

**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 BIRJINDER MANGAT
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

A. Danielle Bourgeois – Chair and Benchers
Ted Feehan, KC – Former Benchers
Levonnie Louie – Lay Benchers

Appearances

Henrietta Falasinnu – Counsel for the Law Society of Alberta (LSA)
Brent Mescall – Counsel for Birjinder Mangat

Hearing Date

April 14, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. Mr. Mangat was admitted as a member of the LSA on November 30, 1994, and currently has active status and is practicing primarily immigration law. Mr. Mangat does not have a prior disciplinary record with the LSA.
2. On November 24, 2021, and July 8, 2022, the LSA received complaints about Mr. Mangat, both of which were subsequently investigated.
3. The following citations were directed to hearing by the Conduct Committee Panel on February 13, 2024:
 - 1) It is alleged that Birjinder Mangat failed to provide competent, timely, conscientious and diligent service to his client, R.A., including by failing to submit his permanent residence application in a timely manner and failing to provide him with accurate information regarding the status of his matter, and that such conduct is deserving of sanction.

- 2) It is alleged that Birjinder Mangat failed to provide competent, timely, conscientious and diligent service to his clients, G.K and H.M., including by failing to submit their permanent residence applications, and that such conduct is deserving of sanction.
4. The LSA and Mr. Mangat entered into a Statement of Admitted Facts, Exhibits and Admissions of Guilt (Agreed Statement) in relation to Mr. Mangat's conduct. The Agreed Statement sets out the relevant facts, which are summarized below.
5. The Conduct Committee found the Agreed Statement acceptable. Accordingly, pursuant to section 60(4) of the *Legal Profession Act (Act)*, it is deemed to be a finding of this Hearing Committee (Committee) that Mr. Mangat's conduct is deserving of sanction in relation to the above citations.
6. On April 14, 2025, the Committee convened a hearing into the appropriate sanction.
7. After reviewing all of the evidence and exhibits and hearing the joint submissions of LSA counsel and counsel for Mr. Mangat, for the reasons set out below, the Committee has accepted the joint submission and determined that a one-month suspension, commencing May 12, 2025, is appropriate and that costs of \$14,054.26 shall be payable on or before April 28, 2025.

Preliminary Matters

8. 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.

Agreed Statement of Facts/Background

9. After the commencement of proceedings in relation to Mr. Mangat's conduct, LSA Counsel submitted the Agreed Statement. The Conduct Committee had found the Agreed Statement acceptable on February 11, 2025. Pursuant to section 60(4) of the *Act*, each admission of guilt in the Agreed Statement is deemed to be a finding by this Committee that Mr. Mangat's conduct is deserving of sanction under section 49 of the *Act*.
10. As provided by section 60(3) of the *Act*, once the Agreed Statement has been accepted by the Conduct Committee, the hearing into the appropriate sanction could be conducted by a three person hearing committee at least one of whom must be a Benchers or Former Benchers. As a result, the Committee was appointed to conduct the sanction hearing.

11. To summarize the Agreed Statement, we note following:

Citation 1: Failure to Serve

- Mr. Mangat was retained in early 2018 to assist R.A. in submitting an application for permanent residence (PR application) based on humanitarian and compassionate grounds . R.A. got married in June 2018 and asked Mr. Mangat to prepare the PR application based on spousal sponsorship. The PR application was completed on August 16, 2019.
- R.A. paid a retainer of \$1,705.00 and processing fees.
- Mr. Mangat represented to R.A. that he had submitted the PR application. RA followed up multiple times for updates, and Mr. Mangat advised R.A. that he was waiting to hear back from Immigration, Refugees and Citizenship Canada (IRCC).
- On August 16, 2019 R.A. and his wife C.T. signed an updated application at Mr. Mangat's request.
- The PR application was not submitted by Mr. Mangat until February 5, 2021, and the R.A. application was rejected in early November 2021 due to missing documents.
- R.A. was in jeopardy of being deported but retained new counsel who prevented the outcome.
- Unfortunately, one of R.A.'s children "aged out" of eligibility to be included in the PR application and remains living in Pakistan apart from the rest of his family who reside in Canada.

Citation 2: Failure to Serve

- Mr. Mangat was retained in July of 2016 to help a married couple (G.K. and H.M.) with their pre-removal risk assessment (PRRA) and application for permanent residency based on humanitarian and compassionate grounds (H&C application).
- Mr. Mangat received retainer fees of \$6,000.00 from G.K. and H.M.
- Mr. Mangat submitted their PRRA applications, but both were unsuccessful.
- G.K. and H.M. signed H&C applications before Mr. Mangat twice, first in September 2016 and again in September of 2020.
- Mr. Mangat did not submit the H&C applications for filing and did not inform G.K. and H.M. that their H&C applications had not been filed.
- Mr. Mangat failed to respond to multiple inquiries from G.K. and H.M. about the status of their H&C applications.
- After retaining new counsel in 2022, G.K. and H.M. discovered that Mr. Mangat had not filed their H&C applications.
- G.K. and H.M. continue to face the risk of deportation.

