

**IN THE MATTER OF PART 2 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A SECTION 32 RESIGNATION APPLICATION
REGARDING MOHAMMAD A. MOUGHEL
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Resignation Committee

Buddy Melnyk – Chair (Bencher)
William Hendsbee – Committee Member (Bencher)
Elizabeth Hak – Committee Member (Bencher)

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta (LSA)
Michael Danyluik – Counsel for Mohammad A. Moughel

Hearing Date

March 6, 2019

Hearing Location

800, 10104 - 103 Avenue, Edmonton, Alberta

RESIGNATION COMMITTEE REPORT

Overview

1. Mohammad A. Moughel applied for resignation from the Law Society of Alberta (LSA) pursuant to section 32 of the *Legal Profession Act*, R.S.A. 2000, c. L-8 (LPA). Because Mr. Moughel's conduct is the subject of citations issued pursuant to the LPA, this Resignation Committee (Committee) was constituted to hear this application.
2. At the time of this application, Mr. Moughel was a suspended member of the LSA and he had a disciplinary record with the LSA. Mr. Moughel had been admitted as a member of the LSA on August 20, 2004 and he was suspended in November, 2016.
3. After reviewing all of the evidence and exhibits, and hearing arguments from counsel for the LSA and counsel for Mr. Moughel, the Committee allowed the application pursuant to

section 32 of the LPA and advised that a written decision would follow. This is that written decision.

Preliminary Matters

4. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested so a public hearing into Mr. Moughel's resignation application proceeded.
5. During his submissions, counsel for Mr. Moughel tendered to the Committee the original Certificate of Enrollment for Mr. Moughel, receipt of which was acknowledged.

Citations

6. Mr. Moughel faced a total of 20 complaints and 82 citations as outlined in the revised Statement of Facts provided to this Committee and appended to this Report (Revised Statement). Mr. Moughel has admitted guilt on 69 of those citations and denied 13 citations.

Agreed Statement of Facts

7. Exhibit 12 was a Statement of Admitted Facts and Exhibit 13 was a Statement of Facts. These exhibits contained handwritten entries such that it was not apparent which citations were being admitted or denied. Counsel for the LSA submitted a document entitled "Amended Formal Citations," which was entered as Exhibit 18. However, the citations in Exhibit 18 did not completely coincide with the citations as set out in Exhibits 12 and 13, as certain citations and their numbering had been amended. Accordingly, counsel for the LSA and counsel for Mr. Moughel have submitted the Revised Statement. Any references in this Report to citations and facts are to those citations and facts set out in the Amended Formal Citations and the Revised Statement.
8. The citations contained a number of similar and overlapping complaints and issues, which can collectively be categorized as follows:
 - (a) Failing to communicate with clients, other lawyers and the LSA;
 - (b) Failing to conduct client matters in a timely and reasonable manner;
 - (c) Misleading clients about the status of their matters, including failing to attend court and consenting to orders without client knowledge;
 - (d) Failing to follow trust accounting rules; and

- (e) Failing to respond to the LSA and failing to be candid with the LSA.
- 9. The relevant facts related to these citations are set out in the Revised Statement. There was no additional evidence called by either party.

The Submissions of the Parties

- 10. Counsel for the LSA made a number of submissions, including the following:
 - (a) The LSA neither consented to nor opposed the section 32 resignation application.
 - (b) Mr. Moughel's conduct amounted to an abdication of his practice, including a failure to serve his clients, a failure to be candid with his clients, consenting to court orders without client consent and court findings of contempt against Mr. Moughel.
 - (c) The LSA does view several of the breaches as issues relating to integrity, but chose not to oppose the application based on the medical evidence submitted on behalf of Mr. Moughel.
- 11. Counsel for Mr. Moughel also put forward a number of submissions, including:
 - (a) The abdication of the practice by Mr. Moughel was a result of depression and addiction issues that were not diagnosed until the Forensic Psychological Assessment of February 20, 2019.
 - (b) The depressive condition of Mr. Moughel compromised his judgment and left him paralyzed and unable to recognize his harmful behavior.
 - (c) There were elements of a lack of candour by Mr. Moughel, but the core behavior was the abdication of his practice.

Analysis

- 12. Under the LPA, a member may apply to resign under either section 32 or section 61. The material distinction between these two sections is that pursuant to section 61, a member's resignation amounts to a deemed disbarment. Under section 32, the application merely results in the resignation of the member, but is not deemed a disbarment.
- 13. In considering whether to accept the application for resignation under section 32, this Committee considered a number of factors including: (1) the nature of Mr. Moughel's alleged conduct; (2) whether such conduct would likely result in disbarment if the matter

proceeded to a hearing and the citations were proven; and (3) the existence of other factors that would mitigate against disbarment. Central to the analysis was the overarching goal of maintaining public confidence in the legal profession. In other words, would the acceptance of an application to resign under section 32 be in the best interests of the public and in the interests of the reputation of the profession?

14. The Committee was concerned that a number of the citations raised integrity-related conduct by Mr. Moughel. However, the Committee accepted the findings in the Forensic Psychological Assessment where the Forensic Psychologist reached the following conclusions:

[...] my inquiries indicate that Mr. Moughel's mental state during the material time for the events in question was compromised by depression and a severe addiction to stimulants. Mr. Moughel's depression during this time included the entire syndromal spectrum of symptoms, including pronounced hopelessness and suicidal ideation. His addiction was sufficiently intense to generate paranoia and to compromise his judgment to the point that he sought drugs from illegal sources. Depression also compromises judgment to a legally relevant degree. A relatively recent review of the literature on cognitive impairment in depression, for example, concluded that research, theory and case law support the role of depression as a variable that mitigates personal responsibility and can lead to legal findings of diminished capacity. In my view, these compromising variables – depression and a substance abuse disorder – provided the seedbed for the events in question.

With respect to risk for future misconduct, it is my view that this depends entirely on Mr. Moughel's mental health, including the status of his addiction. More specifically, mental health compromised by a severe mood disorder (depression) and addiction would, in my view, signal a high risk for misconduct or at least unacceptably disorganized behaviour, whereas successful management of both conditions would signal a low risk for professional misconduct.

15. The Committee accepted that Mr. Moughel's range of conduct, including matters relating to integrity and candour, was due to his depression and severe addictions issues. This would have likely mitigated against him being disbarred had the matter proceeded to a hearing.
16. It should also be noted that the LSA did not oppose Mr. Moughel's application for resignation. As such, the Committee considered this application to be tantamount to a joint submission and therefore deserving of deference.

Decision

17. The Committee finds that the Revised Statement of Facts is in an acceptable form.
18. Based on the evidence established by the Revised Statement of Facts and the Forensic Psychological Assessment, the Committee determined that it was in the best interests of the public to accept the application of Mr. Moughel to resign pursuant to section 32 of the LPA, effective March 6, 2019.
19. The Committee accepted the undertakings and agreements made by Mr. Moughel.
20. The Committee reviewed the costs of this application, as prepared by the LSA. The Committee has determined that prior to any later application for reinstatement, or prior to any application to be relieved of his undertakings, Mr. Moughel must first pay the following:
 - (a) Costs of this application in the total amount of \$34,481.86;
 - (b) Costs of the hearing on July 28, 2016 in the amount of \$1,943.81; and
 - (c) Payment of the \$4,000.00 fine rendered at the hearing on July 28, 2016.
21. Pursuant to subsection 32(2) of the LPA, Mohammad Ali Moughel's name will be struck off the roll. The roll shall reflect that Mr. Moughel's application under section 32 of the LPA was allowed on March 6, 2019.

