Law Society Tribunal
Tribunal du Barreau

LAW SOCIETY TRIBUNAL
HEARING DIVISION

Citation: *Mazaheri v Law Society of Ontario*, 2025 ONLSTH 186
Date: December 30, 2025
Tribunal File No.: 25H-139

BETWEEN:

Shahryar Mazaheri

Applicant

- and -

Law Society of Ontario

Respondent

Before: Paul Aterman (chair), Lubomir Poliacik, Michelle Richards

Heard: December 4, 2025, by videoconference, and in writing

Appearances:
Applicant, self-represented
Amanda Worley, for the respondent

Summary:

MAZAHERI – Admissibility – Recusal – Bias – The Lawyer commenced a motion to vary or remove the interlocutory suspension ordered on November 12, 2024 – He objected to evidence filed by the Law Society and asked the panel to recuse itself because it reviewed that evidence, and also because of the panel's response to the Lawyer's use of generative AI – The Lawyer's materials were produced with the assistance of generative AI and substantial parts made no sense, referring to non-existent and misleading authorities – The Lawyer admitted to using generative AI and failing to verify the output – He took responsibility for the errors.

The materials filed by the Law Society were relevant and the Lawyer did not show that they were inadmissible – The Lawyer did not demonstrate that the panel was biased by reviewing the filed materials before ruling on their admissibility or in its response to the issues raised by the use of generative AI – The Lawyer's motion on admissibility and bias was dismissed.

REASONS FOR DECISION ON A MOTION RE ADMISSIBILITY AND A MOTION FOR RECUSAL

[1] Paul Aterman (for the panel):– Shahryar Mazaheri (the applicant) is a lawyer whose licence has been suspended on an interlocutory basis. He has brought a motion to vary or remove the interlocutory suspension. We have not yet heard his motion.

[2] Within his motion to vary or remove the interlocutory suspension, he asks us to:

- exclude some evidence filed by the Law Society in response to his motion to remove the suspension;
- recuse ourselves because we have looked at the evidence he objects to, and are therefore incapable of unbiased judgment; and
- recuse ourselves because we criticized him during a case management hearing, interrupted his submissions, and raised issues regarding his professional conduct when we had no authority to do so.

[3] These reasons deal with the three points above. We refer to this motion as the "admissibility and bias motion".

[4] There is no basis for the admissibility and bias motion. The Law Society's documents are admissible because they are relevant and because the rules of evidence on interlocutory suspensions motions, and thus on motions to vary an interlocutory suspension, are less stringent than the civil rules of evidence. There is no bias just because a panel has looked at evidence in order to rule on its admissibility. And we have not treated the applicant in a way that gives rise

to a reasonable apprehension of bias. We now explain these conclusions in the reasons below.

[5] We begin by setting out the background to the admissibility and bias motion. Then we deal with the relevance and admissibility of the Law Society's documents. Finally, we deal with each of the bias arguments.

BACKGROUND TO THE ADMISSIBILITY AND BIAS MOTION

[6] On November 12, 2024, the Tribunal suspended the applicant's licence on an interlocutory basis.[1] On September 23, 2025, the applicant brought a motion to vary or remove the suspension on the grounds that there have been material changes in the circumstances that led to the suspension being imposed.

[7] At a proceedings management conference on November 10, 2025, the applicant objected to the admissibility of exhibits attached to an affidavit filed by the Law Society. He was directed to file a notice of motion, affidavit, and factum in support of his objection.

[8] Despite the Tribunal's direction, the applicant did not limit himself to filing a notice of motion, affidavit, and factum. He also filed what he describes as a supplementary factum and supplementary affidavit.

[9] All the materials that the applicant filed were produced with the assistance of generative artificial intelligence. The tool the applicant used was "hallucinating".

[10] Not a single proposition of law in any of the applicant's materials is supported by a reliable authority.