Submissions on Sanction

12. LSA counsel and counsel for Mr. Mangat agreed by way of joint submission on sanction that a one-month suspension was the appropriate sanction.
13. In support of the joint submission, a Joint Book of Authorities was submitted with the following cases: *LSA v. Billing*, 2024 ABLS 1; *LSA v. Sanghi*, 2023 ABLS 20; *LSUC v. Gregory John Willoughby*, 2011 ONLSHP 43; *LSUC v. Farkas*, 2017 ONLSTH 75; *LSA v. Billingsley*, 2023 ABLS 22; *LSA v. Ottewell*, 2021 ABLS 11.
14. LSA counsel opened her submissions by emphasizing the LSA's Pre-Hearing and Hearing Guideline (Guideline) regarding joint submissions being a more efficient means of resolving proceedings, saving time, costs and resources. LSA counsel went on to submit that the one-month suspension satisfies the Guideline sanction factors including: the seriousness of Mr. Mangat's conduct and impact on his clients, as well as specific and general deterrence. LSA counsel detailed the aggravating factors in Mr. Mangat's conduct (consequences to R.A.'s separated child, and G.K. and H.M. still face the risk of deportation), as well as mitigating factors (30 years of practice, admitting guilt and joint submission on sanction, and Mr. Mangat's successful completion of Practice Management).
15. Both counsel for the LSA and counsel for Mr. Mangat noted that the cases in the Joint Book of Authorities resulted in a fairly broad range of sanctions from a reprimand to suspensions of varying length for instances of failing to serve and/or provide competent legal services and/or act with integrity. The Committee was referred specifically to the following decisions:
 - 1) *Law Society of Alberta v. Billing*, 2024 ABLS 1 – two citations of failure to provide competent immigration legal services and supervise legal assistant. This went by joint submission and resulted in a one-month suspension and \$14,000 in costs.
 - 2) *Law Society Alberta v. Sanghi*, 2023 ABLS 20 – two citations of failing to provide competent legal services and failing to act with integrity. This went to a full hearing and resulted in a three-month suspension and costs of \$9,000.
 - 3) *Law Society of Upper Canada v. Gregory John Willoughby*, 2011 ONLSHP 43 – guilty of failing to serve and failed to communicate with five clients in a conscientious manner. Proceeded by way of admissions of guilt and resulted in a three-month suspension and costs of \$3,000.
 - 4) *Law Society of Upper Canada v. Farkas*, 2017 ONLSTH 75 – guilty of failing to serve ten clients with respect to refugee claims. Proceeded by way of guilty pleas and contested sanction that resulted in a six-month suspension, payment of \$200,000 in costs, and supervision for 1-year.

Decision on Sanction

16. Counsel for the LSA and Mr. Mangat confirmed their understanding that the Committee is not bound by a joint submission on sanction. That said, a 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, also referred to the public interest test as set out in *R. v. Anthony-Cook*, 2016 SCC 43 at paragraphs 29 to 34.
17. The Guideline at paragraph 98 notes that the prime determinant of the appropriate sanction is the seriousness of the misconduct and that the seriousness of the misconduct may be determined by various factors, some of which include: the degree to which the misconduct constitutes a risk to the public and a risk to the reputation of the legal profession, the harm caused by the misconduct, the number of incidents involved, and the length of time involved.
18. We find that Mr. Mangat's conduct was serious. He was entrusted with filing critical residency applications, did not submit them in a timely fashion and/or at all, and misled the clients as to the status of these applications.
19. In terms of aggravating factors, Mr. Mangat is an experienced lawyer and has been a member of the LSA for 30 years. Mr. Mangat's conduct caused actual harm to his clients. He caused R.A. to face the risk of deportation and caused one of R.A.'s children to be separated from the rest of the family. Mr. Mangat has further placed G.K. and H.M. in jeopardy of being deported.
20. In terms of mitigating factors, emphasis is placed on Mr. Mangat taking responsibility for his conduct by admitting guilt, entering into the Agreed Statement, and proceeding by way of a joint submission on sanction. Proceeding in this way has avoided a contested hearing, witness inconvenience, and process costs.
21. Given the differing fact patterns and range of suspension outcomes (one to six months) in the authorities provided to the Committee, and in consideration of the sanctioning factors as they apply to Mr. Mangat's misconduct, the Committee finds that a one-month suspension commencing May 12, 2025 is the appropriate sanction and satisfies the public interest test.

Concluding Matters

22. The Estimated Statement of Costs at Exhibit 9 detailed total estimated costs of \$14,054.26 incurred by the LSA for the complaints lodged against Mr. Mangat and counsel for both parties made a joint submission that the costs were appropriate.

23. In their joint submission on costs, LSA counsel and counsel for Mr. Mangat agreed that costs would be payable on or before April 28, 2025.
24. The Panel agreed with the joint submission on costs as to the amount and the time for payment.
25. There will be no notice to the Attorney General.
26. There will be a Notice to the Profession.
27. 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. Mangat will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated May 6, 2025.

A. Danielle Bourgeois

Ted Feehan, KC

Levonne Louie