

LAW SOCIETY OF ALBERTA
IN THE MATTER OF THE *LEGAL PROFESSION ACT*;
AND
IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF MOHAMMAD ALI MOUGHHEL
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Single Bencher Hearing Committee:

Anthony G. Young, QC

Appearances:

Counsel for the Law Society – Candice Ross

Mohammad Ali Moughel – Self-Represented

Hearing Date:

July 28, 2016

Hearing Location:

Law Society of Alberta at 800, Bell Tower, 10104 – 103 Avenue, Edmonton, Alberta

HEARING COMMITTEE REPORT

Jurisdiction, Preliminary Matters and Exhibits

1. On July 28, 2016, a Hearing Committee (Committee) convened at the office of the Law Society of Alberta (LSA) to conduct a hearing regarding a number of citations against Mohammad Ali Moughel. Mr. Moughel and counsel for the LSA were asked whether there were any objections to the constitution of the Committee. There being no objections, the hearing proceeded.
2. Mr. Moughel and counsel for the LSA were present throughout the hearing.

3. The jurisdiction of the Committee was established by Exhibits 1 through 4, consisting of the Letter of Appointment of the Committee, the Notice to Solicitor pursuant to section 56 of the *Legal Profession Act*, the Notice to Attend to the Member and the Certificate of Status of the Member with the Law Society of Alberta.
4. The Certificate of Exercise of Discretion pursuant to Rule 96(2)(b) of the *Rules of the Law Society of Alberta* (“Rules”) pursuant to which the Deputy Executive Director and Director, Regulation of the LSA, determined that there were no persons to be served with a private hearing application, was entered as Exhibit 5. Counsel for the LSA advised that they did not receive a request for a private hearing. Accordingly, the Chair directed that the hearing be held in public.
5. At the outset of the hearing, Exhibits 1 through 7, contained in the Exhibit Book which had been provided to the Committee in advance, were entered into evidence in the hearing with the consent of the parties. Further, Exhibit 8, being Mr. Moughel’s record and Exhibit 9, being an estimated Statement of Costs, were added to the Exhibit Book as the hearing proceeded.

Citations

6. Mr. Moughel faced the following Citations:

C0● – Complaint of CS

- [1] That he agreed to a Consent Judgment without instructions from his clients to do so and that such conduct is deserving of sanction;
- [2] That he failed to serve his clients by failing to meet the deadline for filing an Affidavit of Records which resulted in a costs award against his clients and a Writ being filed on their property, by failing to advise his clients of the costs award and by failing to have the Writ discharged in a timely manner.

C0● – Complaint of WB

- [3] That he failed to serve his client by failing to file a civil claim within the prescribed limitation period and that such conduct is deserving of sanction.

C0• – Complaint of TI

- [4] That he failed to provide legal services to his client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and failed to take steps to commence a Civil Claim as instructed by his clients;
- [5] That he failed to respond to communications from his client;
- [6] That he failed to respond to communications from the Law Society.

C0• – Complaint of DS

- [7] That he failed to provide legal services to his client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and failed to make an application to the court to compel the sale of the property as instructed by his clients;
- [8] That he consented to a Court Order for exclusive possession without advising his client of the complete provisions of the Order and obtaining his client's instructions; and
- [9] That he failed to respond in a timely manner to correspondence from the Law Society.

Agreed Statement of Facts

- 7. An Agreed Statement of Facts and Admission of Conduct Deserving of Sanction is attached hereto as Schedule "A".

The Evidence

- 8. There was no further evidence provided in the hearing other than the Agreed Statement of Facts and Admission of Conduct Deserving of Sanction.

The Submissions of the Parties

- 9. Counsel for the Law Society reviewed the Agreed Statement of Facts and Admission of Conduct Deserving of Sanction with the Committee.

10. Mr. Moughel made no submissions regarding the Agreed Statement of Facts and Admission of Conduct Deserving of Sanction other than to confirm his agreement with it and to agree with the submissions made by LSA Counsel.

Citations and Admission of Guilt

11. It was noted that, after consideration, a Conduct Committee Panel convened on May 25, 2016, had determined the Agreed Statement of Facts and Admission of Conduct Deserving of Sanction for Mohammad Ali Moughel was in acceptable form, as contemplated in section 60(3) of the *Legal Profession Act*. The statement of admission of guilt was accepted and each admission of guilt in the statement is therefore deemed for all purposes to be a finding of this Hearing Committee.