[11] Once it became apparent to us that substantial parts of the applicant's materials made no sense, we directed the parties to appear at a case management conference. The direction included a 15-page chart of examples of the non-existent and misleading authorities in the applicant's materials. The parties were directed to address how they thought we should proceed in light of the applicant's materials.

[12] The applicant wrote to the Tribunal on November 30, 2025, admitting that he had used generative artificial intelligence with the result that there were numerous errors in his motion materials. He admitted that he had failed to check the materials before submitting them. He apologized and undertook not to use generative artificial intelligence in preparing any further materials.

[13] He wrote:

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[1] *See Law Society of Ontario v Mazaheri and Yack*, 2024 ONLSTH 132.

> I accept there are numerous errors in the citations, hyperlinks and the application of the Tribunal Rules contained in my factum and supplementary factum. These errors are entirely my responsibility. They arose for my over-reliance on generative artificial intelligence tools (in particular Grok) to assist me in researching and drafting the documents while I was trying to manage filing these materials on my own. This came about when I was unable to retain a lawyer who was able to assist me during this process.
>
> I did not intend to mislead the Tribunal. I believed in good faith that the AI tools would produce accurate citations and reasoning. I now see that I failed to verify the output with sufficient care, and I sincerely apologies to the panel and to Ms. Worley for the resulting inaccuracies.

[14] We conducted the case management conference on December 4, 2025. We permitted the applicant to file a new factum on the admissibility and bias motion. Our endorsement clearly limited him to submitting a factum only. Despite this direction, the applicant submitted a factum, an affidavit, a supplementary factum, and a supplementary affidavit. Because the applicant did not follow our direction, we indicated to the parties that we would only consider his factum and not the other materials that he had filed.

THE LAW SOCIETY'S EVIDENCE IS ADMISSIBLE

The record from the Tribunal's interlocutory suspension decision is admissible

[15] The Tribunal's file number in the proceeding that imposed the interlocutory suspension on November 12, 2024 is 24H-098.The Law Society has filed the record in 24H-098 in these proceedings.

[16] The record in 24H-098 is relevant to the issue that we have to decide on the applicant's motion to vary or remove the interlocutory suspension.

[17] As the Law Society points out in its factum, it is unclear if the applicant is actually objecting to the admissibility of the record in 24H-098. On the one hand, he addressed this orally on October 28, 2025, and at para 5 of his November 14, 2025 affidavit. On the other hand, he has not dealt with it in his revised factum. Despite this lack of clarity, and in order to avoid this issue arising later in the proceedings, we address it now.

[18] In order to vary or remove the interlocutory suspension, we first have to find that there is fresh evidence, or that there has been a material change in

circumstances since the suspension was imposed.[2] The burden of proof lies with the applicant at this stage.

[19] If we decide that this test has been met, we then have to consider the fresh evidence or changed circumstances along with the facts established in the Tribunal's earlier interlocutory suspension decision. The burden of proof shifts to the Law Society at this stage to demonstrate that the suspension remains necessary.[3]

[20] It follows from this that the record in 24H-098 is admissible. How would we be able to apply the legal test that a motion to vary or remove requires if we did not consider the record? The applicant has produced no authority to suggest the record in 24H-098 is inadmissible.

[21] Furthermore, Rule 11.8 of the Tribunal's *Rules of Practice and Procedure* allows evidence in prior proceedings to be admitted, if the criteria in the rule are met. Here they are.

[22] For these reasons we decide that the record in 24H-098 is admissible in these proceedings.

The Law Society's affidavit evidence is also admissible

[23] In response to the applicant's motion to vary or remove the interlocutory suspension, the Law Society has filed an affidavit. It contains:

- the application record in a Superior Court trusteeship application that it brought against the applicant;
- communications from an individual who was involved in litigation with the applicant;
- the transcript of an interview between a Law Society investigator and the applicant on April 21, 2025; and
- Law Society investigation documents.

[24] The applicant maintains that the Law Society closed its investigation against him in September 2025. He says it is an abuse of process for the Law Society to submit materials that it has put together after it has concluded its investigation. Furthermore, he says that this evidence is irrelevant, unreliable, and prejudicial to him.

