

**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 SUMIT SEN
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Troy Couillard – Chair and Lawyer Adjudicator
Michael Brodrick – Public Adjudicator
Corie Flett, KC – Former Benchers

Appearances

Henrietta Falasinnu – Counsel for the Law Society of Alberta (LSA)
Ranjan Das – Counsel for Sumit Sen

Hearing Dates

September 4, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. On October 22, 2024, the Conduct Committee Panel directed this citation to hearing:
 - 1) It is alleged that Sumit Sen failed to be candid with the Law Society regarding discipline proceedings against him by another regulatory body and that such conduct is deserving of sanction.
2. Mr. Sen was admitted to the Alberta bar on December 16, 2020. He has no disciplinary record.
3. This citation arises as a result of Mr. Sen indicating in his application for admission to the LSA that he was not facing disciplinary matters in any other professional jurisdiction, when in fact he faced three disciplinary matters before the Immigration Consultants of Canada Regulatory Council (ICCRC) in Ontario. Mr. Sen quickly took steps to correct his answer, but he told the LSA that the ICCRC matters were nothing more than a dispute over fees, when in fact the allegations were significantly more serious than that. After his admission to the Alberta bar, he failed to inform the LSA of the outcome of the

ICCRC proceedings in a timely manner, and swore an Affidavit in an application for judicial review of the ICCRC decision in which he misrepresented the LSA's position.

4. On September 4, 2025, the Hearing Committee (Committee) convened for what was scheduled to be a two-day hearing regarding the citation. The parties had by then come to an agreement regarding the facts supporting a finding of misconduct, and a joint submission regarding sanction and costs.
5. After reviewing all of the evidence and exhibits, and hearing the submissions of counsel, the Committee accepted Mr. Sen's admission of guilt on the single citation, pursuant to section 71 of the *Legal Profession Act*, RSA 2000, c L-8 (*Act*).
6. The Committee also accepted the parties' joint submission on sanction. Mr. Sen was reprimanded at the hearing; a fine of \$1,000.00 was imposed; and Mr. Sen was directed to pay costs of \$6,394.50.

Preliminary Matters

7. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested.
8. The Statement of Admitted Facts and Admissions of Guilt (SAF) described the facts and included both an admission of guilt to the elements of the citation, and Mr. Sen's agreement that the conduct is deserving of sanction. The Committee found that the SAF complied with the requirements of paragraph 47 of the LSA's Pre-Hearing and Hearing Guideline. Pursuant to section 60(2)(b) of the *Act*, the Committee found the SAF to be in an acceptable form.

Exhibits

9. The LSA tendered the following exhibits, which were admitted by consent:
 - #1 – Letter of Appointment dated May 20, 2025;
 - #2 – Notice to Attend dated May 20, 2025;
 - #3 – Certificate of Status dated July 23, 2025;
 - #4 – Letter of Exercise of Discretion dated July 23, 2025;
 - #5 – Statement of Admitted Facts and Admissions of Guilt dated August 25, 2025 (with attachments);
 - #6 – Lawyer Record dated July 23, 2025; and
 - #7 – Estimated Statement of costs dated August 22, 2025.

Agreed Statement of Facts/Background

10. Mr. Sen applied for admission to the LSA on June 19, 2020. The application form asks the applicant whether "there are disciplinary or unauthorized practice proceedings pending against me by an extra-provincial law society or by any other professional

jurisdiction.” Mr. Sen answered “no”, even though he knew of three ongoing client complaints and disciplinary matters before the ICCRC.

