

**THE LAW SOCIETY OF BRITISH COLUMBIA**

IN THE MATTER OF THE *LEGAL PROFESSION ACT*, SBC 1998, C. 9

AND

**ROGER BALRAJ SINGH BHATTI**

(a former member of the Law Society of British Columbia)

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**RULE 3-7.1 CONSENT AGREEMENT SUMMARY**

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1. On March 15, 2023, the Chair of the Discipline Committee approved a consent agreement proposal submitted by Roger Balraj Singh Bhatti (the “Lawyer”) under Rule 3-7.1 of the Law Society Rules (“Rules”).
2. Under the proposal, the Lawyer admitted that he committed the following misconduct, and that it constitutes professional misconduct pursuant to s. 38(4) of the *Legal Profession Act*:
  - a) between February 9, 2002 and August 26, 2011, in relation to three client matters, he engaged in dishonourable conduct by knowingly creating three false medical notes (referred to below as the Forged Medical Notes), with the intent that the notes would be relied on by the Immigration and Refugee Board of Canada, contrary to Chapter 2, Rule 1, of the *Professional Conduct Handbook* (the “*Handbook*”) then in force (now rule 2.2-1 of the *Code of Professional Conduct for British Columbia* (the “*Code*”));
  - b) between February 5, 2009 and October 31, 2011, in relation to seven client matters, in order to procure an adjournment of proceedings he knowingly attempted to deceive the Immigration and Refugee Board of Canada by filing six medical notes (referred to below as the Forged Medical Notes and the False Medical Notes), which he knew were false, contrary to Chapter 1, Rule 2(3) and Chapter 2, Rule 1 of the *Handbook* then in force (now rules 2.1-2(c), 2.2-1, and 5.1-2(e) of the *Code*); and
  - c) between July 20, 2012 and January 3, 2014, in relation to four client matters, he knowingly attempted to deceive the Immigration and Refugee Board of Canada in its determination of claims for refugee protection, by submitting as evidence eight

documents (referred to below as the False Evidence), which he knew to be false, contrary to Chapter 1, Rule 2(3) and Chapter 2, Rule 1 of the *Handbook* then in force, and rules 2.1-2(c), 2.2-1, and 5.1-2(e) of the *Code*.

3. Under the proposal, the Lawyer agreed to resign from the Law Society of British Columbia (the “Law Society”) and to never apply for reinstatement. Specifically, on March 10, 2023, the Lawyer undertook:
  - a) not to engage in the practice of law in British Columbia with or without the expectation of a fee, gain or reward, whether directly or indirectly;
  - b) not to apply for re-instatement to the Law Society;
  - c) not to apply for membership in any other law society (or like governing body regulating the practice of law) without first advising in writing the Law Society; and
  - d) not to permit his name to appear on the letterhead of, or work in any capacity whatsoever, for any lawyer or law firm in British Columbia, without obtaining the prior written consent of the Discipline Committee of the Law Society.
4. In making her decision, the Chair of the Discipline Committee considered an Agreed Statement of Facts, a letter of admission to the Chair of the Discipline Committee, the Lawyer’s Undertaking, and the Lawyer’s professional conduct record.
5. This consent agreement will now form part of the Lawyer’s professional conduct record.
6. Pursuant to Rule 3-7.1(5) of the Rules, and subject to Rule 3-7.2 of the Rules, the Law Society is bound by an effective consent agreement, and no further action may be taken on the complaint that gave rise to the agreement.
7. The admitted facts set out in the Agreed Statement of Facts have been summarized below.

### **Summary of Facts**

#### *Member Background*

8. The Lawyer was called and admitted as a member of the Law Society on May 31, 1984. He practised mostly administrative law and became a former member on January 1, 2021 because of non-payment of fees.
9. During the material time, the Lawyer practised law as a sole practitioner.

10. The Lawyer has a dated professional conduct record consisting of two referrals to Practice Standards, two conduct reviews, a citation, and a limitation on practice.

