2020 LSBC 08
Decision issued: February 14, 2020
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THE LAW SOCIETY OF BRITISH COLUMBIA

In the matter of the *Legal Profession Act*, SBC 1998, c. 9

and a hearing concerning

SEANNA MICHELLE MCKINLEY

RESPONDENT

DECISION OF THE HEARING PANEL ON DISCIPLINARY ACTION

Hearing date:	October 8, 2019
Panel:	Jamie Maclaren, QC, Chair Anita Dalakoti, Public representative John D. Waddell, QC, Lawyer
Discipline Counsel:	Ilana Teicher
No-one appearing on behalf of the Respondent	

BACKGROUND

[1] In the decision on Facts and Determination, 2019 LSBC 20 (the "Facts and Determination Decision"), the Panel found that the Respondent committed professional misconduct with respect to four cited allegations of egregious misconduct. The four separate instances of professional misconduct are summarized as follows:

(a) The Respondent intentionally misappropriated $49,000 in client trust funds by way of 41 improper trust account withdrawals (allegation 1(a));

(b) The Respondent knowingly engaged in conduct contrary to a court order by improperly withdrawing $49,000 in client trust funds (allegation 1(b));

(c) The Respondent breached an undertaking given to opposing counsel to hold $49,000 in client funds in a trust account (allegation 1(c));

(d) The Respondent misrepresented to opposing counsel the circumstances surrounding her receipt and handling of $98,000 of client trust funds (allegation 1(d));

(e) The Respondent breached a second undertaking to opposing counsel to transfer $49,000 in client trust funds between trust accounts, by instead withdrawing the funds altogether (allegation 1(e));

(f) The Respondent misrepresented to opposing counsel that she held and would continue to hold $98,000 in client trust funds, when she knew she had already misappropriated $49,000 of those funds (allegation 1(f));

(g) The Respondent attempted to mislead the Law Society by providing false information surrounding her receipt and handling of client trust funds, including a heavily redacted client account ledger (allegation 1(g));

(h) The Respondent misappropriated a total of $334,593.77 from her pooled trust account by withdrawing funds in round dollar amounts on 528 separate occasions, when she could not determine if they belonged to clients for services not yet billed or rendered (allegation 2);

(i) The Respondent attempted to mislead Law Society compliance auditors by, among other acts, preparing 528 backdated bills and 447 backdated cover letters, creating 480 backdated electronic transfer forms, and stating that she did not operate her own trust account when she knew the statement was false (allegation 3); and

(j) The Respondent failed to comply with various accounting obligations under Part 3 Division 7 of the Law Society Rules by, among other acts and omissions, making 459 improper withdrawals totalling $288,986.86 by way of touch tone transfers, making 70 improper withdrawals totaling $99,444.51 by way of internet transfers, failing to maintain proper client ledgers for over one and a half years and failing to record trust transactions for one and a half years (allegation 4).

ISSUES

[2] The issues for the Panel's determination are:

(a) what disciplinary action to impose on the Respondent for the sum of her four instances of professional misconduct; and

(b) what amount of costs to award to the Law Society.

POSITIONS OF THE PARTIES

[3] The Law Society submits that the appropriate disciplinary action is disbarment. It seeks $12,743.12 in costs.

[4] The Respondent is a former member of the Law Society. She did not appear at this hearing (the "Disciplinary Hearing") or at the April 3, 2019 hearing on Facts and Determination (the "Facts and Determination Hearing"). She did not advance a position on disciplinary action or costs. The consequences of the Respondent's non-attendance at the Disciplinary Hearing and absence of an expressed position are discussed below.

PRELIMINARY MATTER

Proceeding in the absence of the Respondent

[5] Section 42(2) of the *Legal Profession Act* (the "*Act*") permits a hearing panel to proceed in the absence of a respondent if the panel is satisfied that the respondent was served with notice of the hearing.

[6] In deciding whether to proceed with a hearing under s. 42(2) of the *Act*, hearing panels have considered the following:

(a) whether the Law Society provided the respondent with notice of the hearing;

(b) whether the Law Society cautioned the respondent that the hearing may proceed in the respondent's absence;

(c) whether the panel adjourned for 15 minutes in case the respondent was delayed;

(d) whether the respondent provided any explanation for their non-attendance at the hearing;

(e) whether the respondent is a former member of the Law Society; and

(f) whether the respondent admitted the underlying misconduct.

