



Law Society  
of Saskatchewan

**RODNEY SIMALUK**  
**HEARING DATE: February 7, 2025**  
**DECISION DATE: February 18, 2025**  
***Law Society of Saskatchewan v. Simaluk, 2025 SKLSS 2***

**IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990***  
**AND IN THE MATTER OF RODNEY SIMALUK,**  
**A LAWYER OF REGINA, SASKATCHEWAN**

**DECISION OF THE HEARING COMMITTEE FOR THE**  
**LAW SOCIETY OF SASKATCHEWAN**

<b>Corrected Decision:</b>	<b>The text of the original Decision has been changed <i>per</i> the Corrigendum released February 19, 2025. A copy of the Corrigendum is appended to this Decision.</b>
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Hearing Committee: Dr. Ayodele Akenroye, FCIArb, Chair  
Rikki Boté (Public Representative)

Counsel: Timothy F. Huber, K.C.: Law Society of Saskatchewan  
Rodney Simaluk: Self-Represented

## **INTRODUCTION**

1. Rodney Simaluk (the “Member”) was the subject of a citation from the Conduct Investigation Committee alleging professional misconduct and conduct unbecoming of a lawyer. A panel of the Hearing Committee was appointed, consisting of William G. Lane (Chair), Dr. Ayodele Akenroye, FCIArb (Member), and Rikki Boté (Public Representative) (“the Panel”). However, due to an emergency just hours before the hearing, William G. Lane was unable to participate. With the Member’s consent, the hearing proceeded with a two-member panel instead of the originally constituted three- member panel. Consequently, Dr. Ayodele Akenroye, FCIArb, assumed the role of Chair.

2 Timothy Huber, K.C. represented The Law Society of Saskatchewan (“the Law Society”) as legal counsel and Rodney Simaluk represented himself. Neither counsel had any objections to the composition or jurisdiction of the panel.

3 The sole allegation in the Amended Formal Complaint dated December 18, 2024, states that:

- i) The Member in the course of his professional practice, sexually harass a Court Worker, Ms. X.

4 The Member entered a guilty plea to the sole count and this hearing proceeded as a penalty hearing.

5 In an Agreed Statement of Facts, the Member admits that his actions constitute a breach of Rule 6.3 (Harassment and Discrimination) and Rule 2.1 (Integrity) of the *Code of Professional Conduct*.

6 On July 18, 2022, while seated in a courtroom, the Member commented on Ms. X’s appearance, stating that she had ‘lost weight’ and was ‘looking good.’ Later that day, as Ms. X was leaving the courtroom after assisting him, the Member reached out and touched her buttock.

7 A Deputy Sheriff witnessed the interaction, and Ms. X later reported the incident, stating that it left her feeling disrespected, humiliated, and embarrassed. She ultimately resigned from her position within a month, citing the incident as the reason. Ms. X formally filed a complaint with the Law Society on August 22, 2022.

8 The Member initially did not recall the incident but later acknowledged the impact of his actions and apologized. He also cited personal health struggles because of the proceedings.

9 These facts, as agreed upon by both parties, form the basis of the Panel’s consideration of an appropriate penalty. The parties agree that the Member must be disciplined; however, they differ on the appropriate form that discipline should take.

10 In determining the appropriate penalty, the Panel must also consider the Member’s disciplinary history, which provides important context for assessing the necessary sanction.

11 After reviewing the Agreed Statement of Facts and hearing the submissions of the Society and the Member, the Panel orders that the Member:

- a. be suspended for two months effective from the date of this decision.
- b. complete a professional boundaries course within the period of his suspension.
- c. pay costs in the amount of \$5,870.00 payable no later than August 18, 2025.

## **THE MEMBER’S RECORD**

12 The Member was admitted to the Law Society in 1988. He has never been a member of any other law society. The Member has a history of disciplinary findings, with three prior determinations of conduct unbecoming.

13 In 2007, he was found guilty of conduct unbecoming for engaging in dilatory practice. In

2012, he was again found guilty of conduct unbecoming for entering into a debtor- creditor relationship with a client without implementing appropriate safeguards to address the inherent conflict of interest.

14. Most recently, in February 2024, the Member pled guilty to a third charge of conduct unbecoming. This finding stemmed from threats he made to file a complaint with a regulatory body against an opposing party to gain an advantage for his client in a pending civil matter.

