2025 LSBC 14
Hearing File No.: HE20240014
Decision Issued: May 28, 2025
Citation Issued: October 2, 2024

THE LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL

HEARING DIVISION

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

MANPREET SINGH BAINS

RESPONDENT

DECISION OF THE HEARING PANEL ON A JOINT SUBMISSION PURSUANT TO RULE 5-6.5

Hearing date:	May 5, 2025
Panel:	Tim Delaney, Chair Susan Kootnekoff, Lawyer Ruth Wittenberg, Public representative
Discipline Counsel:	Marsha Down
Appearing on his own behalf:	Manpreet Singh Bains

INTRODUCTION

[1] On May 29, 2023, Manpreet Singh Bains (the “Respondent”) was pulled over by an RCMP officer for an impaired driving traffic stop (the "Traffic Stop"). The peace officer

administered two breathalyzer tests. The Respondent acted in a manner that could reasonably be perceived as attempting to use his status as a lawyer to avoid an immediate roadside prohibition.

BACKGROUND

[2] The Respondent was called and admitted as a member of the Law Society of British Columbia (the "Law Society") on September 28, 2022.

[3] From September 28, 2022 to April 1, 2024, the Respondent was not engaged in the practice of law, though he maintained practising status with the Law Society.

[4] On April 1, 2024, the Respondent commenced employment as an associate with a law practice in Surrey, BC. The Respondent currently practises in the areas of estate litigation, family law, and civil litigation with a focus on construction disputes, residential tenancy disputes, debt collection and creditors remedies.

[5] On May 29, 2023, the peace officer made a complaint (the “Complaint”) to the Law Society concerning the Respondent's conduct during the Traffic Stop.

[6] On May 30, 2023, the Law Society opened an investigation into the Respondent's conduct related to the Complaint.

FACTS

[7] On the evening of May 28, 2023, the Respondent was at a private residence for a gathering of family and friends (the "Gathering"). At the Gathering, he consumed three to five alcoholic beverages of unknown alcohol volume. He became intoxicated as a result of the alcohol he consumed at the Gathering.

[8] On May 29, 2023, at approximately 4:00 p.m., the Respondent was operating a vehicle in Surrey, B.C. He was pulled over by an RCMP officer (the "Traffic Stop"). The peace officer approached the Respondent's vehicle and spoke to the Respondent through the open driver's side door window. He questioned the Respondent about his alcohol consumption that day. The Respondent advised the peace officer that he had not consumed any alcohol that day.

[9] While still in his vehicle, the Respondent was subjected to a breathalyzer test on an approved screening device (the "ASD") (the "First Breathalyzer"). The ASD result for the First Breathalyzer was "FAIL".

[10] Shortly after failing the First Breathalyzer, the Respondent exited his vehicle at the request of the peace officer. He had a conversation with the peace officer, during which he attempted to persuade the officer not to proceed with impaired driving measures against him (the "Conversation"). The Respondent removed his Law Society membership card from his wallet and handed it to the peace officer, who looked at the card and handed it back to the Respondent. He then placed it back in his wallet.

[11] The Respondent handed his Law Society membership card to the peace officer to prove to the officer that he was a lawyer.

[12] At approximately 4:02 p.m., the peace officer administered a second breathalyzer test on the Respondent using a different ASD (the "Second Breathalyzer"). The ASD result for the Second Breathalyzer was "FAIL". Shortly after failing the Second Breathalyzer, the Respondent again removed his Law Society membership card from his wallet and gestured with it in his hand while in conversation with the peace officer.

[13] Throughout the Traffic Stop, the Respondent was aware that as a result of his failed breathalyzer tests, the peace officer could issue him a 90-day driving prohibition and impound his vehicle for up to 30 days.

[14] After the Second Breathalyzer, the peace officer issued a 90-day Immediate Roadside Driving Prohibition ("IRP"), pursuant to s. 215.41 of the *Motor Vehicle Act*, against the Respondent and imposed a $500 monetary penalty. The Respondent's motor vehicle was towed and impounded for a 30-day period.