Concluding Matters

22. The exhibits and this report, except for Exhibit 15 (Forensic Psychological Assessment), 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 will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).
23. In Exhibit 15, the last paragraph on page 11 of the Assessment and the first paragraph on page 12 of the Assessment may be disclosed.
24. A Notice to the Profession will be issued.
25. A Notice to the Attorney General is not required.

Dated at Edmonton, Alberta, March 19, 2019.

Buddy Melnyk – Chair and Bencher

William Hendsbee – Bencher

Elizabeth Hak – Lay Bencher

IN THE MATTER OF THE LEGAL PROFESSION ACT
AND
IN THE MATTER OF A HEARING INTO THE CONDUCT
OF MOHAMMED ALI MOUGHTEL,
A MEMBER OF THE LAW SOCIETY OF ALBERTA

STATEMENT OF FACTS

INTRODUCTION

1. I have been a member of the Law Society of Alberta (the "LSA") since 2004, but have been suspended pursuant to s. 63 of the *Legal Profession Act* since November 16, 2016.
2. There are 82 citations on 20 distinct complaint matters directed to a hearing by a Conduct Committee Panel:

Complaint #1: CO20152579 (complainant A.B.)

1. It is alleged that Mr. Moughel failed to progress his client's matter and that such conduct is deserving of sanction; **(ADMITTED)**
2. It is alleged that Mr. Moughel failed to be candid with his client and that such conduct is deserving of sanction; **(ADMITTED)**
3. It is alleged that Mr. Moughel failed to transfer all client file materials to a new counsel on a timely basis and that such conduct is deserving of sanction; **(ADMITTED)**
4. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

A.B. retained Mr. Moughel to assist her with finalizing her divorce, matrimonial property and child support matters. The complaint is that Mr. Moughel failed to progress her matter, repeatedly cancelled meetings, misled her as to the progress of the file and failed to transfer his complete file to new counsel.

Despite requests, Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. A.B. was a client of Mr. Moughel at the time relevant to matters herein.
- B. In May 2013, A.B. retained Mr. Moughel, at the time an associate at Terrabain Law, to continue and finalize her divorce proceedings and to resolve matrimonial property and child support issues.
- C. On April 29, 2014, A.B. was informed that Mr. Moughel would no longer be working with Terrabain Law as of April 30, 2014.
- D. A.B. called Mr. Moughel. He informed her he would continue work on her file in private practice and A.B. paid a \$1,500 retainer.
- E. In January 2015, Mr. Moughel informed A.B. that he was now working at Sharek & Co. in an email that was also sent to opposing counsel.
- F. Between May 2013 and September 2015, A.B. was led to believe that progress was being made on the file when in fact no work had been completed and no progress made. Mr. Moughel had either cancelled, rescheduled or failed to appear for numerous meetings.
- G. In September 2015, A.B. retained new counsel who requested A.B.'s file from Mr. Moughel. A material amount of information and documentation was not provided.
- H. The LSA sent letters on November 10 and November 25, 2015 requesting a response to A.B.'s complaint. Mr. Moughel did not respond to these letters and the matter was referred to the Manager of Conduct for review.
- I. Several follow up letters were sent and Mr. Moughel did not respond to those until November 1, 2016, when he provided a response to the complaint, to which clarification and additional information was sought. He did not respond to that request.

Complaint #2: CO20161622 (complainant A.S.)

- 5. It is alleged that Mr. Moughel failed to take steps to advance his client's matter, failed to follow his client's instructions and failed to keep his client informed as to her matter, and that such conduct is deserving of sanction; **(ADMITTED)**
- 6. It is alleged that Mr. Moughel failed to respond to his client and the opposing

counsel and that such conduct is deserving of sanction; **(ADMITTED)**

7. It is alleged that Mr. Moughel failed to provide an accounting of retainer fees to his client and that such conduct is deserving of sanction; **(ADMITTED)**
8. It is alleged that Mr. Moughel offered an inducement to his client for the withdrawal of this complaint and that such conduct is conduct deserving of sanction; **(DENIED)**
9. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is conduct deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

A.S. retained Mr. Moughel to represent her regarding a child support and guardianship matter. The complaint is that Mr. Moughel failed to follow her instructions, failed to take any steps on the file, failed to respond to her and opposing counsel, and failed to provide an accounting of the retainer monies. Additionally, Mr. Moughel communicated to A.S. that he would return her retainer monies and her file if she would be willing to withdraw the Law Society complaint.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. A.S. was a client of Mr. Moughel at the time relevant to matters herein.
- B. A.S. retained Mr. Moughel in August 2015 to represent her in family law matters relating to child support and guardianship and parental orders. A.S. paid a retainer of \$1,000.
- C. Mr. Moughel was retained to file forms regarding child support from the fathers of A.S.'s children, and to respond to parenting and guardianship orders that A.S. had received. Little work was ever completed on either of these matters except for a section 7 assessment and some court appearances.
- D. Mr. Moughel did not follow A.S.'s instructions in regards of the file, did not inform her of scheduled court dates, and did not respond to communications from either A.S. or opposing counsel in any meaningful fashion.
- E. A.S. was of the belief that her matter was prejudiced and complicated as a result of Mr. Moughel's involvement.

F. On November 18, 2016, Mr. Moughel and A.S. had the following text exchange:

A.S.: "Negligence in the case aside; through consult with our current lawyer the \$1000 that we gave to you was your retainer that you signed for (aka trust) to enlist you as our lawyer. And as such is ours. To date no bills were ever tendered and or given to us for any work you did despite our many request for the bills and offers of payment to which you either didn't answer or simply declined. You didn't give us any notice of you not representing us in the case and didn't follow due process in this matter."

Mr. Moughel: "I know. Had a nervous breakdown. I'm going to admit that. I did some work on it but I wont (sic) argue with you. I know it was a problem."

G. Mr. Moughel failed to provide any accounting of the retainer to A.S. There were no accounts issued.

H. On November 7, 2016, Mr. Moughel sent a text message to A.S. asking her to withdraw her Law Society complaint if he returned her retainer and file to her.

I. On September 28, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to that letter, nor did he respond to any subsequent attempts by the LSA to contact him on this matter.

Complaint #3: CO20160592 (complainant R.V.)

10. It is alleged that Mr. Moughel 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 that such conduct is deserving of sanction; **(ADMITTED)**

11. It is alleged that Mr. Moughel failed to promptly provide the file to his client following withdrawal, and that such conduct is deserving of sanction; **(ADMITTED)**

12. It is alleged that Mr. Moughel offered an inducement to his client for withdrawal of this complaint and that such conduct is deserving of sanction; **(DENIED)**

13. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society, and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

R.V. retained Mr. Moughel to assist him in a custody matter. The complaint is that Mr. Moughel failed to take any steps, repeatedly cancelled meetings, failed to respond to his communications, and upon withdrawing, failed to provide him with the file or refund a portion of fees as promised. Later, Mr. Moughel offered a payment to the complainant to withdraw his complaint.