Whether the Law Society provided the Respondent with notice of the Disciplinary Hearing

[7] The Respondent has not communicated with the Law Society since January 2018. She has not confirmed her current contact information, and she has failed to participate in the Law Society's disciplinary process. The Law Society consequently obtained an order for substituted service (the "Order for Substituted Service") on November 16, 2018. The Law Society has since served documents on the Respondent by posting them on her Law Society member portal, and by sending letters to her last known address to notify her that the documents were posted — all in accordance with the Order for Substituted Service.

[8] The Panel issued the Facts and Determination Decision on June 12, 2019. Later that day, the Law Society posted the Facts and Determination Decision on the Respondent's Law Society member portal, and asked that she contact the Law Society to set a date for the Disciplinary Hearing. The Respondent failed to respond.

[9] On July 17, 2019, the Panel set the Disciplinary Hearing for October 8, 2019. Later that day, the Law Society served the Respondent with a Notice of Hearing outlining the date, time and place of the Disciplinary Hearing. The Respondent again failed to respond.

Whether the Law Society cautioned the Respondent that the Disciplinary Hearing may proceed in her absence

[10] In the Notice of Hearing dated July 17, 2019, the Law Society cautioned the Respondent that the Disciplinary Hearing may proceed in her absence. The Law Society repeated the caution in letters dated July 18, 2019, September 18, 2019 and September 25, 2019.

Whether the Panel adjourned the Disciplinary Hearing for 15 minutes to accommodate the Respondent's delayed arrival

[11] The Panel adjourned the Disciplinary Hearing for 15 minutes to allow for the possibility that the Respondent was delayed in her arrival. The Respondent never arrived to the Disciplinary Hearing.

Whether the Respondent provided any explanation for her non-attendance

[12] The Respondent has not communicated with the Law Society since January 2018. She has not responded to the Law Society's four allegations of professional misconduct. She did not request an adjournment of the Disciplinary Hearing, nor has she provided any explanation for her complete lack of engagement with the Law Society's disciplinary process, including her absence at the Disciplinary Hearing.

Whether the Respondent is a former member of the Law Society

[13] The Law Society administratively suspended the Respondent on April 11, 2016. Her suspension continued until she became a former member of the Law Society on January 1, 2017 for non-payment of fees.

Whether the Respondent admitted the underlying misconduct

[14] By substituted service, the Law Society served the Respondent with a 27-page Notice to Admit document on December 13, 2018 in accordance with the Order for Substituted Service. The Notice to Admit included the four cited allegations of professional misconduct, and a caution that, if the Respondent did not respond within 21 days of the service date, she would be deemed under Law Society Rule 4-28(7) to have admitted the truth of the facts and the authenticity of the documents listed in it. The Respondent did not respond to the Notice to Admit at all. Consequently, in the Facts and Determination Decision, the Panel found that the Respondent was deemed to have admitted the truth of the facts and the authenticity of the documents listed in the Notice to Admit.

[15] In light of the above considerations, the Panel was satisfied that the Law Society served the Respondent with proper notice of the Disciplinary Hearing. We therefore proceeded with the Disciplinary Hearing in the Respondent's absence, as permitted by s. 42(2) of the *Act*.

LAW AND ANALYSIS

[16] Law Society disciplinary proceedings are designed to fulfill its mandate to uphold and protect the public interest in the administration of justice as set out in section 3 of the *Act*.

[17] Section 38(5) of the *Act* provides hearing panels with a number of options for imposing disciplinary action on a respondent who has committed professional

misconduct, including a reprimand, a fine, conditions or limitations on practice, suspension from practice, and disbarment.

[18] In exercising their options under section 38(5), Law Society panels have considered the long non-exhaustive list of factors in setting disciplinary action set out in *Law Society of BC v. Ogilvie*, 1999 LSBC 17. In *Law Society of BC v. Lessing*, 2013 LSBC 29 at paragraphs 57 to 60, the review panel identified the two most important factors from *Ogilvie* as: (i) the need to ensure the public's confidence in the integrity of the profession; and (ii) the possibility of remediating or rehabilitating the respondent. The *Lessing* review panel also observed that, where there is a conflict between these two factors, protection of the public should take priority over rehabilitation of the respondent.

