up to 9 months between investigation orders, and a 4-month gap between Mr. Singh's last response to the Law Society and the matter being referred to a hearing panel. In the end, the evidence before us is the same as the evidence that was available to the Law Society in the fall of 2005, over 2 years ago.

## **CONCLUSION**

[23] The Hearing Committee concluded that to fine Mr. Singh would be to add unnecessary penalty to the impact the Law Society proceedings have already had upon Mr. Singh. To order him to pay costs would as well.

[24] The Hearing Committee concluded that a reprimand would, in addition to what Mr. Singh had already faced, meet all reasonable requirements concerning both general or specific deterrents. The Hearing Committee is convinced that Mr. Singh fully appreciates the need to be careful and to ascertain and follow the rules of the Law Society concerning trust accounts. Further, this has been a significant lesson to him that it is better to err on the side of providing more, rather than less, information to the Law Society when responding to questions.

[25] The Hearing Committee felt compelled to state that the Law Society's Credentials and Education staff should be advised that, on the basis of the information before this committee, Mr. Singh's application for reinstatement should be expedited so that his return to active practice could take place at the earliest possible moment.

[26] The Hearing Committee directs that this decision be immediately delivered to the Chair of the Credentials and Education Committee as well as the Manager, Membership Services at the Law Society of Alberta.

[27] This was a public hearing and the exhibits will be made available with any names of clients redacted. There is no need for notice to the profession or referral to the Attorney General.

Dated this 16<sup>th</sup> Day of January, 2008

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Bradley G. Nemetz, Q.C. (Chair)

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Julia Turnbull, Q.C.

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Yvonne Stanford