

**CITATION:** Sharma v. Law Society of Ontario, 2025 ONSC 3409  
**DIVISIONAL COURT FILE NO.:** 374/25  
**DATE:** 20250616

**SUPERIOR COURT OF JUSTICE - ONTARIO  
DIVISIONAL COURT**

**RE:** PREM K. SHARMA, Applicant

**AND**

LAW SOCIETY OF ONTARIO, Respondent

**BEFORE:** Faieta J.

**COUNSEL:** Prem K. Sharma, self-represented  
Jasmeet Kala, for the Law Society of Ontario

**HEARD:** In writing

**ENDORSEMENT**

[1] This application for judicial review, as amended, was filed on May 30, 2025.

[2] The Applicant states that he is an internationally trained legal professional who, in November 2021, wrote the Law Society of Ontario (“LSO”)’s Solicitor licensing examination. In January 2022, the LSO notified the Applicant that it had initiated a good character investigation based on suspected academic misconduct during the examination. The Applicant denied the allegations. The Applicant applied to the Law Society of Saskatchewan (“LSS”) for admissions as a Student-at Law. The LSS notified the Applicant that a formal hearing would be required due to the LSO’s pending investigation. The Applicant withdrew his application with the LSS, and in February 2023 requested readmission into the LSO licensing process. The Applicant states that he passed both the Barrister and Solicitor licensing examinations. The Applicant states that in May 2023 he “ ... acknowledged his earlier denial, explaining the emotional distress and misunderstanding at the time, and expressing full contrition. He reiterated his commitment to rehabilitation, transparency, and upholding the integrity of the profession”.

[3] On March 27, 2025, the Applicant’s articling principal submitted a proposed remedial plan as an alternative to a public hearing. On April 11, 2025, the LSO issue a Notice of Referral to the Law Society Tribunal (“Tribunal”) referring the Applicant to a full good character hearing. The Applicant states that the LSO issued the Notice of Referral without providing reasons for the referral, disclosing supporting evidence, affording any opportunity to make submissions and evaluating the proposed remedial plan.

[4] The Applicant seeks:

- (a) an order quashing the LSO's Notice of Referral on the grounds that it was made without lawful authority, procedural fairness or evidentiary basis
- (b) an order staying all proceedings before the Tribunal
- (c) an order of mandamus directing the LSO to reconsider the Applicant's licensing eligibility including a good faith assessment of the proposal remedial plan
- (d) a declaration that the Notice of Referral was made in breach of the Applicant's right to procedural fairness and natural justice
- (e) a declaration that the Notice of Referral is ultra vires s. 27(4) of the Law Society Act as it was not supported by evidence that a hearing was necessary and was not a proportionate and lawful exercise of discretion
- (f) a declaration that the Notice of Referral is an abuse of process having, amongst other things, been rendered arbitrarily on the basis of mischaracterized evidence or untested allegations

[5] The LSO requests that this application for judicial review be dismissed pursuant to Rule 2.1.01 of the *Rules of Civil Procedure* on the basis that it is frivolous and an abuse of process.

### **Background**

[6] By letter dated May 28, 2025, sent to the Registrar of the Divisional Court, the LSO requested that this Application be dismissed pursuant to Rule 2.1.01 of the *Rules of Civil Procedure*. The letter states:

... Licensing of individuals to practice law falls within the exclusive jurisdiction of the LSO and not within the jurisdiction of the Court. The Licensing Department and the Professional Regulation Division of the LSO perform different functions including those related to licensing, and are governed by different legislative provisions. The LSO issues a license to practice law to an individual who meets the qualifications and other requirements for that class of licence, including the requirement that the individual be of good character. The Law Society has the discretion to refer an individual's licensing application to the Law Society Tribunal ("Tribunal") for a hearing to determine if the individual is of good character. If this is done, an application for a license may be refused only after a hearing by the Tribunal has occurred, and if the Tribunal has dismissed the licensing application.

