

**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 BILLAL SALEEM  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Hearing Committee**

Sandra Petersson, KC – Chair and Bencher  
Glen Buick – Lay Bencher  
Levonne Louie – Lay Bencher

**Appearances**

Miriam Staav – Counsel for the Law Society of Alberta (LSA)  
Simon Renouf, KC – Counsel for Billal Saleem

**Hearing Date**

December 6, 2022

**Hearing Location**

Virtual Hearing

**HEARING COMMITTEE REPORT**

**Overview**

1. The following citations were directed to hearing by the Conduct Committee Panel on April 12, 2022:
  - 1) It is alleged that Billal Saleem made misrepresentations to FK and in doing so failed to act honourably and with integrity, and that such conduct is deserving of sanction.
  - 2) It is alleged that Billal Saleem failed to provide legal services to the standard of a competent lawyer, including performing all functions in a conscientious, competent, timely and diligent manner, and that such conduct is deserving of sanction.
2. Mr. Saleem was admitted as a member in 2017 and does not have a disciplinary history with the LSA. His status is active/practicing and is focused primarily on family law with some administrative and real estate law.

## **Preliminary Matters**

3. There were no objections to the constitution of the Hearing Committee (Committee) or its jurisdiction, and a private hearing was not requested so a public hearing into Mr. Saleem's conduct proceeded.

## **Agreed Statement of Facts/Background**

4. The parties filed a Statement of Admitted Facts, Exhibits, and Admissions of Guilt (Agreed Statement). The Committee accepts the Agreed Statement. The core facts relevant to the citations are set out below.
5. FK was known to Mr. Saleem and his family. Mr. Saleem agreed to help FK with their divorce and property matters and with custody orders for FK's children who had been detained overseas by FK's spouse.
6. From October 2018 to February 2020, Mr. Saleem and FK corresponded primarily by text message regarding these matters. FK was forthcoming with information requested by Mr. Saleem to advance the case. Mr. Saleem advised that FK would not have to pay for his services. Mr. Saleem variously told FK that he had filed documents in court, appeared in court, and obtained court orders for FK. This was all misleading. Mr. Saleem did little to no work to advance FK's matters. In particular, he did not draft or file a Statement of Claim, schedule matters in court, or obtain property or custody orders. When asked for documents by FK, Mr. Saleem blamed court workers for his inability to provide documents.
7. Mr. Saleem eventually paid an assistant in his firm to file a Statement of Claim on February 19, 2020. He paid the filing fees. FK went to the courthouse on February 20, 2020 to obtain a document from her file. FK discovered that the Statement of Claim had only been filed the day before.
8. FK complained to Mr. Saleem's firm. The firm responded on February 21, 2020 noting that FK was not a firm client and that Mr. Saleem was not FK's solicitor of record. Mr. Saleem attended court to obtain orders on FK's behalf the same day and then instructed FK how to serve them on FK's spouse.
9. FK filed a complaint with the LSA on March 9, 2020 alleging that Mr. Saleem had lied to and failed to take steps to advance the legal matters he had agreed to assist FK with.
10. Mr. Saleem and FK both attended a telephone meeting with members of their community after FK's complaint to the LSA. At that meeting, Mr. Saleem accepted responsibility for his actions and apologized to FK. FK accepted his apology.

11. On April 12, 2022, panel of the Conduct Committee directed the citations against Mr. Saleem to a hearing.
12. On December 6, 2022, the Committee convened a hearing into the conduct of Mr. Saleem, based on the two citations.
13. At the hearing, Mr. Saleem was represented by Simon Renouf KC. The LSA was represented by Miriam Staav.

#### **Citation 1**

14. Mr. Saleem made the following admission of guilt on the citation of making misrepresentations:

With respect to citation 1, I admit that between October 2018 and February 2020, I made misrepresentations to FK regarding the status of her matter, the steps I had taken on her behalf, and the reasons for delay. In doing so, I failed to act honourably and with integrity.

#### **Citation 2**

15. Mr. Saleem made the following admission of guilt on the citation of failing provide legal services to the standard of a competent lawyer:

With respect to citation 2, I admit that I failed to provide legal services to the standard of a competent lawyer, including performing all functions with respect to FK's matter in a conscientious, competent, timely and diligent manner, by:

- a) failing to commence FK's divorce action in a timely manner;
- b) failing to file an application for sole custody in a timely manner;
- c) failing to follow the court process when bringing an ex parte application and, when I became aware of my errors, failing to fix them in a timely manner; and
- d) failing to keep FK reasonably informed as to the accurate status of her file.

#### **Analysis and Decision**

16. The Committee considered and accepted the Agreed Statement. Pursuant to section 60(4) of the *Legal Profession Act* [Act], each admission of guilt in the Agreed Statement is deemed to be a finding by this Committee that Mr. Saleem's conduct is deserving of sanction under section 49 of the Act.

### **Analysis and Decision on Sanction**

17. Counsel for the LSA and for Mr. Saleem made a joint submission for the following sanctions:
- A one-month suspension
  - A fine of \$5,000 to be paid by March 31, 2023
18. Both counsel also asked that costs be capped at \$5,187.00.
19. Counsel for the LSA and for Mr. Saleem provided three decisions in support of the joint submission in sanction:
- *Law Society of Alberta v Forsyth-Nicholson*, 2010 ABLs 7
  - *Law Society of Alberta v Gerald Smith*, 2007 LSA 24
  - *Law Society of Ontario v Rehner*, 2020 ONLSTH 76
20. Counsel for the LSA made submissions regarding the key principles related to the sanctioning process, the relevant aggravating and mitigating factors for determining the appropriate sanction in this case and the authorities that had been jointly submitted.
21. Counsel for Mr. Saleem made submissions regarding the public interest, and he agreed with LSA counsel's summary of the aggravating and mitigating factors in this case.
22. The Committee is not bound by the joint submission. However, we must give it significant deference unless we are satisfied that it is contrary to the public interest. In the criminal law context, the Supreme Court of Canada in *R v Anthony-Cook*, 2016 SCC 43 has set out a test for assessing joint submissions:
- a) Is the joint submission so markedly out of line with the expectations of reasonable persons aware of the circumstances of the offence and the offender that the joint submission would be viewed as a break down in the proper functioning of the criminal justice system?

- b) Would the joint submission cause an informed and reasonable public to lose confidence in the institution of the courts?
  - c) Is the joint submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down?
23. This public interest test has been adopted by professional disciplinary tribunals including the LSA.
24. The Committee has considered the high threshold set by public interest test and determined that there is no basis to reject the joint submission on sanction. The submission is reasonable and in keeping with sanctions in similar cases. The submission does not bring the administration of justice into disrepute.
25. Accordingly, the Committee makes the following order:
- 1) A suspension of one month
  - 2) Payment of a fine of \$5,000 by March 31, 2023

### **Concluding Matters**

26. The Committee also orders that Mr. Saleem pay costs of \$4,446.75, according to the revised statement of costs prepared after the hearing. The fine and costs are ordered to be paid by March 31, 2023.
27. The Committee also determined that, as the sanction includes a suspension, a Notice to the Profession was required.
28. 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 Mr. Saleem will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated February 22, 2023

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Sandra Petersson, KC

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Glen Buick

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Levonne Louie