

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

CHAMAN BADOHAL

- and -

IN THE MATTER OF:

THE LEGAL PROFESSION ACT

DECISION

Appearances for the Law Society of Manitoba:

Ayli Klein

Appearances for Chaman Badohal:

In person

Discipline Committee Panel:

Katherine L. Bueti

Richard Buchwald

Susan Boulter

This virtual hearing before a panel of the Discipline Committee of the Law Society of Manitoba, pursuant to the provisions of *The Legal Profession Act*, was conducted in Winnipeg on August 27, 2021. The Discipline Committee Panel consisted of Katherine L. Bueti, Richard Buchwald, and the Public Representative Susan Boulter. The Law Society was represented by Ayli Klein. The member, Chaman Badohal, appeared on her own behalf, although having been advised of her right to retain legal counsel.

This hearing was required as the result of a Citation which had been issued against Ms. Badohal which set forth Conduct Unbecoming a Lawyer, and Professional Misconduct. The Citation was issued on January 11, 2021.

At the commencement of this discipline hearing receipt of the Notice of Hearing, and membership in The Law Society of Manitoba was acknowledged by the member. There were no objections raised to the members of the Discipline Panel and the jurisdiction and authority of the panel to proceed was acknowledged and accepted. The hearing was an open hearing.

Ms. Badohal entered a guilty plea to both counts in the Citation. Ms. Badohal admitted to the allegations that she misled The Law Society initially when she applied for admission to the 2018-19 Manitoba CPLED Program as an articling student, and then in her application for her Petition for Call to the Bar and Admission as a Manitoba CPLED

Graduate when she failed to make full disclosure in relation to the good character requirements.

The evidence for the prosecution in this matter was presented by way of the filing of a Statement of Agreed Facts (Exhibit 1), and an Affidavit (Exhibit 2) dated August 17, 2021, as attested to by Richard Porcher, The Director of Admissions and Membership of The Law Society of Manitoba, which contained 10 paragraphs and 1 exhibit. The Affidavit set forth the steps taken by Mr. Porcher in assessing Ms. Badohal's application and outlined the potential consequences if the disclosures regarding good character had been made.

The Discipline Panel was also provided a brief of The Law Society of Manitoba Consequences, and Book of Authorities of The Law Society of Manitoba. The Law Society did not call any witnesses. The Law Society of Manitoba recommended a 2-year suspension of the member and \$5,000.00 costs.

The member, Chaman Badohal, provided a letter (Exhibit 3) to the Discipline Panel and the prosecution in lieu of testifying on her own behalf. She did not call any witnesses. Ms. Badohal requested a one-year suspension with a \$10,000.00 fine, and community service work. The member took no issue with the costs proposed.

After carefully considering and weighing all of the facts and submissions in this matter, it is the unanimous ruling of this Discipline Panel that the Committee has agreed to accept the guilty pleas to the two charges. The member admitted she was guilty of the misconduct set out in the Citation. She initially failed to disclose that she was under investigation for allegedly making false statements to Manitoba Public Insurance. Subsequently, she was charged with three offences related to a false statement that she had made to Manitoba Public Insurance. Ultimately, she was convicted of making a false statement under the *Highway Traffic Act* and received a \$4,000.00 fine. At no time did she advise The Law Society of Manitoba of any of the events surrounding her involvement in these matters.

The Law Society of Manitoba has met its onus in proving the member failed to act with integrity contrary to s. 2.1-1 of the *Code of Professional Conduct*. The purpose of The Law Society Disciplinary proceedings are set out in s. 3(1) of *The Legal Profession Act* to uphold and protect the public interest in the delivery of legal services with competence, integrity, and independence. In accordance with Rule 5-96(5) the Committee resolves:

- (a) all of the acts or omissions stated in the charge have been proven to the satisfaction of the panel; and
- (b) the acts or omissions so proved, the member is guilty of professional misconduct, and conduct unbecoming a lawyer.

The member has displayed a pattern of a lack, or failure of integrity that is contrary to the required trust which the public places in the legal profession, and which is essential to enable lawyers to represent their clients in a professional manner.

The guiding principle of sentencing in this matter are both general and specific deterrence. The member should not be left in an advantageous position due to the non-disclosures. The purpose of The Law Society is to protect the public. Discipline Hearings are not meant to be punitive. Rather they must balance the personal mitigating factors while fulfilling the mandate of The Law Society. Here there are some sympathetic factors which may warrant leniency, but they must be tempered with the seriousness of the offence

In this case there were layers of dishonesty. The first instance alone would warrant a sanction on its own. Failure to act with integrity brings the administration of the legal system into disrepute. This integrity affects the public's confidence and perception in the profession. The member had an obligation to not act in her best interest but rather to take the steps adverse to her personal interest.

For these reasons, the Panel of the Discipline Committee has unanimously determined in accordance with Section 72(1) of *The Legal Profession Act* that a 2-year suspension is appropriate in the circumstances. This is consistent with the steps that would have been taken had the matter been disclosed to The Law Society from the outset. A lesser

timeframe would be reserved for exceptional circumstances not found in this case. A fine is not an appropriate disposition, and community service work is not within the purview of the Committee.

The Panel is in agreement with the proposed joint recommendation of \$5,000.00 costs. According to Section 5-96(8) of the *Rules of The Law Society of Manitoba* this Committee is mindful that the member is a sole practitioner with both professional and personal commitments. As such, we are prepared to allow the timing of the commencement of the suspension and costs to be determined by the Chief Executive Officer of The Law Society of Manitoba.

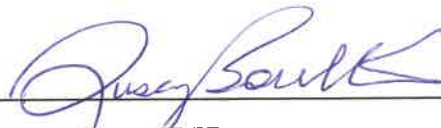
DATED this 7th day of September, 2021.



KATHERINE L. BUETI



RICHARD BUCHWALD



SUSAN BOULTER