This Application brought by the Applicant is premature on its face. The LSO referred the Applicant's licensing application to the Tribunal for a good character hearing. The Notice

of Referral for Hearing with respect to the Applicant's licensing application was filed with the Tribunal on April 11, 2025. The hearing has not yet proceeded, and the Tribunal has not had the opportunity to hear the evidence of the parties or come to any decision with respect to the Applicant's licensing application. The administrative process should be allowed to run its full course. The Applicant may raise the issues he has cited within his Application before the Tribunal hearing his licensing application. If the Applicant is unsuccessful in the Tribunal proceeding, he can exercise the options that are available to him as set out in the Law Society Act. There are no exceptional circumstances justifying judicial interference at this stage of an ongoing administrative proceeding. The Applicant is asking this Court for relief which it cannot grant. Specifically, the Applicant is asking this Court to improperly interfere with the LSO's jurisdiction with respect to licensing lawyer-applicants and the LSO's discretion to refer matters for a good character hearing before the Tribunal. Accordingly, the Applicant's Application is frivolous as well as an abuse of process, and ought to be dismissed pursuant to Rule 2.1.01 of the Rules. [Footnotes omitted]

[7] By letter dated May 29, 2025, the Applicant responded as follows:

... This Application is neither frivolous nor premature. It arises out of exceptional and egregious circumstances in which the Respondent acted without jurisdiction, denied procedural fairness, and relied on untested, anonymous, and prejudicial material to refer me to a good character hearing, despite full compliance with all licensing requirements.

### **1. Judicial Review Addresses Procedural Fairness, Not Tribunal Merits**

The Respondent erroneously claims that the Tribunal must first decide my licensing application before the Court has jurisdiction. However, the crux of my Application is not a challenge to any Tribunal decision—it is a challenge to the Referral Decision itself, issued on April 11, 2025, which was made:

- Without prior notice or reasons;
- Without disclosure of the evidence relied upon;
- Without considering a remedial proposal from my articling principal;
- While relying on hearsay and an untested cease-and-desist letter from Saskatchewan, later admitted to be a mere “request.” [Emphasis added]

Judicial review is appropriate where the impugned conduct is procedurally flawed, ultra vires, or tainted by bias at the referral stage—not merely a Tribunal ruling. The caselaw cited by the Respondent (e.g., *Afolabi*, *Speck*, *Volochay*) does not preclude review where jurisdictional or fairness breaches occur prior to the hearing stage.

### **2. The Referral Decision Is Ultra Vires**

Section 27(4) of the Law Society Act authorizes referral only “where of the opinion that a hearing is necessary.” The Respondent failed to establish such necessity based on credible or substantiated facts. No fresh allegation arose post-reentry. It is now clear that a significant factor underlying the April 11, 2025 Referral Decision is a cease-and-desist letter dated January 30, 2025, issued by the Law Society of Saskatchewan (LSS). This letter was premised on a wholly unverified and anonymous email allegedly sent by an individual identifying as “Juan Carlos.” The LSO appears to have treated that letter—and the anonymous complaint—as credible evidence of unauthorized practice of law. It is not.

I wish to clarify and place on record the following:

**(a) Anonymous Complaint and Police Complaint Filed**

The anonymous email in question, used to trigger the LSS action, lacks any evidentiary foundation. It was never the subject of any investigation or formal hearing in Saskatchewan or Ontario. The source—“Juan Carlos”—has never been identified, cross-examined, or verified.

On May 23, 2025, I formally filed a police report regarding this fraudulent complaint, identifying it as malicious impersonation and reputational harassment. A true copy of the police complaint is attached as Tab 1.

