

**IN THE MATTER OF PART 3 OF THE  
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

**AND**

**IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF JAE SHIM  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**ORDER OF THE HEARING COMMITTEE**

**UPON THE ISSUANCE OF CITATIONS** by the Law Society of Alberta (LSA) to Jae Shim pursuant to section 56 of the *Legal Profession Act* (the Act);

**AND WHEREAS** Jae Shim and the LSA have entered into an Agreed Statement of Facts and Admissions of Conduct Deserving of Sanction (the Statement, attached to this Order) in relation to Jae Shim's conduct on October 29, 2018;

**AND WHEREAS** Jae Shim admits in the Statement that the conduct set out in the Statement is deserving of sanction;

**AND WHEREAS** on November 14, 2018, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the Act;

**AND WHEREAS** on November 14, 2018, the Chair of the Conduct Committee appointed a single Bencher as the Hearing Committee (Committee) for this matter, pursuant to subsection 60(3) of the Act;

**AND WHEREAS** pursuant to subsection 60(4) of the Act, it is deemed to be a finding of this Committee that Jae Shim's conduct is deserving of sanction;

**AND WHEREAS** on December 6, 2018, the Committee convened a public hearing into the appropriate sanction related to the conduct of Jae Shim;

**AND WHEREAS** the LSA and Jae Shim have provided a joint submission on sanction for the Committee's consideration, seeking a reprimand;

**AND WHEREAS** the parties have also agreed that it is reasonable for Jae Shim to pay \$2073.75 in costs in relation to this matter by January 31, 2019;

**AND WHEREAS** the Committee has determined that the joint submission is reasonable,

consistent with sanctions in similar cases, does not bring the administration of justice into disrepute and is therefore in the public interest;

**AND WHEREAS** the Committee has accepted the joint submission on sanction, and accepted the submission with respect to the payment of costs;

**IT IS HEREBY ORDERED THAT:**

1. The appropriate sanction with respect to Jae Shim's conduct is a reprimand, which was delivered orally by the Committee to Jae Shim at the hearing.
2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
3. Jae Shim must pay costs in the amount of \$2073.75, by January 31, 2019.
4. No Notice to the Profession or Notice to the Attorney General is to be made.
5. The exhibits and this order 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 Jae Shim will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Calgary, Alberta, on December 6, 2018.

"Ken Warren"

Ken Warren, Q.C.

**IN THE MATTER OF THE *LEGAL PROFESSION ACT***  
**AND IN THE MATTER OF A HEARING REGARDING**  
**THE CONDUCT OF JAE H. SHIM**  
**A MEMBER OF THE LAW SOCIETY OF ALBERTA**  
**LAW SOCIETY HEARING FILE HE20180025**

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

**BACKGROUND**

1. Jae H. Shim (“Mr. Shim”) was admitted as a member of the Law Society of Alberta (“Law Society”) on June 28, 2010.
2. Mr. Shim’s status with the Law Society was “inactive” until August 12, 2011 and again from December 8, 2011 until May 3, 2013. Mr. Shim carried on a general practice with two law firms until embarking on a sole practice in mid-2014. His current practice is mainly in the areas of civil litigation and family law.

**CITATIONS**

3. Mr. Shim faces four citations arising out of two complaints, as follows:

**CO20161233**

1. It is alleged that Jae Shim failed to serve his client, R.H., and failed to treat his client, R.H., with courtesy and that such conduct is deserving of sanction.

**CO20170459**

2. It is alleged that Jae Shim failed to serve his client, N. Ltd., and failed to treat his client, A.H., with courtesy and that such conduct is deserving of sanction;
3. It is alleged that Jae Shim attempted to influence the complainant, A.H., to prevent her from reporting his conduct to the Law Society and that such conduct is deserving of sanction; and
4. It is alleged that Jae Shim swore an inaccurate affidavit due to carelessness or lack of attention to detail and that such conduct is deserving of sanction.

## **FACTS**

### **CO20161233**

4. Mr. Shim was appointed by Legal Aid to represent R.H. with respect to a high-conflict family matter.
5. On [REDACTED], 2015, Mr. Shim attended a Domestic Special Application before Justice [W] of the Court of Queen's Bench of Alberta.
6. Mr. Shim failed to adequately prepare for the Domestic Special Application and failed to effectively and resolutely advocate for R.H. during and after the Domestic Special Application.
7. On January 28, 2016, Mr. Shim emailed Legal Aid to advise that he would be withdrawing as R.H.'s lawyer.
8. Mr. Shim's email to Legal Aid was not respectful and courteous to R.H. as would be expected from a member of the legal profession.

