

2006: No. 01 February

## **Shawn MacDonald**

Vancouver, BC

Called to the bar: September 1, 1989

**Discipline hearing:** December 8, 2005

**Panel:** Patricia L. Schmit, QC, Chair, William J. Sullivan, QC and Gavin H.G. Hume, QC

**Report issued:** January 9, 2006 (indexed as 2006 LSBC 01)

**Counsel:** Brian McKinley for the Law Society and Herman Van Ommen for Mr. MacDonald

## **Facts**

In 2001 Mr. MacDonald represented Mr. and Ms. V on a child custody matter involving extended family members. Between February and June he received over \$10,000 in cash from his clients without recording the receipt of these funds.

## **Admission and Penalty**

Pursuant to Law Society Rule 4-22, Mr. MacDonald admitted that his failure to record the cash receipts was in breach of Law Society Rule 3-63.

The Discipline Committee and the discipline hearing panel accepted Mr. MacDonald's admission and his proposed penalty. The panel accordingly ordered that he:

- pay a \$1,500 fine;
- pay \$2,500 in costs; and
- as a two-year practice condition, retain a certified general accountant or chartered accountant to review his books and records, commencing January 1, 2006, and provide quarterly reports to the Law Society to demonstrate his compliance with Rules 3-51, 3-59 and 3-63.

Both the fine and costs were ordered payable by March 30, 2006.