## **THE LAW SOCIETY'S SUBMISSIONS ON SANCTION**

15. Counsel for the Law Society submitted that the appropriate sanction for the Member's conduct is a two-month suspension, along with an order for costs of \$5,870.00.

16. Counsel for the Law Society argued that a suspension is necessary to reflect the seriousness of the misconduct, uphold public confidence in the legal profession, and serve as an effective deterrent to both the Member and the profession as a whole. While disciplinary measures are not meant to be punitive, they serve a protective function, ensuring that the profession maintains high ethical standards and that the public retains trust in the legal system.

17. In support of its position, Counsel for the Law Society relied on the following factors:

### **a. The Nature and Gravity of the Misconduct**

18. The Member's conduct involved unwanted physical contact with the complainant in a professional setting. The incident took place inside a courtroom, a space where all individuals should feel respected and safe. The fact that the conduct occurred in full view of others only heightened its humiliating and degrading nature.

19. The power imbalance between the Member and the complainant is another significant concern. As a senior counsel, the Member occupied a position of authority and influence, while the complainant was a long-serving Court Worker whose role required frequent interaction with lawyers and judges. This imbalance is demonstrated by the fact that the Member had sent the complainant on a photocopying errand - a task reinforcing the professional hierarchy between them. Given these dynamics, the Member should have known that any unwarranted physical contact - even if intended as a lighthearted gesture - could be interpreted as demeaning and inappropriate.

20. Furthermore, the Member's response to the allegations raises concerns about his lack of insight into the seriousness of his actions. In his letter to the Law Society dated January 19, 2023, the Member initially claimed not to recall the incident. However, he later characterized his conduct as similar to "a fist pump or a slap on the shoulder" - an assertion that minimizes the impact of his behavior. While the Member has expressed regret and issued an apology, his description of the incident suggests that he fails to fully grasp the inappropriate nature of his actions.

### **b. Prior Disciplinary History:**

21. The Member's disciplinary record is an aggravating factor, as this is his fourth finding of conduct unbecoming. His history demonstrates a pattern of professional misconduct, which suggests a repeated disregard for ethical obligations. Specifically:

- **2007:** The Member was found guilty of dilatory practice, indicating a failure to

act with diligence in his professional duties.

- **2012:** The Member was found guilty of entering into a debtor-creditor relationship with a client without implementing safeguards to address the inherent conflict of interest.
- **2024:** The Member was found guilty of threatening to make a complaint to a regulatory authority in an attempt to gain leverage in a civil dispute - an abuse of process that called into question his professional judgment.

22. Given this recurring pattern of misconduct, the Counsel for the Law Society argued that a stronger sanction is warranted in this case. A lenient penalty would fail to acknowledge the cumulative impact of the Member's repeated violations of professional conduct rules.

**c. General and Specific Deterrence:**

23. Counsel for the Law Society submitted that a two-month suspension is necessary to send a clear message that inappropriate physical conduct, particularly in a professional setting, will not be tolerated. Counsel for the Law Society emphasized that disciplinary measures serve two key deterrent functions:

- **Specific deterrence:** Ensuring that this Member understands the seriousness of his actions and is discouraged from engaging in similar behavior in the future.
- **General deterrence:** Reinforcing to all members of the profession that misconduct of this nature carries serious consequences.

24. Counsel for the Law Society argued that, as societal standards evolve, the legal profession must adapt accordingly. There is an increasing expectation that lawyers, particularly senior members of the bar, demonstrate leadership in fostering respectful and inclusive workplaces. A failure to impose an appropriate sanction would risk signaling to the profession that such behavior is excusable or inconsequential.

**d. Comparable Cases:**

25. Counsel for the Law Society cited *Law Society of Manitoba v. Aquila*, 2024 MBLS 8 as a relevant precedent. In *Aquila*, a lawyer received a 30-day suspension for engaging in unwanted physical contact with a student. However, the mitigating factors in *Aquila* were substantially stronger than those present in the current case. The lawyer in *Aquila* demonstrated genuine remorse, undertook significant remedial efforts, and received strong character references supporting his professional integrity. Additionally, the lawyer in *Aquila* was ordered to pay costs of \$4,000.00.

26. By contrast, in the present case:

- i. The Member's response has been minimizing and dismissive rather than fully acknowledging the gravity of his actions.
- ii. The mitigating factors are less robust compared to those in *Aquila*.
- iii. The Member's disciplinary history – unlike in *Aquila* – demonstrates a pattern of prior misconduct, warranting a stronger sanction.

