

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

**IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF NAVJEET RALH  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Hearing Committee**

Grant Vogeli, KC – Chair  
Michael Mannas – Adjudicator  
Kathleen Ryan, KC – Former Bencher

**Appearances**

Shane Sackman – Counsel for the Law Society of Alberta (LSA)  
Dino Bottos, KC – Counsel for Navjeet Ralh

**Hearing Date**

November 2, 2022

**Hearing Location**

Virtual Hearing

**HEARING COMMITTEE REPORT**

**Overview**

1. The following citations (Citations) were directed to hearing by the Conduct Committee Panel on March 15, 2022:
  - 1) It is alleged that Navjeet Ralh assisted his client in obtaining a fraudulent mortgage, and that such conduct is deserving of sanction.
  - 2) It is alleged that Navjeet Ralh instructed his assistant to falsely witness and/or commission documents in furtherance of a mortgage fraud, and that such conduct is deserving of sanction.
  - 3) It is alleged that Navjeet Ralh failed to honour a trust condition given to opposing counsel, and that such conduct is deserving of sanction.
  - 4) It is alleged that Navjeet Ralh failed to provide legal services to the standard of a competent lawyer, to his lender client, including performing all functions in a conscientious, competent, and diligent manner, and that such conduct is deserving of sanction.

- 5) It is alleged that Navjeet Ralh failed to provide legal services to the standard of a competent lawyer, to his client, H.K., including performing all functions in a conscientious, competent, and diligent manner, and that such conduct is deserving of sanction.
  - 6) It is alleged that Navjeet Ralh attempted to wrongfully influence P.K. from reporting the fraudulent mortgage to the police and the Law Society, and that such conduct is deserving of sanction.
  - 7) It is alleged that Navjeet Ralh practised law while administratively suspended and without the required professional liability insurance and that such conduct is deserving of sanction.
2. On November 2, 2022, the Hearing Committee (Committee) convened a hearing (Hearing) into the conduct of Navjeet Ralh based on the seven citations.
  3. After reviewing all of the evidence and exhibits, and the submissions of the LSA Counsel and counsel for Mr. Ralh, for the reasons set out below, the Committee finds Mr. Ralh guilty of conduct deserving of sanction on Citations 1-5, and not guilty on Citations 6 and 7, pursuant to section 71 of the *Legal Profession Act (Act)*.
  4. For the reasons explained in this decision, the Committee finds that the appropriate sanction is an 18-month suspension, reduced by six months for time already served by voluntary suspension. In accordance with section 72 of the *Act* the Committee orders that Mr. Ralh is suspended from the practice of law commencing on the date of Hearing, November 2, 2022.
  5. In addition, pursuant to section 72(2) of the *Act*, the Committee orders Mr. Ralh to pay costs of these proceedings in the amount of \$20,405.91 by November 2, 2026.

### **Preliminary Matters**

6. 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 Mr. Ralh's conduct proceeded.

### **Facts/Background**

#### *Personal Background*

7. Mr. Ralh is 41 years old. He is married with 2 children.
8. Mr. Ralh was raised in India and completed his high school there. He then obtained a Bachelor of Arts degree from Punjab University in 2002 and an LL.B. from Guru Nanak Dev University in 2005. Following graduation from law school, he practiced law in India from 2005 until 2009. In 2009, Mr. Ralh immigrated to Canada and settled in Edmonton.

In 2013, he successfully took the national accreditation exams and thereafter articulated in Edmonton. He was called to the Alberta bar on September 11, 2015.

9. Mr. Ralh practiced as a sole practitioner in Edmonton following his call to the bar. He practiced primarily in the area of Real Estate and had no prior discipline record with the LSA.

#### *Criminal Charges*

10. On June 1, 2020, Mr. Ralh was charged with four counts of fraud and forgery related to the events giving rise to the complaints to the LSA.
11. On July 30, 2021, he was convicted of one count of forgery and sentenced to a 9-month Conditional Sentence Order. This resulted in his automatic suspension from practicing law for the duration of the Conditional Sentence Order pursuant to section 83 (7) of the *Act*.

