

2026 LSBC 12
Hearing File No.: HE20230014
Decision Issued: August 7, 2026
Citation Issued: July 28, 2023
Citation Amended: February 28, 2024

THE LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

ROHITA PANNU

RESPONDENT

**DECISION OF THE HEARING PANEL
ON DISCIPLINARY ACTION**

Hearing dates: May 1 and 8, 2026

Panel: Douglas T. K. Chiu, Lawyer Chair
Ben Levine, Benchers
Linda Berg, Public Representative

Discipline Counsel: Gagan Mann

Counsel for the Respondent: Joshua Wandler

INTRODUCTION

[1] The citation in this matter was authorized by the Discipline Committee in July 2023 and was issued on July 28, 2023.

[2] The citation was amended on February 28, 2024 (the “Amended Citation”).

[3] Pursuant to the Amended Citation, the allegations against the Respondent are:

1. On or about June 1, 2021, in relation to your client SHL, the seller in a real estate matter, you acted contrary to one or more of rules 2.1-4(b) and 7.2-11 of the *Code of Professional Conduct for British Columbia* when you failed to honour one or more trust conditions imposed by the buyer's notary on May 18, 2021, and accepted by you on May 31, 2021, by doing one or more of the following:
 - (a) disbursing net sale proceeds from trust to the mortgage holder without having a release of the mortgage in hand prior to or concurrently with releasing the net sale proceeds; and
 - (b) failing to forthwith attend to the registration of the release of the mortgage in the Land Title Office.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

2. Between approximately April 14, 2022 and April 19, 2022, in relation to your client SHL, the seller in a real estate matter, you failed to answer with reasonable promptness, or at all, one or more communications from the buyer's notary that required a response, contrary to rule 7.2-5 of the *Code of Professional Conduct for British Columbia*.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

3. Between June 20, 2022 and September 2, 2022, in relation to Law Society investigation file number [number], you provided one or more written responses to the Law Society stating that on May 21, 2021 you had a phone call with the buyer's notary in which he agreed to waive a trust condition that required you to have the release of the mortgage in hand prior to or concurrently with disbursing the net sale proceeds to the mortgage holder, when you knew or ought to have known your response was misleading or false, contrary to rule 7.1-1 of the *Code of Professional Conduct for British Columbia*.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

4. Between approximately November 23, 2021 and August 2, 2022, in relation to your client ABC, the seller in a real estate matter, you acted contrary to one or more of rules 2.1-4(b) and 7.2-11 of the *Code of Professional Conduct for*

British Columbia when you failed to honour one or more trust conditions imposed by the buyer's lawyer on November 8, 2021 and accepted by you on November 19, 2021, by doing one or more of the following:

- (a) on approximately November 23, 2021, releasing funds from trust to the mortgage holder without having a discharge of the mortgage in hand prior to or concurrently with the release of the funds;
- (b) on approximately November 23, 2021, failing to forthwith attend to the registration of the discharge of the mortgage in the Land Title Office and provide the buyer with registration particulars in due course; and
- (c) on approximately August 2, 2022, releasing some or all of the builders' lien holdback amount from trust without seeking confirmation for its release from the buyer's lawyer.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

5. Between approximately January 19, 2022 and May 2, 2022, in relation to your client ABC, the seller in a real estate matter, you failed to answer with reasonable promptness, or at all, one or more communications from the buyer's lawyer that required a response, contrary to rule 7.2-5 of the *Code of Professional Conduct for British Columbia*.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

6. Between approximately July 15, 2022 and September 2, 2022, in relation to Law Society investigation file [number], you provided one or more written responses to the Law Society stating that you verbally communicated with the buyer's lawyer who agreed to waive the condition that you have in hand the discharge of the mortgage before the mortgage payout, when you knew or ought to have known your response was misleading or false, contrary to rule 7.1-1 of the *Code of Professional Conduct for British Columbia*.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

[4] The Law Society and the Respondent entered into an agreed statement of facts (the "ASF") dated June 5, 2025. The Respondent admitted to all of the underlying facts in this case, and that her conduct amounts to professional misconduct for all six allegations.