Decision Regarding Sanction

12. There was a joint submission from counsel for the LSA and Mr. Moughel that there be a reprimand, a fine of \$4,000 and the payment of costs. Counsel for the Law Society advised that it had been determined that there should be a fine of \$1,000 per complaint rather than such amount for each citation. In support of this proposition, reference was made to the following cases:

In the *Law Society of Alberta v Ouellette*, [2004] L.S.D.D.No. 67, the member was found guilty of 6 citations relating to the failure to respond to the Law Society, two citations respecting failure to comply with Court Orders, one citation respecting a conflict of interest and five citations relating to failure to conscientiously and diligently serve the client. The Hearing Committee concluded the most appropriate sanction would be a fine. The Hearing Committee determined fines totaling \$25,000 or \$1,300 per citation would be appropriate.

In the case of the *Law Society v Malcolm*, 2016 ABLS 19, the member faced citations which included failing to serve his client and consenting to a court order without obtaining his client's instructions. In that matter, the member received a reprimand and a fine of \$5,000.

In the *Law Society of Alberta v Virk*, 2014 ABLS 51, the member admitted conduct deserving of sanction in that he failed to respond to Legal Aid Alberta in a timely manner, that he failed to serve his client by failing to keep her involved as to developments on her file and failed to use diligent efforts to expedite the litigation process, that he failed to serve another client in a conscientious, diligent and efficient manner by failing to respond and failing to keep her informed as to developments on her file and that he failed to serve a further client in a similar manner.

The LSA sought a 30 day suspension in this matter and the member asserted that a reprimand was appropriate. The Hearing Committee concluded that “the public interest would be protected and confidence in the profession maintained through a suspension of 10 days’. The member was also directed to cooperate with Practice Review. Upon appeal, the Hearing Committee’s sanction was upheld.

In the *Law Society of Alberta v Crisfield*, 2012 ABLs 17, the member faced 4 citations, including that he failed to serve his client (x2) and that he failed to obtain instructions from his client or to ensure that instructions received from a third party on behalf of his client accurately reflected the wishes of his client (x2). The member was directed to pay a fine in the amount of \$5,000 and given a reprimand.

In the matter of the *Law Society of Alberta v MacKenzie*, 2016 ABLs 5, the member was found guilty of one citation in that he failed to serve his client and the Committee sanctioned the member with a reprimand and a fine of \$3,000.

13. LSA counsel indicated that the citations in the present matter could easily have resulted in a short suspension. It was submitted that the conduct was serious, but there were mitigating factors in that Mr. Moughel:
 - a. had no discipline record;
 - b. was cooperative;
 - c. admitted guilt to all of the citations;
 - d. had significant health issues which included [●];
 - e. had sought assistance from his treating physician to find an alternative method of treatment;
 - f. has met with the Practice Review Assessment Team of the Law Society of Alberta and upon their direction has [●] and advised his employer of the full details of his condition; and
 - g. the matters complained of were largely service oriented and there is no indication of dishonesty or personal gain for Mr. Moughel.
14. It was submitted that these factors bring the sanction into the range suggested by the cases noted herein.
15. Mr. Moughel reiterated submissions of LSA counsel in argument against a short suspension.

Decision Regarding Sanction

16. It was noted by the Committee that a joint submission on sanction is to be given deference. In *Rault v Law Society of Saskatchewan, 2009 SKCA 81 (CanLII), 2009 SKCA 81, [201] 1W.W.R. 678; R. v L.R.T., 2010 ABCA 224 (CanLII)*. The Saskatchewan Court of Appeal in *Rault, supra*, wrote commentary that is applicable here:

[14] In Ontario, the Discipline Committee of the Law Society of Upper Canada has formally adopted a policy on the approach to be used in considering joint submissions. In the *Law Society of Upper Canada v Paskar*, it stated:

...Convocation encourages Benchers sitting on discipline committees to accept a joint submission where the committee concludes that a joint submission is outside a range of penalties as reasonable in the circumstances...