#### *Complaints to the Law Society of Alberta*

12. Two complaints were made to the LSA related to the fraud and forgery charges and the conviction of Mr. Ralh. The complaints led to the seven citations being directed to a hearing.

#### *Agreed Statement of Facts*

13. The LSA and Mr. Ralh collaborated on a Statement of Admitted Facts, Exhibits and Admissions of Guilt (Agreed Statement). A summary of the facts from the Agreed Statement is set out below:
  - a) In December 2017, H.K. contacted Mr. Ralh and asked him to assist in the closing of a house purchase and mortgage transaction involving H.K. and the complainant, P.K., as purchasers (Transaction). Mr. Ralh also acted for the lender in the Transaction.
  - b) On January 29, 2018, Mr. Ralh received mortgage instructions and trust conditions from the lender.
  - c) On January 30, 2018, Mr. Ralh met with H.K., but his wife, P.K., did not attend. Mr. Ralh was aware at all times that the mortgage was being obtained in the names of both H.K. and P.K.
  - d) At the January 30, 2018 meeting, Mr. Ralh provided H.K. with several documents that required signatures from both H.K. and P.K., including a mortgage, loan agreement and directions to pay.
  - e) During the January 30, 2018 meeting, Mr. Ralh told H.K. it was necessary that P.K. be present in order for Mr. Ralh to properly complete the required documents. H.K. told Mr. Ralh that P.K. was not available because she was

away studying to complete her Ph.D. in the United States. Mr. Ralh advised H.K. that P.K. should attend before an American attorney to have the documents completed.

- f) H.K. told Mr. Ralh that the delay would cost him a considerable amount of money in interest penalties and begged him to assist in completing the documents even though P.K. was not present. Mr. Ralh acceded to H.K.'s request. He left the room for a brief period of time while H.K. signed the mortgage documents on P.K.'s behalf. Mr. Ralh permitted H.K. to forge P.K.'s signature on all of the applicable mortgage and related documents.
- g) Following H.K.'s execution of the documents, Mr. Ralh instructed his paralegal, S.Q. to assist in finalizing the documentation. In particular, he asked S.Q. to commission several documents as being "sworn before her" when they were in fact not sworn before her because P.K. was never present and did not sign them.
- h) Mr. Ralh knew that S.Q. would rely on his representations that he had witnessed P.K. and H.K. sign the documents and that she would sign the false declarations. S.Q. did sign the documents as requested.
- i) Mr. Ralh witnessed several documents purportedly signed by P.K. when in fact he did not witness P.K.'s signature. He also signed a false Affidavit of Execution saying that he was personally present to see P.K. execute the mortgage when he knew that P.K.'s signature had been forged by H.K.
- j) As part of the transaction, Mr. Ralh was under trust conditions to deliver several properly executed documents. Mr. Ralh did not satisfy the trust conditions as he delivered documents with the forged signatures of P.K., knowing that the documents had not been duly executed.
- k) Mr. Ralh failed to follow the mortgage instructions and to satisfy the trust conditions from the lender by processing a fraudulent mortgage and providing a false reporting letter confirming that, among other things, the security for the loan was valid and enforceable, knowing that was not true.
- l) In August 2018 a representative of the lender called Mr. Ralh and informed him that P.K. was claiming that she did not execute the mortgage documents. The lender asked Mr. Ralh to look into the issue.
- m) Rather than admitting to the forgery, Mr. Ralh telephoned P.K. on September 4, 2018. That telephone conversation was recorded. During that telephone conversation, Mr. Ralh offered to take over the mortgage and asked P.K. to save him from the consequences of his participation in the forgery and misrepresentations to the lender.
- n) Mr. Ralh admitted that he called P.K. with the hope that by discussing the matter with her, it would not come to the attention of the police or the LSA.
- o) In September 2018, Mr. Ralh reported the issue to Alberta Lawyers Indemnity Association, but he did not report himself to the LSA until June 3, 2020, when he was charged with 3 indictable criminal offences related to the forged documents.