[19] In *Law Society of BC v. Nguyen*, 2016 LSBC 21, the review board affirmed the prioritization of penalty factors in *Lessing*, and summarized the two main purposes of the Law Society's discipline process at paragraph 36:

> Still, the disciplinary action chosen, whether a single option from s. 38(5) or a combination of more than one of the options listed, must fulfill the two main purposes of the discipline process. The first and overriding purpose is to ensure the public is protected from acts of professional misconduct, and to maintain public confidence in the legal profession generally. The second purpose is to promote the rehabilitation of the respondent lawyer. If there is conflict between these two purposes, the protection of the public and the maintenance of public confidence in the profession must prevail, but in many instances the same disciplinary action will further both purposes. See *Ogilvie*, paras. 9-10; *Lessing*, paras. 57-61.

[20] In *Law Society of BC v. Dent*, 2016 LSBC 05, the hearing panel also affirmed the prioritization of penalty factors in *Lessing* and, at paragraphs 19 to 25, consolidated the wider list of *Ogilvie* factors into four general factors for determining appropriate disciplinary action: (i) the nature, gravity and consequences of the misconduct; (ii) the character and professional conduct record of the respondent; (iii) acknowledgement of the misconduct and remedial action; and (iv) public confidence in the legal profession including public confidence in the disciplinary process.

[21] Here, the Panel considers each of the four general factors outlined in *Dent* in assessing appropriate disciplinary action for the Respondent's four instances of professional misconduct, with protection of the public foremost in mind.

Nature, gravity and consequences of the misconduct

Misappropriation of client trust funds

[22] In *Law Society of BC v. Tak*, 2014 LSBC 57, the hearing panel identified the misappropriation of client trust funds as a severe form of professional misconduct that should result in a lawyer's disbarment in most cases. It made the following comments at paragraph 35:

> Misappropriation of client trust funds is perhaps the most egregious misconduct a lawyer can commit. Wrongly taking clients' money is the plainest form of betrayal of a client's trust and is a complete erosion of the trust required for a functional solicitor-client relationship. The public is entitled to expect that the severity of the consequences reflect the gravity of the wrong. In the absence of multiple, significant mitigating factors, public confidence in the profession and its ability to regulate itself would be severely compromised if anything short of disbarment is ordered for misappropriation of client funds.

[23] The *Tak* panel further held at paragraph 38:

> There should be no doubt that a strong message of general deterrence should be sent to other members of the Law Society in respect of misappropriating funds, and it should be unequivocal that such misconduct will almost certainly result in the revocation of the right to practise law.

[24] The *Tak* panel also cited *Law Society of BC v. McGuire*, 2006 LSBC 20, in which the hearing panel assessed the appropriate disciplinary action for a respondent who had repeatedly misappropriated client trust funds to compensate for financial shortfalls in his practice. The *McGuire* panel considered the possibility of the respondent's rehabilitation in light of the facts that he had no prior record of misconduct, his personal relationship was failing, his dog had died, and he was depressed at the time of his transgressions. Ultimately, the hearing panel concluded that disbarment was still appropriate in the circumstances. The panel commented at paragraph 24:

> We accept that disbarment is a penalty that should only be imposed if there is no other penalty that will effectively protect the public. Protecting the public, however, is not just a matter of protecting the Respondent's clients in future. Even if the latter could properly be done by imposing restrictions on the Respondent's use of his trust account, we do not think that such a measure adequately protects the public in the larger

> sense. Wrongly taking a client's money is the plainest form of betrayal of the client's trust. In our view, the public is entitled to expect that the severity of the consequences reflect the gravity of the wrong. Protection of the public lies not only in dealing with ethical failures when they occur, but also in preventing ethical failures. In effect, the profession has to say to its members, "Don't even think about it." And that demands the imposition of severe sanctions for clear, knowing breaches of ethical standards.

[25] In *McGuire v. Law Society of BC*, 2007 BCCA 442, the Court of Appeal upheld the respondent's disbarment, and confirmed the *McGuire* panel's conclusion that disbarment is the only remedy for deliberate misappropriation of trust funds except in highly unusual circumstances. The Court cited *Ogilvie* as another Law Society discipline decision supporting that conclusion.

[26] In *Ogilvie*, the hearing panel disbarred a respondent who had rendered fraudulent accounts, failed to account for client trust funds, and failed to respond to correspondence from the Law Society. The respondent subsequently suffered a stroke, ceased practising, and failed to attend his hearing on disciplinary action. The *Ogilvie* panel observed at paragraph 18:

> The ultimate penalty of disbarment is reserved for those instances of misconduct of which it can be said that prohibition from practice is the only means by which the public can be protected from further acts of misconduct. This is such a case. There is nothing before the panel to suggest that any penalty, other than disbarment, will ensure that the public is protected from future acts of misconduct on the part of Mr. Ogilvie. Nothing divulged about the circumstances of the misconduct, or Mr. Ogilvie's personal circumstances, suggests that disbarment is inappropriate.