[15] This was affirmed in the *Law Society of Upper Canada v Orzeck*, where the Discipline Committee accepted the joint submission although it was of the view that disbarment was the more appropriate penalty and stated at page 6:

...joint submissions concerning penalty should not be lightly disregarded by the Committee, particularly when they are the outcome of an extended period of discussions and negotiations through the pre-hearing conference process. Where joint submissions concerning penalty are wholly inappropriate having regard to the nature of the conduct involved then such joint submissions can and should be disregarded; however, when the joint submissions are not inappropriate and when they are responsive both to the type of conduct established and the particular circumstances of the Solicitor, it is the Committee's view that only in rare circumstances and with considerable caution should the Committee disregard such joint submissions concerning penalty.

17. The sanction jointly suggested, that being a reprimand and a fine of \$4,000, is clearly within the range of sanctions possible in this matter as noted in the case law recited by counsel for the LSA above. Although a short suspension is not out of the range, a suspension in this matter is not appropriate. As stated by counsel for the LSA there has been serious misconduct, but there also have been mitigating circumstances (as noted above). The joint submissions made in this case are appropriate; they are responsive to Mr. Moughel's conduct and his particular circumstances. Mr. Moughel has taken steps to ensure that this type of conduct does not occur again. Accordingly, it is not necessary, in the public interest, to suspend him even for a short period of time.

18. For the reasons noted above, the joint submission on sanction was accepted by the Committee.
19. A reprimand was delivered to Mr. Moughel. In addition, there shall be a fine of \$4,000 (\$1,000 for each complaint).

Concluding Matters

20. Mr. Moughel shall pay the actual costs of the hearing.
21. Mr. Moughel shall have until January 28, 2017, to pay the fine and the costs for the hearing.
22. An electronic copy of the Agreed Statement of Facts and Admission of Conduct Deserving of Sanction shall be made available to the Committee for inclusion in this report.
23. There shall be no notice to the Attorney General.
24. There shall be no notice to the profession.
25. The exhibits and this report will be available for public inspection; including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than the member shall be redacted and further redaction shall be made to preserve client confidentiality and solicitor client privilege.

Dated at the City of Calgary in the Province of Alberta, this 7th day of November, 2016.

Anthony G. Young, QC

Schedule "A"

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

**AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF MOHAMMAD ALI MOUGHEL
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

LAW SOCIETY HEARING FILE HE20150046

**AGREED STATEMENT OF FACTS AND
ADMISSION OF CONDUCT DESERVING OF SANCTION**

1. Mohammad Ali Moughel ("Mr. Moughel") was admitted as a member of the Law Society of Alberta (the "Law Society") on August 20, 2004.
2. Mr. Moughel practiced law in Edmonton, Alberta with Tarrabain & Company from his call date until April 30, 2012.
3. Mr. Moughel then practiced law with Tarrabain Law from May 1, 2012 until April 30, 2014.
4. At all material times, Mr. Moughel's practice consisted of 60% civil litigation and 40% labor and employment law.

AGREED FACTS

CO[●] – Complaint of [CS]

5. Mr. Moughel faces two citations in respect of Complaint File CO[●] as follows:
 1. It is alleged that Mr. Moughel agreed to a consent judgment without instructions from his clients to do so and that such conduct is deserving of sanction.
 2. It is alleged that Mr. Moughel failed to serve his clients and that such conduct is deserving of sanction.
6. On November 30, 2006, [CS], his wife, [MS] and their company, [CIS] were sued by a former consultant of [CIS] and his numbered company (the "Plaintiffs"). The Plaintiffs claimed damages of \$895,000 against [CIS] for breach of contract and against [CS] and [MS] personally for fraudulent misrepresentation.