- p) Twice in December 2018, Mr. Ralh flew to Toronto, where P.K. was living. He flew to Toronto for the purpose of attempting to convince P.K. to reconcile with H.K. in the hope that reconciliation of the couple would assist him in avoiding the consequences for his misconduct.
- q) P.K. did not reconcile with H.K. and she eventually reported the matter to the police and complained to the LSA.
- r) On July 31, 2021, Mr. Ralh was convicted of forgery and was sentenced to a 9-month Conditional Sentence Order. As a result of the criminal conviction, he was automatically suspended from practicing law by the LSA.
- s) On May 1, 2022, Mr. Ralh's 9-month Conditional Sentence Order ended, and he was eligible to apply for reinstatement to the LSA.
- t) Mr. Ralh did not apply for reinstatement between May 1, 2022 and the hearing on November 2, 2022, given the pending proceedings against him.

### **Findings on Citations**

- 14. The Committee accepted a joint submission from LSA Counsel and counsel for Mr. Ralh to accept a guilty plea on the first five citations and to dismiss Citations 6 and 7. The Committee did so on the basis that the entire Agreed Statement would be considered in determining sanction, including the facts related to Citations 6 and 7.

### **Sanction**

#### *Submissions of Counsel for Navjeet Ralh*

- 15. Counsel for Mr. Ralh submitted that Mr. Ralh should not be suspended any longer than to the date of the Hearing given that Mr. Ralh had been automatically suspended for nine months from July 31, 2021 to May 1, 2022 as a result of his criminal conviction and had effectively been suspended for another six months from May 1, 2022 (when he became eligible to apply for reinstatement) until the date of the hearing on November 2, 2022.
- 16. Counsel for Mr. Ralh pointed out several mitigating factors including the following:
  - a) Mr. Ralh had no prior record;
  - b) Mr. Ralh pled guilty, fully confessed, and expressed remorse;
  - c) Mr. Ralh did not profit personally from his misconduct;
  - d) The citations all arose out of a single file;
  - e) Mr. Ralh has experienced significant financial hardship as a result of his criminal conviction and the automatic suspension from the LSA;

- f) Mr. Ralh worked cooperatively with LSA Practice Management following his suspension;
  - g) Mr. Ralh is active in the community and his criminal conviction and suspension from practicing law has been very embarrassing for him; and
  - h) Mr. Ralh is a good and kind person.
17. Counsel for Mr. Ralh referred to several cases where sanctions for forgery and fraud were relatively short suspensions and fines. Those cases included the following:
- a) *Law Society of Alberta v. Amantea*, 2020 ABLS 14 - a one month suspension for signing as a witness to 10 documents that were not signed in front of the lawyer;
  - b) *Law Society of Alberta v. Juneja*, 2011 ABLS 1 - a \$10,000.00 fine and a short suspension for swearing false affidavits of execution and commissioning an affidavit that bore a false signature and related offences;
  - c) *Law Society of Alberta v. Souster*, 2016 ABLS 1 - a 4-month suspension for pleading guilty to many citations related to signing documents as a witness and swearing affidavits of execution when the lawyer was not present to witness the signatures.

*Submissions of the LSA Counsel*

18. LSA Counsel submitted that Mr. Ralh should be suspended for an additional 18 months from the date of the hearing.
19. LSA Counsel pointed out several aggravating factors including:
- a) Acting for the lender on the transaction when the mortgage and related documents were clearly fraudulent;
  - b) Enlisting his assistant to sign various false declarations and documents, implicating her in the wrongdoing;
  - c) The significant volume of fraudulent records generated to process the transaction;
  - d) Failure to advise his client, H.K., of the consequences of his actions in forging a signature;
  - e) Delayed reporting of the misconduct including efforts to avoid having this matter come to the attention of the LSA or the police;
  - f) Attempting to avoid having the matter come to the attention of the LSA or the police by encouraging P.K. to reconcile with her husband, H.K.
  - g) Breaching trust conditions; and

- h) Significant harm caused by the fraudulent mortgage to Mr. Ralh's lender client and the complainant, P.K.
20. LSA Counsel also noted the apology given to P.K. was in the context of a self-interested motivation to evade detection.
21. LSA Counsel referred to cases where sanctions for forgery and fraud were suspensions in the range of 18 to 24 months. Those cases included:
- a) *Law Society of Alberta v. Torske*, 2015 ABLS 13 - an 18-month suspension for creating false prescriptions and forging a physician's signature;
  - b) *Luk v. Law Society of British Columbia*, 2007 LSBC 13 - an 18-month suspension for misleading the law society with a false document; and
  - c) *Law Society of Alberta v. Diana Rutschmann*, 2007 LSA 1 - a 24-month suspension for forging signatures on court documents and false affidavits.