11. Mr. Sen discussed the question and his answer with “some legal professionals” and then contacted the LSA on June 22, 2020. He was advised that “any other professional jurisdiction” would include any “governing body”. Mr. Sen sent an email to the LSA Membership department asking to amend his answer, and asserting that the “3 separate clients were upset at my refusal to return the fees and filed baseless and malafide [sic] complaints against me.” The LSA told Mr. Sen that the application could not be amended so he would have to submit a revised application.
12. Mr. Sen sent the revised application on October 25, 2020, in which he changed his answer to “yes”. He repeated his advice that the outstanding ICCRC matters were fee disputes. He explains that the first, incorrect answer was the result of his misinterpreting the question; he thought that the question referred to law societies outside Alberta. He has never been a member of another law society.
13. When speaking to an LSA investigator on November 18 and 24, 2020, Mr. Sen reiterated that the ICCRC complaints were baseless and essentially about fee disputes.
14. Mr. Sen was admitted to the LSA on December 16, 2020, while the ICCRC discipline proceedings were ongoing.
15. The ICCRC Discipline Committee released its decision regarding the three complaints on January 20, 2021. That committee found that Mr. Sen had breached several sections of the ICCRC Code of Professional Ethics, and that “the three complaints involve serious allegations of professional misconduct and are not simply fee disputes”: *ICCRC v Sen*, 2021 ICCRC 2 at para 212. On October 19, 2021, the ICCRD Discipline Committee released its decision regarding sanction: *ICCRC v Sen*, 2021 ICCRC 29. Among other things, the committee revoked Mr. Sen’s ICCRC membership.
16. Mr. Sen did not provide either of the two ICCRC decisions to the LSA until November, 2021. Mr. Sen attributes the delay to his waiting to hear from the ICCRC regarding written submissions he provided to it in March, 2021, regarding the fairness of the hearing. He says that the ICCRC did not respond. He then sent the LSA both of the ICCRC decisions. He understands now that he should have provided the ICCRC decisions to the LSA when the decisions were released.
17. Mr. Sen began an application for leave and judicial review of the ICCRC Decision in the Federal Court of Canada on November 24, 2021. In his January 12, 2022 Affidavit in support of the application, he deposed that “The Law Society accepted the view that these complaints had their genesis in fee disputes.”

18. The LSA prepared a Rule 85 Memo and provided it to Mr. Sen on February 4, 2022. Mr. Sen replied on February 6, 2022, stating again that the ICCRC complaints related to fee disputes.
19. Mr. Sen admitted that he failed to be candid with the LSA regarding the ICCRC proceedings and that such conduct was deserving of sanction. Pursuant to section 71(1) *Act*, the Committee found that the citation was proven, and that Mr. Sen was guilty of conduct deserving of sanction.

Joint Submission on Sanction

20. The LSA and Mr. Sen agreed to a joint submission on sanction: a reprimand and a fine of \$1,000.00. As part of the joint submission, his counsel undertook that Mr. Sen would withdraw the paperwork that had been filed in Federal Court, in which Mr. Sen misstated the LSA's position.
21. This Committee must defer to a joint submission unless doing so would bring the administration of justice into disrepute or is otherwise contrary to the public interest. The Committee must consider whether: (a) the joint submission is so markedly out of line with the expectations of reasonable persons aware of the circumstances of the offence and offender that the joint submission would be viewed as a breakdown in the proper functioning of the conduct and discipline system; (b) the joint submission would cause an informed and reasonable public to lose confidence in the regulator; or (c) the joint submission is so unhinged that accepting it would lead reasonable and informed persons, aware of all of the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the conduct and discipline system had broken down: *Law Society of Alberta v Billing*, 2024 ABLS 1 at para 14, citing *R v Anthony-Cook*, 2016 SCC 43.
22. Counsel referred the Committee to several decisions regarding sanction for failure to be candid: *Law Society of Alberta v Shawar*, 2019 ABLS 8; *Law Society of Alberta v Adsit*, 2022 ABLS 23; *Law Society of Alberta v Farrell*, 2024 ABLS 11; *Law Society of Alberta v Pontin*, 2014 ABLS 13; *Law Society of Alberta v Flynn*, 2023 ABLS 17; *Law Society of Alberta v Egbase*, 2020 ABLS 12; *Law Society of Alberta v Condin*, 2012 ABLS 2; *Law Society of Alberta v Vanderleek*, 2014 ABLS 19; *Law Society of Alberta v Ihensekhien-Eraga*, 2019 ABLS 16.
23. A review of these previous decisions demonstrates that the joint submission in this case proposes a sanction that is squarely within a range of possible sanctions that would satisfy the "public interest test". We are mindful that Mr. Sen's misconduct did not affect any member of the public. We accept the joint submission.

