

2007 : No. 2 May

## **Mimi Mankiu Luk**

Richmond, BC

Called to the bar: August 31, 1990

Suspended: October 24, 2005

**Discipline hearing** : January 8, 2007

**Panel** : Leon Getz, QC

**Report issued** : March 9, 2007 (2007 LSBC 13)

**Counsel** : Brian McKinley for the Law Society and Christopher Hinkson, QC for Mimi Mankiu Luk

## **Facts**

In late 2000, VW retained Mimi Mankiu Luk to obtain a divorce. Luk filed the necessary court documents on January 12, 2001. Three months later, Luk received a notice from the court advising that the documents had been rejected. Luk did nothing further on the file. VW ultimately retained another lawyer who obtained the divorce in August 2005.

In September 2001, DS retained Luk to prepare and file a change of name application for her son. DS complained to the Law Society in July 2003 that she had not received the change of name certificate from Luk. In response to queries from the Law Society, Luk stated she had filed the change of name application in October 2001 and that the delay was the result of confusion at the Vital Statistics office caused by two applications with similar names. To corroborate her story, Luk provided a photocopy of a cheque she claimed was payment for the filing fee. Further investigation by the Law Society determined that the photocopy was of the front and back of two different cheques.

On October 24, 2005, Luk was suspended pursuant to s. 39 of the *Legal Profession Act* pending hearing of a citation against her.

## **Admission and Penalty**

Luk admitted professional misconduct in attempting to mislead the Law Society by providing a false document; failing to provide a reasonable quality of service to her client in the divorce matter; and by failing to take the necessary steps to advance the matter in a timely fashion. Pursuant to Law Society Rule 4-22, the hearing panel accepted Luk's admission and proposed penalty of an 18-month suspension to commence retroactively on October 24, 2005 and costs of \$8,000. Should Luk resume practice, the panel ordered that she must:

1. practise only in a capacity approved by the Practice Standards Committee;
2. provide an undertaking to respond to the Law Society within 14 days of receiving a request for response;
3. undergo a practice review within the first three months and comply with all of the recommendations of the Practice Standards Committee;
4. continue to be treated by a psychiatrist and provide treatment reports every three months to the Practice Standards Committee; and

5. complete the small firm practice course within six months of the date of the hearing panel decision.