[15] At some point during the Traffic Stop, prior to the issuance of the IRP, the Respondent asked the peace officer, "We work in the same field, does this not account to something?"

[16] The Respondent admits that his status as a lawyer was not relevant to the peace officer’s decision of whether to issue an IRP.

Prior Immediate Roadside Prohibitions

[17] On December 23, 2019, the Respondent was stopped in his vehicle by an RCMP officer (the "2019 Traffic Stop"). He was subjected to two breathalyzer tests on two separate ASDs, which he failed. A 90-day IRP was issued against him and his vehicle was impounded for 30 days.

[18] Following the 2019 Traffic Stop, the Respondent completed a mandatory course regarding the effects and impacts of drinking and driving (the "2019 Course").

[19] On January 10, 2021, the Respondent was stopped in his vehicle by the RCMP (the "2021 Traffic Stop") and was subjected to a breathalyzer test on an ASD, the result of which was "WARN". A three-day IRP was issued against him.

[20] Following the 2021 Traffic Stop, the Respondent completed a mandatory course regarding the effects and impacts of drinking and driving (the "2021 Course"). This was the same course as the 2019 Course.

[21] During the 2021 Course, the Respondent learned that the effects of alcohol last until the day after consumption.

Citation

[22] On September 26, 2024, the Discipline Committee authorized a citation against the Respondent. The citation was issued October 2, 2024 (the "Citation").

[23] Allegation 1(b) of the Citation is that:

> 1. On or about May 29, 2023, in the course of failing two breath tests administered by a peace officer (the "Peace Officer"), and being issued a 90-day immediate roadside driving prohibition (the "IRP") under section 215.41 of the *Motor Vehicle Act*, you did one or more of the following:
>
> …
>
> (b) attempted, or acted in a manner that could reasonably be perceived as attempting, to use your status as a lawyer to avoid the IRP; …

[24] The Law Society is not proceeding with allegations 1(a) and 1(c) of the Citation.

Admission of Conduct Unbecoming

[25] The Respondent and the Law Society entered into an Agreed Statement of Facts on April 29, 2025 (the "ASF"). In the ASF, the Respondent admits to the underlying facts of allegation 1(b) of the Citation, and that, pursuant to s. 38(4) of the *Legal Profession Act* (the *"Act"),* his actions constitute conduct unbecoming the profession.

[26] The parties have agreed to the following disciplinary action:

> (a) a one-month suspension to commence on June 1, 2025 or another date as agreed between the parties in writing; and

(b) costs of $1,000, payable within 30 days of the issuance of the Hearing Panel's decision, or on such other date as the Hearing Panel may order.

PRELIMINARY MATTERS

Service of the Citation

[27] Rule 5-6.1 of the Law Society Rules (the "Rules") requires the Hearing Panel to determine whether the Citation was served in accordance with Rule 4-19.

[28] The Respondent admits that on October 2, 2024, he was served with the Citation in accordance with Rule 4-19. As such, the Panel finds that the requirements of Rule 5-6.1 have been met.

Joint Submission

[29] This matter comes before the Panel by way of joint submission. Joint submissions in Law Society proceedings are governed by Rule 5-6.5.

[30] Under Rule 5-6.5, if the Panel accepts the ASF and the Respondent's admission of a discipline violation, the Panel must find that the Respondent has committed the discipline violation and impose disciplinary action. In addition, the Panel cannot impose a sanction other than that consented to by the Respondent unless, (a) each party has been given the opportunity to make submissions respecting the disciplinary action to be substituted, and (b) imposing the specified disciplinary action to which the Respondent has consented would be contrary to the public interest in the administration of justice.

[31] Therefore, this Panel must determine whether it accepts the ASF and the admission of a discipline violation and if so, whether, the proposed sanction is not contrary to the public interest in the administration of justice and should be accepted.