Decision on Sanction

24. In accordance with the joint submission, the Chair reprimanded Mr. Sen during the hearing, pursuant to section 72(1)(c) *Act*, as follows:

Mr. Sen, the right to practice law in Alberta is a privilege the Law Society grants you in the exercise of its delegated authority under the *Legal Profession Act*. We are a self-governing profession, and the Law Society has to be able to rely on the candour of its members, from the application for admission and throughout our legal careers.

Your conduct as described in the Agreed Statement of Facts raises concerns for the Law Society. To your credit, you recognized the mistake on your application within days of having made the mistake. But, you continued to misrepresent the gravity of the ICCRC allegations from October 2020, until at least February 4, 2022, even after the ICCRC released its decision. Although your admission came late in these proceedings, it is important that you did recognize and take responsibility for this misconduct. We accept that you now understand that you should have been clear with the Law Society about the nature of those proceedings, and advised the LSA of the outcome when you knew it, regardless of your intention to seek judicial review of that decision; the merits of the ICCRC decision were never relevant to your dealings with the Law Society. We expect that you have learned from this experience the importance of full candour with our regulator.

This Committee accepts the parties' joint submission regarding sanction and you are hereby reprimanded for your misconduct.

25. In addition to the reprimand, pursuant to section 72(2)(b) *Act*, the Committee imposed a fine of \$1,000.00, to be paid within 60 days of the release of this written decision.

Decision on Costs

26. The parties also made a joint submission that Mr. Sen be directed to pay costs of \$6,394.50.
27. The Committee agrees with the opinion that decision makers should scrutinize a joint submission regarding costs, but they should also "hesitate to meddle with the components of a duly hashed-out bargain": *Law Society of Alberta v Goldsworthy*, 2025 ABLS 22 at para 3 (a decision of a single Benchers).

28. The Committee declines to interfere with the joint submission regarding costs. The Court of Appeal released its decision in *Charkhandeh v College of Dental Surgeons of Alberta*, 2025 ABCA 258 (*Charkhandeh*), on July 17, 2025. Mr. Sen had the benefit of senior defence counsel, whom we assume was familiar with the *Charkhandeh* principles when the parties negotiated this joint submission. In the context of criminal law, it is "... generally not appropriate for the sentencing judge to embark on a forensic inquiry of how counsel arrived at the joint submission": *R v RPA*, 2025 ABCA 300 at para 37 [*RPA*].
29. It is appropriate that Mr. Sen pays costs in this matter. Maintaining his position characterizing the ICCRC proceedings as a fee dispute for as long as he did, even after the ICCRC released its decision, served to increase the costs of the investigation (15 hours at \$100/hour). Mr. Sen's acceptance of responsibility came late in these proceedings, serving to increase the time LSA counsel would have had to dedicate to this matter (31.4 hours at \$125/hour). Directing costs in this matter is not "unhinged" from the purpose of making such an Order.
30. The LSA seeks only \$125/hour for counsel's time. That is a fraction of the market rate for experienced counsel. The estimated statement of costs does not include amounts for *per diems*, the court reporter, or LSA Tribunal Counsel. The amount agreed upon is not "unhinged" from what the unsuccessful party might expect to pay.
31. We did not receive submissions regarding Mr. Sen's financial situation. We assume that senior defence counsel considered whether the amount proposed would be a "crushing load" for Mr. Sen when he negotiated this joint submission.
32. We accept the joint submission on costs. This Committee will therefore *not* express an opinion about what we would have done in the absence of the joint submission (*Contra Goldsworthy* at para 37). The answer to that hypothetical question has no value, and would serve only to suggest to one or the other of the parties that they might have done better in their negotiations. Again, in the criminal context, "It will generally not be necessary for the sentencing judge to embark upon the detailed and delicate conventional analysis required to determine a fit sentence": *RPA* at para 37.
33. Pursuant to section 72(2)(c) *Act*, Mr. Sen is directed to pay the LSA costs of \$6,394.50 within 60 days of the release of this written decision.

Concluding Matters

34. Neither a Notice to the Profession nor a referral to the Minister was requested, and we agree that neither is required.
35. 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. Sen will be redacted and

further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated September 29, 2025.

Troy Couillard

Michael Brodrick

Corie Flett, KC