

**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 MICHAEL ANDRAWIS  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Single Bencher Hearing Committee**

Cal Johnson, KC – Chair

**Appearances**

Shane Sackman – Counsel for the Law Society of Alberta (LSA)

Michael Andrawis – Self-represented

**Hearing Date**

February 13, 2024

**Hearing Location**

Virtual Hearing

**HEARING COMMITTEE REPORT - SANCTION**

1. The following citations were directed to hearing by a Conduct Committee Panel on March 14, 2023:

It is alleged Michael Andrawis failed to act with courtesy, civility, and good faith in his dealings with other lawyers and that such conduct is deserving of sanction.

2. Mr. Andrawis represented a client in a civil suit commenced in 2016 (2016 Action) and in a further and related claim filed in 2020 (2020 Action) adding other defendants. The conduct of Mr. Andrawis in relation to these matters led to a complaint which engaged three areas of concern in respect of his LSA Code of Conduct (Code) duties of civility, fairness and good faith in his dealings with other counsel.
3. On February 13, 2024, a Single Bencher Hearing Committee (Committee) was convened to address sanction in respect of the citation.

## Preliminary Matters

4. 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 the appropriate sanction proceeded.

## Overview and Background to the Complaint

5. The first area of concern for the LSA involved a noting in default. As the 2016 Action progressed, it was dismissed by consent against one of the defendants. After Mr. Andrawis sought to add other defendants, counsel for the opposing party (Complainant) refused for reasons related to limitation dates. In response, Mr. Andrawis filed the 2020 Action which related to similar agreements but added a new corporate defendant. Shortly thereafter in May 2020, the Complainant asked that no adverse steps be taken against his clients without reasonable notice. Mr. Andrawis demanded that a statement of defence be filed "as required by the Rules". As this occurred during the COVID-19 pandemic, the Complainant responded on the same day noting, quite correctly, that filing deadlines for statements of defence had been suspended.
6. After that exchange, there was no significant action until August of 2020, when the parties discussed setting the 2016 Action down for trial. However, the Complainant took the position that the 2020 Action was improper and initiated a summary dismissal motion and a related consolidation of actions motion, which he proposed should be heard prior to setting down for trial. The Complainant emailed Mr. Andrawis and requested that he provide dates in October 2020 when he would be available for a Chambers hearing for the dismissal and consolidation motions. Mr. Andrawis did provide those dates two days later, but on that same date, and without providing any notice to the Complainant, Mr. Andrawis noted the Complainant's clients in default.
7. The noting in default was set aside by a Master in a written decision that commented negatively on the conduct of Mr. Andrawis and found his conduct to be worthy of sanction with an award of elevated costs in the amount of \$2,200.00 against his client.
8. The second area of concern is self-evident from an email from Mr. Andrawis to the Complainant wherein he calls the Complainant "a parasite and a liar". At the hearing, it was noted that, shortly thereafter, Mr. Andrawis apologized to the Complainant in open Court.
9. The third area of concern arose from the same circumstances as outlined above. The parties had worked with a Practice Adviser to find a way to resolve their disputes and move the matters forward. They made an agreement in October of 2020 that involved Mr. Andrawis undertaking not to take any steps to obtain judgment without first providing 10 days advance written notice. Notwithstanding that clear agreement, approximately

seven days later Mr. Andrawis made an ex parte application for an attachment order, again without notice, and received that order. Unsurprisingly, the Complainant applied successfully to overturn the attachment order and, again, the presiding Justice provided some negative comments on the conduct of Mr. Andrawis and ordered elevated costs of \$2000.00 against his client. At this hearing, Mr. Andrawis disclosed that he had reimbursed his client for the elevated costs in one application but could not remember which one that was.

10. The LSA and Mr. Andrawis entered into a Statement of Admitted of Admitted Facts, Exhibits and Admission of Guilt (Agreed Statement) in relation to Mr. Andrawis' conduct. At the hearing, the Committee was advised of an agreement as to sanction for a reprimand and costs in the agreed amount of \$2,750.00.
11. The Committee found the Agreed Statement acceptable at the hearing on February 13, 2024. Pursuant to subsection 60(4) of the *Legal Profession Act (Act)*, the admission of guilt in the Agreed Statement is deemed to be a finding by this Committee that Mr. Andrawis' conduct is deserving of sanction under section 49 of the *Act*.