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[2] This is explained in the following cases: *Law Society of Upper Canada v Marusic*, 2016 ONLSTA 22, and *Law Society of Upper Canada v Ejidike*, 2017 ONLSTH 87.

[3] This is explained at para 17 of *Law Society of Ontario v White*, 2018 ONLSTH 150.

[25] In relation to his argument that the Law Society is abusing the Tribunal's process by continuing its investigation after he says that it was closed, the applicant cites a Supreme Court of Canada decision, *R. v Khelawon*.[4] The passage he cites is a discussion of the admissibility of hearsay evidence at a criminal trial.

[26] The admissibility of evidence at a criminal trial is irrelevant to the issue the applicant is raising because the procedural safeguards in a criminal trial are higher than in administrative proceedings generally. And in this case, *R. v Khelawon* is even less relevant. This is because the admissibility of evidence on interlocutory matters is subject to an even lower threshold than in conduct proceedings before the Tribunal.

[27] Further, as the Law Society notes, its authority to investigate is ongoing. This means that it can exercise that authority while it is determining whether to issue a conduct application, as it has done so in this case.[5] This aspect of the applicant's argument fails.

[28] The applicant's next submission is that the evidence is irrelevant and prejudicial. The Law Society argues that the evidence is highly relevant because it intends to use it to cross-examine the applicant at the hearing of his motion to vary or remove the interlocutory suspension.

[29] The test for the admissibility of evidence in interlocutory proceedings is found at Rule 11.7(3) of the *Rules of Practice and Procedure*. In effect, evidence is admissible in interlocutory proceedings if:

- it is relevant;
- does not violate an evidentiary privilege; and
- is not inadmissible under the *Law Society Act*.[6]

[30] The evidence relating to the trusteeship application is relevant. This is because the applicant's motion to vary or remove the interlocutory suspension relies on the Superior Court decision in the trusteeship application.[7] He argues that the Superior Court decision shows that there has been a material change in circumstances since the interlocutory suspension. How we are to interpret the Superior Court decision is a live issue in the applicant's motion. Because the applicant says that the Superior Court decision should be considered by us, it

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4 2006 SCC 57; the applicant refers to para 49.
5 This is explained in *Law Society of Ontario v Marusic*, 2018 ONLSTH 118 at paras 25-31.
6 Refer to the *Statutory Powers Procedure Act*, RSO 1990, c S.22 at ss 15(1) and (2).
7 Paragraphs 16-18 of the applicant's affidavit sworn September 22, 2025.

follows that the record on which the Superior Court made its decision is relevant.

[31] The evidence relating to the applicant's involvement in litigation is relevant. This is because a live issue in his motion is whether he was aware of allegations of fraud made against the person, Mr. Missaghi, he was representing in the litigation. This in turn is relevant to an issue that was at the heart of the Tribunal's decision to issue an interlocutory suspension. The applicant's claim in his motion of limited prior involvement with Mr. Missaghi[8] makes involvement on behalf of Mr. Missaghi in prior litigation relevant in these proceedings.

[32] The transcript of the interview with the Law Society investigator and investigation documents are both relevant. This is because they touch on the existence of a custodian agreement. This was an issue that featured in the interlocutory suspension decision. The applicant says that he has since found the agreement, and this supports his motion to vary or remove the suspension.[9] This makes the interview transcript and investigation documents relevant to these proceedings.

[33] The applicant has not shown how any of this evidence is inadmissible when assessed against the Rule 11.7(3) test for admissibility of evidence in interlocutory proceedings. For these reasons we dismiss the applicant's argument that the evidence appended to the Law Society's affidavit is inadmissible.

[34] Of course, the weight that we assign to this evidence at the hearing of the motion to vary or remove the interlocutory suspension is another question. Both parties will have an opportunity to make their submissions on that question.