7. Tarrabain & Company was retained to represent [CS] and [MS] and [CIS] (together, the "Defendants") in respect of the law suit. Mr. Moughel assumed conduct of the file from Sid M. Tarrabain, Q.C. prior to the filing of the Statement of Defense and Counterclaim.
8. On January 31, 2007, a Statement of Defense and Counterclaim were filed on behalf of the Defendants.
9. The Plaintiffs filed an Affidavit of Records on April 25, 2007.
10. The Defendants did not file an Affidavit of Records within 30 days as required by the *Rules of Court*. As a result, the Plaintiffs were awarded costs in the amount of \$2,500.00 on June 11, 2007.
11. Mr. Moughel did not advise [CS] and [MS] of the costs order.
12. The Plaintiffs registered a writ against the title to a property owned by [CS] and [MS] for the amount of the costs order.
13. [CS] received notice of the writ from the Land Titles Office in August 2007 and contacted Mr. Moughel to inquire about the original of the writ. Mr. Moughel assured [CS] that the writ would be removed no later than May 2008 and provided a letter to [CS]'s bank advising as such so [CS] could be approved for a home equity line of credit.
14. In August 2008, [CS] contacted Mr. Moughel to advise that he was attempting to refinance his property but the writ had not yet been removed. [CS] was advised to pay the amount of the costs order to facilitate the discharge of the writ. [CS]'s payment of the costs award was provided to opposing counsel on August 13, 2008.
15. On August 20, 2008, the Plaintiffs obtained an Attachment Order on [CS] and [MS]'s property, which prevented them from "selling, disposing, mortgaging, encumbering or otherwise dealing with" their property.
16. On August 26, 2008, Mr. Moughel filed and served an application with supporting Affidavit evidence to vacate the Attachment Order returnable August 29, 2008 on the basis that the refinancing was legitimate and there was no intention on the part of [CS] and [MS] to dissipate assets.
17. Negotiations between the parties ensued. A Consent Judgment was filed on September 2, 2008, which admitted liability against the Defendants and left only the issue of quantum of damages to be resolved. The Consent Judgment also required a \$20,000 payment from the Defendants to the Plaintiffs to "count against the ultimate quantum".
18. The exchange of records related to quantum, questioning and further negotiations took place until August 2010.
19. On August 30, 2010, Mr. Moughel filed and served a Notice of Ceasing to Act.

20. On March 11, 2011, the Defendants, with the assistance of a new lawyer, brought an application to set aside the Consent Judgment. [CS] deposed in that application that he only learned of the Consent Judgment on October 19, 2010 and that he did not instruct Mr. Moughel to admit liability.
21. On September 6, 2011, the Court dismissed the Defendants' application to set aside the Consent Judgment.
22. [CS] made a complaint to the Law Society on October 1, 2011.

CO[●] – Complaint of [WB]

23. On May 2, 2014, the Law Society received a complaint from [WB] regarding Mr. Moughel.
24. [WB] advised that she retained Mr. Moughel on November 1, 2012 to represent her in respect of a wrongful dismissal claim and a personal injury law suit.
25. On November 2, 2012, [WB] provided further information to Mr. Moughel via email.
26. On April 4, 2013, Mr. Moughel and [WB] met and discussed the claims. On April 5, 2013, at Mr. Moughel's request, [WB] provided a list of jobs she had applied for over the last year.
27. On June 24, 2013, [WB] wrote to Mr. Moughel requesting confirmation that the Statements of Claim had been filed.
28. Mr. Moughel called [WB] on July 6, 2013 and confirmed that he was working on the files and continued to represent her.
29. In late 2013, Mr. Moughel advised [WB] that he was in discussions with her former employer and that he was aiming for the wrongful dismissal claim to be settled soon and that she would be receiving a cheque by the end of 2013.
30. In or about late April 2014, Mr. Moughel discovered that notwithstanding his direction to administrative staff to file Statement of Claim, this had not occurred and the limitation had been missed.
31. On May 1, 2014, Mr. Moughel advised [WB] that he had missed the limitation deadline for filing the wrongful dismissal claim.
32. [WB] made a complaint to the Law Society on May 2, 2014.

CO[●] – Complaint of [TI]

33. Mr. Moughel faces one citation in respect of Complaint File CO[●] as follows:

1. It is alleged that you engaged in the following conduct:

In a litigation matter for your client TI in 2013-2014 (Law Society complaint CO[●]), you:

- a. Failed to provide legal services to your client TI to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and failing to take steps to commence a civil claim as instructed by your client;
- b. Failed to respond to communications from your client TI;
- c. Failed to respond completely to communications from the Law Society;

and that such conduct is conduct deserving of sanction.

34. In July 2013, [TI] retained Mr. Moughel to file a civil claim against tenants who had significantly damaged one of his properties.

35. Between July and December 2013, [TI] provided Mr. Moughel with supporting documents and evidence, including 250 original photographs evidencing the damage done to the property.