27. Given these distinctions, Counsel for the Law Society argued that a baseline one-month suspension, as seen in *Aquila*, should be increased to two months in the present case.

28. Counsel for the Law Society also cited *Law Society of Saskatchewan v. Hale*, 2021 SKLSS 5 (CanLII), as a relevant Saskatchewan precedent dealing with sexual misconduct. In *Hale*, the lawyer engaged in inappropriate and unwanted sexual touching of a female client, including running his hands up and down her thighs during meetings. The client was in a vulnerable position, as she was seeking legal representation regarding her escape from an abusive domestic relationship. The lawyer pleaded guilty to conduct unbecoming a lawyer, and a joint submission on penalty was accepted, which included a six-month suspension, a reprimand, completion of a workplace harassment course, and costs of \$2,000.00. Several months of the suspension were considered “time served” due to the lawyer’s termination from his employment and period of non-practice.

29. Counsel for the Law Society submitted that while the misconduct in *Hale* was more egregious given the clear vulnerability of the complainant, the sanction imposed in that case supports the need for a significant suspension in instances of sexual harassment within the legal profession. The disciplinary response in *Hale* reflects the seriousness with which such conduct is regarded and further reinforces the appropriateness of a two-month suspension in the present case.

**e. Public Confidence in the Profession:**

30. Counsel for the Law Society submitted that the impact on the complainant is another aggravating factor. The complainant, who had worked in the courthouse for 25 years, left her role within one month of the incident. After 15 years as a Court Worker, she felt so humiliated, disrespected, and embarrassed that she could no longer work in the same environment where the incident took place. The fact that an experienced professional was driven from her career due to the Member’s actions underscores the severity of the misconduct.

31. Counsel for the Law Society stressed that the legal profession is built on trust, integrity, and respect. A failure to impose a meaningful sanction would undermine public confidence in the profession’s ability to hold its members accountable. The public must be assured that misconduct, especially when it affects the dignity and well-being of others, will be met with appropriate consequences.

32. Considering these factors, Counsel for the Law Society submitted that a reprimand or fine would be insufficient. A financial penalty alone would fail to reflect the seriousness of the misconduct, the harm caused to the complainant, and the importance of upholding professional standards.

33. Accordingly, Counsel for the Law Society recommended a two-month suspension, which properly balances the nature of the misconduct, the Member’s prior disciplinary history, and the need to deter similar conduct. This sanction aligns with precedent while also recognizing the aggravating factors that elevate the severity of this case.

**SUBMISSIONS OF THE MEMBER**

34. The Member submitted that a reprimand, a letter of apology to the complainant, and counselling (if deemed necessary by the Panel) would be the appropriate sanction in this case.

He argued that a suspension would be disproportionate and unduly punitive, given the circumstances of the misconduct. His key arguments are as follows:

**a. Acceptance of Responsibility & Remorse**

35. The Member acknowledged his misconduct, expressed genuine remorse, and emphasized that the incident was a lapse in judgment. He fully cooperated with the disciplinary process, pled guilty promptly, and spared the complainant from testifying. He recognized the harm caused and is committed to ensuring such behavior is never repeated.

**b. Context and Absence of Malicious Intent**

36. Member characterized the incident as a momentary lapse, not a pattern of misconduct. He described his comments and the physical contact as a friendly gesture, not intended in a sexualized or offensive manner, and argued that his prior interactions with the complainant had been cordial.

**c. Proportionality and Sentencing Principles**

37. The Member referred the Panel to *Law Society of Upper Canada v. Marshall Stephen Kazman*, 2008 ONLSAP 7 which cited the seminar case of *Bolton v. Law Society [1994] 1 W.L.R. 512 (C.A.)*. He emphasized that disciplinary measures should be rehabilitative and proportionate, not punitive. Arguing that a suspension would be excessive given the nature of the misconduct, he contended that a reprimand combined with rehabilitative measures would be sufficient to maintain public confidence without the need for a suspension.

**d. Financial and Personal Hardship**

38. The Member noted that a suspension would result in a significant financial loss, estimated at \$84,008.02. He argued that fixed costs should be considered, as they continue during a suspension, and that income loss is speculative. He also highlighted his approaching retirement and the potential impact on his financial stability.

**e. Health & Personal Consequences**

39. The Member disclosed that he is diabetic and nearing 69 years old, with the stress of the proceedings negatively impacting his health. He also mentioned the emotional toll on his marriage and the reputational damage caused by the public nature of the proceedings.

