

**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 ANGELA EGBASE
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Glen Buick – Chair
Sandra Mah – Adjudicator
Dr. Nick Tywoniuk – Adjudicator

Appearances

Kelly Tang – Counsel for the Law Society of Alberta (LSA)
Elias Munshya – Counsel for Angela Egbase

Hearing Dates

April 30, 2020

Hearing Location

VIA Skype

HEARING COMMITTEE REPORT

Overview

1. Angela Egbase became a member of the Law Society of Alberta (LSA) in November 2015, having earlier practiced in Nigeria. Since December 2015 she has been a sole practitioner, working principally in family law, estate planning and administration, real estate, civil litigation and corporate law. On November 27, 2017, at the Court of Queen's Bench in Calgary, following Ms. Egbase's successful withdrawal from representing her then client, S.P., there was a confrontation between Ms. Egbase and N.P., the former spouse of S.P., and an improper or inappropriate interruption of the Court, related to the return of a document from N.P.. As a result, Ms. Egbase received an admonition from the judge and was charged with assault under the Criminal Code. The charge was resolved by way of Ms. Egbase completing the Alternative Measures Program, having acknowledged the assault, resulting in withdrawal of the criminal charge. Ms. Egbase reported the incident to the LSA on November 27, and N.P. complained to the LSA on November 28. LSA investigators conducted three interviews with Ms. Egbase; during the first two she denied assaulting N.P., but admitted in the third interview that she had taken responsibility for the criminal charge of assault.

2. On April 30, 2020, the Hearing Committee (Committee) convened a hearing into the conduct of Angela Egbase based on four citations:
 - 1) It is alleged Angela Egbase assaulted N.P. and that such conduct is deserving of sanction;
 - 2) It is alleged Angela Egbase failed to treat N.P., an unrepresented party, with courtesy and that such conduct is deserving of sanction;
 - 3) It is alleged Angela Egbase failed to treat the Court with courtesy and respect and that such conduct is deserving of sanction; and
 - 4) It is alleged Angela Egbase failed to be candid with the Law Society and that such conduct is deserving of sanction.
3. Counsel for the LSA informed the Committee that the LSA did not intend to provide any evidence with respect to citations #2 and #3 and consented to the dismissal of those two citations. The Committee therefore dismissed citations #2 and #3, and the hearing proceeded on citations #1 and #4.
4. After reviewing all of the evidence and exhibits, including the agreed Statement of Admitted Facts and Admissions of Guilt, and hearing the submissions of counsel for the LSA and for Ms. Egbase, for the reasons set out below, the Committee finds Angela Egbase guilty of conduct deserving sanction on citations #1 and #4, pursuant to section 71 of the *Legal Profession Act* (the *Act*).
5. The Committee also finds that, based on the facts of this case, the appropriate sanction is a reprimand and fines. In accordance with section 72 of the *Act*, the Committee orders that Angela Egbase pay a fine of \$4,000.00 relative to each sanction.
6. In addition, pursuant to subsection 72(2) of the *Act*, the Committee orders that a portion of the costs be paid, in the amount of \$4,000.00. Ms. Egbase has two years from the date of this decision to pay the total amount involved (\$12,000.00).

Preliminary Matters

7. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing into Angela Egbase's conduct proceeded.

Agreed Statement of Facts

8. A signed Statement of Admitted Facts and Admissions of Guilt was provided as Exhibit 5 for the hearing and constituted the basic evidence for the conclusions of the Committee. Counsels for both the LSA and Ms. Egbase explicitly accepted the Statement, and the Committee verified that Ms. Egbase made the admissions therein freely and voluntarily, admitting guilt related to citations #1 and #4, and understanding the consequence of those admissions.

Analysis and Decision

9. The Committee finds that on the evidence and Ms. Egbase's admission of guilt, citations #1 and #4 are proven and are conduct deserving of sanction.

Analysis and Decision on Sanction

10. A joint submission had been made informally, suggesting an overall amount of \$12,000.00 be assessed, to cover both fines and costs. At the suggestion of the Committee, the parties reconsidered and presented a joint submission: fines of \$4,000.00 each for the two citations, totaling fines of \$8,000.00, plus \$4,000.00 toward costs. Taking into account the provision of the Statement of Admitted Facts and Admissions of Guilt, which obviated the need for a lengthy hearing, and recognizing the deference due to joint submissions, the Committee accepted this submission and so assessed fines and costs totaling \$12,000.00.

Reprimand and Sanction

11. Ms. Egbase is reprimanded as follows:

Ms. Egbase, you have acknowledged guilt regarding two citations: that you assaulted the former spouse of your former client (just outside the courtroom), and that you failed to be candid with the Law Society of Alberta. The Law Society serves to protect the public interest and to maintain the reputation of the legal profession. The conduct to which you have pleaded guilty engages both of these considerations. This reprimand is the first element of the sanctions you incur.

