

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

**AND**

**IN THE MATTER OF A SECTION 84 APPLICATION  
REGARDING HARJINDER MANN  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Bencher Committee**

Bud Melnyk, QC – Chair  
Ryan Anderson, QC – Bencher  
Elizabeth Hak – Lay Bencher  
Walter Pavlic, QC – Bencher  
Lou Pesta, QC – Bencher  
Stacy Petriuk, QC – Bencher  
Robert Philp, QC – Bencher  
Margaret Unsworth, QC – Bencher

**Appearances**

Eleanor Platt – Counsel for the Law Society of Alberta (LSA)

**Meeting Date**

October 1, 2020

**Location**

Virtual Meeting

**COMMITTEE REPORT**

**Overview**

1. Harjinder Mann was disbarred from the practice of law by the Law Society of Ontario on February 26, 2019. Mr. Mann did not appear, nor was he represented, at the Ontario Hearing. The Ontario Law Society Tribunal ordered the disbarment and found Mr. Mann guilty of the following:
  - (a) Misappropriation of \$125,000.00 in client trust funds;
  - (b) Failing to follow client instructions to incorporate a company and to disburse trust funds to this new corporation;
  - (c) Mishandling of some \$3,000.00 in client trust funds;

- (d) Failing to serve a client by not keeping appointments without reasonable explanation;
  - (e) Conviction of two criminal offences: failing to comply with a recognizance under the Criminal Code and assault and unlawful confinement;
  - (f) Failing to notify the Law Society of these criminal offences;
  - (g) Following his suspension on July 20, 2017, he failed to take steps to ensure that existing or prospective clients were not misled as to his professional status;
  - (h) Failing to complete and file reports confirming and providing details of his compliance with his obligations resulting from the suspension and the handling of funds in his trust account; and
  - (i) Failing to cooperate with investigations by the Law Society by not providing substantive responses to requests from the Law Society.
2. On October 1, 2020 a Committee of the Benchers (the Committee) held a hearing to consider the LSA's application for disbarment against Harjinder Mann, pursuant to section 84 of the *Legal Profession Act* (the *Act*).

### **Service**

3. Mr. Mann was not present, or represented by counsel, at this hearing.
4. An Order for substitutional service of this Application on Mr. Mann was granted on September 25, 2020. An Affidavit of Service was entered as an Exhibit confirming that Mr. Mann was served with this Application on September 17, 2020 by posting notice of the Application to his last known address in London, Ontario.
5. Section 84(3) of the *Act* requires the LSA to provide at least 10 days' written notice of this application. In this instance 14 days' notice was provided and service was therefore deemed good and sufficient. In view of the proper service the hearing proceeded without Mr. Mann being present.

### **Preliminary Matters**

6. There were no objections to the constitution of the Committee or its jurisdiction, and a private meeting was not requested so the meeting proceeded in public.

## Submissions

7. The principal evidence submitted by the LSA relating to the conduct of Mr. Mann that was tendered and exhibited consisted of the following:
  - (a) Correspondence from the Law Society of Ontario dated February 12, 2020 confirming that Mr. Mann's license was "revoked" and enclosing a copy of the Order dated February 26, 2019 revoking the license.
  - (b) Order from the Law Society of Ontario dated July 20, 2017 suspending the license of Mr. Mann.
  - (c) Reasons for the decision of the Ontario Law Society Tribunal Hearing Division dated May 6, 2019 which ordered the disbarment of Mr. Mann.
  - (d) Emails between the Law Society of Ontario and the LSA confirming that Mr. Mann had not appealed the Order of disbarment.
8. Mr. Mann has been administratively suspended by the LSA since March 15, 2018.

## Analysis and Decision

9. Sub-sections 84(3) and 84(4) of the *Act* state:

*(3) The Benchers, whether or not a suspension is ordered under subsection (2), may make an order against an Alberta member if*

*(a) a disciplinary body of an extra-provincial law society, in disciplinary proceedings against the Alberta member, makes*

*(i) an order for the suspension of the Alberta member's membership in that extra-provincial law society for a fixed period, or*

*(ii) an order having the effect of terminating the Alberta member's membership in that society, or*

*(b) the Alberta member resigns as a member of that extra-provincial society instead of having disciplinary proceedings by a disciplinary body of that society continue against the Alberta member.*

*(4) An order made against an Alberta member under subsection (3) shall be either*

*(a) an order for the suspension of the Alberta member's membership in the Society for a period prescribed by the order, or*

*(b) an order disbarring the Alberta member.*

10. Section 49(1) of the *Act* sets out the following factors to be considering in determining the appropriate sanction:

*49(1) For the purposes of this Act, any conduct of a member, arising from incompetence or otherwise, that*

*(a) is incompatible with the best interests of the public or of the members of the Society, or*

*(b) tends to harm the standing of the legal profession generally,*

*is conduct deserving of sanction, whether or not that conduct relates to the member's practice as a barrister and solicitor and whether or not that conduct occurs in Alberta.*

11. As with any sanctioning process the fundamental consideration is to ensure that the public is protected, and that the public maintains a high degree of confidence in the legal profession. With this foremost in mind the Committee has considered the following specific factors:

- (1) The actions and conduct of Mr. Mann in misappropriating client trust monies raises significant concerns about the integrity and honesty of Mr. Mann.
- (2) The criminal convictions also raise concerns about Mr. Mann's trustworthiness and character.
- (3) Mr. Mann's actions have been harmful and detrimental to his former clients.
- (4) The conduct exhibited by Mr. Mann in failing to report criminal matters and to report faithfully to the Ontario Law Society is unacceptable and raises questions about his governability. Mr. Mann failed to appear before the hearing panel in Ontario and his absence is also indicative of a lack of cooperation and governability.
- (5) The incidents involved took place for a period of at least two years and involved no less than nine separate findings of guilt by the Law Society of Ontario.

12. The Committee has also considered the following general factors:

- (1) The importance of maintaining public confidence in the profession and in the discipline process and, in particular, the public perception of allowing Mr. Mann to practice law in Alberta while disbarred in another province.
- (2) The need to impose a sanction that will serve as both a specific deterrence to Mr. Mann and a general deterrence to other members.
- (3) That there be a clear denunciation of the conduct.

13. In considering the specific conduct of Mr. Mann and the specific and general factors, the Committee finds that Mr. Mann's conduct is incompatible with the best interests of the public or the members, and such conduct has harmed the standing of the legal profession. The issues of dishonesty and governability are of such a nature that there is no ability of the profession to regulate his practice and behaviour.

### **Order and Concluding Matters**

14. Pursuant to section 84 of the *Act*, the Committee orders that Harjinder Mann be disbarred, effective October 1, 2020.
15. The LSA shall issue a Notice to the Profession, pursuant to section 85 of the *Act*.
16. The exhibits and 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 Mr. Mann will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege.

Dated at Calgary, Alberta, October 13, 2020.

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Bud Melnyk, QC – Chair

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Lou Pesta, QC

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Ryan Anderson, QC

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