[32] After deliberation, the Panel accepts the ASF and finds that the Respondent's conduct constituted conduct unbecoming the profession. In addition, the Panel finds that the specified disciplinary action is not contrary to the public interest in the administration of justice. The Panel's orders are set forth in paragraph 74 below. Below are our reasons for this decision.

ANALYSIS

Whether the Respondent's Actions Constitutes Conduct Unbecoming the Profession

[33] "Conduct unbecoming the profession" is defined in s. 1(1) of the *Act* as:

> "conduct unbecoming the profession" includes a matter, conduct or thing that is considered, in the judgment of the benchers, a panel or a review board,
>
> (a) to be contrary to the best interest of the public or of the legal profession, or
>
> (b) to harm the standing of the legal profession;

[34] Section 38(4)(b)(ii) of the *Act* authorizes a panel to determine that a respondent has engaged in conduct unbecoming the profession.

[35] In *Law Society of BC v. Berge*, 2005 LSBC 28 ("*Berge facts and determination*") at paragraph 77, the hearing panel cited with approval the following passage from *Law Society of BC v. Watt*, [2001] L.S.B.C. 16:

> In this case the Benchers are dealing with conduct unbecoming a member of the Law Society of British Columbia. We adopt as a useful working distinction that professional misconduct refers to conduct occurring in the course of a lawyer's practice while conduct unbecoming refers to conduct in the lawyer's private life.

[36] At paragraph 78, the hearing panel also quoted the following paragraphs from *Watt*:

> 19. "Conduct unbecoming a lawyer" is an inclusively-defined term in Section 1(1) of the *Legal Profession Act* which refers to the conduct being considered in the judgment of the Benchers to be either contrary to the best interest of the public or of the legal profession or to harm the standing of the legal profession. Justice Clancy, of the Supreme Court of British Columbia, held, in *Re Pierce and the Law Society of British Columbia* (1993) 1993 CanLII 765 (BC SC), 103 D.L.R. (4th) 233 at 247:
>
> > When considering conduct unbecoming, the Benchers' consideration must therefore, be limited to the public interest in the conduct or competence of a member of the profession.
>
> 20. *The Benchers discipline Members for some "off-the-job" conduct because lawyers hold positions of trust, confidence, and responsibility giving rise to many*

> *benefits but imposing obligations not shared with most other citizens... If a lawyer acts in an improper way, in private or public life, there may be a loss of public confidence in the lawyer, in the legal profession generally, and in the self-regulation of the legal profession if the conduct is not properly penalized in its professional aspect.* It is possible that conduct unbecoming may lead to controversy about the legal profession and lawyers, which may disrupt the proper functioning of lawyers in British Columbia….
>
> [Emphasis added]

[37] In *Law Society of BC v. Berge,* 2007 LSBC 7 ("*Berge review*") at paragraph 38, the Benchers, on review, commented on the standard of conduct expected of lawyers in their private lives:

> The Benchers find that lawyers in their private lives must live up to a high standard of conduct. A lawyer does not get to leave his or her status as a lawyer at the office door when he or she leaves at the end of the day. The imposition of this high standard of social responsibility, with the consequent intrusion into the lawyer's private life, is the price that lawyers pay for the privilege of membership in a self-governing profession.

[38] The Respondent's conduct that is the subject of the Citation took place in his private life, during an impaired driving traffic stop in which he was issued an IRP by a peace officer.

[39] The Respondent's conduct gave rise to a perception by the peace officer that he was attempting to use his status as a lawyer to avoid impaired driving measures, and caused the peace officer to file a complaint with the Law Society. This was a reasonable perception, and one that could be shared by the public at large if they were aware of the circumstances of the Traffic Stop.

[40] When a lawyer engages in conduct that attempts, or gives the perception of attempting, to circumvent the prescribed avenues of justice and law enforcement, it is detrimental to the best interests of the public and legal profession. Such conduct harms the standing of the legal profession because it erodes the public's trust in lawyers to act honourably in both their professional and private lives, and respect the rule of law.