#### *Analysis and Decision on Sanction*

22. The general principles of sanctioning are set out in the LSA Pre-Hearing and Hearing Guideline (Guideline). Paragraphs 185-187 of the Guideline state:

##### Purpose of Sanction

The fundamental purposes of sanctioning are to ensure the public is protected from acts of professional misconduct and to protect the public's confidence in the integrity of the profession. These fundamental purposes are critical to the independence of the profession and the proper functioning of the administration of justice.

Other purposes of sanctioning include:

- a) specific deterrence of the lawyer;
- b) where appropriate to protect the public, preventing the lawyer from practicing law through disbarment or suspension;
- c) general deterrence of other lawyers;
- d) ensuring the Law Society can effectively govern its members; and
- e) denunciation of the misconduct.

Sanctioning must be purposeful. The factors that relate most closely to the fundamental purposes outlined above carry more weight than others.

23. Lawyers must act with honesty and integrity to protect the public and maintain public confidence in the profession. When lawyers are called to the bar, they pledge to conduct themselves truly and with integrity in all things. Lawyers must be held accountable to that pledge. For sanctioning to serve its purposes it must reinforce that solemn pledge.
24. The Guideline expressly provides that lawyers may lose their right to practice law if they are proven to not have integrity. Paragraph 203 of the Guideline states:
- Lawyers who by their conduct have proven to be lacking in integrity may lose their right to practice law. The professional obligation to act with integrity is violated by the following types of serious misconduct:
- a) misappropriation or wrongful conversion of client funds or property;
  - b) intentional interference with the administration of justice;
  - c) intentional misrepresentation to a client, the court or the Law Society;
  - d) false swearing (e.g. of an affidavit or in commissioning an affidavit);
  - e) fraud, theft or extortion; or
  - f) any misconduct involving dishonesty or deceit.
25. Mr. Ralh did not act out of self-interest or for personal gain, but he acted with a total disregard for the requirement of a lawyer to conduct oneself with honesty and integrity. His misconduct included all of the types of serious misconduct listed in paragraph 203 of the Guideline. Mr. Ralh participated in a fraudulent transaction. He falsely swore an oath. He made intentional misrepresentations to his own client. In addition, he orchestrated his actions to put himself in a position to deny his dishonesty by stepping out of the room when the forgery was committed and by having his assistant commission the fraudulent documents. Then, when the fraud was uncovered, Mr. Ralh attempted to avoid the consequences of his dishonest behavior by contacting one of the victims of his misconduct and attempting to avoid having his dishonesty reported to the police or the LSA by encouraging that victim to reconcile with her husband.
26. Mr. Ralh's conduct is totally unacceptable. It is the antithesis of conducting oneself with honesty and integrity. This conduct must be seriously sanctioned to protect the public and the public's confidence in lawyers and the legal system.
27. The cases cited by counsel for Mr. Ralh all involved significantly less serious misconduct than that of Mr. Ralh. In those cases, the lawyers thought the signatures they were witnessing or attesting to were legitimate signatures whereas Mr. Ralh knew that H.K. forged P.K.'s signature. In addition, Mr. Ralh took several steps to attempt to avoid the consequences of his dishonest behavior and he implicated his assistant. Mr. Ralh's



misconduct was much more serious than the misconduct in the cases cited by his counsel.