*Background Facts*

11. From 2005 to 2014, the Lawyer had a busy law practice representing clients seeking refugee status in Canada. He appeared frequently as counsel before the Immigration and Refugee Board of Canada (“IRB”).
12. The Lawyer forged three notes in the name of physicians, stating that clients were not well and were unable to attend an upcoming scheduled hearing before the IRB (the “Forged Medical Notes”).
13. The Forged Medical Notes were written by the Lawyer but listed the author as one of two physicians and described medical conditions of the Lawyer’s clients.
14. The Lawyer knew that the contents of the Forged Medical Notes were false.
15. In seven instances, the Lawyer submitted six medical notes to the IRB that he knew were false (one note was submitted twice). The notes asserted either that he, or a client, was not well and was unable to attend for a scheduled hearing before the IRB. Three of the six notes were the Forged Medical Notes, and the remaining notes are referred to as the “False Medical Notes”.
16. The Lawyer obtained the False Medical Notes knowing the contents were false and the physicians had not written them.
17. The Lawyer knew that by submitting the Forged Medical Notes and the False Medical Notes to the IRB, the IRB was likely to believe that they were authentic medical notes written by physicians.
18. On the basis of the False Medical Notes and the Forged Medical Notes, the IRB matters were adjourned.
19. Also, in eight instances, the Lawyer submitted police reports, medical reports, and a death certificate as evidence for his clients’ refugee claims to the IRB that he knew were false (the “False Evidence”).
20. The Lawyer gave instructions to a Hungarian speaking interpreter/translator, SD, to create the False Evidence (the “Instructions”).
21. The Instructions indicated the information the Lawyer wanted displayed on the False Evidence documents.

22. SD used the Instructions provided by the Lawyer to prepare the False Evidence and, once completed, sent the False Evidence to the Lawyer.
23. The Lawyer knew that by submitting the False Evidence to the IRB, the IRB would likely be deceived into thinking that the False Evidence were authentic documents and should be given weight in considering the clients' refugee claims.
24. On June 8, 2021, in relation to the Forged Medical Notes, the False Medical Notes and the False Evidence, the Lawyer pleaded guilty to the following offences under the *Criminal Code of Canada* ("*Criminal Code*") and *Immigration and Refugee Protection Act* ("*IRPA*"):
  - a) three counts of forgery under section 366(1)(b) of the *Criminal Code*;
  - b) six counts of uttering forged documents under section 368(1)(b) of the *Criminal Code*; and
  - c) eight counts of misrepresentation under section 127(a) of *IRPA*.
25. On May 31, 2022, the Honourable Judge M. Jetté sentenced the Lawyer to 22 months incarceration.
26. In determining the Lawyer's sentence, Honourable Judge M. Jetté considered a report on the Lawyer's personality and psychological functioning prepared by Dr. L, a clinical and forensic psychologist.

#### *Mitigating Factors*

27. Dr. L's report indicated that at the time of the misconduct, the Lawyer had a severe and chronic major depressive disorder (the "Condition"), and that the Condition was amplified, to some extent, by his workaholism. As the Lawyer became burned out and overwhelmed by his busy law practice, he also become more depressed.
28. Dr. L's report indicated that the Lawyer's Condition was most clearly linked to "aversive childhood and family experiences and that the Lawyer's family environment was the cause of the Lawyer's neurotic character and "strong inferiority complex".
29. Dr. L wrote:

In my opinion, as a direct result of Mr. Bhatti's workaholism, and excessive time expenditures on his numerous cases, oftentimes he was unable to meet the time frames for his cases, such that he felt compelled to alter them. Additionally, as Mr. Bhatti neurotically and compulsively took

on more and more cases, it became more psychologically crucial for him to succeed in such cases, and make his clients happy with his efforts and representation.

...

Obviously, Mr. Bhatti knew that he was doing wrong in the commission of his offences, as well as acting in illegal and unprofessional, unethical ways. Such misconduct stands in marked contrast to the psychological fact that Mr. Bhatti has a very strong conscience, with a predisposition to intense guilt feelings (due to chronic feelings of inferiority), which predate by many decades his current offending. However, in my opinion, Mr. Bhatti had a willful blindness to his wrongdoing, such that he was able to compartmentalize, rationalize and/or minimize it, which enabled him to psychologically accommodate to his misconduct. A combination of Mr. Bhatti's depression, workaholism and neurotic need to please his clients and succeed for them caused something like a tunnel vision for Mr. Bhatti, which impaired or occluded his moral, ethical and professional judgment. From a psychological standpoint, there is no doubt that Mr. Bhatti's criminal conduct is atypical and aberrant for him, given his personality.

30. Dr. L's report indicated that there an exceedingly low risk that the Lawyer would re-offend criminally. The Honourable Judge M. Jetté also concluded that the Lawyer was at a low risk to re-offend considering the fact that the Lawyer's pattern of offending arose from his law practice, which had come to an end.
31. In approving the consent agreement proposal, the Chair of the Discipline Committee also considered that the undertaking was consistent with the outcome in prior, similar matters.