[5] On August 14, 2025, this Panel accepted the ASF and found that the Respondent had committed professional misconduct as set out in allegations 1 to 6 of the Amended Citation.

[6] In this Disciplinary Action Hearing, the Law Society and the Respondent are in dispute in regard to the sanction for the Respondent's professional misconduct and costs of the proceeding.

[7] Both the Law Society and the Respondent have provided oral argument and written submissions to the Panel.

ISSUES

[8] The Panel must determine:

1. Whether the Respondent is ungovernable, and if so, should she be disbarred?
2. If the Respondent is not ungovernable, what is the appropriate disciplinary action?

[9] The Law Society's position is that the Respondent is ungovernable and the appropriate disciplinary action is disbarment.

[10] In the alternative, the Law Society submits that if the Respondent is not ungovernable, given the Respondent's conduct history, the appropriate action remains disbarment.

[11] The Law Society further seeks costs of the Hearing.

[12] The Respondent's position is that she is not ungovernable, and the appropriate disciplinary action is a suspension.

[13] In determining these issues, the Panel relies on the Respondent's professional conduct record ("PCR"), including the prior summary hearing decision of *Law Society of BC v. Pannu*,¹ ("Pannu #1"), which considered a separate citation issued against the Respondent, and the ASF.

¹ *Law Society of BC v. Pannu*, 2026 LSBC 07

FACTS

[14] The Respondent was admitted as a member of the Law Society of British Columbia on December 2, 2014. From 1994 to 1999, the Respondent practiced as a lawyer outside Canada.

[15] From January 21, 2015 to October 19, 2023, the Respondent practiced under the firm name Rohita Pannu Law Corporation.

[16] In relation to the time period of the Amended Citation, the Respondent's practice was 85 percent residential real estate.

Professional Conduct Record

[17] The Respondent's PCR includes a disbarment, nine concurrent administrative suspensions, one set of recommendations accepted by the Practice Standards Committee, three practice supervision agreements, two undertakings and two failures to pay costs when due arising from practice reviews.

[18] The Practice Standards Recommendation, the conditions/limitations on practice, and the failure to pay costs occurred between September 2017 to January 2024.

[19] The Respondent was administratively suspended nine times, eight of which were for the failure to respond to a Law Society investigator, and once for failure to provide records and explanations to a Law Society trust auditor. The administrative suspensions were set out in correspondence dated November 7, 9, 14, 16, 20, December 8, 2023, May 17, and July 24, 2024 with respect to the Respondent's failure to respond to outstanding requests set out in correspondence dated between April 12, 2023 and July 8, 2024.

[20] The suspensions ended on January 1, 2025, when the Respondent ceased to be a member due to non-payment of fees.

Pannu #1

[21] The Respondent was previously involved in a separate hearing, whereby the panel in *Pannu #1* respectfully found the Respondent to have committed professional misconduct and was deemed ungovernable.

[22] That panel found that the appropriate disciplinary action was disbarment.

[23] The decision in *Pannu#1* was issued on March 25, 2026. On April 23, 2026, the Respondent filed a Notice of Review. No hearing date has been scheduled.