[27] In *Law Society of BC v. Oldroyd*, 2007 LSBC 36, the respondent was found to have misappropriated client trust funds, misled a lawyer regarding the funds, breached an undertaking to another lawyer regarding the funds, and breached a Law Society accounting rule by failing to produce his books, records and accounts to the Law Society for its investigation. The respondent failed to attend his hearing on facts and determination, and his hearing on disciplinary action. The *Oldroyd* panel cited *Ogilvie*, and concluded at paragraph 10 that the respondent's conduct "clearly justifies the penalty of disbarment."

[28] As in *Tak*, *McGuire*, *Ogilvie* and *Oldroyd*, the Respondent's misappropriation of client trust funds was plainly intentional. She made 41 improper client trust

account withdrawals totalling $49,000 (allegation 1(a)), and another 528 improper pooled trust account withdrawals totalling $334,593.77 over the course of a few years (allegation 2).

[29] The Respondent's intentional and reckless behaviour is aggravated by the facts that she: (i) knew there was a court order restraining her client from disposing of specific funds; (ii) breached undertakings and made misrepresentations to other lawyers about her handling of specific funds; (iii) was aware of her obligation not to withdraw trust funds prior to billing clients; (iv) knew she was making unauthorized use of trust funds; and (v) fabricated invoices and other accounting documents to hide her misconduct.

[30] Prolonged and intentional, the Respondent's misappropriation of funds is an example of the most severe type of professional misconduct. It betrays the fundamental trust that a client places in their lawyer as the dutiful guardian of their interests. If not met with the Law Society's strongest message of condemnation and deterrence, it has the potential to do irreparable harm to public confidence in the integrity of the legal profession. Therefore, in and of itself, the Respondent's misappropriation of funds is sufficient to justify disbarment.

Knowingly engaging in conduct contrary to a court order

[31] As the Panel observed in the Facts and Determination Decision, lawyers' compliance with court orders is essential to the administration of justice. A lawyer's obligation not to knowingly act contrary to a court order is directly related to one of the most important responsibilities they assume when they take the oath on admission to the Bar, namely, their obligation to the state to uphold its integrity and its laws.

[32] In *Law Society of BC v Scholz*, 2009 LSBC 33, a court order required the respondent to hold funds in trust "unless otherwise ordered by the court or agreed by all parties with any interest in or claim to the funds." The hearing panel found that the respondent's failure to obtain the court's consent prior to releasing the funds was a breach of the court order and constituted professional misconduct. The *Scholz* panel suspended the respondent for one month.

[33] In *Law Society of BC v. Barron*, [1997] LSDD No. 141, the respondent held in trust the proceeds from the sale of the client's matrimonial home. The sale proceeds were subject to both an undertaking and a court order restraining the parties from disposing of the family assets. The respondent breached his undertaking and the court order by paying out the sale proceeds to the parties and to his firm in payment of fees. In another matter, the respondent obtained a divorce order for his client on

the basis that the divorce proceedings were undefended when he knew the opposing party sought to defend them. The hearing panel suspended the respondent for two months.

[34] In this case, the Respondent withdrew $49,000 in client trust funds when she knew they were restrained by a court order (allegation 1(b)). She showed blatant disregard for her client's obligation to comply with the court order and her own obligation not to knowingly engage in conduct contrary to a court order. There were no mitigating circumstances to explain her intentional misconduct. As a single isolated instance of professional misconduct, it would merit significant disciplinary action.

Misleading or attempting to mislead the Law Society

[35] The Respondent attempted to mislead the Law Society by providing false information surrounding her receipt and handling of client trust funds, including a heavily redacted client account ledger (allegation 1(g)). She further attempted to mislead Law Society compliance auditors by, among other acts, preparing 528 backdated bills and 447 backdated cover letters, creating 480 backdated electronic transfer forms, and stating that she did not operate her own trust account when she knew the statement was false (allegation 3).

[36] In previous cases where respondents have committed professional misconduct by intentionally misleading or attempting to mislead the Law Society in the course of investigations or audits, hearing panels have typically imposed lengthy suspensions as disciplinary action.

[37] In *Faminoff v. Law Society of BC*, 2017 BCCA 373, the Court of Appeal upheld a two-month suspension for a respondent who had intentionally misled the Law Society by backdating statements of account under its investigation. The respondent also breached Law Society trust and accounting rules and undertakings to an opposing party.