Despite requests, Mr. Moughel has not provided a substantive response to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. R.V. was a client of Mr. Moughel at the time relevant to matters herein.
- B. In November 2015, Mr. Moughel was retained by R.V. to assist him with a custody matter and paid a retainer of \$3,000.
- C. Between November 2015 and June 2016, Mr. Moughel routinely cancelled or failed to appear at meetings with R.V., and consistently failed to respond to communications from R.V.
- D. Mr. Moughel resigned from R.V.'s file shortly prior to scheduled court appearances. He failed to take any steps to progress the file and again resigned immediately prior to a Judicial Dispute Resolution.
- E. On April 17, 2016, Mr. Moughel resigned as counsel for R.V., however, he failed to return the complete file and failed to file a Notice of Withdrawal as Lawyer of Record despite a further JDR and trial scheduled for May and June 2016, respectively.
- F. Mr. Moughel informed R.V. that he would refund \$2,000 for R.V. to withdraw his complaint to the Law Society, which he did.
- G. On July 11, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. He did not respond to this letter.
- H. Mr. Moughel finally emailed the LSA on October 18, 2016 advising that he would send all outstanding responses within the week and claimed that his health issues had prevented him from responding earlier. Despite promises and further requests to provide replies, Mr. Moughel has not provided any response.

Complaint #4: CO20160004 (complainant S.B.F.)

14. It is alleged that Mr. Moughel failed to provide legal services to his client to the standard of the competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner; **(ADMITTED)**
15. It is alleged that Mr. Moughel failed to be honest and candid with his client; **(ADMITTED)**
16. It is alleged that Mr. Moughel failed to respond to communications from the Law Society; **(ADMITTED)**

The following is a summary of the conduct:

S.B.F. retained Mr. Moughel to assist her with an application for retroactive child support. The complaint is that Mr. Moughel failed to take any steps, repeatedly cancelled meetings, misled her as to the progress of the file, and inappropriately requested that she post a good review about him online prior to any work being done.

Despite requests, Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. S.B.F. was a client of Mr. Moughel at the time relevant to matters herein.
- B. S.B.F. retained Mr. Moughel in August 2015 to represent her in a family law matter relating to retroactive child support and paid a retainer of \$1,000.
- C. S.B.F. had one brief meeting with Mr. Moughel on September 14, 2015 in order to pick up Ms. [BF]'s financial disclosure documents. All further meetings were delayed, rescheduled or cancelled by Mr. Moughel despite continued assurances that work was progressing. Mr. Moughel did not provide S.B.F. with any documentation to support the assertion that the matter was progressing. The matter had not progressed.
- D. Cancelled meeting dates included September 18, 20, October 8, 11, 12, 13, 21, 22, 23, 25, 26, 28, and 29, November 2, 5, 6, 8, 9, and 21, 2015, and January 10, and 11, 2016.
- E. On January 7, 2016, Mr. Moughel informed S.B.F. that he had scheduled the Special Chambers application for March [...], 2016. When S.B.F. called the Court herself to confirm, she was told that nothing on her file had been booked.

- F. S.B.F. agreed to meet Mr. Moughel on January 10, 2016, but Mr. Moughel failed to appear. S.B.F. sent Mr. Moughel a text message on January 11, 2016 informing him that she was terminating his services and asking for her retainer back. Mr. Moughel responded that he would come to her office that day at 4:00 p.m. to show her the work he had done on the file and promising to return her retainer in full with an additional 25% if she was not satisfied. Mr. Moughel failed to appear as promised.
- G. On February 18, 2016, the LSA sent Mr. Moughel a letter requesting a response to S.B.F.'s complaint. He did not respond to this correspondence.
- H. On March 31, 2016, Mr. Moughel was personally served with a Section 53 demand letter requiring his response. Mr. Moughel did not respond to this correspondence either, nor to any subsequent correspondence.

Complaint #5: CO20161226 (complainant T.G.)

- 17. It is alleged that Mr. Moughel failed to provide legal services to his client to the standard of the competent lawyer, including failing to perform all functions competently, conscientiously, diligently, and in a timely manner and that such conduct is deserving of sanction; **(ADMITTED)**
- 18. It is alleged that Mr. Moughel consented to a Court Order without instructions from his client and that such conduct is deserving of sanction; **(DENIED)**
- 19. It is alleged that Mr. Moughel failed to follow his client's instructions and that such conduct is deserving of sanction; **(ADMITTED)**
- 20. It is alleged that Mr. Moughel failed to attend court for his client and that such conduct is deserving of sanction; **(ADMITTED)**
- 21. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

T.G. retained Mr. Moughel to represent him regarding a family law matter. The complaint is that Mr. Moughel signed a Consent Order without T.G.'s knowledge, agreed to terms without T.G.'s consent or instruction, failed to take steps to vary or strike the Order as instructed, failed to respond to his client, and failed to attend court.

Despite demands, Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. T.G. was a client of Mr. Moughel at the time relevant to matters herein.
- B. On November 11, 2015, Mr. Moughel was retained by T.G. to assist him with matters relating to a common-law separation.
- C. A court date had been scheduled for November [...], 2015. Immediately prior to this, and without any previous notice, Mr. Moughel called T.G. to tell him the court date had been adjourned, but did not explain why. T.G. attempted to obtain a reason for the adjournment from Mr. Moughel, but was unsuccessful.
- D. T.G. then believed that the matter was being adjourned further, and Mr. Moughel failed to return T.G.'s calls or texts asking for information.
- E. On December 1, 2015, Mr. Moughel met with T.G. and informed him that an Interim Consent Order had been granted on November 26, 2015 giving T.G.'s wife exclusive possession of the matrimonial home. The Interim Consent Order directed T.G. to continue to pay the mortgage and the majority of child care. Mr. Moughel told T.G. that if he returned to the home, he could be arrested.
- F. Mr. Moughel advised T.G. to find another place to live until the Order ceased to be in effect on January 20, 2016, and at which point he would be able to return to the house. This was when the application would be dealt with in Family Chambers.
- G. T.G. did not receive a copy of the Interim Consent Order until December 15, 2015, at which point he noticed that all household goods were marked as "exclusive possession" and asked Mr. Moughel to have that condition struck. Mr. Moughel did not have that condition struck or revised, as allowed by the Order.
- H. The terms of the Interim Consent Order were financially onerous on T.G. Opposing counsel continued to renew the exclusive possession term of the Order.
- I. Mr. Moughel failed to attend court on February [...], 2016, resulting in costs of \$800 being awarded against T.G.
- J. On May 16, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this letter.

Complaint #6: CO20162554 (complainant LSA re: K.K.)

22. It is alleged that Mr. Moughel failed to take steps to advance his client's matter and that such conduct is deserving of sanction; **(ADMITTED)**
23. It is alleged that Mr. Moughel failed to respond to his client and that such conduct is deserving of sanction; **(ADMITTED)**
24. It is alleged that Mr. Moughel failed to deposit funds received from his client as a retainer into an approved trust account and that such conduct is deserving of sanction; **(ADMITTED)**
25. It is alleged that Mr. Moughel failed to follow the accounting rules of the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**
26. It is alleged that Mr. Moughel offered an inducement to his client for withdrawal of this complaint and that such conduct is deserving of sanction; **(DENIED)**
27. It is alleged that Mr. Moughel failed to respond promptly and completely, or at all, to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

K.K. retained Mr. Moughel to assist him in settling his divorce. The complaint is that Mr. Moughel failed to take any steps on the file, failed to respond to his communications, and cancelled appointments at the last minute. Additionally, Mr. Moughel communicated to K.K. that he would return his retainer monies if he would be willing to withdraw the Law Society complaint.