The Decision of the Hearing Panel on Facts and Determination

[24] As described by this Panel in paras. 128 to 151 of its decision following the Facts and Determination Hearing (*Law Society of BC v. Pannu*,² (“F&D decision”)) the Respondent in the ASF admits that:

- (a) she failed to honor trust conditions involving the real estate sale of two properties, contrary to rules 2.1-4(b) and 7.2-11 of the *Code of Professional Conduct for British Columbia*;
- (b) she failed to answer communications from the opposing party in the sale of two properties, that required a response, contrary to rule 7.2-5 of the *Code of Professional Conduct for British Columbia*; and
- (c) she provided written responses to the Law Society investigator when she knew her responses were misleading or false, contrary to rule 7.1-1 of the *Code of Professional Conduct for British Columbia*;

LEGAL ANALYSIS

Ungovernability

[25] In *Law Society of BC v. Spears*³, the Panel stated at para. 7:

... It is a fundamental requirement of anyone who wishes to have the privilege of practicing law that the person accept that their conduct will be governed by the Law Society and that they must respect and abide by the rules that govern their conduct. If a lawyer demonstrates that he or she is consistently unwilling or unable to fulfill these basic requirements of the privilege to practice, that lawyer can be characterized as “ungovernable” and cannot be permitted to continue to practice.

[26] In *Law Society of BC v. Hall*⁴, the Panel held at para. 27:

... the relevant factors upon which a finding of ungovernability might be made will include some or all of the following:

1. A consistent and repetitive failure to respond to the Law Society’s inquiries.

² *Law Society of BC v. Pannu*, 2025 LSBC 23.

³ *Law Society of BC v. Spears* 2009 LSBC 28.

⁴ *Law Society of BC v. Hall*, 2007 LSBC 26.

2. An element of neglect of duties and obligations to the Law Society with respect to trust account reporting and records.
3. Some element of misleading behaviour directed to a client and/or the Law Society.
4. A failure or refusal to attend at the discipline hearing convened to consider the offending behaviours.
5. A discipline history involving allegations of professional misconduct over a period of time and involving a series of different circumstances.
6. A history of breaches of undertakings without apparent regard for the consequences of such behavior.
7. A record or history of practicing law while under suspension.

[27] In *Law Society of BC v. Welder*⁵, the Panel added an eighth factor at para. 32:

... the number of citations and conduct reviews the Respondent has acquired in his professional conduct record.

[28] *Hall* further stated at para. 28:

It is the view of this Panel that it will not be necessary for Panels in the future to establish that all of these indicia of ungovernability are present in order to make such a finding.

APPLICATION OF UNGOVERNABILITY FACTORS

[29] The Law Society submits that five of the *Hall* and *Welder* factors apply to the Respondent's conduct.

Consistent and repetitive failure to respond to the Law Society's inquiries

[30] Since 2023, the Respondent has not provided the Law Society with information and documents relating to open investigations and a compliance audit.

⁵ *Law Society of BC v. Welder*, 2015 LSBC 35.

An element of neglect of duties and obligations to the Law Society with respect to trust account reporting and records

[31] On November 14, 2023, the Respondent was administratively suspended for failing to provide records and explanations to the Trust Assurance Department as required under Rule 3-85(2)(b).

Some element of misleading behavior directed to the Law Society

[32] In the Facts and Determinations Hearing, the Respondent admitted the following:

Between June 20, 2022 and September 2, 2022, in relation to Law Society investigation file number [number], the Respondent provided written responses to the Law Society stating that on May 21, 2021 she had a phone call with the buyer's notary [the Complainant] in which he agreed to waive a trust condition that required her to have the release of the mortgage in hand prior to or concurrently with disbursing the net sale proceeds to the mortgage holder, when she knew her response was misleading or false, contrary to rule 7.1-1 of the *Code of Professional Conduct for British Columbia*.

Between approximately July 15, 2022 and September 2, 2022, in relation to Law Society investigation file number [number], you provided one or more written responses to the Law Society stating that you verbally communicated with the buyer's lawyer who agreed to waive the condition that you have in hand the discharge of the mortgage before the mortgage payout, when you knew or ought to have known your response was misleading or false, contrary to rule 7.1-1 of the *Code of Professional Conduct for British Columbia*.

[33] Telephone records obtained showed no phone calls were made on May 21, 2021, between the Respondent and the Complainant.