**f. Rehabilitation and Alternative**

40. Reaffirming his commitment to professional boundaries, the Member proposed a formal reprimand, a directed letter of apology to the complainant, and further counselling if deemed necessary. The Member argued that these measures would sufficiently achieve the objectives of deterrence and public confidence without an overly punitive sanction.

41. In conclusion, the Member urged the Panel to impose a fair, proportionate, and rehabilitative sanction, rejecting a suspension as excessive in the circumstances.

## ANALYSIS

42. Hearing Committees are governed by the principles set out in the *Legal Profession Act*, 1990 L-10 (the “Act”). In carrying out their role, they advance the Law Society’s fundamental duty to uphold and protect the public interest in the administration of justice. While ensuring the integrity and competence of lawyers is a key function, public protection extends beyond that. It also encompasses the need to maintain public confidence in the justice system, the legal profession, and the Law Society’s ability to regulate its members effectively and impose appropriate sanctions when necessary.

43. Given the relatively low volume of disciplinary decisions in Saskatchewan, the Panel finds it useful to consider decisions from other jurisdictions with comparable regulatory frameworks. British Columbia provides well-reasoned precedent that assists in analyzing the appropriate sanction framework in this case. While each case must be assessed on its own facts, referencing established case law from other jurisdictions helps to ensure consistency and fairness in disciplinary decision-making. The Panel notes that British Columbia’s regulatory framework aligns with Saskatchewan’s in its emphasis on deterrence, rehabilitation and public confidence in the profession.

44. In determining an appropriate disciplinary action, the Panel finds direction in the factors set out in *Law Society of BC v. Ogilve* 1999 LSBC 17, which has been widely cited in Canadian professional discipline cases. These factors were later refined in *Law Society of BC v. Dent*, 2016 LSBC 5, where they were consolidated under four key headings:

- a. nature, gravity and consequences of conduct.
- b. character and professional conduct record of the respondent.
- c. acknowledgment of the misconduct and remedial action; and
- d. public confidence in the legal profession including public confidence in the disciplinary process.

45. Each of these consolidated factors will be considered in turn.

### **a. Nature, Gravity and Consequences of Conduct**

46. The Member’s actions - making comments about the complainant’s appearance and then touching her buttock in a courtroom setting - are serious breaches of professional conduct. The physical contact was not only inappropriate but also occurred in a courthouse where all individuals should feel safe and respected.

47. Sexual harassment, even in the form of a single incident, is a grave matter. Such behavior is inconsistent with the standards of professionalism and integrity expected of members of the legal profession. It undermines workplace respect, creates discomfort for colleagues, and erodes confidence in the legal profession. The fact that conduct occurred in open court only heightens the gravity of the misconduct, as it demonstrates a lack of awareness of professional boundaries even in a formal legal setting.

48. The consequences of the Member’s actions extend beyond personal embarrassment. The complainant was placed in a deeply uncomfortable position and subjected to an unwelcome and inappropriate act. The incident also has broader implications for public confidence in the profession. Members of the public, clients, and colleagues must be assured that lawyers will uphold the highest standards of respect and professionalism, particularly in a courtroom setting.

49. Previous decisions in other jurisdiction emphasize the serious nature of misconduct that undermines the victim's sense of personal dignity and integrity. In *Adams v. Law Society of Alberta*, 2000 ABCA 240 at par. 26 ("*Adams*"), the Alberta Court of Appeal confirmed that these types of personal boundary violations by lawyers are at least as serious as misappropriation, stating:

"... The minority expressly contended that Adams' misconduct was less serious than a case of misappropriation of trust funds, which 'in virtually every case ... calls for disbarment.' This suggestion is troubling, as it implies that the integrity of the person is somehow less important than the integrity of the dollar. We do not diminish the seriousness of the offence of absconding with a client's trust funds. However, we have surely come to a point in our understanding of individual respect where the violation of a person's dignity is at least as important as the value of a bank account."

50. Similarly, in *Law Society of Upper Canada v. Sinukoff*, 2012 ONLSHB 12 ("*Sinukoff*"), at para. 42, the hearing panel commented on the gravity of misconduct such as unwanted touching by a member of the bar:

... Lawyers must act with integrity and they do not do so if they propose payment by sexual favors or if they commit unwanted sexual touching. The requirement of integrity is a foundation of the legal profession. In the twenty-first century, it must be understood by all lawyers that conduct such as this is utterly reprehensible and that it will attract serious consequences from the regulator.