We refer first to an excerpt from an earlier decision, *Law Society of Alberta v. King*, found at CanLII 2010 ABLs 9:

A reprimand has serious consequences for a lawyer. It is a public expression of the profession's denunciation of the lawyer's conduct. For a professional person, whose day-to-day sense of self-worth, accomplishment, and belonging is inextricably linked to the profession, and the ethical tenets of that profession, it is a lasting reminder of failure. And it remains a lasting admonition to avoid repetition of that failure.

Your actions, the assault (and the immediate, subsequent ignoring of the dignity of the Court) and the failure to be candid with the Law Society, troubled this Committee. We do consider it a mitigating factor that this was your first matter before the Law Society, however, and we believe that your successful completion of the Province's Alternative Measures Program and the requirements of the Society's Practice Review Committee have resulted in your now being mindful of your professional obligations and understanding that your conduct was not acceptable and must never be repeated. We urge you to remember what is required of you.

12. In accordance with the joint submission on sanction, the Committee assesses a fine of \$4,000.00 for each of the proven citations, for a total of \$8,000.00.
13. As no evidence was presented respecting citations #2 and #3, the Committee dismisses those citations.

Concluding Matters

14. In addition to the fines, and recognizing the extraordinary situation caused by the COVID-19 pandemic, the Committee assigns partial costs of the hearing, in the amount of \$4,000.00. The total of \$12,000.00 in fines and costs is to be paid over the two-year period from the date of this decision.
15. There should be no Notice to the Attorney General, and no Notice to the Profession.
16. The exhibits, other hearing materials, and this report 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 Angela Egbase will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Calgary, Alberta, May 22, 2020.

Glen Buick

Sandra Mah

Dr. Nick Tywoniuk

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND -

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF
ANGELA EGBASE
A MEMBER OF THE LAW SOCIETY OF ALBERTA

HEARING FILE 20190056

STATEMENT OF ADMITTED FACTS AND ADMISSIONS OF GUILT

INTRODUCTION

1. This hearing arises out of one complaint comprising of four citations.

BACKGROUND

2. I was admitted as a member of the Law Society of Alberta (the “**LSA**”) on November 20, 2015. My current status is “Active/Practising”.
3. Since December 23, 2015, I have practiced law as a sole practitioner. My practice areas are family, real estate, estate planning and administration, civil litigation and corporate law.

STATEMENT OF ADMITTED FACTS

Procedural Background

4. On November 28, 2017, the LSA received a complaint from N.P., my former client’s former spouse, alleging that I pushed her at court on November [...], 2017. I also contacted the LSA on November [...], 2017, to self-report the incident that occurred.
5. The LSA conducted a review and investigation of the allegations, resulting in:
 - a. a mandatory referral to the Practice Review Committee; and
 - b. a referral to the Conduct Committee Panel of the LSA (the “**CCP**”).
6. On January 15, 2019, the CCP directed that the following citations be dealt with by a Hearing Committee:
 1. It is alleged that Angela Egbase assaulted N.P. and that such conduct is deserving of sanction;

2. It is alleged that Angela Egbase failed to treat N.P., an unrepresented party, with courtesy and that such conduct is deserving of sanction;
3. It is alleged that Angela Egbase failed to treat the Court with courtesy and respect and that such conduct is deserving of sanction; and
4. It is alleged that Angela Egbase failed to be candid with the LSA and that such conduct is deserving of sanction.

Events of November [...], 2017

7. On November [...], 2017, I attended Court to appear at my client's family law matter before the Honourable Mr. Justice [M] in Courtroom [...].
8. N.P., my client's former spouse and the opposing litigant, was present. N.P. was self-represented.
9. The purpose of my appearance was to withdraw as the lawyer of record for my client, as he wished to represent himself.
10. Prior to my appearance, while I was sitting inside of the courtroom, N.P. requested a copy of the parties' child support order (the "Order") from me, as she did not have a copy. I had one certified copy of the Order, which I provided to her. N.P. had mentioned that it was duty counsel that needed to see the Order.
11. When my client's matter was called, I applied to withdraw as the lawyer of record. My application was granted, and afterward I stepped back so that my now former client and N.P. could make submissions about their matter. I remained in the courtroom to get the copy of the Order back.
12. While Court was still in session and my former client's matter was still being heard by Justice [M], I passed the bar in the courtroom and approached N.P. and duty counsel, who were situated at the counsel desks, and asked each party separately for the Order back. Duty Counsel advised me that I should wait until the matter was over and then collect the Order from N.P., who had also asked me to wait.
13. I waited in the courtroom until the matter was over and then requested the Order from N.P. again while she was sitting in the gallery. My recollection is that she did not answer me. I acknowledge that N.P.'s recollection is that she told me she did not have the Order. I then told N.P. I would wait for her outside. I then proceeded to exit the courtroom with my former client and waited outside the doors.
14. Soon after our exchange, N.P. exited the courtroom and encountered me and my former client in the area between the two sets of entrance doors. At this juncture, I assaulted N.P.
15. The LSA obtained a copy of the CCTV recording of Courtroom [...] during the morning of November [...], 2017. The recording depicts the events that transpired in the courtroom

immediately before, during and after the assault. During the assault, N.P. and I are partially shown, although the view of us is obstructed as we were positioned outside the entrance doors and, in the video, can be seen through the glass panels of the doors.