Mr. Moughel has not substantively responded to the complaint, and did not respond to the Law Society Investigator or Trust Safety staff.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. K.K. was a client of Mr. Moughel at the time relevant to matters herein.
- B. K.K. retained Mr. Moughel in February 2016 to assist him in a divorce matter and paid Mr. Moughel a retainer of \$1,500.
- C. Between February and September 2016, Mr. Moughel failed to respond to communications from K.K., repeatedly cancelled meetings at the last minute, and

failed to take any steps on the file.

- D. On September 8, 2016, K.K. informed Mr. Moughel that he had retained different counsel. Mr. Moughel agreed to return K.K.'s retainer and file.
- E. On September 20, 2016, K.K. arrived at Mr. Moughel's office to pick up his retainer and file. Mr. Moughel informed him that the money was not ready.
- F. Mr. Moughel later admitted to K.K. that he did not have enough money to return the retainer. K.K. received \$2,000 from Mr. Moughel on November 3, 2016 after being asked by Mr. Moughel to withdraw his Law Society complaint.
- G. On October 20, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel responded to this letter on November 3, 2016 stating that K.K. was withdrawing his complaint.
- H. On December 22, 2016, the LSA sent Mr. Moughel a letter stating that the complaint was proceeding and that my previous response was not comprehensive. Mr. Moughel responded on December 25 and 29, 2016 stating his belief that he was being treated unfairly.
- I. Mr. Moughel did not respond to a follow up letter sent January 10, 2017, and has not responded substantively to this complaint.

Complaint #7: CO20162821 (complainant N.T.)

- 28. It is alleged that Mr. Moughel failed to take steps to properly advance his client's matter and that such conduct is deserving of sanction; **(ADMITTED)**
- 29. It is alleged that Mr. Moughel failed to follow the accounting rules of the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**
- 30. It is alleged that Mr. Moughel failed to respond to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

N.T. retained Mr. Moughel to represent her regarding a separation and divorce matter. The complaint is that Mr. Moughel failed to take any steps on the file and failed to account for her retainer.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. N.T. was a client of Mr. Moughel at the time relevant to matters herein.
- B. In October 2015, Mr. Moughel was retained by N.T. in relation to the preparation of a separation agreement and assisting with a divorce. N.T. provided a complete copy of the file to Mr. Moughel and paid a retainer of \$2,500 in November 2015.
- C. Between October 2015 and March 2016, limited steps were taken on the file beyond legal research. Mr. Moughel did not contact opposing counsel beyond an initial contact email.
- D. In March 2016, Mr. Moughel joined Moustarah & Company and informed N.T. that her file and retainer would be transferred over.
- E. Between October 2015 and November 2016, limited correspondence was sent to opposing counsel with respect to the separation agreement and sale of home. No separation agreement had been drafted.
- F. On November 16, 2016, N.T. was informed that Mr. Moughel was no longer with Moustarah & Company. Mr. [CM] sent N.T. an email asking if she would be retrieving her file and informing her of an outstanding balance on her account. N.T. asked that this balance be deducted from her retainer, but was told that there was no retainer and the firm then agreed to waive the outstanding account. This amount was deducted by amounts paid by the firm to Mr. Moughel.
- G. N.T. never received any account from Mr. Moughel.
- H. On November 17, 2016, Mr. Moughel sent N.T. a text message stating he would be sending back the \$2,500 retainer, however, only half of that was received.
- I. On December 20, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence, nor to the follow up letter of January 10, 2017.

Complaint #8: CO20162862 (complainant B.V.)

- 31. It is alleged that Mr. Moughel failed to take steps to properly advance his client's matter and that such conduct is deserving of sanction; **(ADMITTED)**
- 32. It is alleged that Mr. Moughel failed to be honest and candid with his client and that

such conduct is deserving of sanction; **(DENIED)**

33. It is alleged that Mr. Moughel failed to respond to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

B.V. retained Mr. Moughel to represent him regarding a family law matter. The complaint is that Mr. Moughel failed to follow his instructions, failed to take any steps on the file, failed to respond to him, and failed to be honest with him.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. B.V. was a client of Mr. Moughel at the time relevant to matters herein.
- B. On February 28, 2016, B.V. retained Mr. Moughel to represent him in a family law matter and paid a retainer of \$2,500. B.V.'s instructions were to prepare and file the required documents as soon as possible. This included a Statement of Claim, Statement of Irreconcilability and Minutes of Settlement. Mr. Moughel only started to prepare the Statement of Irreconcilability.
- C. Mr. Moughel did not inform B.V. when he joined Moustarah & Company, and B.V. did not receive a retainer agreement from Moustarah & Company.
- D. Mr. Moughel informed B.V. that he had not completed any of the required documents and was taking the month of August 2016 off.
- E. B.V. contacted opposing counsel directly and was informed of the lack of progress on the case and felt Mr. Moughel's inaction had negatively impacted his matter.
- F. On December 20, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of January 10, 2017.

Complaint #9: CO20162902 (complainant A.M.)

34. It is alleged that Mr. Moughel failed to take steps to advance his client's matter and that such conduct is deserving of sanction; **(ADMITTED)**

35. It is alleged that Mr. Moughel failed to provide an accounting of retainer funds to his client and that such conduct is deserving of sanction; **(ADMITTED)**
36. It is alleged that Mr. Moughel failed to deposit funds received from his client as a retainer into an approved trust account and that such conduct is deserving of sanction; **(ADMITTED)**
37. It is alleged that Mr. Moughel failed to follow the accounting rules of the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**
38. It is alleged that Mr. Moughel failed to respond to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

A.M. retained Mr. Moughel to represent her regarding a divorce matter. Complaint is that Mr. Moughel failed to take any steps on the file and failed to return her retainer.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. A.M. was a client of Mr. Moughel at the time relevant to matters herein.
- B. A.M. retained Mr. Moughel in November 2015 to represent her in her divorce and paid a retainer of \$2,000 on November 17, 2015. At that time, Mr. Moughel was practicing on his own.
- C. No steps were taken on the file. In May 2016, Mr. Moughel had joined Moustarah & Company.
- D. Mr. Moughel informed A.M. that he would return her retainer in full if he could not have the documents required for the divorced prepared and served on opposing counsel by the end of May 2016. As far as A.M. was aware, no work was ever completed on her file.
- E. On November 9, 2016, A.M. emailed Mr. Moughel with a copy to Ms. [G] asking for her money back. Moustarah & Company informed her that they were under the impression that the file had been completed. They also informed her that Mr. Moughel had been fired and that his last day was November 15, 2016. A.M. was informed that Mr. Moughel had been “strongly advised” to return her retainer.

- F. On November 10, 2016, Mr. Moughel told A.M. that he would return her retainer “next Friday”. When A.M. contacted him on that day, he told her that it was his top priority. The retainer was never returned and A.M. has never received an account from Mr. Moughel for any work done on her file.
- G. On December 20, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of January 10, 2017.