### **CO20170459**

9. In April 2014, A.H. retained Mr. Shim to commence legal action on behalf of her company, N. Ltd., against a former employee and two other individuals.
10. A Statement of Claim on N Ltd.'s behalf seeking \$240,000 in damages was filed on May 22, 2015. The former employee, one of the defendants, was noted in default.
11. An application for assessment of damages against the former employee was heard on September 28, 2015. The defendant did not attend the application.
12. The Court ordered damages of \$11,086.61 and granted leave to re-apply at no cost to submit further evidence.
13. On December 2, 2015, Mr. Shim filed a Notice of Withdrawal of Lawyer of Record in the action.
14. N Ltd. obtained a Court Order for damages of an additional \$21,861.73 and costs against the defendant after Mr. Shim's withdrawal.
15. Mr. Shim invoiced a total of approximately \$12,500.00 for his representation of N Ltd.
16. N Ltd. brought an application to have Mr. Shim's accounts reviewed. A.H. filed an affidavit in support of her application.

17. Mr. Shim swore an affidavit in response to the application, which contained an inaccurate statement. The inaccuracy was caused by carelessness or lack of attention to detail in his review of the file when drafting the affidavit.
18. The application took place before a Review Officer on November 16, 2016.
19. Following the application, in an email to his client, Mr. Shim stated, in part:

It is your choice whether you want to take me to the Law Society or not. However, should you fail to prove any of your complaints, there will be severe repercussion from me including a defamation suit personally against you.
20. Mr. Shim failed to serve his client, N. Ltd., by failing to properly particularize the Statement of Claim, obtain and file all available evidence pertaining to the damages sought, maintain client records in his possession and pay adequate attention to detail throughout the course of the matter resulting in increased costs for N. Ltd.
21. Mr. Shim's email communications with his client, including but not limited to the email described in paragraph 19 above, were not respectful or courteous as would be expected from a member of the legal profession.

#### **ADMISSION OF FACTS**

22. I, Jae H. Shim, admit as facts the statements contained in this Agreed Statement of Facts for the purposes of these proceedings.

#### **ADMISSION OF CONDUCT DESERVING OF SANCTION**

23. Regarding Citation 1 as set out in paragraph 3 above, for the purposes of s. 60 of the *Legal Profession Act*, I, Jae Shim, admit that I failed to serve my client, R.H., and failed to treat my client, R.H., with courtesy and that such conduct is deserving of sanction.
24. Regarding Citation 2 as set out in paragraph 3 above, for the purposes of s. 60 of the *Legal Profession Act*, I, Jae Shim, admit that I failed to serve my client, N. Ltd., and failed to treat my client, A.H., with courtesy and that such conduct is deserving of sanction.
25. Regarding Citation 3 as set out in paragraph 3 above, for the purposes of s. 60 of the *Legal Profession Act*, I, Jae Shim, admit that I attempted to influence A.H., to prevent her from reporting my conduct to the Law Society and that such conduct is deserving of sanction.
26. Regarding Citation 4 as set out in paragraph 3 above, for the purposes of s. 60 of the *Legal Profession Act*, I, Jae Shim, admit that I swore an inaccurate affidavit due to carelessness or lack of attention to detail and that such conduct is deserving of sanction.

This Agreed Statement of Facts and Admission of Conduct Deserving of Sanction is dated the 27 day of October, 2018.

\_\_\_\_\_  
Witness

"Jae Shim"  
\_\_\_\_\_  
Jae H. Shim

**REPRIMAND**

Mr. Shim, you have admitted guilt with respect to four citations. You failed to serve and treat a client with courtesy; you failed to serve another client and treat them with courtesy; you attempted to influence a client to prevent her from reporting your conduct to the Law Society, a very serious matter, and; you swore an inaccurate affidavit due to carelessness or lack of attention to detail. That admitted conduct is of a significant concern and you have admitted that it is conduct deserving of sanction.

Sanctions are intended to protect the public interest, to maintain the high professional standards of our profession and to preserve the public's confidence in the legal system. As a self-governing profession, we have an obligation to treat misconduct fairly and appropriately with those objectives in mind.

Mr. Shim, I acknowledge and appreciate your cooperation with the Law Society in the handling of these complaints against you and your agreement to resolve these complaints by admitting guilt, and that has allowed this single-bencher committee hearing to proceed this morning. Your agreement to admit guilt has allowed these matters to be resolved more efficiently and expeditiously to the benefit of everyone involved, including yourself, the Law Society and the public. You have enabled us to avoid unnecessary hearing costs as a result. You've also demonstrated an interest in improving your practice through your participation in the Early Intervention and Practice Management programs of the Law Society, and I thank you for that.

Mr. Shim, you are reprimanded for your conduct and urged to consider the manner in which your conduct breached the obligations you have as a barrister and solicitor in this province. Our clients are entitled to expect us to serve them with respect, with courtesy, with competence and with the utmost integrity. I hope that you have learned from this process and that you will be diligent in upholding the rigorous standards of our profession as you continue your career. Again, I thank you for your cooperation today and I wish you all the best as you move forward.