[41] In *Law Society of Alberta v. Madu*, 2024 ABLS 20 ("*Madu committee report")*, a lawyer who was issued a traffic ticket for distracted driving called the chief of police and indicated the ticket was unfounded. At the time, the lawyer was Alberta's Minister of Justice and Solicitor General and a member of the Law Society of Alberta. The hearing panel found that the lawyer's call to the police chief to discuss his traffic ticket

undermined the administration of justice. At paragraph 164, the panel stated "[the lawyer's] conduct is inconsistent with his commitment as a lawyer as it imports special access and the perception of special treatment".

[42] In *Madu committee report,* at paragraph 156, the hearing panel recognized that the lawyer did not expressly ask the police chief to do anything with respect to the ticket. Similarly, the Respondent in the instant case did not expressly ask the peace officer not to issue an IRP. As in *Madu committee report,* the Panel finds that the perception that such treatment was being sought is problematic and deserving of sanction.

[43] In *Law Society of Alberta v. Juneja*, 2022 ABLS 11*,* the lawyer, among other conduct, was involved in an altercation with police at a night club, while intoxicated. At paragraph 172, the hearing panel found that the lawyer "went out of his way to tell everyone that he was a lawyer [during the altercation with the police], which objectively paints a more negative picture of his conduct".

[44] In *Berge facts and determination*, affirmed in *Berge review*, the lawyer consumed a substantial amount of alcohol and caused a motor vehicle accident. After the accident, and before police arrived on the scene, the lawyer attempted to avoid the consequences of a breathalyser test by using mouthwash and disposing of a beer can. At paragraph 79, the hearing panel observed that the lawyer was well aware of the intricacies of impaired driving investigations and his attempt to dispose of the beer can and his use of mouthwash were conscious efforts to thwart any police investigation. At paragraph 87, the hearing panel found the lawyer's conduct was irresponsible and was conduct whereby public confidence in the administration of justice and in the legal profession might be eroded. At paragraph 88, the hearing panel considered the lawyer's conduct of attempting to avoid the results of the breathalyser test as tantamount to dishonest conduct, and was conduct unbecoming the profession.

[45] In the instant case, and to his credit, the Respondent did not dispute the results of the breathalyzer tests. However, his conduct with the peace officer at the scene gives rise to the perception that special treatment was being sought. Such conduct could erode public confidence in the administration of justice and the legal profession.

Conclusion on Disciplinary Violation

[46] Pursuant to section 38(4)(b)(ii) of the *Act*, based on the facts and admissions set out in the ASF, the Panel finds that the Respondent has committed conduct unbecoming the profession in relation to allegation 1(b) of the Citation.

Whether the Penalty Proposed by the Parties is in the Public Interest

[47] Pursuant to Rule 5-6.5(3)(b), a hearing panel is prohibited from imposing disciplinary action different from the specified disciplinary action to which the Law Society and the Respondent have agreed unless the proposed disciplinary action is contrary to the public interest in the administration of justice.

[48] The above limitation on hearing panels' actions when considering joint submissions reflects principles in *R. v. Anthony-Cook*, 2016 SCC 43, paragraphs 32 to 44. The principles include certainty for the parties, obviating negative aspects involved in requiring witnesses to testify and creating efficiencies in the system. The Supreme Court of Canada stated, at paragraph 34:

> …a joint submission should not be rejected lightly… Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold…

[49] The hearing panel in *Law Society of BC v. Davison*, 2022 LSBC 23, at paragraph 11, observed:

> In *R. v. Anthony-Cook*, at paras. 5, 29, and 31, the Supreme Court of Canada explained that the test to be applied to joint submissions on sentencing is a public interest test. The public interest test was stated as: "whether the proposed sentence would bring the administration of justice into disrepute or would otherwise be contrary to the public interest." In the disciplinary context, the express wording of Rule 5-6.5(3)(b) is instructive and notably similar to the public interest test in *R. v. Anthony-Cook*. Rule 5-6.5(3)(b) expressly prohibits the Panel from diverging from the joint submissions on disciplinary action unless we find that the proposed sanction is contrary to the public interest in the administration of justice.

