

**THE LAW SOCIETY OF MANITOBA**

**IN THE MATTER OF:**

**OMOLARA BADMUS**

**- and -**

**IN THE MATTER OF:**

**THE LEGAL PROFESSION ACT**

---

**DECISION**

---

**THE LAW SOCIETY OF MANITOBA**

**IN THE MATTER OF:**

**OMOLARA BADMUS**

**- and -**

**IN THE MATTER OF:**

**THE LEGAL PROFESSION ACT**

**Hearing Date:** June 8, 2021

**Panel:** Heather Leonoff, Q.C. – Chair  
Gerri Wiebe  
Keely Richmond (Public Representative)

**Counsel:** Ayli Klein for the Law Society of Manitoba  
Saul Simmonds, Q.C. for the Member

**DECISION**

**Introduction**

1. Omolara Badmus is a member of The Law Society of Manitoba (the “Society”), having been called to the Bar on June 17, 2010 and her name entered as a barrister and solicitor in the Rolls of the Society on that date. She is charged with one count of professional misconduct in a citation dated April 5, 2021. Prior to this event, she had no discipline history with the Society.
  
2. The facts that give rise to the citation are not in dispute. They were set out in an Agreed Statement of Facts, filed as exhibit 1 in the hearing. In summary, the facts establish that Ms.

Badmus, while attempting to complete a real estate transaction for a client who was out of the country, altered certain pages of a document without having the signature pages re-executed and then submitted the altered document to Land Titles. Further, Ms. Badmus submitted other documents with affidavits of execution that indicated they had been signed in person, when this was not the case. The discrepancies were noted by the Land Titles office, which then asked that originals be produced. When these were not forthcoming, the matter was reported to the Law Society.

3. When Ms. Badmus responded to the Society she provided false and misleading information. She maintained that the documents had been executed in person at her offices, when this was not true. Further, she advised that the original documents had been returned to the clients, which was not the case. She also included a letter from the client that did not accurately explain how the documents had been executed.

4. Shortly after this initial response, Ms. Badmus retained counsel and provided a complete and truthful account of the changes and discrepancies in the documents.

5. The issue at the hearing was the appropriate penalty. As will be explained below, the Panel has determined that the appropriate penalty is a reprimand and costs of \$2,000.

## **Analysis**

6. Integrity is fundamental to the practice of law. This is reflected in Rule 2.1-1 of the *Code of Professional Conduct* which states:

A lawyer has a duty to carry on the practice of law and discharge all responsibilities to clients, tribunals, the public and other members of the profession honourably and with integrity.

7. Ms. Badmus' conduct clearly fell below this standard. She altered documents, attempted to mislead the Land Titles office and involved her client in her deception. She also compounded

the problem by providing false information to the Society. Thus, the Society argued that the appropriate penalty was a short period of suspension. Counsel for the Society stressed that a suspension would foster public confidence in the ability of the legal profession to govern itself and would impress on the profession the importance of always maintaining the highest ethical standards.

8. While the Panel accepts that the conduct in this case was serious, the Panel has determined that a reprimand is a sufficient and appropriate penalty in the circumstances. We have made this determination for several reasons.

9. First, Ms. Badmus is clearly remorseful. She takes her responsibilities as a lawyer very seriously. She put significant effort into becoming a lawyer, having to re-qualify in Canada, after emigrating from her native Nigeria. While she misled the Society to begin with, once she got proper legal advice, she was fully forthright and explained precisely what had occurred. Her guilty plea, combined with her heartfelt statement to the Panel, have satisfied the Panel members that she sincerely regrets her actions.

10. Second, Ms. Badmus' actions took place during a particularly stressful period in her life. She had health concerns, financial concerns caused by the COVID pandemic, and family issues. She sought out professional counselling to address her stress issues. Her therapist provided a report to the Panel which attests to her personal strengths and her insight into how the stresses in her life led her to behave in an uncharacteristic fashion.

11. Further, Ms. Badmus provided several character reference letters. Reference letters are not always very useful in disciplinary matters. Discipline issues usually involve a discreet event and most lawyers have many clients, friends and colleagues that can speak of their general good character. However, in this case the reference letters were compelling for two reasons. First, every referee was provided with the facts before they wrote their letters, meaning Ms. Badmus had to be completely honest with them before seeking out their assistance. This is evidence of her sincere remorse and her willingness to admit her responsibility. Second, several of the references were highly respected members of the profession who have a very intimate

knowledge of the role the Society has in protecting the public. If they are satisfied that the unethical behaviour will not be repeated, this gives great comfort to the Panel that the public is not at risk.

12. Another important factor to the Panel is that Ms. Badmus was barred from practicing real estate for a period of approximately four months by the Land Titles office. Thus, there has already been significant consequences to Ms. Badmus for her actions. This administrative penalty is somewhat equivalent to the suspension the Society was seeking as a penalty.

13. Finally, Ms. Badmus' did not alter the documents to benefit herself. This was done to assist a client who wished to complete a transaction without delay. Unfortunately, the original ethical breach was compounded by misleading the Society during the investigation. It is a reoccurring theme in many discipline cases that the cover-up is often more serious than the original transgression. Lapses in judgment do occur, but when they occur, if the lawyer would simply own up to the problem immediately and seek help to fix it, the matter can usually be resolved with minor consequences. The additional trauma and embarrassment that Ms. Badmus has endured, including having to go through a contested sentencing hearing, could have been avoided had she been honest with the Society from the beginning. However, the fact that she was trying to help a client and the fact that she quickly realized the need to be forthright, are matters that have influenced the Panel in determining an appropriate penalty.

14. In all of the circumstances the Panel has concluded that a reprimand and costs of \$2000 is an appropriate penalty. A reprimand is not minor. It is a public statement by the governing body of the profession that the lawyer has been unethical and has brought herself and the profession into disrepute. However, it also reflects the Panel's collective belief that the behaviour will not be repeated and that the public will be served competently and honourably in the future.

## **Conclusion**

15. The Panel finds Ms. Badmus guilty of one count of professional misconduct. Pursuant to s. 72(1)(f) of *The Legal Profession Act* we impose a penalty of a reprimand. We also impose

costs of \$2000 as partial reimbursement of the costs the Society has incurred in investigating and prosecuting this matter.

Dated this 9<sup>th</sup> day of June, 2021

  
\_\_\_\_\_  
Heather Leonoff, Q.C., Chair

  
\_\_\_\_\_  
Gerri Wiebe

  
\_\_\_\_\_  
Keely Richmond