[34] The Respondent provided the Law Society investigator with handwritten notes depicting telephone calls made to the Complainant. However, telephone records obtained showed no phone calls were made from the Respondent to the Complainant on those dates.

A discipline history involving allegations of professional misconduct over a period of time and involving a series of different circumstances

[35] In the instant case, the Respondent breached her undertakings and trust conditions with her counterparts on approximately June 1, 2021, November 23, 2021 and August 2, 2022. In 2022, she failed to respond to communications in two matters which required a

response. Additionally, during two Law Society investigations in 2022 she provided written responses to the Law Society that she knew or ought to have known were misleading or false. In *Pannu #1* she failed to cooperate in the Law Society's investigation by failing to respond to correspondence from the Law Society from February 2024.

A history of breaches of undertakings without apparent regard for the consequences of such behavior

[36] In the Facts and Determinations Hearing, the Respondent admitted the following:

On or about June 1, 2021, in relation to her client SHL, the seller in a real estate matter, the Respondent acted contrary to rules 2.1-4(b) and 7.2-11 of the *Code of Professional Conduct for British Columbia* when she failed to honour trust conditions imposed by the buyer's notary on May 18, 2021 and accepted by her on May 31, 2021, by doing the following:

- (a) disbursing net sale proceeds from trust to the mortgage holder without having a release of the mortgage in hand prior to or concurrently with releasing the net sale proceeds; and
- (b) failing to forthwith attend to the registration of the release of the mortgage in the Land Title Office.

Between approximately November 23, 2021 and August 2, 2022, in relation to her client ABC, the seller in a real estate matter, the Respondent acted contrary to rules 2.1-4(b) and 7.2-11 of the *Code of Professional Conduct for British Columbia* when she failed to honour trust conditions imposed by the buyer's lawyer on November 8, 2021 and accepted by her on November 19, 2021, by doing the following:

- (a) on approximately November 23, 2021, releasing funds from trust to the mortgage holder without having a discharge of the mortgage in hand prior to or concurrently with the release of the funds;
- (b) on approximately November 23, 2021, failing to forthwith attend to the registration of the discharge of the mortgage in the Land Title Office and provide the buyer with registration particulars in due course; and
- (c) on approximately August 2, 2022, releasing some or all of the builders' lien holdback amount from trust without seeking confirmation for its release from the buyer's lawyer.

Analysis of *Hall* and *Welder* factors on ungovernability

[37] The Respondent's present and past actions clearly demonstrate five factors of ungovernability.

[38] The Respondent's failure to respond to the Law Society's inquiries has prevented the Law Society from investigating further. This shows a lack of responsibility and forthrightness on the Respondent's part in the investigation process.

[39] The Respondent was previously suspended for failing to provide records related to trust accounting.

[40] The Respondent on two occasions has misled or provided false information to the Law Society.

[41] In addition to the admitted allegations of professional misconduct in the instant case, the Respondent was also found to have committed professional misconduct in *Pannu #1* that resulted in an order for disbarment.

[42] The Respondent has breached her undertakings and trust conditions with her counterparts on two occasions.

[43] Considering the above, the PCR and the findings of professional misconduct in this proceeding, the Respondent is found to be ungovernable.

Prior ruling in *Pannu #1*

[44] The allegations in the Amended Citation at issue in this matter concern the Respondent's conduct that occurred 2021 and 2022.

[45] The allegations in *Pannu #1* concern the Respondent's conduct in 2024. The decision in *Pannu #1* was issued on March 25, 2026 where the Panel found the Respondent to be ungovernable with the disciplinary action of disbarment.

[46] On April 23, 2026, the Respondent filed a Notice of Review with respect to the decision in *Pannu #1*.

