

**IN THE MATTER OF PART 3 OF THE  
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

**AND**

**IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF HARMAN S. KANDOLA  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**ORDER OF THE HEARING COMMITTEE**

**UPON THE ISSUANCE OF CITATIONS** by the Law Society of Alberta (LSA) to Harman S. Kandola pursuant to section 56 of the *Legal Profession Act* (the Act);

**AND WHEREAS:**

- a) Mr. Kandola and the LSA have entered into a Statement of Admitted Facts and Admission of Conduct Deserving of Sanction (the Statement, attached to this Order) in relation to Mr. Kandola's conduct on August 23, 2019;
- b) Mr. Kandola admits in the Statement that the conduct set out in the Statement is deserving of sanction;
- c) On September 17, 2019, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the Act;
- d) On September 19, 2019, the Chair of the Conduct Committee appointed a single Benchler as the Hearing Committee (Committee) for this matter, pursuant to subsection 60(3) of the Act;
- e) Pursuant to subsection 60(4) of the Act, it is deemed to be a finding of this Committee that Mr. Kandola's conduct is deserving of sanction;
- f) On October 8, 2019, the Committee convened a public hearing into the appropriate sanction related to the conduct of Mr. Kandola;
- g) The LSA and Mr. Kandola have provided a joint submission on sanction for the Committee's consideration, seeking a reprimand;
- h) The parties have also agreed that it is reasonable for Mr. Kandola to pay \$393.75 in costs in relation to this matter by April 8, 2020;

- i) The Committee has determined that the joint submission is reasonable, consistent with sanctions in similar cases, does not bring the administration of justice into disrepute and is therefore in the public interest;
- j) The Committee has accepted the joint submission on sanction, and accepted the submission with respect to the payment of costs.

**IT IS HEREBY ORDERED THAT:**

- 1. The appropriate sanction with respect to Mr. Kandola is a reprimand, which was delivered orally by the Committee to Mr. Kandola at the hearing.
- 2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
- 3. Mr. Kandola must pay costs in the amount of \$393.75 by April 8, 2020.
- 4. No Notice to the Profession or Notice to the Attorney General is to be made.
- 5. The exhibits and this order will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Mr. Kandola will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Calgary, Alberta, on October 8, 2019.

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JIM LUTZ

**IN THE MATTER OF THE *LEGAL PROFESSION ACT***

**AND IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF HARMAN S. KANDOLA  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**LAW SOCIETY HEARING**

**STATEMENT OF ADMITTED FACTS  
AND ADMISSION OF CONDUCT DESERVING OF SANCTION**

**BACKGROUND**

1. I, Harman S. Kandola, was admitted as a member of the Law Society of Alberta on October 2, 2015.
2. Since October 2, 2015, I have been practicing at [S] LLP in Edmonton, Alberta.

**CITATIONS**

3. I am facing two citations arising from a Law Society complaint, they are, as follows:

It is alleged Harman S. Kandola failed to reply promptly to communications from the Law Society of Alberta and that such conduct is deserving of sanction;

It is alleged Harman S. Kandola failed to appropriately handle a loan transaction with a client and that such conduct is deserving of sanction.

**AGREED FACTS**

4. On August 9, 2018, I received correspondence from Conduct Counsel requesting a response to a complaint from the Law Society, providing me with 14 days to respond.
5. On August 21, 2018 I requested a one-week extension because I was waiting for information from my assistant, who was on leave, and I had other matters in Court. On August 22, 2018, I was granted an extension to August 31, 2018.
6. On September 4, 2018 I requested another week to obtain a Statutory Declaration from my assistant and Conduct Counsel provided me an extension to September 13, 2018.
7. On September 17, 2018 I advised Conduct Counsel that I did not have the Statutory Declaration but would have it shortly. I was given until September 24, 2018 to respond.