36. At a meeting in January 2014, Mr. Moughel advised [TI] that the current address of the tenants had been obtained and that once a final invoice was received from [TI]'s contractor, he would file the claim.

37. On April 10, 2014, [TI] provided Mr. Moughel with the contractor's final invoice and a summary of the total amount to be claimed.

38. Between April 10 and July 28, 2014, [TI] left telephone messages and sent several email and text communications to Mr. Moughel to which he did not respond.

39. On July 28, 2014, [TI] spoke briefly with Mr. Moughel before Mr. Moughel ended the call stating he would call him back. Despite further attempts to contact Mr. Moughel, [TI] did not hear back from Mr. Moughel.

40. No further steps were taken by Mr. Moughel and no claim was filed.

41. On August 15, 2014 [TI] was informed by another lawyer at Mr. Moughel's former firm that no file had been opened and no supporting documentation or photo evidence could be found.

42. [TI] made a complaint to the Law Society on August 29, 2014.

43. Correspondence dated October 1, 2014, December 1, 2014, January 7, 2015 and January 19, 2015 was sent to Mr. Moughel from the Law Society requesting that he respond to the complaint.
44. Mr. Moughel e-mailed the Law Society on December 1, 2014 indicating he would provide his response but no response was received.
45. The matter was referred to the Manager of Conduct for review and a s.53 demand letter was sent to Mr. Moughel via registered mail on January 29, 2015. That letter was unclaimed and returned to the Law Society.
46. Mr. Moughel was personally served with the s.53 demand letter on March 10, 2015. Mr. Moughel did not respond.
47. A follow-up letter was sent to Mr. Moughel on March 25 and an email of April 27, 2015, requesting his response. Mr. Moughel sent an e-mail to the Law Society on May 6, 2015 stating he would prepare a response, but no response was received.
48. A follow up email was sent to Mr. Moughel on May 19, 2015 requesting his response. Mr. Moughel did not respond to that e-mail.
49. To date, Mr. Moughel has not responded to the complaint.

CO[●] – Complaint of [DS]

50. Mr. Moughel faces one citation in respect of Complaint File CO[●] as follows:

1. It is alleged that you engaged in the following conduct deserving of sanction:

In a property matter for your client DS in 2012 – 2014 (Law Society complaint CO[●]), you:

- a. Failed to provide legal services to your client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and failing to make an application to the Court to compel the sale of the property as instructed by your client;
- b. Consented to a Court Order for exclusive possession without advising your client of the complete provisions of the Order and obtaining your client's instructions;
- c. Failed to respond in a timely manner to correspondence from the Law Society;

and that such conduct is deserving of sanction.

51. [DS] retained Mr. Moughel in late 2012 to obtain his equity in a property he owned with a former common law spouse, Ms. [M]. [DS] instructed Mr. Moughel to make an application to the court to compel the sale of the property.
52. Mr. Moughel recommended canvassing the possibility of Ms. [M]'s wealthy parents being open to paying out [DS]'s equity without the need for litigation. [DS] was cautiously open to exploring the possibility of settlement.
53. Mr. Moughel broached the subject with Ms. [M]'s parents. The following day, [DS] was served with a Statement of Claim and motion for exclusive possession.
54. Since [DS] did not live in the property, Mr. Moughel recommended that he agree to grant exclusive possession of the property to Ms. [M]. [DS] agreed with the recommendation based on Mr. Moughel's assurance that there was little to prevent a resolution by settlement.
55. [DS] attended court to observe the consent application for exclusive possession. Mr. Moughel did not attend. The Consent Order was granted including a restraint clause and a condition that [DS] was to remove his items from the property within 30 days. [DS] had not been previously advised of these conditions and Ms. [M]. made it extremely difficult for him to obtain his items within 30 days resulting in the loss of some of his items.
56. The matter failed to settle in a timely manner.
57. At no time did Mr. Moughel make an application to sever joint tenancy and force a sale of the property.
58. [DS] made a complaint to the Law Society on December 23, 2014.
59. On January 16, 2015 a Complaints Resolution Officer of the Law Society mailed [DS]'s complaint to Mr. Moughel's home address and requested his response by January 30th. On January 29th Mr. Moughel sent a message that he would complete his response "this weekend". No response was received.
60. On February 25, 2015 the Law Society sent a registered letter to Mr. Moughel at his home address requiring his response to this complaint, pursuant to s.53 of the *Legal Profession Act*. The envelope was returned by Canada Post marked "unclaimed".
61. On March 10, 2015 a Law Society Investigator personally served Mr. Moughel with a copy of the February 25, 2015 letter and enclosures.
62. On March 25, 2015 the Law Society mailed a letter to Mr. Moughel requesting his immediate response.