[50] The parties in the instant case propose a sanction of a one-month suspension and an order that the Respondent pay costs of $1,000.

[51] The parties submit that the proposed disciplinary action is appropriate in light of the underlying circumstances and is consistent with the Law Society's mandate under section 3 of the *Act* to protect the public interest in the administration of justice. The parties further submit that the proposed sanction is appropriate when assessed by considering factors set out in *Law Society of BC v. Ogilvie*, 1999 LSBC 17, and

consolidated by the panel in *Law Society of BC v. Dent*, 2016 LSBC 5 (CanLII), 2016 LSBC 05, into the following four broad categories:

(a) nature, gravity and consequences of the impugned conduct;

(b) the Respondent's character and professional conduct record (PCR);

(c) acknowledgement of the misconduct and remedial action; and

(d) public confidence in the legal profession including public confidence in the disciplinary process.

[52] With respect to proposed sanction, in light of the above categories, the Panel finds the following.

Nature, gravity and consequences of conduct

[53] In *Berge review* at paragraph 46, the review board noted the severity of a suspension in relation to both the significant impact on the lawyer's economic circumstances and the lawyer's profession. A suspension is a serious sanction reserved for serious misconduct.

[54] In *Law Society of Alberta v. Madu*, 2025 ABLS 11 ("*Madu sanction phase*") at paragraph 44, the committee considered the lawyer's failure to discharge duties and responsibilities as a lawyer in the circumstances to be of "utmost seriousness".

[55] The Respondent's conduct, and its implications, are potentially quite serious. His conduct suggests he sought special treatment because of his status as a lawyer. Because of their enhanced legal knowledge and obligation to uphold the administration of justice, lawyers are expected to understand and show respect for the appropriate channels of legal remedy and enforcement measures. An attempt to subvert such channels is a breach at the very heart of a lawyer's duty to uphold the justice system.

[56] Based on the above considerations, the Panel finds that the serious nature of the Respondent's conduct is proportionate to the seriousness of a one-month suspension from practice.

Character and professional conduct record of the respondent

[57] The Respondent's professional conduct record ("PCR") consists of conditions on the Respondent's practice imposed by the Credentials Committee. His PCR is a neutral factor. Progressive discipline is not a consideration in the circumstances of this case.

[58] The Respondent was called to the Bar in September 2022 but did not practise law until April 1, 2024. He has practised law for just over one year, has been a member of the Bar for over two and a half years, and was a member of the Law Society of British Columbia during the time of the conduct at issue.

[59] The Panel considers that disciplinary action may serve to deter the Respondent, and lawyers generally, from the type of conduct demonstrated by the Respondent. In the circumstances of this case, a one-month suspension sends a message to the public that the Law Society takes such behaviour seriously and will deal appropriately with lawyers who attempt to seek special treatment due to their status as lawyers.

Acknowledgment of the misconduct

[60] The Respondent has admitted his conduct constitutes conduct unbecoming the profession. The Respondent's admission illustrates his contrition and saves the profession the administrative costs associated with a contested disciplinary hearing. The Respondent's cooperation with a joint submission enables the Hearing to proceed efficiently and without requiring the parties to call the peace officer as a witness.

Public confidence in the legal profession

[61] The public must have confidence in the ability of the Law Society to regulate and supervise the conduct of its members. The public will have confidence in the profession and the disciplinary process if the sanction is proportionate to the misconduct, fair, and reasonable in all of the circumstances.