8. On September 27, 2018 I informed Conduct Counsel that I had been out of the office due to illness and had been unable to send her my response. I requested one final extension which was approved to October 5, 2018. On October 9, 2019 Conduct Counsel contacted me advising she had not received my response; she requested it by October 12, 2018.
9. On October 9, 2018 I requested another extension, until October 16, 2018 advising I was out of the office on a few matters. An extension was granted to October 16, 2018.
10. On October 16, 2018, I sent Conduct Counsel a Statutory Declaration completed by my assistant, but I did not provide my response to the complaint. On October 17, 2018, Conduct Counsel advised me that I had not addressed the allegation and she still required my personal response to the allegation contained in the August 9, 2018 correspondence.
11. Following my October 16, 2018 email, I ceased contact with Conduct Counsel and failed to provide my response to the complaint.
12. On October 17, 2018 I received a Part 3 Request from a Law Society Investigator requesting an interview and various documents. On October 22, 2018 I advised the investigator I would be seeking counsel and would advise when one was retained.
13. On October 30, 2018, the Investigator followed up with me to ascertain if I had retained counsel. On November 5, 2018 I informed the Investigator I had an appointment on November 15, 2018 and expected to retain counsel at that time. On November 16, 2018 I advised the Investigator I had retained counsel, but I did not provide counsel's name.
14. On November 20, 2018, the Investigator contacted me asking me the name of my counsel and when my counsel would contact the Law Society. I advised the Investigator my counsel was Mr. Manucci.
15. On November 28, 2018, the Investigator sent me the Part 3 request again, asking if I was going to comply with the request and advising my counsel had not contacted the Law Society. I acknowledged receipt of the investigator's correspondence and advised I would check with my counsel on availability of times and dates.
16. On November 29, 2018 my counsel contacted the Investigator requesting a list of the requested documents and a request for available dates. The Part 3 request was sent to my counsel. This document outlined the information that had been requested from me.
17. On December 11, 2018 my counsel advised the Investigator that the requested documentation would be submitted by the second week of January 2019. My counsel provided his availabilities starting on February 1, 2019. The Investigator offered the date of February 4, 2019.
18. On January 2, 2019, my counsel confirmed an interview for February 4, 2019 at 11:00am.
19. On January 18, 2019 the Investigator advised my counsel that the requested information had not been received.

20. On February 4, 2019, the Investigator attended the Law Society office in Edmonton to meet with me. My counsel was present and advised the Investigator that at 4:00am that morning I advised him via text message that I was unable to attend the interview due to illness. My counsel was unable to provide the requested documents at that time.
21. On February 7, 2019 my counsel provided the Investigator with a doctor's note for me, along with my accounting records. My counsel informed the investigator I would courier the requested documents to his office. My counsel continued to work on obtaining a date for an interview.
22. On February 12, 2019 I provided the requested documents to the Investigator and an interview was set for March 7, 2019. On March 7, 2019 I was interviewed with my counsel present.
23. On October 15, 2017 I sent my client \$2,500.00 via Interac e-transfer and on October 30, 2017 I sent my client \$2,000.00 via Interact e-transfer. These were compassionate loans to my client, and I did not charge him interest or fees for these loans. However, I did not document these loans or put the terms of the loans into writing. I did not refer my client to independent legal advice in respect of these loans.

#### **ADMISSION OF FACTS**

24. I, Harman S. Kandola, admit as facts the statements contained in this Admitted Statement of Facts for the purposes of these proceedings.

#### **ADMISSION OF CONDUCT DESERVING OF SANCTION**

25. For the purposes of s. 60 of the *Legal Profession Act*, I, Harman S. Kandola, admit to the citations listed above.

This Statement of Admitted Facts and Admission of Conduct Deserving of Sanction is dated the 23<sup>rd</sup> day of August, 2019.

"Cristian Manucci"

Cristian A. Manucci

Barrister – Counsel for Kandola

"Harman Kandola"

Witness Harman S. Kandola

**Schedule 2**

#### **Reprimand**

Mr. Kandola, it is really important to remember as a member of the Law Society that we have a duty to the public. Part of that duty to the public involves responding to the Law Society when they make inquiries of you. In fact we are duty bound to do so from the Code of Conduct and the rules. When you do not respond to the Law Society, and I've looked at the Agreed Statement of Facts, for a significant period of time, I appreciate there are many things going through your mind, including not wanting to deal with the problem, maybe you just can't get it done, I understand all those things, but that is not an excuse to excuse this conduct, so I have to let you know that your conduct in this case fell below the acceptable standard for members of the Law Society.

You have a high duty to the public, you have a high duty to the Law Society, and when you fail to do these things, everybody suffers – the public, the Law Society, the lawyer's reputation. We expect more of counsel, and in the future, I hope you take this as a strong learning lesson to move forward and respond to the Law Society.

On a side note, the Law Society is truly here to assist you, their job is to make sure you are the best lawyer you can be, and those resources exist for that reason, for all of us. So if this happens in the future, you find yourself in difficulty, I strongly encourage you to reach out to them. They are there to help, their job is truly one to assist you to be the best lawyer you can be.

I won't comment much about the money, just to say this to you, Mr. Kandola, when you engage in money transactions with clients, they need to be documented, and you rightly point out they require a certificate of independent legal advice. I know that is not the thrust of this particular application, but I just caution you in the future, if that happens, you have to remember your role as a lawyer. You cannot be giving advice on a transaction between yourself and the client when you are the material lender. To that end, you have to remember you have an obligation to your client, to the public, to ensure they understand the circumstances and, of course, the benefits and detriments to doing that.

Mr. Kandola, I take from this you do not have a prior discipline record. I think this will probably be a learning experience for you and I think the sanction is reasonable so that is how we will leave it today. So again, I wish you the best of luck.