16. N.P.'s recollection of the assault is that I physically pushed her against the courtroom entrance doors.
17. While I do not recall pushing N.P., I admit that I engaged in a verbal altercation with N.P., that I stood in front of her, and that my gestures would reasonably cause N.P. to believe that I would apply force to her. I further admit that these acts alone constitute an assault as defined by the *Criminal Code of Canada*, RSC 1985, c C-46.
18. Following the assault, N.P. immediately re-entered the courtroom. I followed her into the courtroom, where Justice [M] was hearing another matter. I interrupted the matter, apologized to Justice [M] and approached the bar. I did not bow nor did I wait for the Justice's permission to speak. I told him that N.P. had my copy of the Order but would not return it.
19. Justice [M] advised that he would "not have this sort of thing go on in the courtroom" and that I could order another copy of the Order. I repeated that I gave my copy of the Order to N.P. Justice [M] again advised that I could order another copy. Then, the Clerk of Court advised that she had the Order. She then provided it to me. I then thanked the Court, bowed, and then left the courtroom.
20. An audio recording of my interaction with Justice [M] and the Clerk of the Court was obtained from the courthouse by the LSA for herein proceedings.

Criminal Charges

21. N.P. reported this incident to the police. On February 6, 2018, I was criminally charged with assault under section 266 of the *Criminal Code of Canada*, RSC 1985, c C-46.
22. On May 1, 2018, I was accepted into the Alternative Measures Program, which is a diversion program that is available to individuals charged with minor offences in Alberta.
23. In order to be accepted into the Alternative Measures Program, I was required to take responsibility for the offence for which I had been charged. One of the conditions of my program was to undergo counselling for anger management, which I did.
24. I successfully completed the Alternative Measures Program on or about August 15, 2018, and my criminal charges were withdrawn on or about September 12, 2018.

Involvement with Practice Management

25. I worked with the LSA Practice Management Department from February 2018 to January 2019 as a result of the LSA's referral of this matter to the Practice Review Committee. During this time, I gave and complied with undertakings requested by the LSA regarding

my practice and completed LESA and CBA courses dealing with the Code of Conduct and high-conflict matters.

26. I was released from my undertakings in January 2019 and my Practice Management file was closed at that time.

Communications with LSA

27. On November [...], 2017, I contacted the LSA to self-report the incident. I left a voicemail message on the LSA phone number.
28. I was interviewed by LSA Investigators on the following dates:
- a. On November 29, 2017, on a voluntary basis following my self-report;
 - b. On February 22, 2018, with my counsel present;
 - c. On May 16, 2018, following my acceptance into the Alternative Measures Program.
29. During the first two interviews, I denied that the assault occurred. During the third interview, I advised the investigators that I had taken responsibility for the criminal charge of assault, though I did not specifically remember the sequence of events with respect to the assault, as the incident transpired over one minute or so.
30. On July 4, 2018, I provided a written response to the LSA's Investigation Report of this matter (dated June 1, 2018), reiterating that I did not recall the sequence of events with respecting the assault. I denied that I failed to be candid with the LSA Investigators.

ADMISSIONS OF GUILT

31. I admit the following conduct:
- a. That I assaulted N.P.; and
 - b. That I failed to be candid with the LSA when I denied that I assaulted N.P. in my interviews and written response to the LSA.
32. I further admit that this was conduct deserving of sanction pursuant to Section 49 of the *Legal Profession Act*, RSA 2000, c L-8.
33. In making these admissions, I confirm that:
- a. I am making these admissions freely and voluntarily;
 - b. I unequivocally admit guilt to the essential elements of the citations describing the conduct deserving of sanction;
 - c. I understand the nature and consequences of these admissions; and

- d. I understand that while the Hearing Committee will show deference to a joint submission on sanction, the Hearing Committee is not bound by any joint submission.

INDEPENDENT LEGAL ADVICE

34. I agree that I have consulted with legal counsel and confirm that I have signed this Statement of Facts voluntarily and without any compulsion or duress.

THIS STATEMENT OF FACTS AND ADMISSION OF GUILT IS MADE THIS 9th DAY OF MARCH 2020.

“Angela Egbase”
ANGELA EGBASE