Complaint #10: CO20162913 (complainant LSA re: A.G.)

- 39. It is alleged that Mr. Moughel consented to a court order directing monthly payments of child support without his client's knowledge or consent and that such conduct is deserving of sanction; **(ADMITTED)**
- 40. It is alleged that Mr. Moughel failed to inform his client of a court order and that such conduct is deserving of sanction; **(ADMITTED)**
- 41. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is conduct deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

Information was brought to the Law Society's attention that Mr. Moughel consented to an Order without his client's knowledge or consent and, after doing so, did not advise his client of the existence of that Order. Mr. Moughel subsequently denied signing any such Order.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. A.G. was a client of Mr. Moughel at the time relevant to matters herein.
- B. Mr. Moughel represented A.G. in a family law matter.
- C. On February 6, 2014, Mr. Moughel signed a Consent Child Support Order which directed A.G. to pay a set amount of child support and percentage of Section 7 expenses. Madam Justice [P] granted the Order, and it was filed on February 6, 2014.
- D. Mr. Moughel did not have A.G.'S instructions to consent to the Order, and Mr.

Moughel did not inform him of the existence of the Order.

- E. On November 14, 2016, A.G. wrote to Mr. Moughel asking for an explanation as to why he signed the Consent Order without A.G.'s instruction. Mr. Moughel responded that he did not sign any consent order.
- F. On December 20, 2016, the LSA sent a Section 53 demand letter to me by email along with a Rule 85 Memo and A.G.'s supporting materials. I did not respond to this correspondence or the follow-up letter of January 10, 2017.

Complaint #11: CO20163036 (complainant R.H.)

- 42. It is alleged that Mr. Moughel breached trust conditions and that such conduct is deserving of sanction; **(ADMITTED)**
- 43. It is alleged that Mr. Moughel failed to respond to communications from another lawyer in a timely manner and that such conduct is deserving of sanction; **(ADMITTED)**
- 44. It is alleged that Mr. Moughel failed to be candid with the Law Society, failed to comply with the requirements of a Law Society Investigation and failed to respond to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

The complaint was that Mr. Moughel: failed to fulfill trust conditions, and failed to respond to opposing counsel. During a resulting investigation he failed to cooperate, and was not candid with the Law Society. He failed to respond to communications from the Law Society.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. R.H. was opposing counsel to Mr. Moughel at the time relevant to matters herein.
- B. Mr. Moughel acted for five parties with similar claims in a litigation matter in which R.H. represented the opposing party.
- C. In September 2016, a settlement was reached which required fully executed Releases for each of Mr. Moughel's five clients in exchange for monetary compensation.
- D. On September 23, 2016, R.H. sent Mr. Moughel five trust cheques and copies of the Releases under explicit trust conditions that the Releases were to be

executed in duplicate in a reasonable period of time and that the trust cheques could not be released until the Releases were executed, and that if any Release was not fully and completely executed, that the trust cheque be returned.

- E. R.H. did not receive a response to this letter nor any other attempt at communication from Mr. Moughel until October 31, 2016. By this time, all settlement cheques had been fully negotiated.
- F. On November 2, 2016 R.H. received four of the five Releases, three of which had errors or were incomplete. Mr. Moughel later informed R.H. that he would provide the remainder of the missing documents, but did not do so.
- G. Mr. Moughel also promised to deliver the missing affidavits of execution to R.H., but failed to do so.
- H. Mr. Moughel advised a Law Society Investigator that he was in possession of the completed Affidavits of Execution and would deliver them to him on November 22, 2016. Mr. Moughel then further advised on that date that he would provide the documents through his counsel.
- I. On December 16, 2016, a Law Society Investigator sent Mr. Moughel a letter requiring him within five days to provide available dates to answer inquiries concerning the investigation. Mr. Moughel did not respond to this correspondence.
- J. On December 15, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of January 10, 2017.

Complaint #12: CO20163110 (complainant P.B.)

- 45. It is alleged that Mr. Moughel failed to take steps to advance his client's matter and that such conduct is deserving of sanction; **(ADMITTED)**
- 46. It is alleged that Mr. Moughel failed to respond to his client and failed to deliver the file and documents belonging to his client upon request and that such conduct is deserving of sanction; **(ADMITTED)**
- 47. It is alleged that Mr. Moughel failed to be honest and candid with his client and that such conduct is deserving of sanction; **(DENIED)**
- 48. It is alleged that Mr. Moughel failed to respond to communications from the Law

Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

P.B. retained Mr. Moughel to represent her regarding an ALIA claim against her previous divorce lawyer. The complaint is that Mr. Moughel failed to take any steps on the file, failed to respond to her communications, failed to attend meetings or cancelled them at the last minute, misled her as to the progress of the file, and failed to return her file materials.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. P.B. was a client of Mr. Moughel at the time relevant to matters herein.
- B. P.B. retained Mr. Moughel in August 2014 to assist her with an ALIA claim against the lawyer who represented her in her divorce action. Mr. Moughel agreed to work pro bono as P.B. was struggling financially as a result of significant medical issues.
- C. Mr. Moughel made a number of representations to P.B. about the probability of success of her claim. P.B. depended on Mr. Moughel and the successful outcome of her claim and believed his representations.
- D. Mr. Moughel did not follow through on his representations and cancelled or rescheduled meetings, which resulted in P.B. wasting time and her limited funds.
- E. After Mr. Moughel left Sharek & Co., P.B. had to retrieve her file from Sharek & Co. herself, at which point she noticed many important documents missing.
- F. P.B. asked for Mr. Moughel to return her complete file. He did not do so, and P.B. felt she had no choice but to continue with him.
- G. On May 26, 2016, Mr. Moughel met with P.B. and informed her that her claim was almost finalized. P.B. felt optimistic about the file as a result of this meeting, however, this information was incorrect.
- H. After the May 26, 2016 meeting, Mr. Moughel did not keep any further meetings scheduled, did not return any phone calls, and returned only a limited number of text messages.
- I. Mr. Moughel has not returned any of P.B.'s file nor any of her medical records.

- J. On December 29, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of January 24, 2017.

Complaint #13: CO20160884 (complainant M.D.)

49. It is alleged that Mr. Moughel failed to take appropriate steps in response to his client's instructions to adjourn a civil trial and that such conduct is deserving of sanction; **(DENIED)**
50. It is alleged that Mr. Moughel failed to provide legal services in a timely, conscientious and diligent manner and that such conduct is deserving of sanction; **(DENIED)**
51. It is alleged that Mr. Moughel failed to respond to communications from his client and that such conduct is deserving of sanction; **(DENIED)**
52. It is alleged that Mr. Moughel failed to reply promptly and completely to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

M.D. believed he had retained Mr. Moughel to seek an adjournment of a civil trial in which his company was being sued. The complaint is that Mr. Moughel failed to appear in court resulting in a Judgment being granted against the company, failed to take steps to set aside the Judgment as promised, and failed to respond to communications.

Mr. Moughel did not respond promptly and completely to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. On April 12, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of May 2, 2016.

Complaint #14: CO20161292 (complainant D.G.)