51. The principles articulated in *Adams* and *Sinukoff* reinforce the seriousness of the Member's misconduct. The *Adams* decision underscores that violations of personal dignity and bodily autonomy are as serious as financial dishonesty, emphasizing that the legal profession must safeguard not only financial integrity but also the physical and emotional well-being of those it interacts with. Similarly, *Sinukoff* highlights that unwanted touching by a lawyer constitutes a fundamental breach of integrity – one of the cornerstones of the profession.

52. In this case, the Member's actions align with the type of misconduct denounced in *Adams* and *Sinukoff*. The complainant was subjected to an unsolicited and inappropriate physical act in a professional setting, undermining both her personal dignity and the broader expectations of respect within the legal community. Given that these cases recognize such conduct as "utterly reprehensible" and deserving of serious consequences, it follows that a proportionate sanction is necessary here to uphold professional standards and deter similar misconduct.

53. Public confidence in the legal profession – and its ability to regulate itself – depends on ensuring that misconduct of this nature is met with disciplinary action that appropriately reflects its seriousness and unacceptability. A lenient penalty could lead the public to question whether the legal profession truly upholds its own ethical standards, potentially damaging trust in the profession's self-regulatory capacity.

## **b. Character and Professional Conduct Record of the Respondent**

54. The Member has a history of disciplinary infractions, including three prior findings of conduct unbecoming. While the past misconduct is not identical in nature, it reflects a pattern of professional misconduct issues, reinforcing the necessity for progressive discipline. The principle of progressive discipline requires that repeat offenses be treated with increasing severity to deter future misconduct and protect the public interest.

55. Given the Member's disciplinary history, the Panel carefully considered whether a more severe penalty, such as a longer suspension, was warranted. While this is the first finding of sexual harassment, prior disciplinary measures have not fully achieved their deterrent purpose. This supports the need for a firm but measured sanction that balances accountability, deterrence, and rehabilitation.

### **c. Acknowledgement of Misconduct**

56. The Member has admitted to the misconduct and pled guilty at the earliest opportunity. His early acknowledgment of wrongdoing and cooperation with the Law Society's process are mitigating factors that weigh in his favor. By pleading guilty, the Member spared the complainant from having to testify, which reflects some level of accountability. He also expressed remorse, describing the incident as a lapse in judgment and committing to ensuring such behavior is never repeated. The Panel recognizes that an early guilty plea and cooperation with the process are important considerations in determining an appropriate sanction.

57. However, while the Member expressed remorse, the depth of that remorse is a concern for the Panel. During the penalty hearing, he minimized his conduct, referring to it as "a little tap on the buttock" and equating his comment about the complainant's appearance to complimenting a male colleague on his tie. In his letter to the Law Society dated January 19, 2023, he initially claimed not to recall the incident but later characterized his conduct as akin to "a fist pump or a slap on the shoulder" – a description that minimizes both the nature and impact of his behavior. This language trivializes the nature of the misconduct and raises doubts about whether the Member fully grasps its seriousness. The tendency to downplay inappropriate behavior, particularly in professional discipline matters, is itself a concern, as it suggests a lack of full accountability and an insufficient understanding of professional standards. In 2025, such attitudes toward sexual harassment are entirely unacceptable. Legal and societal standards have evolved, reflecting a greater understanding of the harm caused by such behaviour. The progression of jurisprudence on sexual harassment and professional misconduct underscores that minimizing inappropriate conduct is incompatible with the profession's duty to uphold respect, dignity, and accountability in the workplace.

58. The Member also argued that his actions lacked malicious intent, describing them as a momentary lapse rather than a pattern of misconduct. He characterized the physical contact and comments as friendly gestures, not intended in a sexualized or offensive manner. While the Panel acknowledges that malicious intent is not a required element of professional misconduct, the absence of such intent does not diminish the impact of the conduct. As a plethora of case law has established, professional discipline is concerned with the effect of the conduct on others and public confidence in the legal profession, not solely the subjective intent of the Member. The fact that the complainant experienced discomfort and that the conduct occurred in open court in front of witnesses underscores the gravity of the misconduct, regardless of the Member's intent.