[47] The Respondent has raised issues regarding the outcome of *Pannu #1*. Specifically, the Respondent argues that the hearing panel in *Pannu #1* erred in:

- (a) denying an application for adjournment;
- (b) proceeding to a hearing without the Respondent present;

- (c) denying the Respondent's application to have the hearing divided into two phases;
- (d) denying the Respondent's application to reopen the hearing and to adduce new evidence at the new hearing; and
- (e) assessing the Respondent's mental health evidence.

[48] Ultimately, the Respondent in the Notice of Review for *Pannu #1* is seeking an order that:

- (a) the hearing panel's finding that the Respondent is ungovernable be set aside; and
- (b) the hearing panel's finding that disbarment is the appropriate disciplinary sanction be set aside.

[49] The Respondent submits that this Notice of Review impacts how much weight should be given when assessing the finding of ungovernability in a prior action to this current Hearing. The Respondent notes that adopting the reasons of the panel in *Pannu #1* could result in reliance on a decision that was subsequently reversed.

[50] The Respondent further submits that relying on a prior finding of ungovernability, which concerns events that took place after the conduct of this Hearing would be an error. The Respondent argues that the Amended Citation is not a "subsequent citation" as it was issued prior to the relevant citation in *Pannu #1*. Additionally, the conduct in *Pannu #1* occurred after the conduct at issue in the instant case.

[51] In *Law Society of BC v. Guo*⁶, the Panel stated:

[37] Strictly speaking, this Panel is not bound by previous decisions of this Tribunal. ...

...

[43] While *Ungovernability Decision #1* and *Ungovernability Decision #2* are based on the same evidence as is now before this Panel, this Panel must make its own determination on ungovernability taking into account the applicable law and specific circumstances of this matter.

⁶ *Law Society of BC v. Guo*, 2024 LSBC 39.

[52] The Law Society submits that many ungovernability decisions have considered post-citation conduct. This includes *Law Society of BC v. Weiser*, 2024 LSBC 18⁷ and *Law Society of BC v. Weiser*, 2025 LSBC 13⁸.

[53] It is concluded that although a panel is not bound by prior decisions, the Panel can consider post-citation conduct when determining ungovernability in the current matter. Although the *Pannu #1* decision is under review, it is presumed to be valid unless and until it is overturned.⁹ When coming to a finding of ungovernability the Panel considers *Pannu #1* to the extent that it includes a finding of professional misconduct against the Respondent for failure to respond to the Law Society and a failure to cooperate in the Law Society's investigation. The Panel has exercised its own judgment and has come to its own conclusion with respect to ungovernability based on all of the circumstances in the instant case.¹⁰

Mitigation

[54] The Respondent submits that there are mitigating factors related to the Respondent's actions. Particularly, the Respondent notes health issues in or around and following December 2021.

[55] The Respondent was involved in a motor vehicle accident on December 8, 2021. It is alleged that the Respondent as a result of the accident suffered from headaches, concussion symptoms, neck pain and numbness and tingling in her right hand.

[56] The Respondent submits that this affected her ability to view a computer screen which affected her ability to perform her duties as a lawyer. This prevented her from keeping up with communication and responding to counterparts in a timely manner.

[57] The Panel was referred to a single medical note from the Respondent's physician.

[58] No evidence was entered regarding a diagnosis, prognosis, follow up appointments, or expert medical evidence relating to the causation and impact of the Respondent's motor vehicle accident.

⁷ *Law Society of BC v. Weiser*, 2024 LSBC 18 (“Weiser #3”).

⁸ *Law Society of BC v. Weiser*, 2025 LSBC 13 (“Weiser #4”).

⁹ *Law Society of BC v. Perrick*, 2015 LSBC 42 (DA); *Law Society of BC v. Perrick*, 2016 LSBC 43 (Review).

¹⁰ *Cole v. Law Society of British Columbia*, 2025 BCCA 423, at para. 30: “An administrative tribunal’s decisions are not binding legal precedents and cannot be used to fetter its discretion. A tribunal “may refer to and take guidance from its earlier decisions” but those decisions alone cannot dictate the outcome of future cases. The tribunal must give “the fullest hearing and consideration to the whole problem before it”....”