53. It is alleged that Mr. Moughel failed to provide opposing counsel with disclosure documents in his possession in a timely manner or at all, and that such conduct is deserving of sanction; **(ADMITTED)**

54. It is alleged that Mr. Moughel consented to a Court order without the knowledge or consent of his client, failed to keep his client informed of material steps in the litigation and failed to inform his client of the terms of Court orders resulting in breaches and Court ordered sanctions, costs and penalties against his client and that such conduct is deserving of sanction; **(ADMITTED)**
55. It is alleged that Mr. Moughel failed to respond to communications from another lawyer in a timely manner or at all, and that such conduct is deserving of sanction; **(ADMITTED)**
56. It is alleged that Mr. Moughel failed or refused to file a Notice of Withdrawal when his client dismissed him, and that such conduct is deserving of sanction; **(ADMITTED)**
57. It is alleged that Mr. Moughel offered an inducement to his client to refrain from filing a complaint to the Law Society and that such conduct is deserving of sanction; **(DENIED)**
58. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

D.G. retained Mr. Moughel to represent her regarding a divorce matter. The complaint is that Mr. Moughel consented to a Court order without instructions, failed to provide information to her resulting in a missed court date, costs and a contempt Order against her, and failed to respond to opposing counsel. Additionally, Mr. Moughel communicated to D.G. that he would file a Notice of Withdrawal and pay her costs if she refrained from filing a complaint with the Law Society.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. D.G. was a client of Mr. Moughel at the time relevant to matters herein.
- B. D.G. retained Mr. Moughel in January 2016 to represent her in a divorce matter.
- C. D.G. had been served with a Notice to Disclose Application which was returnable on February 16, 2016. D.G. provided Mr. Moughel with the required disclosure on February 12, 2016. The application was adjourned, but Mr. Moughel failed to

provide D.G.'s disclosure to opposing counsel, resulting in an April [...], 2016 court date.

- D. On April 19, 2016, Mr. Moughel contacted D.G. and informed her that the court date had been adjourned. It had not been adjourned, and instead, a consent order was issued that day directing D.G. to provide her disclosure by May 11, 2016, failing which she was to personally attend court on May [...], 2016 or be held in contempt of court. The Court also awarded costs of \$500 against D.G. Mr. Moughel signed the consent order of which D.G. had no knowledge of and did not consent to.
- E. D.G. terminated Mr. Moughel's services on April 21, 2016. Mr. Moughel failed to inform her of the April 19, 2016 consent order and failed to inform opposing counsel that he was no longer acting for D.G. Mr. Moughel failed to file a Notice of Withdrawal as Lawyer of Record. D.G. contacted opposing counsel directly to inform her of same, but was still unaware of any court orders against her.
- F. D.G. was not informed of the requirement to attend Court on May [...], 2016.
- G. Mr. Moughel did not provide opposing counsel with D.G.'s disclosure, and neither Mr. Moughel nor D.G. appeared in court on May [...], 2016, resulting in D.G. being found in contempt, further costs of \$300, and a penalty of \$25 per day until her disclosure was produced. Mr. Moughel did not inform D.G. of this order.
- H. D.G. became aware of the April 19 and May [...], 2016 orders on May 18, 2016 only after receiving an email from opposing counsel stating that Mr. Moughel had not filed his Notice of Withdrawal.
- I. D.G. requested that Mr. Moughel file a Notice of Withdrawal on May 18, 2016, and again on May 27, 2016.
- J. Mr. Moughel told D.G. not to contact the Law Society, and it was only after contacting his firm, Moustarah & Company, that he offered to file his Notice of Withdrawal and pay the court fines if D.G. refrained from filing a complaint with the Law Society.
- K. On September 28, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of October 13, 2016.

Complaint #15: CO20161609 (complainant N.K.)

59. It is alleged that Mr. Moughel failed to act honourably and with integrity and that such conduct is deserving of sanction; **(ADMITTED)**
60. It is alleged that Mr. Moughel acted improperly in communications with an unrepresented person and that such conduct is deserving of sanction; **(ADMITTED)**
61. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

Mr. Moughel led N.K. to believe that he was not acting as her husband's lawyer and was just her husband's friend trying to mediate the matter; made comments to her which she perceived as threatening; served N.K. with purported court documents which had not been signed or filed in Court; and informed her of two upcoming court dates which were fabricated.

Despite requests, Mr. Moughel failed to respond to the Law Society regarding this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. N.K. was the opposing party to a client of Mr. Moughel at the time relevant to matters herein.
- B. In January 2016, N.K. and her husband, H.H., separated and began divorce proceedings. H.H. moved out of the matrimonial home at that time.
- C. On February 20, 2016, H.H. and Mr. Moughel arrived unexpectedly at N.K.'s home and attempted to have her agree to a listing agreement. Mr. Moughel presented himself as "friendly, neutral party" to N.K. when in fact he was acting on behalf of H.H.
- D. When N.K. informed Mr. Moughel that she would like to hire her own lawyer to assist her, he became verbally abusive by saying he would be "just as mean and vicious as her lawyer." He continued to attempt to get her to sign the listing agreement.
- E. On March 20, 2016, N.K. received a text message from Mr. Moughel threatening to have H.H. call the police on her if she did not cooperate with him and Mr. Moughel, and stated that she had "effectively kidnapped his children." At that

point in time, there was no formal agreement in place regarding parenting and access.

- F. On March 24, 2016, N.K.'s home flooded and she contacted Mr. Moughel as she could not reach H.H. H.H. and Mr. Moughel arrived at N.K.'s home so that H.H. could help take care of the flood. Mr. Moughel took pictures of the contents of the fridge without N.K.'s consent.
- G. While at N.K.'s home on March 24, 2016, Mr. Moughel also served N.K. with documents and led her to believe they were valid court documents. Mr. Moughel also told her he would "see [her in court] on April 15th".
- H. On April 15, 2016, Mr. Moughel sent N.K. a text message informing her of a court date on May [...], 2016. N.K. felt as though Mr. Moughel was taking advantage of her limited experience and finances.
- I. When N.K. took the court documents to her own lawyer, she learned that none of the documents Mr. Moughel gave to N.K. were stamped by the Court or signed. N.K. believed that Mr. Moughel was using her inexperience and the threat of court dates to bully her into consenting to terms she did not agree with.
- J. On September 29, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of October 13, 2016.

Complaint #16: CO20161855 (complainant R.K.)

- 62. It is alleged that Mr. Moughel failed to provide timely legal services to his client and that such conduct is deserving of sanction; **(ADMITTED)**
- 63. It is alleged that Mr. Moughel offered an Inducement to his client for withdrawal of this complaint and that such conduct is deserving of sanction; **(DENIED)**
- 64. It is alleged that Mr. Moughel failed to respond to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

R.K. retained Mr. Moughel to represent her regarding a family matter. The complaint is that Mr. Moughel failed to progress her matter, failed to respond to her communications, and failed to provide her with communications from opposing counsel. Additionally, Mr. Moughel requested

R.K. to withdraw her Law Society complaint and advise that he had returned her money. He agreed to return the remainder of her file if she withdrew the complaint.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. R.K. was a client of Mr. Moughel at the time relevant to matters herein.
- B. R.K. retained Mr. Moughel in January, 2016 to represent her in a family law matter and paid a retainer of \$2,750.
- C. Mr. Moughel was retained to prepare pleadings, acquire and examine financial disclosure, handle interim applications for exclusive possession of the matrimonial home, and to prepare and finalize any potential settlement agreements.
- D. R.K. sent a text message to Mr. Moughel on July 7, 2016 asking if Mr. Moughel had completed any of the work he had been hired to do. Mr. Moughel responded that he had not completed anything.
- E. On September 28, 2016, Mr. Moughel sent a text message to R.K. asking her to withdraw her Law Society complaint after refunding \$1,500 of her retainer.
- F. On November 3, 2016, Mr. Moughel again sent a text message to R.K. asking under what conditions she would be willing to withdraw her Law Society complaint. R.K. responded that she wanted her entire file back. Mr. Moughel agreed to return the remainder of her file, but then did not do so.
- G. On September 28, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of October 12, 2016.

