

## **Admission to the Discipline Committee (Rule 4-21)**

A lawyer against whom a citation has been issued may choose to make a conditional admission of a discipline violation directly to the Discipline Committee, in accordance with Law Society Rule 4-21. If the Discipline Committee accepts the admission, it will be recorded on the lawyer's professional conduct record, and a summary of the circumstances will be published.

In these circumstances, the citation, or those parts of the citation relating to the admission, will not proceed to a hearing.

## **Paul Angelo Winn**

Burnaby, BC

Called to the bar: February 19, 1999

**Custodian Appointed** : November 18, 2003

**Ceased membership** : January 1, 2004

## **Facts**

### *Accounting violations*

Following complaints against Mr. Winn, the Law Society on June 10, 2003 ordered an audit of his books, records and accounts pursuant to Rule 4-43. The chartered accountant conducting the review found virtually no accounting records had been kept for over a year prior to the commencement of the audit. As a consequence, there were numerous accounting rule breaches and trust shortages on specific files.

Among the violations, Mr. Winn failed to account to clients for all funds received on behalf of the clients, contrary to Rule 3-48. More particularly, on real estate files for four clients, Mr. Winn failed to properly complete transactions by paying out funds in accordance with the Statements of Adjustments.

From time to time, Mr. Winn deposited personal funds into his trust account, and failed to remove monies he was entitled to for legal fees from the trust account, contrary to Rule 3-51.

Mr. Winn failed to maintain sufficient funds on deposit to meet his obligations with respect to funds held in trust for seven clients, contrary to Rule 3-55. In addition, he failed to eliminate trust shortages contrary to Rule 3-66(1), and failed to report trust shortages to the Law Society, contrary to Rule 3-66(2). Mr. Winn did not maintain the books, records and accounts of his practice in accordance with the Law Society Rules.

### *Misappropriation*

Mr. Winn withdrew funds from his trust account for payment of payroll, office rent and other office and personal expenses, including loan payments.

Even after the audit was completed and he was expressly informed about the trust shortages in July 2003, Mr. Winn continued to make multiple withdrawals from trust, amounting to approximately \$10,000. Mr. Winn admitted that this conduct amounted to misappropriation.

As of March 17, 2004, the trust accounts remained overdrawn by \$9,680.76.

## **Admission and penalty**

In February 2006, Mr. Winn admitted to the Discipline Committee that his conduct constituted professional misconduct. Under Rule 4-21, the Committee accepted Mr. Winn's admission and his undertakings:

1. to refrain, as of September 1, 2005, from applying for reinstatement for a period of three years;
2. not to apply for membership in any other law society without first advising the Law Society of British Columbia in writing;
3. not to permit his name to appear on the letterhead of any lawyer or law firm without the written consent of the Law Society of British Columbia; and
4. to obtain written consent from the Law Society of British Columbia before working for any other lawyer or law firm in the province.