

Review File No.: HE20200033  
Decisions under Review: November 28, 2022;  
August 16, 2023  
Citation Issued: May 25, 2020

**LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL  
REVIEW DIVISION**

BETWEEN:

LEONIDES TUNGOHAN

RESPONDENT/APPLICANT

AND:

LAW SOCIETY OF BRITISH COLUMBIA

**NOTICE OF REVIEW – RESPONDENT/APPLICANT**

To: The Law Society of British Columbia  
9th Floor, 845 Cambie Street,  
Vancouver, BC, V6B 4Z9

ON NOTICE TO: Angela R. Westmacott, KC  
Lovett Westmacott  
Suite 12 - 2544 Dunlevy Street  
Victoria, BC V8R 5Z2

TAKE NOTICE that the Respondent/Applicant applies for a review on the record:

[x] under s. 47(1) of the Legal Profession Act, SBC 1998, c. 9, from a final decision of the Hearing Panel made on November 28, 2022 and indexed as Hearing File No. HE20200033;

[x] under s. 47(3.1) of the Legal Profession Act, SBC 1998, c. 9, from a costs order made under section 46 by the Hearing Panel on August 16, 2023 and indexed as Hearing File No. HE20200003;

[x] under Rule 5-19 and Rule 5-21 of the Law Society Rules 2015.

AND FURTHER TAKE NOTICE that at the hearing of the review, the Respondent/Applicant will be seeking the following orders from the Review Board :

1. Setting aside the following decisions of the Hearing Panel regarding:
  - (a) Facts and determination dated November 28, 2022;
  - (b) Disciplinary Action dated August 16, 2023
2. The Law Society pay the costs of this Review

THE ISSUES TO BE CONSIDERED ON THE REVIEW are set out below:

- |          |   |
|----------|---|
| Issue 1: | Did the Hearing Panel err in law by failing to consider the Law Society's admissions?   |
| Issue 2: | Did the Hearing Panel err in law by neglecting to conduct a full and fair examination of the evidence of the Respondent?  |
| Issue 3: | Did the Hearing Panel err in law by failing to apply the principle of legitimate expectation?   |
| Issue 4: | Did the Hearing Panel err in law in its application of the test for professional misconduct?  |
| Issue 5: | Did the Hearing Panel err in law in its application of the Law Society's decision that the accountant's report satisfy the requirements for the quarterly accountants report? |
| Issue 6: | Did the Hearing Panel err in law by failing to consider the issues raised and tried in the proceedings?   |
| Issue 7: | Did the Hearing Panel err in law by failing to consider the lack of reportable activity?  |
| Issue 8: | Did the Hearing Panel commit palpable and overriding errors in its findings of facts that the Respondent failed to comply with Order dated June 5, 2015 of the Hearing Panel? |

- Issue 9: Did the Hearing Panel err by failing to scrutinize the Law Society's Bill of Costs and ordering the Respondent to pay costs in the amount of \$12,000?
- Issue 10: Did the Hearing Panel err in ordering the suspension of the Respondent?
- Issue 11: Did the Hearing Panel commit palpable and overriding errors in its findings of facts on disciplinary action?
- Issue 12: Did the Hearing Panel err in law by failing to consider the Law Society's admissions?
- Issue 13: Did the Hearing Panel err in law by failing to meaningfully account for the central issues and circumstances raised in the submissions of the Respondent?
- Issue 14: Did the Hearing Panel err in law by failing to consider Respondent's Sur-Reply?
- Issue 15: Did the Hearing Panel err in law by failing to consider decided cases regarding disciplinary action and costs?
- Issue 16: Did the Hearing Panel display reasonable apprehension of bias towards the Respondent?

Date: September 12, 2023

  
Leonides Tugonan  
Respondent