Complaint #17: CO20161883 (complainant LSA re: Practice Review Committee)

- 65. It is alleged that Mr. Moughel failed to comply with undertakings he gave to the Law Society of Alberta and that such conduct is deserving of sanction;
(ADMITTED)
- 66. It is alleged that Mr. Moughel failed to fully comply with the requirements of the Practice Review Committee and that such conduct is deserving of sanction;
(ADMITTED)

67. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction; **(ADMITTED)**

The following is a summary of the conduct:

Mr. Moughel provided undertakings to the Practice Review Committee; however, he failed to comply with those undertakings and failed to fully engage with the practice review process. He failed to respond to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. On March 3, 2015, Mr. Moughel was referred to the Practice Review Committee regarding a 2008 complaint file.
- B. On July 22, 2015, a practice assessment of Mr. Moughel was directed. The assessment was conducted on September 17, 2015.
- C. On October 28, 2015, the Practice Review Panel adopted the recommendations set out in the Practice Assessment and directed that Mr. Moughel give them as undertakings.
- D. Mr. Moughel provided Undertakings on November 3, 2015 which included the following:

Forthwith attend on one or more medical professionals approved by the Manager, Practice Review and instruct those medical professionals to confirm with the Manager, Practice Review, whether he:

- (a) suffers from any substance dependencies or physical or mental disorders, including depression (all of which are described as “Medical Issues”) by reason of his use of Adderall, which may impair his ability to competently engage in the activities common to a lawyer as described in Chapter 2 of the Code of Conduct and the CPLED Competency Profile;
- (b) has been provided with appropriate recovery and maintenance plans (“Plans”) respecting such dependencies and disorders;

- (c) is participating in and complying with the Plans;
 - (d) is competent to engage in the activities common to a lawyer as competence is described in Chapter 2 of the Code of Conduct and the CPLED Competency Profile.
- E. As of July 2016, despite numerous communications, the Practice Review Committee found that Mr. Moughel had not been compliant or fully engaged with Practice Review and that Mr. Moughel had not complied with the Undertaking outlined above.
- F. On August 8, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of August 25, 2016.

Complaint #18: CO20162393 (complainant D.Z.)

- 68. It is alleged that Mr. Moughel failed to take steps to advance his client's matters and that such conduct is deserving of sanction; **(DENIED)**
- 69. It is alleged that Mr. Moughel failed to account to his client for retainer money he had received and that such conduct is deserving of sanction; **(ADMITTED)**
- 70. It is alleged that Mr. Moughel failed to respond to communications from the Law Society and that such conduct is deserving of sanction. **(ADMITTED)**

The following is a summary of the conduct:

D.Z. retained Mr. Moughel to represent him regarding a separation and division of assets matter. The complaint is that Mr. Moughel failed to progress the file, failed to respond to his client's communications, failed to account for retainer money received, and failed to return his retainer as promised.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. D.Z. was a client of Mr. Moughel at the time relevant to matters herein.
- B. D.Z. retained Mr. Moughel and paid a \$2,700 retainer in December 2015 to represent him in a family law matter, and then paid a further \$1,200 retainer on an application on a corporate matter.

- C. D.Z. requested detailed statements of the work Mr. Moughel performed between January and September 2016 as well as copies of all communications with opposing counsel. Mr. Moughel has not provided all of these documents.
- D. D.Z. has not received a refund on his retainer, as promised, nor any accounts in the two matters.
- E. On December 20, 2016, the LSA sent Mr. Moughel a Section 53 demand letter by email requiring a response to the complaint as well as copies of documents and answers to specific questions. Mr. Moughel did not respond to this correspondence or the follow-up letter of January 10, 2017.

Complaint #19: CO20170607 (complainant K.B.)

- 71. It is alleged that Mr. Moughel failed to take steps to advance his client's matter and that such conduct is deserving of sanction; **(ADMITTED)**
- 72. It is alleged that Mr. Moughel failed to respond to communications from another lawyer and that such conduct is deserving of sanction; **(ADMITTED)**
- 73. It is alleged that Mr. Moughel failed to respond to communications from his client and that such conduct is deserving of sanction; **(ADMITTED)**
- 74. It is alleged that Mr. Moughel failed to respond to communications from the Law Society and that such conduct is deserving of sanction. **(ADMITTED)**

The following is a summary of the conduct:

K.B. retained Mr. Moughel to represent him on a divorce matter. The complaint is that Mr. Moughel failed to take any steps on the file, failed to respond to his communications, failed to respond to opposing counsel's communications and failed to return his retainer.

Mr. Moughel has not responded to this complaint.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. K.B. was a client of Mr. Moughel at the time relevant to matters herein.
- B. K.B. retained Mr. Moughel in February 2016 to assist him in a divorce and paid a retainer of \$2,625.
- C. On April 8, 2016, K.B. received a draft copy of the Divorce Judgment from

opposing counsel. K.B. informed opposing counsel that he had retained Mr. Moughel.

- D. On July 6, 2016, opposing counsel informed K.B. that Mr. Moughel had not responded to any of the three letters sent in April and May 2016, not even to confirm that he acted for K.B.
- E. On August 5, 2016, K.B. sent an email to Mr. Moughel requesting updated contact information. Mr. Moughel did not respond.
- F. In December 2016, K.B. learned that Mr. Moughel had been suspended. Mr. Moughel did not return K.B.'s retainer or his file, which resulted in K.B. incurring additional costs to obtain a copy of his court file from the Court.
- G. On April 18, 2017, the LSA sent Mr. Moughel a Section 53 demand letter by email. Mr. Moughel did not respond to this correspondence or the follow-up letter of May 10, 2017.

Complaint #20: CO20160227 (complainant M.S.)

- 75. It is alleged that Mr. Moughel consented to a Court order without obtaining his client's instructions and that such conduct is deserving of sanction; **(ADMITTED)**
- 76. It is alleged that in filing court applications despite a Court Order precluding them until certain conditions were met, Mr. Moughel acted in contempt of the Court of Queen's Bench of Alberta and that such conduct is deserving of sanction; **(ADMITTED)**
- 77. It is alleged that Mr. Moughel failed to attend Court on behalf of his client and that such conduct is deserving of sanction; **(ADMITTED)**
- 78. It is alleged that Mr. Moughel failed to be honest and candid with his client and that such conduct is deserving of sanction; **(ADMITTED)**
- 79. It is alleged that Mr. Moughel failed to keep his client fully informed of matters regarding her litigation and that such conduct is deserving of sanction; **(ADMITTED)**
- 80. It is alleged that Mr. Moughel failed to promptly provide his file to his client when requested and that such conduct is deserving of sanction; **(DENIED)**
- 81. It is alleged that Mr. Moughel failed to respond promptly to communications from

another lawyer and that such conduct is deserving of sanction; **(ADMITTED)**

82. It is alleged that Mr. Moughel failed to respond promptly and completely to communications from the Law Society and that such conduct is deserving of sanction. **(ADMITTED)**

The following is a summary of the conduct:

Mr. Moughel agreed to a consent order for financial disclosure by his client which he later admitted was too extensive. Further applications by his client were prohibited pending complete disclosure, but applications were filed nonetheless. The client was found to be in contempt and an arrest warrant was ordered. Mr. Moughel was found to be in contempt and ordered to pay costs personally. The client had difficulty obtaining her file after terminating Mr. Moughel.