[38] In *Nguyen*, the respondent fabricated accounting records and then provided the false documents to the Law Society during a routine compliance audit of his practice. The review panel confirmed a 60-day suspension as appropriate disciplinary action.

[39] In *Law Society of BC v. Geronazzo*, 2006 LSBC 50, the respondent was cited for several instances of attempting to mislead other lawyers and one allegation of attempting to mislead the Law Society in its investigation of a complaint. The

hearing panel found that the respondent's conduct constituted professional misconduct, and imposed a six-month suspension.

[40] In *Tak*, the hearing panel found that the respondent had committed professional misconduct in respect of 26 allegations, including nine allegations of misappropriation of funds and three allegations of misleading or attempting to mislead the Law Society. The respondent was a former lawyer at the time of the hearing, and did not appear at the hearing or send anyone to appear on his behalf. The *Tak* panel disbarred the respondent.

[41] In this case, the Respondent made a sustained and very calculated effort to mislead the Law Society about her receipt and handling of client trust funds. She created no less than 1,455 backdated documents in a deliberate attempt to deceive Law Society investigators. As the Panel commented in the Facts and Determination Decision, any attempt to deliberately undermine the Law Society's ability to regulate the profession should be strongly discouraged; a strong message should be sent to the Respondent and to the profession that there will be no tolerance of attempts to undermine the Law Society's investigation of complaints.

Other professional misconduct

[42] The Respondent's other instances of professional misconduct relate to breaches of undertakings and misrepresentations to opposing counsel (allegations 1(c), 1(d), 1(e) and 1(f)) and a failure to comply with trust accounting rules (allegation 4). These instances of professional misconduct are not as severe as misappropriating client funds, misleading the Law Society, or acting contrary to a court order, but they still constitute serious misconduct in and of themselves.

[43] The Law Society's unequivocal expectation is that a lawyer will fulfill every undertaking given. There is no exception or limitation to this expectation. The importance of undertakings is underscored by the requirement that undertakings be made in writing. It is further underscored by rule 7.1-3(a.1) of the *Code of Professional Conduct of British Columbia*, which requires a lawyer to report another lawyer to the Law Society upon the breach of an undertaking that has not been consented to or waived by the recipient.

[44] Intentional misrepresentations to opposing counsel also violate the standards of honesty or trustworthiness imposed upon all lawyers. In the Respondent's case, she made numerous untruthful statements to opposing counsel that she must have known were incorrect and would result in misapprehensions. Together, they constitute serious professional misconduct.

[45] As stated by the hearing panel in *Law Society of BC v. Karlsson*, 2009 LSBC 03 at paragraph 7:

> The practice of law is based on honesty. The profession could not function at all if judges, other lawyers, and members of the public could not rely on the honesty of lawyers. Anything that undermines the trust that society places on lawyers is a serious blow to the entire profession.

[46] The Respondent's failure to comply with the Law Society's trust accounting rules is further evidence of her lack of trustworthiness. In *Law Society of BC v. Lail*, 2012 LSBC 32, the hearing panel observed at paragraph 10:

> Trust accounting obligations go to the heart of confidence in the integrity of the legal profession, and there is a clear public interest in ensuring that they are performed meticulously and not, as here, nonchalantly.

[47] To maintain public confidence in lawyers' handling of trust funds, the Law Society must respond firmly — and be perceived to respond firmly — to instances where lawyers breach trust accounting rules despite full knowledge of their terms and application.

Character and professional conduct record of the Respondent

[48] The Respondent was called and admitted as a member of the Law Society on May 25, 2001. She had no professional conduct record prior to a 2014 compliance audit that led to the four found instances of professional misconduct in issue.

[49] The Respondent has not communicated with the Law Society since January 2018. She has failed to participate in the Law Society's disciplinary process, nor has she provided any supportive evidence pertaining to her character or the circumstances of her four instances of professional misconduct. Consequently, there is no evidence to indicate that her misconduct was an aberration and unlikely to recur. To the contrary, the Law Society's investigation uncovered a pattern of serious, deliberate and dishonest conduct over a lengthy period of time. The Panel received no evidence to suggest that the Respondent's conduct would change if she were to be reinstated as a lawyer.

[50] Furthermore, the Respondent's failure to engage with the Law Society's discipline process has caused the Law Society to incur significant time and expense in tracking her location, obtaining the Order for Substituted Service, and establishing proof of service of various documents and notices. The Respondent's evasive behaviour minimizes the possibility of her rehabilitation.

