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THE LAW SOCIETY OF MANITOBA and

RAJAN SHARMA

REASONS

PANEL MEMBERS:	Catherine Tolton (Chair)
	Brian Pauls
	Kenneth Molloy

COUNSEL FOR THE LAW SOCIETY OF MANITOBA:	
	Rocky Kravetsky

COUNSEL FOR MEMBER:	Steve Vincent
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Hearing held at The Law Society of Manitoba,  
219 Kennedy Street, Winnipeg, Manitoba, April 2, 2014.

**FOUR SEASONS REPORTING**  
**91 Ashford Drive**  
**Winnipeg, Manitoba R2N 1K7**  
**(204) 256-2343**

**ORIGINAL**

1           THE CHAIR: Thank you. So, the panel has had  
2 its deliberations, and we are prepared to give an oral  
3 decision and reasons for our decision at this time.

4           I would like to start by first thanking  
5 counsel, Mr. Kravetsky and Mr. Vincent, for your very  
6 helpful and concise materials and submissions, and the  
7 Agreed Statement of Facts. And thank you, Mr. Sharma, for  
8 your cooperation with this process.

9           You, Mr. Sharma, have been charged with failing  
10 to discharge with integrity the duties that you owe to your  
11 clients, the court, other members of the profession and the  
12 public, which is contrary to Chapter 1 of the Code of  
13 Professional Conduct adopted by the benchers of The Law  
14 Society of Manitoba. In particular, you have breached this  
15 duty in that you were purported to have witnessed the  
16 execution of three powers of attorney without having  
17 actually witnessed their execution.

18           Mr. Sharma, you have admitted that the facts  
19 set out in the Agreed Statement of Facts constitutes  
20 professional misconduct, and the panel has resolved, in  
21 accordance with Law Society Rule 5-96(5) that you having  
22 admitted the facts, those facts are found to be proved to  
23 the satisfaction of this panel, and the facts having been  
24 proved and you having agreed with the facts set out in the  
25 Statement of Agreed Facts constitutes professional

1 misconduct, you are hereby found guilty of professional  
2 misconduct as a result of the conduct described in the  
3 citation, which is briefly, that you have purported to have  
4 witnessed the execution of the three powers of attorney  
5 without having actually witnessed their execution.

6 I want to be clear for the record that this is  
7 the only charge before The Law Society, and there is no  
8 suggestion before us that Mr. Sharma in any way  
9 participated in a fraud, or was involved with the  
10 subsequent sale of land by others who used these powers of  
11 attorney.

12 We find that there are a number of factors that  
13 have led to our acceptance and agreement with the joint  
14 submission on penalty recommended by both the counsel for  
15 the member and for The Law Society. These include the fact  
16 that you, Mr. Sharma, have no prior disciplinary record  
17 with either The Law Society of Manitoba or with The Law  
18 Society in India, where you practised for seven years prior  
19 to practising law in Canada.

20 You have admitted the facts and pled guilty to  
21 the charge. There has been a joint recommendation by  
22 counsel for the member of The Law Society with respect to  
23 penalty. This appears to be an isolated error in judgment.  
24 You have had no prior disciplinary record in either  
25 jurisdictions. You have expressed regret about this

1 incident, and you have acknowledged that your conduct was  
2 inappropriate and wrong.

3 We would like to also mention, though, that we  
4 are concerned that inexperience as a practising lawyer in  
5 Canada, and reliance on the integrity and good intentions  
6 of a person with whom you have had prior dealings, may have  
7 led you into this painfully sad consequence.

8 So, as a caution to you, and all practitioners,  
9 that it is very important that one's personal integrity and  
10 professional responsibility are, that you be aware that  
11 your personal integrity and professional responsibility are  
12 always on the line and not ever to be compromised.

13 We caution you in the future to not let a  
14 client overrule your professional judgment or obligations,  
15 and as a lawyer, we remind you that you are a public  
16 representative of the legal profession, and you must  
17 conduct yourself with integrity at all times, as must all  
18 lawyers.

19 With respect to penalty, we have resolved that,  
20 Mr. Sharma, you be reprimanded for professional misconduct,  
21 and that you be ordered to pay the costs of The Law Society  
22 in the amount of \$2,000, payable in equal instalments over  
23 a 10-month period commencing now.

24 With respect to publication, we agree that  
25 publication, as is required by The Law Society rules, but

1 we are not ordering any further publication beyond that.

2 MR. KRAVETSKY: These then are your reasons?

3 THE CHAIR: These are.

4 MR. KRAVETSKY: So they will be transcribed and  
5 signed in due course?

6 THE CHAIR: Yes.

7 MR. KRAVETSKY: I have no other questions.

8 MR. VINCENT: Nothing from me.

9 THE CHAIR: Thank you. This panel is  
10 adjourned.

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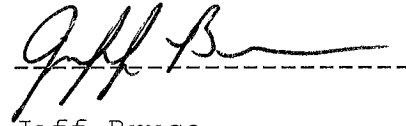
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CERTIFICATE OF REPORTER

I, JEFF BRUCE, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 5, are a true and accurate transcript of the proceedings herein as recorded by me to the best of my skill and ability.

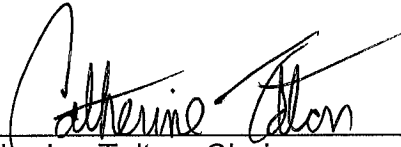
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Jeff Bruce

Court Reporter

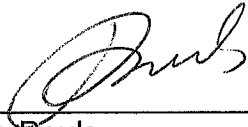
THE PRECEDING 6 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 2<sup>nd</sup> DAY OF APRIL, 2014, IN  
THE MATTER OF:

**RAJAN SHARMA**



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Catherine Tolton, Chair



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Brian Pauls



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Kenneth Molloy