

THE LAW SOCIETY OF BRITISH COLUMBIA

IN THE MATTER OF THE *LEGAL PROFESSION ACT*, SBC 1998, C. 9

AND

LARRY D. ROUTTENBERG

(a member of the Law Society of British Columbia)

RULE 3-7.1 CONSENT AGREEMENT SUMMARY

1. On July 14, 2021, the Chair of the Discipline Committee accepted a proposal submitted by Larry D. Routtenberg (the “Lawyer”) under Rule 3-7.1 of the Law Society Rules (“Rules”).
2. Under the proposal, the Lawyer admitted that he committed the following misconduct, and that it constitutes professional misconduct pursuant to s. 38(4) of the *Legal Profession Act*:
 - i. In September 2019, in relation to nineteen (19) instances, he misappropriated or improperly withdrew client trust funds by withdrawing funds from trust when neither he nor his firm were entitled to the funds, contrary to Rule 3-64 of the Law Society Rules and his fiduciary duties.
 - ii. In September 2019, in relation to nineteen (19) instances, he withdrew funds from trust without first preparing and immediately delivering a bill to the client, contrary to Rule 3-65 of the Law Society Rules and section 69(1) of the *Legal Profession Act*.
3. Under the proposal, the Lawyer agreed to be suspended from the practice of law for a period of ten (10) weeks, commencing on August 7, 2021. He has also provided an undertaking to the Executive Director that for a period of two years commencing August 7, 2021, he will not

handle any trust transactions or trust money, or in any way be responsible for documenting trust transactions.

4. In making its decision, the Chair of the Discipline Committee considered an Agreed Statement of Facts dated July 6, 2021, and a letter to the Chair of the Discipline Committee. The Chair also considered the Lawyer's prior Professional Conduct Record, which consisted of one conduct review from 2013 for failing to properly dispose of confidential files.
5. This consent agreement will now form part of the Lawyer's Professional Conduct Record.
6. Pursuant to Rule 3-7.1(5) of the Rules, and subject to Rule 3-7.2 of the Rules, the Law Society is bound by an effective consent agreement, and no further action may be taken on the complaint that gave rise to the agreement.
7. The admitted facts were set out in an Agreed Statement of Facts dated July 6, 2021. The facts have been summarized below.

I. Summary of Facts

8. On September 6, 13, and 15, 2019, on nineteen (19) occasions, the Lawyer signed trust cheques authorizing the withdrawal of residual trust balances totaling \$1,055.12, with individual amounts ranging from \$5 to \$250. He did so in order to clear out aged trust balances prior to a compliance audit.
9. The Lawyer billed clients for disbursements that he thought had likely been incurred. In some cases, there was some indication on file that the firm may have been entitled to the disbursements, but the Lawyer did not check the file materials to confirm that supporting documents justified the withdrawals from trust. He acted in haste, given the upcoming compliance audit, and did not have a proper understanding of the Law Society's trust accounting rules at the time. He was also suffering from health issues for which he was scheduled for surgery.
10. The Lawyer also failed to ensure that bills were first sent to the clients before withdrawing the funds from trust.

11. The Lawyer now understands that unclaimed trust funds should be remitted to the Law Society.
12. When the Lawyer was alerted to the impropriety of his actions during the compliance audit, he immediately returned the funds to trust. He subsequently paid the funds to the clients or applied to remit them to the Law Society.
13. The Lawyer did not personally benefit from the misconduct. He is remorseful, and has apologized for his actions. He acknowledged his misconduct early in the investigation, and cooperated with the investigation process.