59. The Member further submitted that a suspension would be excessive and unduly punitive, arguing that a reprimand, a letter of apology, and counseling (if deemed necessary) would be a sufficient sanction. He relied on disciplinary principles emphasizing proportionality and rehabilitation, citing *Law Society of Upper Canada v. Kazman*, 2008 ONLSAP 7, and *Bolton v. Law Society*, [1994] 1 W.L.R. 512 (C.A.). The Panel acknowledges that professional discipline should be corrective rather than punitive. However, ensuring accountability, maintaining public confidence, and deterring similar conduct are central objectives in sanctioning. Given the circumstances of this case, a reprimand alone would fail to sufficiently address these objectives.

60. The Panel has also considered the Member's submissions regarding financial and personal hardship, including his age, health conditions, and the economic impact of a suspension. The Saskatchewan Court of Appeal in *Abrametz v. Law Society of Saskatchewan*, 2023 SKCA 114 at para. 74, reaffirmed that while considerations such as financial hardship, health issues, and personal circumstances may be relevant in assessing sanction, they do not override the fundamental purposes of professional discipline - namely, maintaining public confidence, ensuring deterrence, and upholding professional integrity. The Member's estimated financial loss of \$84,008.02, while significant, must be weighed alongside other aggravating and mitigating factors. As jurisprudence establishes, financial hardship alone does not justify a lesser sanction when the misconduct is serious and has implications for public trust in the profession.

61. While the Panel has considered the Member's mitigating submissions, including his early plea, lack of prior sexual misconduct, and willingness to engage in remedial measures, these factors do not displace the need for meaningful sanction. The Panel finds that a reprimand or written apology alone would be insufficient to uphold the profession's commitment to maintaining safe and respectful workplaces. Additional measures are necessary to reinforce professional boundaries and deter future misconduct.

#### **d. Public Confidence in the Legal Profession**

62. Public confidence in the legal profession is paramount. The public must trust that the disciplinary process meaningfully addresses misconduct and upholds the integrity of the profession. A lenient penalty risks undermining that confidence by creating the perception that such conduct is tolerated or not taken seriously. This principle is codified in ss. 3.1 and 3.2 of the Act, which state that the Law Society must always act in the public interest, regulate the profession, and ensure the integrity and competence of its members. Furthermore, in exercising its responsibilities, the protection of the public and the ethical and competent practice of law must take priority over the interests of the member.

63. As stated in *Law Society of Manitoba v. Nadeau*, cited in *Law Society of Manitoba v. Aquila* 2024 MBLS 8,

"The purposes of law society discipline proceedings are not to punish offenders and exact retribution, but rather to protect the public, maintain high professional standards, and preserve public confidence in the legal profession."

64. While ensuring accountability for misconduct is essential, professional discipline must also be fair and proportionate. The goal is not purely punitive but should also promote rehabilitation and future compliance with professional standards. As *Nadeau* further emphasizes,

"The purpose of the Society is to uphold and protect the public interest in the delivery of legal services with competence, integrity and independence."

65. These principles reinforce the need for disciplinary sanctions that serve both deterrence and education while safeguarding the public interest.

66. The impact on the complainant is a significant aggravating factor. The complainant, who had worked in the courthouse for 25 years, left her role within a month of the incident. After 15 years as a Court Worker, she felt so humiliated, disrespected, and embarrassed that she could no longer work in the same environment where the incident took place. The fact that an experienced professional was driven from her career due to the Member's actions underscores

the severity of the misconduct.

67. The legal profession is built on trust, integrity, and respect. A failure to impose a meaningful sanction would undermine public confidence in the profession's ability to hold its members accountable. The public must be assured that misconduct - especially when it affects the dignity and well-being of others - will be met with appropriate consequences.

68. Given the Member's history and the need to uphold professional standards, the Panel finds that a combination of suspension and remedial education is the appropriate sanction. This ensures accountability while also promoting meaningful rehabilitation and reinforcing public confidence in the legal profession.

69. In determining the appropriate sanction, the Panel carefully considered comparable cases to ensure consistency. Counsel for the Law Society cited *Law Society of Manitoba v. Aquila, 2024 MBL 8* as a relevant precedent. In *Aquila*, a lawyer received a 30-day suspension for engaging in unwanted physical contact with a student. However, the mitigating factors in *Aquila* were significantly stronger than those in the present case. The lawyer in *Aquila* demonstrated genuine remorse, took meaningful remedial steps, and received strong character references attesting to his professional integrity.