**(b) LSS Retraction and Acknowledgement That January 30 Letter Was Not Binding**

The same official, Jody Martin (Director of Regulation, LSS), who issued the January 30 cease and-desist letter subsequently walked back its language. In an email dated May 5, 2025, Ms. Martin expressly acknowledged that the letter: “was not an order, but is simply a request for you to cease any unauthorized practice of law.” She further confirmed that the LSS is: “under no obligation to provide additional information or evidence at this stage,” and that the letter was issued on the basis of allegations—not established findings. A copy of Ms. Martin’s clarification email is attached as Tab 1A. This statement by LSS, taken at face value, confirms that:

- The allegations were never formally investigated
- The applicant was never afforded due process in Saskatchewan.
- No disciplinary proceedings or findings of unauthorized practice were ever initiated or concluded.

**(c) Judicial Review Application Filed in Saskatchewan**

In response to the prejudicial impact of the LSS letter, I have filed an application for judicial review in the Saskatchewan Court of King's Bench, seeking:

- A declaration that the January 30 letter was procedurally unfair and unlawful;

- An order quashing the LSS’s correspondence and actions;
- General damages of \$1 million, plus punitive damages, for reputational harm and abuse of public authority. A true copy of the judicial review application is enclosed as Tab 2.

#### **(d) LSO’s Improper Reliance and Section 27 Breach**

In relying on the Saskatchewan letter and anonymous complaint, the LSO has failed to comply with its statutory duty under s. 27(4) of the Law Society Act. That provision authorizes a referral only where the Director is “of the opinion that a hearing is necessary” and where that opinion is based on credible, relevant, and probative evidence.

In this case, the LSO:

- Relied on unproven, anonymous allegations;
- Failed to undertake any independent inquiry into the credibility of the Saskatchewan email or cease-and-desist letter;
- Ignored the fact that the issuing regulator later disclaimed the letter as merely “a request”;
- Did not afford the applicant an opportunity to respond or explain before issuing the referral. This misuse of discretion renders the referral ultra vires and procedurally defective. The decision lacks the evidentiary basis or proportionality required under Canadian administrative law. It reflects a broader pattern of institutional bias, wherein the LSO has treated the applicant not as a rehabilitated candidate seeking licensure in good faith, but as a presumptive wrongdoer.

### **3. This Matter Falls Under the Exception in *Volochay***

In *Volochay v. College of Massage Therapists of Ontario*, 2012 ONCA 541 at para. 70, the Court of Appeal recognized that judicial review may proceed before administrative exhaustion where:

- The process below is “tainted”;
- Delay would cause irreparable harm; or
- The tribunal is not the appropriate venue to raise the issues.

All three apply here. The LSO’s conduct is institutionally biased and constitutes an abuse of discretion. The Tribunal cannot rule on the lawfulness of the Referral Decision itself, nor can it address the ultra vires reliance on third-party material never disclosed or tested.

### **4. Institutional Bias and Retaliation**

Despite my full compliance with all licensing requirements—including passing both the Barrister and Solicitor examinations, completing an eight-month articling term under direct supervision, and providing a verified good character disclosure dated May 18, 2023—the Law Society of Ontario (LSO) has continued to pursue this matter as one of institutional positioning rather than principled regulation. The referral appears punitive and dismissive of all remedial overtures made in good faith.

Most notably, my supervising principal, Mr. Michel Riou, submitted a letter to the Director of Licensing on March 27, 2025 (attached as Tab 3), confirming that I had completed all licensing steps and had conducted myself with professionalism, integrity, and competence throughout articling. In that letter, he explicitly urged the LSO to consider alternative, constructive resolutions, including a voluntary cooling-off period or other conditions, as an alternative to proceeding with a good character hearing. That proposal was never acknowledged.

Instead, the LSO disregarded both my cooperation and my principal's remediation proposal and proceeded to refer the matter to a public hearing without notice, reasons, or disclosure. It is clear that this decision was not grounded in any legitimate assessment of risk or fitness, but rather in an institutional entrenchment. The result is an ongoing mischaracterization of me as a perpetrator of misconduct, despite:

- My full completion of all required licensing milestones;
- My verified and remorseful good character response (May 18, 2023); and
- My lack of any disciplinary record or adverse findings to date.

