

THE LAW SOCIETY OF BRITISH COLUMBIA

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

AND

SUKPREET SHAWN SINGH SAMRA

(a member of the Law Society of British Columbia)

RULE 3-7.1 CONSENT AGREEMENT SUMMARY

1. On November 23, 2022, the Chair of the Discipline Committee approved a consent agreement proposal submitted by Sukpreet “Shawn” Singh Samra (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 constituted professional misconduct pursuant to s. 38(4) of the *Legal Profession Act*:
 - i. On or about September 28, 2018, in the course of representing his client in a real estate matter, he misappropriated or improperly withdrew some or all of \$4,538 that he received in trust for his client when he was not entitled to do so, contrary to Rule 3-64 of the Rules and his fiduciary duties.
 - ii. Between approximately September 28, 2018 and November 28, 2019, in the course of representing his client in a real estate matter, he failed to maintain sufficient trust funds on deposit to meet his obligations with respect to the funds, contrary to Rule 3-63 of the Law Society Rules.
 - iii. Between approximately September 28, 2018 and November 24, 2020, in relation to his representation of his client in a real estate matter, he failed to immediately make a written report to the Executive Director of the Law Society of British Columbia when he discovered a trust shortage greater than \$2,500, contrary to Rule 3-74(2)(a) of the Law Society Rules.
 - iv. Between May 29, 2019 and July 12, 2019, he withdrew funds from trust in cash, when he was only entitled to withdraw them by cheque or electronic transfer,

contrary to Rule 3-64(4) and Rule 3-65(1.1) of the Law Society Rules, in one or more of the following instances:

- a) May 29, 2019 - \$300;
 - b) June 25, 2019 - \$2,000;
 - c) July 9, 2019 - \$400; and
 - d) July 12, 2019 - \$400.
- v. Between approximately May 2019 and February 2020, he maintained more than \$300 of his own funds in his trust account contrary to Rule 3-60(5) of the Law Society Rules, by failing to withdraw funds from trust in payment of his fees as soon as practicable, contrary to Rule 3-58 of the Law Society Rules.
3. Under the proposal, the Lawyer agreed to be suspended from the practice of law for a period of six (6) weeks, commencing on December 1, 2022 and consented to a practice condition not to practice unless he is under a trust supervision agreement on terms acceptable to the Law Society. The Lawyer remains subject to an undertaking given to the Practice Standards Committee that he not practice real estate law.
 4. In making his decision, the Chair of the Discipline Committee considered an Agreed Statement of Facts signed November 10, 2022, a letter to the Chair of the Discipline Committee, and the Lawyer's Professional Conduct Record.
 5. In approving the consent agreement proposal, the Chair of the Discipline Committee also considered that the proposed suspension was consistent with the outcome in prior, similar matters.
 6. This consent agreement will now form part of the Lawyer's Professional Conduct Record.
 7. 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.
 8. The admitted facts have been summarized below.

Summary of Facts

Member Background

9. The Lawyer was called and admitted as a member of the Law Society of British Columbia on May 13, 2015. He practises in the area of personal injury law exclusively.

10. Until April 1, 2022, the Lawyer practised law at Shawn Samra Law Corporation.
11. The Lawyer has a Professional Conduct Record dating back to 2018. It includes two conduct reviews, two administrative suspensions, and a practice standards referral that resulted in an undertaking not to practice real estate law which remains in effect.

Background Facts

12. In August of 2018, the Lawyer represented a client (“the Client”) in the Client’s purchase of a strata lot (“the Transaction”). The Client provided \$276,611.21 which was deposited into the Lawyer’s trust account. The conveyance closed on August 16, 2018.
13. The Lawyer was required to pay Property transfer tax on the strata lot in the amount of \$4,538 on behalf of the Client.
14. On August 17, 2018, the B.C. Ministry of Finance electronically withdrew \$4,538 for the Property transfer tax from the Lawyer’s general account. The Lawyer had intended that this withdrawal would be from the trust account rather than the general account, but the Lawyer made a mistake when setting up the electronic payment with the Ministry of Finance. There were insufficient funds in the general account to cover the payment, so the funds were returned to the general account on the same day and the Property transfer tax remained outstanding.
15. The Lawyer was unaware that the electronic withdrawal for payment of the Property transfer tax had not gone through.
16. On August 30, 2018, following the closing of the Transaction, the Lawyer paid himself his legal fees in the amount of \$1,144.84 out of trust.
17. Approximately a month later, on September 28, 2018, the Lawyer issued a trust cheque, which included \$4,538 of the Client’s funds, to Samra Law Corporation.
18. The Lawyer, who sometimes left his fees in trust, assumed he was entitled to these funds as payment of his fees.
19. The Lawyer deposited the trust cheque into the general account and then withdrew the funds from general for his personal use.
20. On October 25, 2019, the Ministry of Finance made another attempt to withdraw payment for the Property transfer tax by electronically withdrawing \$4,538 from the general account. The payment was again returned for insufficient funds.
21. On November 22, 2019, the Ministry of Finance emailed the Lawyer to advise that the Property transfer tax remained unpaid.

22. Since the Lawyer no longer had sufficient trust funds on deposit for his Client to meet this obligation, on November 28, 2019, the Lawyer deposited \$4,600 in cash into the general account and paid the outstanding Property transfer tax.
23. The Lawyer did not report this trust shortage to the Executive Director of the Law Society of British Columbia until November 24, 2020.

Cash Withdrawals

24. On the dates and in the amounts set out in the chart below, the Lawyer withdrew the following funds from trust in cash:

Date	Amount
2019-05-29	300.00
2019-06-25	2,000.00
2019-07-09	400.00
2019-07-12	400.00
Total	\$3,100.00

Personal Funds in Trust

25. In respect to three clients, the Lawyer issued invoices for legal fees, but did not withdraw his fees as soon as practicable. Instead, he left the fees in trust, and withdrew partial amounts of the fees owed to him from time to time.
26. As a result, the Lawyer maintained more than \$300.00 of his own funds in trust.

Aggravating Factors

27. In a previous compliance audit conducted in 2018, the Lawyer received a warning from the Law Society about his late withdrawal of legal fees from trust and the resulting comingling of personal funds in the trust account, and also for making withdrawals from trust without the use of a trust cheque.
28. The Lawyer has a Professional Conduct Record dating back to 2018. It includes two conduct reviews, two administrative suspensions, and some practice standards recommendations including an undertaking not to practice real estate law which is still in effect.

Mitigating Factors

29. The Lawyer returned the funds and paid the Property transfer tax owing for his Client when he learned of the error, and no harm has resulted to his clients by way of the inadvertent trust shortage.
30. The Lawyer sincerely acknowledges his mistakes and has taken steps to ensure that the mistakes he made are not repeated.
31. Since the investigation, the Lawyer has taken steps to educate himself on the proper trust accounting rules, and has taken courses such as the Practice Management Course, Trust Accounting Basics and Anti-Money Laundering Measures. The Lawyer has implemented improved accounting procedures to ensure that he operates in full compliance with Part 3, Division 7 of the Law Society Rules.