70. By contrast, the Member's response in this case has been marked by minimization and a failure to fully acknowledge the gravity of his actions. His attempts to downplay the misconduct, both in his statements to the Panel and in his written submissions, raise serious concerns about his understanding of professional boundaries. Furthermore, unlike *Aquila*, the Member has a prior disciplinary history, demonstrating a pattern of professional misconduct. This history underscores the need for a stronger sanction to ensure deterrence and reinforce the seriousness of maintaining professional boundaries.

71. Counsel for the Law Society also cited *Law Society of Saskatchewan v. Hale, 2021 SKLSS 5*, where a lawyer engaged in inappropriate and unwanted sexual touching of a vulnerable client, resulting in a six-month suspension. However, *Hale* is distinguishable from the present case. The misconduct in *Hale* involved multiple incidents of sexual touching, a direct abuse of the lawyer-client relationship, and a particularly vulnerable complainant, all of which were aggravating factors warranting a more severe sanction. In contrast, the present case, like *Aquila*, involves a single incident of physical contact, making *Aquila* the more appropriate precedent for comparison.

72. Given these distinctions, the Panel accepts the submission of Counsel for the Law Society that a baseline one-month suspension, as seen in *Aquila*, would not adequately reflect the gravity of the misconduct given the Member's prior disciplinary record, his failure to fully acknowledge the seriousness of his actions, and the impact on the complainant. A two-month suspension is necessary to reflect the seriousness of the misconduct, uphold public confidence in the profession, and serve as a deterrent to other members.

73. Additionally, while Counsel for the Law Society did not specifically request that the Member complete a course on personal boundaries, the Panel considers this requirement essential. The Member has paid lip service to the seriousness of his conduct, yet his own submissions - particularly his recommendation for a lenient sanction - suggest a fundamental lack of understanding of the issue. A structured course on professional boundaries will provide necessary education and reinforce the expectations of the legal profession. This measure is not merely corrective but essential to ensuring the Member gains meaningful insight into appropriate conduct, thereby protecting the public interest and upholding confidence in the profession.

## **COSTS**

74. During the penalty hearing, the Member argued that the cost of \$5,870.00, as presented by Counsel for the Law Society, were excessive. He submitted that he had been fully cooperative throughout the proceedings and claimed that the complainant's lack of cooperation was the primary reason for the increased costs.

75. The Panel rejects this argument. The complainant's level of cooperation has no bearing on the necessity of a rigorous and fair disciplinary process, nor does it absolve the Member of responsibility for his actions. The costs incurred are reasonable, reflecting the necessity of a fair and thorough disciplinary process. Given the nature of the misconduct, the costs are proportionate and justified.

## **SANCTION**

76. The Panel orders that:

- a. The Member is suspended for a period of two-month commencing on the date of this decision. The Member shall complete a professional boundaries course within the period of his suspension.
- b. The Member shall pay the full cost of \$5,870.00 no later than August 18, 2025.

**DATED** this 18<sup>th</sup> of February 2025 at the City of Bradford in the Province of Ontario.

Per: "Dr. Ayodele Akenroye, FCI Arb", Chair

**DATED** 18th of February 2025 at the City of Regina in the Province of Saskatchewan.

Per: "Rikki Boté"

## **CORRIGENDUM**

77. The Panel's decision dated **February 18, 2025**, is hereby amended as follows:

78. In the **Sanction** section, the provision regarding the commencement of the Member's suspension is revised to read:

"The Member is suspended from the practice of law for a period of two months, commencing **30 days from the date of this decision**. This period is intended to allow for an orderly transition of the Member's clients' matters to mitigate any undue prejudice to clients."

79. All other aspects of the decision remain unchanged.

**Dated** 19th of February 2025.

Per: "Dr. Ayodele Akenroye, FCI Arb", Chair

## **AGREED STATEMENT OF FACTS AND ADMISSIONS**

**In relation to the Formal Complaint dated April 13, 2023, alleging the following:**

THAT RODNEY SIMALUK, of the City of Regina, in the Province of Saskatchewan, is guilty of conduct unbecoming a lawyer in that he:

- 1. did, in the course of his professional practice, sexually harass a Court Worker, Ms. X.*

### **Jurisdiction**

80. Rodney Simaluk (hereinafter “the Member”) is, and was at all times material to this proceeding, a Member of the Law Society of Saskatchewan (the “LSS”), and accordingly is subject to the provisions of *The Legal Profession Act*, 1990 (hereinafter the “Act”) as well as the *Rules of the Law Society of Saskatchewan* (the “Rules”).