28. Mr. Ralh's conduct has been proven to be lacking in integrity in a very serious way. He is guilty of forgery, fraud, misrepresentation, and attempting to cover up and avoid the criminal and LSA consequences of his conduct. Mr. Ralh's conduct may well otherwise justify disbarment. However, because of the mitigating circumstances in this case, the Committee accepted LSA Counsel's recommendation of an 18-month suspension.
29. The *Act*, the Rules of the LSA and the Guideline provide a detailed outline of factors to be considered in determining sanction. Credit for time already served by automatic or voluntary suspension is not a stated factor. Unlike criminal law, LSA proceedings do not generally incorporate the concept of time served. However, in some cases the LSA has reduced the length of suspensions as a result of time served by voluntary suspension. Examples are *Law Society of Alberta v. Elgert*, 2012 ABLS 9 and *Law Society of Alberta v. Prithipaul* 2018 ABLS 17.
30. The Committee has determined that in this case, the 18-month suspension should be reduced by six months as a result of the period of time Mr. Ralh did not practice after the end of the automatic suspension due to his criminal conviction until the date of the Hearing.
31. Given the above, the Committee orders that Mr. Ralh serve the remaining 12 months of the suspension commencing from the Hearing date of November 2, 2022.

## **Costs**

### *Submissions of counsel*

32. An Estimated Statement of Costs was entered as an exhibit at the hearing. The costs totalled \$20,405.91 based upon investigator time at the rate of \$90.00 per hour and lawyer time at the rate of \$125.00.
33. Counsel for Mr. Ralh acknowledged that costs are normally awarded against a member who is found guilty of misconduct deserving of sanction. However, he argued that all the costs of the proceedings should not be ordered because Mr. Ralh is impecunious, and costs awards should not be punitive. In support of his argument, counsel for Mr. Ralh referred to two recent cases: *Law Society of Alberta v. Randhawa*, 2022 ABLS 15 and *Jinnah v. Alberta Dental Association and College*, 2022 ABCA 336.
34. LSA Counsel argued that Mr. Ralh should be ordered to pay all of the costs. He argued that impecuniosity is only relevant in relation to the time to pay costs but not to whether

costs should be awarded against a member guilty of misconduct deserving of sanction. In support of this argument, he referred to the following three cases:

- a) *Law Society of Alberta v. Woo*, 2021 ABLS 31;
  - b) *Law Society of Alberta v. Sally McLennan* 2008 LSA 14; and
  - c) *Law Society of Alberta v. Randhawa*.
35. LSA Counsel argued that the default position set out in paragraph 221 of the Guideline should apply - that a lawyer found guilty of conduct deserving of sanction should pay the actual costs of the hearing. He submitted that Mr. Ralh could be given an extended period of time to pay the costs as a result of his financial circumstances.
36. Finally, LSA Counsel pointed out that his time was charged at only \$125.00 per hour, much lower than typical hourly rates, so a significant reduction in costs was already built into the amount claimed by the LSA.

#### *Decision on Costs*

37. Section 72(2)(c) of the *Act* provides that if a hearing committee finds a member guilty of conduct deserving of sanction, the hearing committee may make an order "requiring payment to the Society of all or part of the costs of the proceedings within the time prescribed by the Order."
38. Paragraph 221 of the Guideline provides as follows:
- It is the LSA's default position that when a lawyer is found guilty of conduct deserving of sanction, the actual costs of the hearing should be paid by the lawyer. This position is based on the proposition that the hearing expenses incurred in the exercise of the LSA's statutory obligations are appropriately charged to the lawyer whose conduct is under scrutiny.
39. The Committee finds that Mr. Ralh should pay costs in the amount of \$20,405.91. To mitigate the impact of these costs on Mr. Ralh, he is given until November 2, 2026 to pay the costs. The reasons for this decision on costs follow.
40. Mr. Ralh's counsel argued for a reduction in costs and relied on *Jinnah*, a recent decision from the Alberta Court of Appeal. *Jinnah* involved a dentist and disciplinary proceedings under the *Health Professions Act*. Dr. Jinnah was found guilty of unprofessional conduct for threatening a defamation action if her patient filed a conduct complaint arising out of her billing practices. Dr. Jinnah obstructed the complaint process but her billing conduct, while careless, was determined not to be misconduct. The initial

costs finding by the tribunal was \$50,000.00 for a two-day hearing, which was reduced to \$37,500.00 by the internal appeal panel.