[62] Regarding general deterrence, the panel in *Law Society of BC v. Berge*, 2005 LSBC 53 ("*Berge disciplinary action*"), stated the following, at paragraph 57:

> … while this type of conduct, of seeking to avoid or thwart a police investigation, is not prevalent, members need to be reminded that their conduct in their personal lives may reflect on their professional integrity. …

[63] General deterrence remains an important consideration. There is a need to ensure that members of the legal profession are sufficiently deterred from attempting to use their professional status to avoid legal consequences, or to engage in actions that gives the perception of doing so.

[64] The proposed sanction of a one-month suspension will ensure that the Respondent is held accountable for his conduct, deter others from similar misconduct, and maintain the public's confidence in the ability of the Law Society to regulate the conduct of its members.

Range of sanctions

[65] The parties submitted that the circumstances of this case are unique. The Panel was not referred to any directly comparable cases.

[66] In *Berge disciplinary action,* at paragraph 38, the hearing panel noted mitigating factors such as the lawyer's record of outstanding service to the Law Society and the legal profession and that he had no previous discipline record. However, at paragraph 56 the panel found that specific deterrence was required due to the lawyer's refusal to acknowledge wrongdoing. At paragraph 80, the panel found that the lawyer's serious conduct amounted to an effort to thwart any police investigation and was tantamount to dishonest conduct, concluding that a one-month suspension was an appropriate penalty. The lawyer was also ordered to pay costs.

[67] The lawyer in *Law Society of Alberta v. Juneja*, 2024 ABLS 2 was suspended for a period of 15 months, but his police-related conduct formed only part of various allegations against him.

[68] In *Madu sanction phase*, the lawyer was issued a reprimand and ordered to pay $38,801.42 in costs. This sanction was jointly proposed by the parties, and was accepted by the hearing panel. However, the hearing panel noted at paragraph 28 that "[w]hile this Committee may not have limited the sanction to a reprimand (and instead considered the addition of a monetary penalty), the ‘undeniably high’ [*Anthony-Cook*] threshold is not met in this case and the Committee therefore defers to the request for a reprimand". At paragraph 44, the hearing panel issued a strong reprimand.

Conclusion on disciplinary action

[69] As noted above, the Panel agrees with the parties’ joint submission that the Respondent’s conduct was unbecoming the profession with respect to allegation 1(b) of the Citation. After reviewing and considering the relevant factors and the range of sanctions imposed in other cases, the Panel finds that the sanction is not contrary to the public interest in the administration of justice.

[70] The one-month suspension reflects a balancing of key considerations in this case and addresses the need for specific and general deterrence by not only speaking to the serious nature of the Respondent’s conduct, but also by upholding and protecting the Law Society’s mandate to regulate lawyers in the public interest. This Panel therefore finds that the agreed-upon sanction is not contrary to the public interest in the administration of justice and should be accepted.

COSTS

[71] The parties' joint submission requests an order for costs of $1,000 payable by the Respondent within 30 days of the issuance of the Panel's decision.

[72] Under Rule 5-11, the Panel has authority to order that the Respondent pay costs of the hearing. A panel must have regard to the tariff of costs in Schedule 4 in calculating costs payable by a respondent, unless it finds that it is reasonable and appropriate to award no costs or costs in an amount other than those permitted by the tariff, which includes a range of hearing costs under Rule 5-6.5 from $1,000 to $3,500.

[73] The Panel finds that the proposed order for costs is reasonable in the circumstances. Accordingly, the Panel accepts the joint request to award costs to the Law Society in the amount of $1,000, payable by the Respondent within 30 days of the issuance of this Panel's decision.

ORDERS

[74] The Panel orders:

(a) under s. 38(5)(d)(i) of the *Act* that the Respondent be suspended for one month commencing on June 1, 2025, or another date as agreed between the parties in writing; and

(b) under Rule 5-11 that the Respondent pay costs of $1,000, inclusive of disbursements, payable within 30 days of issuance of the Panel's decision, or on such other date as the Tribunal may order.