81. The Member is currently the subject of a Formal Complaint initiated by the LSS dated April 13, 2023. The Formal Complaint is attached at **Tab 1** along with proof of service. The Member intends to enter guilty pleas to allegation #1.

### **Particulars of Conduct**

82. On July 18, 2022, just prior to 2:00 pm., the Member was seated in the gallery of Court Room #2 at the Regina Provincial Court. Several other individuals including the Crown and Courtroom Deputy were present.

83. Court Worker, Ms. X, entered the Courtroom to speak to the Crown Prosecutor. Ms. X. came in and out of Courtroom #2 twice prior to the commencement of court that afternoon. On the first occasion the Member and Ms. X. had a brief exchange, both were standing in the Courtroom. During this exchange the Member said to Ms. X that she looked like she had “lost weight” and that she was “looking good”.

84. The Member states that he frequently compliments others on their appearance. Ms. X reports that she was made to feel uncomfortable by the comments.

85. After the initial exchange, Ms. X left the Courtroom. While she was gone, she facilitated the copying of some documents for the Member and brought those documents to him. He was seated at this point. Shortly thereafter, as Ms. X was leaving the Court Room, the Member reached out and touched/poked Ms. X on the buttock. Ms. X turned to see the Member’s arm outstretched but did not confront the Member in the moment. She left the Court Room. The Member states that he touched Ms. X as a gesture of thanks, for Ms. X attending to the photocopying.

86. A Deputy Sheriff Mr. Y was present in the Court Room at the time of this incident and witnessed the interaction. After court concluded that day, Ms. X and a colleague of hers spoke with the Deputy Sheriff to determine if he had seen what had occurred between her and the Member. After confirming that he had seen the entire interaction, Ms. X asked that the Deputy Sheriff write a report. He indicated that he would write a report and notify his supervisor. That

written report, dated the morning after the incident, is attached hereto at **Tab 2**.

87. In the days following the incident Ms. X prepared her own hand-written statement recounting what occurred from her perspective. Ms. X was upset by the incident and felt disrespected, humiliated and embarrassed by what occurred. The hand-written account of Ms. X is attached at **Tab 3**. On July 25, 2022, Ms. X and a support person attended at the Member's office. The Member was away, but his wife, who works in his office, was present. Ms. X disclosed the incident to the Member's wife. Following that disclosure, the Member's wife asked Ms. X what she would like the Member to do in response to the incident. Ms. X advised that she was considering next steps and would get back to them.

88. Ms. X states that after 15 years, Ms. X left her job as a Court Worker within 1 month of this incident with the Member. She had worked at the Court House in various roles for 25 years including as a Court Worker and a court clerk. She left because of the incident with the Member. She did not want to have to see the Member at work.

89. Ultimately, Ms. X filed a complaint with the LSS on August 22, 2022.

90. The Member states that as a result of the conversation that occurred between Ms. X and his wife, and the impression that Ms. X would reach out to him if she wanted an apology, he did not reach out to her.

91. The complaint was provided to the Member on January 17, 2023. On January 19, 2023, the Member responded in writing. The Member's written response to the Law Society is attached at **Tab 4**. The Member stated that he did not initially recall the incident giving rise to the complaint. However, the Member did take the opportunity to apologize to Ms. X for causing her pain and upset and indicated that he understood that his action made Ms. X feel uncomfortable, disrespected and vulnerable.

92. The Member states, and Ms. X confirms, that prior to this incident, the two had viewed each other as colleagues. Ms. X had even attended at the Member's office for social visits including coffee or group Christmas events several times over the years.

93. The Member states that he is a type 2 diabetic (for which he takes insulin) and in 2008 he had his mitral heart valve replaced (for which he takes warfarin daily). The Member states that his health has been severely affected by this matter. The Member states that his blood sugar has been unstable and his INR levels/readings (blood clotting rate) have fluctuated dramatically. The Member states that he has lost sleep, and that the matter has negatively impacted his personal relationships.

#### Prior History

94. The Member has two prior historical findings of conduct unbecoming. In 2007, the Member was found guilty of conduct unbecoming for one count of dilatory practice. In 2012, the Member was found guilty of conduct unbecoming in connection with entering into a debtor-creditor relationship with a client without ensuring that proper safeguards were in place for the client regarding the conflict of interest inherent in the transaction. The Member also pled guilty to another unrelated charge of conduct unbecoming in February of 2024, relating to threats he made to make a complaint to a regulatory body against an opposing party in order to obtain a benefit for his client in a pending civil matter.