



DISCIPLINE CASE *DIGEST*

Case 14-01

Member:	Rajan Sharma
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 19, 2008
Particulars of Charges:	Professional Misconduct (1 Count): <ul style="list-style-type: none">▪ Breach of Chapter 1 of the <i>Code of Professional Conduct</i> [Integrity]
Plea:	Guilty
Date of Hearing:	April 2, 2014
Panel:	<ul style="list-style-type: none">▪ Catherine Tolton (Chair)▪ Brian Pauls▪ Kenneth Molloy (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Rocky Kravetsky for The Law Society of Manitoba▪ Steve Vincent for the Member
Disposition:	<ul style="list-style-type: none">▪ Reprimand▪ Costs of \$2,000.00

Integrity

Facts

In February 2009, on the instructions of A, Mr. Sharma prepared three identical powers of attorney for B, C, and D, in which the stated purpose was to dispose of property in India. The attorney named in each of the powers of attorney was A's brother-in-law. On each of the powers of attorney Mr. Sharma placed his signature as a Barrister, Solicitor, and Notary Public and he affixed his seal as Notary Public in and for the Province of Manitoba. The donors did not attend at Mr. Sharma's office to sign the documents, Mr. Sharma was not present when any of the powers of attorney were signed, and Mr. Sharma did not witness any of the donors' signatures.

The powers of attorney were subsequently used to transfer real property in India owned by B and C to A. After learning of the transfers of their real property, B and C took legal proceedings against A and his brother-in-law. In a decision of the Court of Queen's Bench, the powers of attorney were held to be "void ab initio, of no force and effect, and invalid".

Plea

Mr. Sharma entered a plea of guilty to a charge of failing to act with integrity by purporting to witness the execution of the powers of attorney.

Decision and Comments

The Panel of the Discipline Committee found Mr. Sharma guilty of the charge based on his admissions and made a finding that he was guilty of professional misconduct. In accepting the joint recommendation the Panel took into account that Mr. Sharma had no prior disciplinary record with the Law Society of Manitoba or with the Law Society of India where he had practised for seven years prior to practising in Canada.

Penalty

The Panel accepted the joint recommendation made by Counsel for the Society and Counsel for Mr. Sharma in respect of an appropriate penalty. The Panel made an order that Mr. Sharma:

- (a) be reprimanded; and
- (b) pay the sum of \$2,000.00 to the Society in equal installments over a 10-month period.