I do not seek to circumvent the licensing process. I seek only for this Honourable Court to safeguard the procedural integrity of that process, and to hold the Law Society accountable to the lawful exercise of its discretion under section 27 of the Law Society Act.

## **5. Damages and Constitutional Impact**

This is not a routine licensing issue. My Application seeks declaratory relief and damages for institutional misconduct, including reputational harm, distress, and breach of natural justice. A separate application for judicial review of the Saskatchewan cease-and-desist letter, seeking over \$1 million in damages, is ongoing in the Court of King's Bench, Saskatoon, SK.

### **Relief Requested**

I respectfully request that the Honourable Court:

1. Reject the Respondent's Rule 2.1.01 request;
2. Permit this Application to proceed on its merits; and

3. Consider scheduling a case conference or Rule 38 motion to address any jurisdictional objections in full, rather than by summary dismissal.

### Analysis

[8] Rule 2.1.01(1) of the *Rules of Civil Procedure* states:

The court may make an order staying or dismissing a proceeding that appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court.

[9] In *Attri v. Law Society of Ontario*, 2024 ONSC 5592, Justice O’Brien stated, at paras. 12-14:

[12] Rule 2.1.01 allows the court to stay or dismiss a proceeding where it appears on its face to be frivolous, vexatious, or otherwise an abuse of the process of the court. The application of r. 2.1 is “limited to the clearest of cases where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis in the pleadings to resort to the attenuated process”: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, [2015] O.J. No. 5692, at para. 8; *Mohammad v. McMaster University*, 2023 ONCA 598, [2023] O.J. No. 3997, at para. 6.

[13] The rule “must be interpreted robustly so that a motion judge can effectively exercise his or her gatekeeping function to weed out litigation that is clearly frivolous, vexatious or an abuse of process”: *Scaduto*, at para. 8; *Visic v. Elia Associates Professional Corporation*, 2020 ONCA 690, at para. 8.

[14] In this case, Ms. Attri’s application is premature on its face. This court has repeatedly emphasized the longstanding principle that it will not intervene in administrative proceedings unless there are exceptional circumstances. Fragmentation causes delay and disruptions in administrative proceedings. It is preferable to allow administrative proceedings to run their full course and then consider legal issues arising from the proceeding at their conclusion: *Isaac v. Law Society of Ontario*, 2021 ONSC 10 (CanLII), 2021 ONSC, at para. 10.

[10] In *David v. Law Society of Ontario*, 2021 ONSC 4606, the Divisional Court noted that “exceptional circumstances” in this context is narrowly defined. It stated, at para. 14:

It is well established that, absent exceptional circumstances, the court will not interfere with an administrative process until it has run its course. To do otherwise would unnecessarily fragment the proceedings and cause delay: *Landry v. Law Society of Upper Canada* 2011 CanLII 99902 (Div. Ct.), at paras. 15-19. As held in *Canada (Border Services Agency) v. C.B. Powell Limited*, 2010 FCA 61, at para. 33, exceptional circumstances are very narrow and do not even include “[c]oncerns about procedural fairness or bias, the presence of an important legal or constitutional issue, or the fact that all parties have consented to early recourse to the courts . . . as long as that process allows the issues to be raised and an effective remedy to be granted”. [Emphasis added]

[11] I find that this application for judicial review is premature. The Applicant will be able to raise the same core issues (namely, the alleged failure to give appropriate consideration to the remedial plan proposed by his articling principal and the alleged inappropriate reliance placed on the “cease and desist” letter issued by the Law Society of Saskatchewan) that animate this application for judicial review of the Referral Decision at the “good character” hearing that will be held by the Law Society of Ontario. The hearing before the Law Society Tribunal should run its course as I am not satisfied that there are “exceptional circumstances” that justify the fragmentation of the proceeding before the Tribunal.

**Order**

[12] Pursuant to Rule 2.1.01 of the *Rules of Civil Procedure*, I order that this application for judicial review be struck as an abuse of process.



---

Faieta J.

**RELEASED:** June 16, 2025