THERE IS NO BIAS THAT COMES FROM THE PANEL HAVING LOOKED AT THE CONTESTED EVIDENCE

[35] The applicant claims that we cannot be impartial because we have looked at the evidence that he has tried to have excluded. The only authorities that he cites in support of this argument are cases that stand for the unassailable propositions that:

- justice should not only be done, but should be seen to be done;
- the test for reasonable appearance of bias is whether a reasonable and right-minded person, informed of the relevant facts, would conclude that the decision-maker would likely not decide fairly; and

[8] Paragraphs 30-33 of the applicant's affidavit sworn September 22, 2025.
[9] Paragraph 34 of the applicant's affidavit sworn September 22, 2025.

- an unbiased appearance is an essential component of procedural fairness, given the impossibility of probing an adjudicator's state of mind.

[36] He cites no authority that shows how these principles are engaged just because an adjudicator has looked at evidence and ruled on its admissibility.

[37] The law is clear that there is a strong presumption that adjudicators – both judges and tribunal members – are impartial.[10] There has to be a sound basis to displace the presumption. Simply having looked at contested evidence in order to rule on its admissibility does not displace the presumption.[11] This is why we dismiss the applicant's argument on this point.

THERE IS NO BIAS ARISING FROM THE CASE MANAGEMENT HEARING

[38] The applicant submits that during the December 4 case management conference the panel chair:

> …criticized the Moving Party's conduct and made an endorsement with respect to engaging and adjudicating on Rule of Professional Conduct [sic]. In doing so he invited submissions on the matter yet stopped and made adverse comments and interrupted the Moving Party in making submissions. The Chair erroneously intended to engage in decision-making process with respect to RPC during the hearing when tribunal had no such jurisdiction. It was only when he was advised and reconvened that retreated that position and endorsed that no such authority existed.

[39] In this passage, the applicant suggests that we first ruled that we would initiate conduct proceedings because of the applicant's use of artificial intelligence, and then we withdrew that ruling.

[40] He argues that we are biased and cannot render an impartial decision in his motion to vary or remove the interlocutory suspension because of the discussion of generative artificial intelligence, which he admitted to using in the November 30 correspondence. He submits that we should recuse ourselves.

[41] The applicant mischaracterizes the discussion at the case management hearing. A review of the transcript clearly indicates the following:

- We indicated to the parties that the Tribunal has an independent interest in protecting the integrity of its process.

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[10] This is explained at paragraph 32 of the Supreme Court of Canada's decision in *R. v S. (R.D.)*, 1997 CanLII 324.

[11] For example, refer to the Federal Court in *Scheuneman v Canada (Attorney General) (T.D.)*, 1999 CanLII 9387 at paragraphs 16-18.

- The applicant was advised that if he withdrew his admissibility and bias motion or his motion to vary or remove the interlocutory suspension, we would still address his use of artificial intelligence in this case.
- The applicant admitted that he used artificial intelligence and submitted materials to the Tribunal without verifying the accuracy of their contents with sufficient care.
- While the applicant has admitted this fact, we have not made any findings that flow from that fact. The parties have not yet had an opportunity to make submissions on this issue, and they will have an opportunity to do so.
- In applying the legal test on the applicant's motion to vary or remove the interlocutory suspension, we may consider the applicant's use of artificial intelligence. This includes the possibility that we will consider the applicant's use of artificial intelligence in determining costs.

[42] This is reflected in the endorsement that we issued after the case management conference.

[43] If an informed, reasonable and right-minded person, viewing the matter realistically and practically, reviewed the transcript of the case management conference, they would conclude that we are not biased.

[44] We have not yet determined what consequences, if any, flow from this submission of improper motion materials. The applicant is now properly on notice that we may consider the numerous errors resulting from his use of artificial intelligence in this case. He now has an opportunity to consult counsel, and can prepare for the next stage in these proceedings.

[45] The applicant's admissibility and bias motion is dismissed. The costs of this motion are reserved to be decided with the motion to vary or remove the interlocutory suspension.