[59] No evidence was entered regarding the impact of the injuries on the Respondent's work capability and capacity.

[60] Considering the lack of ongoing medical evidence, the Panel finds that Respondent's medical condition is not a mitigating factor.

Disbarment

[61] The Law Society seeks a disbarment. The Respondent does not address the appropriate sanction if she is found to be ungovernable. Instead, the Respondent submits that the Law Society has not established that the Respondent is ungovernable and that the appropriate sanction given the conduct at issue in the Amended Citation, the PCR and mitigating circumstances is a suspension of one year.

[62] The panel in *Law Society of BC v. McLean*¹¹ found the lawyer to be ungovernable and that the appropriate disciplinary action was disbarment at para. 51:

This Panel finds the Respondent's conduct demonstrates a persistent and wanton disregard for the Law Society's regulatory process and determines him to be ungovernable. In the circumstances, including consideration of the protection of the public interest and the public's confidence in the discipline process and in the professional generally, this Panel further determines that the appropriate disciplinary action is disbarment.

[63] As stated, the Respondent was suspended until January 1, 2025, when she ceased to be a member. The Panel in *Pannu #1* had ordered her disbarment on March 25, 2026.

[64] In *Weiser #4*, the Panel held at para. 13:

Discipline over former members is an important part of maintaining the public's confidence in the legal profession. Former members cannot avoid discipline by simply ceasing their membership and avoiding the consequences of their misconduct.

[65] This Panel agrees that disbarment is an available sanction despite the Respondent being a former member.¹² The primary purposes of disciplinary proceedings are to protect the public and maintain the public's confidence in the legal profession.¹³ Imposing an appropriate sanction on former members of the Law Society is necessary to achieve those purposes.

¹¹ *Law Society of BC v. McLean* 2015 LSBC 30.

¹² *Law Society of BC v. Guo*, 2024 LSBC 39, at paras. 16 to 19.

¹³ *Law Society of BC v. Gellert*, 2014 LSBC 5, at para. 36.

[66] The Respondent's conduct has clearly shown an inability to practice law in a manner that clients, other lawyers or parties, the regulatory body and the public can trust.

[67] Respondent's inability, or refusal to cooperate and be forthright with the regulatory body shows a distinct disregard to a regulatory process that is aimed at protecting the public.

[68] As noted in our decision above, this Panel has concluded that the Respondent is ungovernable. The Panel finds that the appropriate sanction is disbarment.

Appropriate disciplinary action in absence of ungovernability

[69] Given the Panel's finding that the Respondent is ungovernable, the Panel finds it is not necessary to address the parties' arguments with respect to the appropriate disciplinary action in the absence of ungovernability.

Costs

[70] The Law Society has submitted a Bill of Costs dated May 7, 2026 and is seeking costs of \$22,257.08 payable within 30 days of the issuance of this decision.

[71] The Respondent submits that tariff items relating to a supporting affidavit and a pre-hearing conference should be reduced.

[72] The Respondent further submits a disbursement related to court reporter fees should be reduced.

[73] The Panel is satisfied that the supporting affidavit does consist of 10 units, all the pre-hearing conferences occurred, and the court reporter fees are justified.

[74] The Panel concludes that the Law Society's Bill of Costs is reasonable in all of the circumstance and the Law Society will be granted costs of \$22,257.08.

CONCLUSION

[75] This Panel had concluded that the Respondent had committed professional misconduct (*F&D Decision*).

[76] This Panel finds the Respondent to be ungovernable.

[77] This Panel finds the appropriate sanction to be disbarment pursuant to section 38(5)(e) of the *Legal Profession Act*.

[78] This Panel orders the Respondent to pay costs of \$22,257.08, payable within 90 days of the date this decision is issued, pursuant to Rule 5-11 of the Law Society Rules.