41. The Court of Appeal reduced the costs further, noting at paragraphs 122 to 124 that the hearing involved, “one allegation by a single patient unrelated to patient care on the low end of the seriousness scale.”
42. In *Jinnah*, the Court of Appeal expressed some general principles related to awards of costs in disciplinary proceedings. These principles set out that:
  - a) awards of costs are not supposed to be a sanction;
  - b) generally the profession as a whole and not the individual member being sanctioned should pay the costs of disciplinary proceedings.
43. At paragraphs 128 to 144 of *Jinnah*, the Court of Appeal set out four circumstances where substantial cost awards are appropriate:
  - a) when the member has engaged in serious misconduct;
  - b) when the member is a serial offender;
  - c) when the member fails to cooperate with the regulator's investigation; and
  - d) when the member is guilty of hearing misconduct.<sup>1</sup>
44. There may well be a live question as to whether the legal profession as a whole should generally bear the costs of disciplinary proceedings under the *Act*. However, we need not expressly determine that question in this case because Mr. Ralh’s conduct falls within the examples provided by the Court of Appeal for substantial costs.<sup>2</sup>
45. A substantial costs award is appropriate and necessary in this matter because Mr. Ralh is guilty of very serious misconduct.
46. Mr. Ralh embarked upon an improper course of action to facilitate a forgery to the ultimate detriment of all of his clients. He involved staff members and staged the setting of the forgery to happen in his absence when he knew full well it had occurred. He continued to give effect to the forgery through multiple steps and sworn documents

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<sup>1</sup> Fraud is specifically noted as an example of a compelling reason to award substantial costs of disciplinary proceedings at paragraph 141 of *Jinnah*.

<sup>2</sup> The Committee notes that an appeal panel of the LSA Benchers has expressly found that *Jinnah* does not apply to proceedings under the *Act*, citing *Tan v. Alberta Veterinary Medical Association*, 2022 ABCA 221 and *K.C. v. College of Physical Therapists of Alberta*, 1999 ABCA 253; *Law Society of Alberta v Beaver*, 2023 ABLS 4 (paragraphs 96 through 100). Mr. Beaver’s misconduct was also found to be very serious.

through the rest of the real estate transaction, including misleading his lender client. He continued his misconduct and compounded it by wrongly urging a victim of the fraud, the estranged wife, to reconcile with her fraudulent spouse and, further, he urged her not to report the crime to the police or the LSA in order for Mr. Ralh's misconduct to escape detection. Mr. Ralh eventually reported the matter to his insurer but withheld his misconduct from the LSA until there was no other realistic option but to report the fact of his criminal charges. Mr. Ralh's conduct was not only grossly unethical, it was a crime followed by extensive efforts to cover it up. On the scale of misconduct for lawyers, this conduct was extremely serious. While Mr. Ralh was not a "serial offender" prior to these events, in the sense that he had no prior discipline record, his conduct cannot reasonably be construed as an isolated incident. This was a series of acts of misconduct over an extended time. Mr. Ralh engaged in serious misconduct going to the heart of the solicitor client relationship; this kind of misconduct seriously undermines public confidence in the profession as a whole.

47. We find that both the public and the profession would and should reasonably expect that Mr. Ralh, and not the profession as a whole, bear the burden of the costs of these proceedings for this very serious misconduct.
48. The Committee also finds that the costs claimed by the LSA are entirely reasonable. They are based on rates established by a tariff that is over two decades old. Counsel's hourly rates claimed are significantly less than market rates. We find this approach results in a balancing of the costs of disciplinary proceedings between the profession as a whole and the member found guilty of conduct deserving sanction.

### **Concluding Matters**

49. Mr. Ralh is suspended from the practice of law until November 2, 2023 and he shall pay costs of these proceedings in the amount of \$20,405.91.00 by November 2, 2026.
50. Notice to the Attorney General is not required because Mr. Ralh has already been convicted of a criminal offence in relation to the citations.
51. There shall be a notice to the profession in relation to this decision.
52. 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 identifying information in relation to persons other than Mr. Ralh will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated March 29, 2023

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Grant Vogeli, KC

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Michael Mannas

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Kathleen Ryan, KC