Acknowledgement of the misconduct and remedial action

[51] The Panel received no evidence suggesting that the Respondent has acknowledged her misconduct or that she has taken any remedial action to avoid similar misconduct in the future.

Public confidence in the legal profession including confidence in the disciplinary process

[52] In assessing appropriate disciplinary action, the hearing panel in *Ogilvie* stated at paragraph 19:

> The public must have confidence in the ability of the Law Society to regulate and supervise the conduct of its members. It is only by the maintenance of such confidence in the integrity of the profession that the self-regulatory role of the Law Society can be justified and maintained.

[53] The Respondent's conduct put client trust funds at risk, and undermined the utmost care with which lawyers must handle trust funds. The public must be able to entrust property to lawyers — particularly money — with the assurance that it will be absolutely safeguarded. Permitting a lawyer to restart or remain in practice after they have repeatedly and intentionally misappropriated client trust funds would compromise public confidence in the integrity of the legal profession.

[54] As confirmed by the Court of Appeal in *McGuire*, general deterrence can play a critical role in protecting the public from unscrupulous lawyers. Where deceptive behaviour and the intentional misappropriation of client trust funds are concerned, disciplinary action should send an unequivocal message to the legal profession that such harmful conduct will not be tolerated.

[55] Rule 2-85(8) and (11) provides an additional element of protection to the public by requiring a credentials hearing to determine whether a disbarred lawyer should be reinstated. This condition is not mandatory for former lawyers who have not been disbarred and seek reinstatement.

DISPOSITION

[56] The Respondent has demonstrated a wanton disregard for the essential duties owed by a lawyer to their clients and to the justice system as a whole. She deliberately and dishonestly flouted a court order and the Law Society Rules. She also misled opposing counsel to further her deceptive ends, thus impairing their ability to fulfill their own professional obligations. Her repeated misconduct demonstrates a gross

and fundamental disrespect for members of the public, lawyers, the Law Society and the overall administration of justice.

[57] When considering appropriate disciplinary action, Law Society panels should make a global assessment of all proven instances of a respondent's misconduct: *Lessing*, at paragraphs 75 to 77. Thus, disciplinary action for multiple instances of professional misconduct should address the overall nature of the misconduct, and what is necessary to protect the public interest. Some of the Respondent's multiple instances of professional misconduct would alone justify disbarment. Taken together, they clearly justify the Law Society's most serious penalty.

[58] For all of the above reasons, the Panel orders the disbarment of the Respondent.

COSTS

[59] The Law Society provided a Bill of Costs for $12,743.12 in total Rule 5-11 and Schedule 4 costs and disbursements.

[60] Rule 5-11(4) permits a panel to depart from the tariff of costs in Schedule 4 when it is "reasonable and appropriate" to adjust the costs or award no costs at all.

[61] Finding no facts to justify departing from the Law Society's position on costs, and receiving no response from the Respondent on the matter, the Panel orders the Respondent to pay $12,743.12 in total costs and disbursements to the Law Society.

NON-DISCLOSURE

[62] The Law Society seeks an order under Rule 5-8(2) that portions of the Facts and Determination Hearing exhibits and Disciplinary Action Hearing exhibits that contain confidential client information or privileged information not be disclosed to members of the public. Specifically, the Law Society seeks:

(a) an order that Exhibit 1 (the Citation) be anonymized (identifying clients by their initials) before its disclosure to the public or any third party; and

(b) an order that the portions of Exhibit 4 (the Notice to Admit) that are subject to client confidentiality be redacted before their disclosure to the public or any third party.

[63] The Law Society also seeks a permanent order preventing the release of the Facts and Determination Hearing transcript and the Disciplinary Action Hearing transcript to the public or any third party.

[64] The Panel grants the above orders under Rule 5-8(2).

ORDERS

[65] The Panel orders that:

(a) the Respondent is disbarred effective immediately;

(b) the Respondent pay $12,743.12 in total costs and disbursements to the Law Society on or before May 1, 2020;

(c) Exhibit 1 (the Citation) be anonymized (identifying clients by their initials) before its disclosure to the public or any third party;

(d) the portions of Exhibit 4 (the Notice to Admit) that are subject to client confidentiality be redacted before their disclosure to the public or any third party;

(e) the transcripts of the Facts and Determination Hearing and the Disciplinary Action Hearing must not be released to the public or any third party.