63. On April 24, 2015 Mr. Moughel emailed the Law Society enclosing a letter of response to the complaint dated March 17, 2015.

Other Relevant Information

64. In or about August of 2006, Mr. Moughel was diagnosed with [●]. Commencing in September 2006, he [●].
65. Starting in or about the summer to fall of 2013, the efficacy of [●], as experienced by Mr. Moughel, began to diminish. Mr. Moughel [●] and experienced [●] work performance issues. Mr. Moughel temporarily ceased practicing law in May of 2014.
66. In July of 2014, Mr. Moughel sought assistance from his treating physician to find an alternative method of treatment. A prescription for [●] on a trial basis was not successful.
67. Mr. Moughel resumed his legal career in January 2015 with the firm of Sharek Logan van Leenen LLP.
68. In or about May 2015, Mr. Moughel disclosed [●] to the LSA by way of responses provided in a "Practice Snapshot", which he was required to complete as part of a Practice Review.
69. Mr. Moughel met with the Practice Review Assessment Team, [DC] and [HT], on September 17, 2015, at which time he provided details as to his experience practicing law with [●] and his recent attempts to find an effective method of treatment for the same.
70. A Practice Review Panel directed the Member to take necessary steps to address the [●] condition, such that his continued practice of law would pose no risk to the public. Based on this directive, the Member has done the following:
- a. Obtained a new prescription from his family physician, which consists of [●];
 - b. Attended four sessions with [●] for the purpose of receiving [●]; and
 - c. Advised his employer at Moustarah & Company as to full details of his condition.

ADMISSION OF FACTS

71. I, Mohammed Ali Moughel, admit the facts contained in this Agreed Statement of Facts for the purposes of these proceedings.

ADMISSION OF CONDUCT DESERVING OF SANCTION

CO[●] – Complaint of [CS]

Citation 1: It is alleged that Mr. Moughel agreed to a consent judgment without instructions from his clients to do so and that such conduct is deserving of sanction.

72. For the purposes of s. 60 of the *Legal Profession Act*, I admit that I agreed to a consent judgment without instructions from my clients to do so and that such conduct is deserving of sanction.

Citation 2: It is alleged that Mr. Moughel failed to serve his clients and that such conduct is deserving of sanction.

73. For the purposes of s. 60 of the *Legal Profession Act*, I admit that I failed to serve my clients by failing to meet the deadline for filing an Affidavits of Records resulting in a costs award against my clients and a writ being filed on their property, by failing to advise my clients of the costs award and by failing to have the writ discharged in a timely manner and that such conduct is deserving of sanction.

CO[●] – Complaint of [WB]

74. For the purposes of s. 60 of the *Legal Profession Act*, I admit that I failed to serve my client by failing to file a civil claim within the prescribed limitation period and that such conduct is deserving of sanction.

CO[●] – Complaint of [TI]

75. For the purposes of s. 60 of the *Legal Profession Act*, I admit that:

- a. I failed to provide legal services to my client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and failing to take steps to commence a civil claim as instructed by my client;
- b. I failed to respond to communications from my client; and
- c. I failed to respond completely to communications from the Law Society.

CO[●] – Complaint of [DS]

76. For the purposes of s. 60 of the *Legal Profession Act*, I admit that:

- a. I failed to provide legal services to my client to the standard of a competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and failing to make an application to the Court to compel the sale of the property as instructed by my client;
- b. I consented to a Court Order for exclusive possession without advising my client of the complete provisions of the Order and obtaining my client's instructions; and
- c. I failed to respond in a timely manner to correspondence from the Law Society;

This Agreed Statement of Facts and Admission of Conduct Deserving of Sanction is dated the 5th day of May, 2016.

“Mohammed Ali Moughel”

WITNESS

Mohammed Ali Moughel