### **Submissions on Sanction**

12. Counsel for the LSA presented four previous hearing decisions that he indicated reflected the possible spectrum of sanctions for conduct having some similarities to the conduct in question. Counsel noted that none of the cases was on "all fours" but that is to be expected in such matters and acknowledged that the Conduct Committee is not bound by prior decisions in any event, but that they comprise a useful guide. *Law Society of Alberta v Imtiaz*, 2022 ABL 8, involved a similar lack of courtesy and acting in good faith and resulted in a reprimand and costs in the amount of \$2500.00. It was noted in that case there was also conduct involving a lack of candour before the Courts and an improperly obtained judgement. The Court in that situation also commented negatively on the member's conduct. Counsel for the LSA submitted this as perhaps the closest precedent in terms of the behaviour involved, although resulting in additional citations admitted to.
13. Counsel for the LSA also referred to *Law Society of Alberta v Rauf*, 2022 ABL 1, involving some very public abuse of staff at a correctional centre, profanity and inappropriate reactions to that staff. The LSA sought a short suspension, but the Conduct Committee determined a reprimand and a fine of \$2000.00 to be appropriate. However, costs were awarded in the approximate amount of \$12,000.00. Counsel for the LSA suggested that Rauf reflected additional penalties to reflect both the more significant civility issues and the fact that it required a contested hearing.
14. The next precedent cited was *LSA v. Roszler*, 2017, ABL 5, which also involved incivility with another lawyer and a failure to be accurate, candid and comprehensive in

submissions to the Court. There was a Statement of Admitted Facts and Admission of Guilt and a joint submission on sanction for a reprimand and costs in the agreed amount of approximately \$1,700.00.

15. The last case cited was *Law Society of Alberta v. Botan*, 2016 ABLS 8, which LSA counsel acknowledged was at the further end of the severity spectrum and that the conduct was "too hot" to be applicable here. The member had a previous conduct record and had sued an unrepresented client and then proceeded to engage in reprehensible conduct before the Courts resulting in four citations. This resulted in a one-day suspension and payment of the actual costs of the hearing. The excessively abusive conduct in Botan was not comparable or necessarily particularly applicable to the case in hand.

### **Decision on Sanction**

16. Counsel for the LSA and Mr. Andrawis confirmed their understanding that the Committee is not bound by a joint submission on sanction. That said, a hearing committee is required to give significant deference to a joint submission and should not depart from a joint submission on sanction unless it would bring the administration of justice into disrepute or is otherwise contrary to the public interest.
17. In addition to the previous conduct cases cited by Counsel for the LSA, he also addressed both aggravating and mitigating factors particular to this hearing. Aggravating factors included the negative impacts of the behaviour on the ability of the legal system to function efficiently. Mr. Andrawis not only wasted time but caused considerable frustration for the Complainant and their client. It was also noted that his conduct had resulted in two separate awards of elevated costs against his client, only one of which had been reimbursed for. There was also the consideration that this was not just a single incident of incivility, but repeated behaviour evidencing a lack of good faith. He also referenced a breach by Mr. Andrawis, at least in spirit, of an undertaking. Further, the incidents of civility and lack of good faith had degenerated at one point into unacceptable name calling.
18. Mitigating factors included the approach taken by both Mr. Andrawis and the LSA in dealing with this matter through the Agreed Statement which avoided an unnecessary contested hearing, witness inconvenience, and process costs. Counsel also referenced the lack of a previous disciplinary record, the apology made in open Court for the name calling and the reimbursement of the client for one of the two elevated costs awards.

19. After reviewing all the evidence and exhibits, and hearing the submissions of the LSA and Mr. Andrawis, for the reasons set out below, the Committee has determined that a sanction of a reprimand and costs in the amount of \$2,750.00 is appropriate.

20. The Committee delivered an oral reprimand, at the hearing, as follows:

Mr. Andrawis, you have been found guilty of serious misconduct in terms of your failure to act with courtesy, civility and good faith in your dealings with another lawyer. On multiple occasions your conduct substantially departed from the standards of professionalism and ethical behaviour mandated the Law Society's Code of Conduct.

When you are admitted as a member of the Law Society, that privilege comes with both rights and responsibilities. Our Code addresses those responsibilities in a principled manner. That is, it is not prescriptive and detailed, but highlights the guiding principles and it expects reasonable and intelligent members to apply those principles to their conduct. The Code is not hard to understand at its heart, and matters such as this is the simple principle that you treat others as you would expect to be treated.

Two members of our Court have commented negatively on your behaviour in these matters. There can be no excuse or justification for this kind of conduct. Your conduct, as has been pointed out at the hearing, caused unnecessary expense to your client and to the opposing party and client, and caused wasted time and effort by the Courts and opposing counsel.

Your lack of prior disciplinary record has spared you more serious consequences. I have taken into account your cooperation in the process, your payment of costs suffered by your client in one of the proceedings, and I would have hoped that it would have extended to both of those. Your thoughtful comments at the end of this process suggest some insight and self-awareness, which is definitely helpful.

I would suggest you take some time to reflect on this matter and how it has played out and what it has involved, how much of your time and energy it has cost, and the public evidence of your conduct that you will have to shoulder going forward. My hope and expectation is that you will learn much from the experience and that both the profession and the public will be the beneficiaries.

I wish you the best in what I expect will be a long and rewarding career in the law.

## **Concluding Matters**

21. Mr. Andrawis requested and was granted 30 days from the date of this hearing to make payment of the costs award.
22. There shall be no Notice to the Profession.
23. All exhibits, 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. Andrawis will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated March 19, 2024.

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Cal Johnson, KC