Regarding citations under this complaint matter, this is the admitted evidence:

- A. M.S. was a client of Mr. Moughel at the time relevant to matters herein.
- B. M.S. retained Mr. Moughel in May 2015 to represent her in her divorce and paid a retainer of \$5,000. She was living separately in the matrimonial home along with her husband and children and wanted to obtain a divorce, exclusive use of the home, parenting arrangements, and division of matrimonial property.
- C. On September 15, 2015, Mr. Moughel consented to an Order requiring specified financial disclosure from M.S. by September 28, 2015. M.S. did not provide instructions for such an order and was not aware of the Order at any point.
- D. On October 15, 2015, a contempt application was filed by opposing counsel, which was returnable October [...], 2015, as the required disclosure had not been provided. Mr. Moughel did not appear in court on October [...], 2015. Disclosure was once again ordered, together with a daily fine and costs of \$1,000. The Order was reviewed on November [...], 2015 and M.S. was found then to be in contempt of Court and another \$1,000 costs were awarded against her.
- E. Also on November [...], 2015, the Court ordered M.S. to not bring any further applications before the Court unless and until the September 15, 2015 Order had been satisfied. M.S. had given all necessary disclosure to Mr. Moughel previously, but Mr. Moughel had not provided it to opposing counsel.
- F. Mr. Moughel did not inform M.S. of the November [...], 2015 Court Order to not

bring any further court applications until the September 15, 2015 financial disclosure order was fulfilled.

- G. In December 2015, Mr. Moughel filed three Applications (one for exclusive possession of the matrimonial home and another two for child support and custody) on behalf of M.S., despite the fact that the required disclosure had not been completed.
- H. Further costs of \$500 were awarded against M.S. on December [...], 2015.
- I. Mr. Moughel again did not appear in Court on December [...], 2015 despite having set the application and receiving correspondence from opposing counsel the day before which referenced the December [...], 2015 court date. On December [...], 2015, the Court ordered that a warrant be issued for M.S.'s arrest.
- J. On December [...], 2015, an arrest warrant was issued for M.S. for her contempt of court as a result of Mr. Moughel's actions. Mr. Moughel did not inform M.S. of the arrest warrant until December 18, 2015 and attempted to downplay the seriousness of it. Mr. Moughel also claimed that opposing counsel had obtained the warrant without notice, that he did not know they were in court (on December [...], 2015), and that they already had full disclosure.
- K. M.S. learned from her daughter on December 22, 2015 that the Court had also imposed costs against M.S. in the amount of \$100 per day as a result of the contempt of court. When Mr. Moughel was confronted with this information, he claimed that he had paid those costs himself out-of-pocket.
- L. In January 2016, M.S. personally paid the Court to have the arrest warrant vacated, which was eventually reimbursed by Mr. Moughel.
- M. On February [...], 2016, Mr. Moughel was found personally in contempt of court and fined \$500 per application filed (\$1,500 total). On February [...], 2016, Mr. Moughel was ordered to appear in Court and was questioned under oath regarding his interpretation of the Orders.
- N. On March 31, 2016, the LSA personally served Mr. Moughel with a Section 53 demand letter, requiring his response within 14 days. Mr. Moughel did not respond to this correspondence or the follow-up letter of April 20, 2016.

Other Relevant Information

3. In or about August of 2006, I was diagnosed with Adult Attention Deficit Disorder ("Adult ADD"). Commencing in September 2006, I took the prescription medication Adderall, which treats symptoms of Adult ADD.
4. Starting in or about the summer to fall of 2013, the efficacy of Adderall in attenuating the symptoms of Adult ADD, as I experienced, began to diminish. I took increasingly higher dosages of Adderall and experienced depression and work performance issues. I temporarily ceased practicing law in May of 2014.
5. In July of 2014, I sought assistance from my treating physician to find an alternative method of treatment. A prescription for Concerta on a trial basis was not successful.
6. I resumed my legal career in January 2015 with the firm of Sharek Logan van Leenen LLP.
7. In or about May 2015, I disclosed my Adult ADD to the LSA by way of responses provided in a "Practice Snapshot", which I was required to complete as part of a Practice Review.
8. I met with the Practice Review Assessment Team, [DC] and [HT], on September 17, 2015, at which time I provided details as to my experience practicing law with the underlying Adult ADD condition and my recent attempts to find an effective method of treatment for the same.
9. A Practice Review Panel directed me to take necessary steps to address the Adult ADD condition, such that my continued practice of law would pose no risk to the public. Based on this directive, I have done the following:
 - (a) Obtained a new prescription from my family physician, which consists of Vyvanse and Wellbutrin;
 - (b) Attended four sessions with psychologist [LT] for the purpose of receiving Cognitive Behavioral Therapy treatment; and
 - (c) Advised my employer at Moustarah & Company as to full details of my condition.

ADMISSIONS

10. I admit guilt to the following citations:

Complaint 1: CO20152579
Complaint 2: CO20161622
Complaint 3: CO20160592

Citations 1-4
Citations 5-7 and 9, but not 8
Citations 10, 11 and 13, but not 12

Complaint 4: CO20160004
Complaint 5: CO20161226
Complaint 6: CO20162554
Complaint 7: CO20162821
Complaint 8: CO20162862
Complaint 9: CO20162902
Complaint 10: CO20162913
Complaint 11: CO20163036
Complaint 12: CO20163110
Complaint 13: CO20160884
Complaint 14: CO20161292
Complaint 15: CO20161609
Complaint 16: CO20161855
Complaint 17: CO20161883
Complaint 18: CO20162393
Complaint 19: CO20170607
Complaint 20: CO20160227

Citations 14-16
Citations 17 and 19-21, but not 18
Citations 22-25 and 27, but not 26
Citations 28-30
Citations 31 and 33, but not 32
Citations 34-38
Citations 39-41
Citations 42-44
Citations 45, 46 and 48, but not 47
Citation 52, but not 49-51
Citations 53-56 and 58, but not 57
Citations 59-61
Citations 62 and 64, but not 63
Citations 65-67
Citations 69 and 70, but not 68
Citations 71-74
Citations 75-79, 81 and 82, but not 80

(69 Citations)

11. I deny all other citations. (13 Citations)

CONCLUSION

12. I admit as fact the statements contained within this Statement of Admitted Facts for the purposes of these proceedings.
13. I acknowledge that all parties retain the right to adduce additional evidence and to make submissions as the effect of and weight to be given to these agreed facts in the context of all the evidence.

ALL OF THESE FACTS ARE ADMITTED THIS ____ DAY OF _____, 2019.

MOHAMMED ALI MOUGHEL