

2009 : No. 2

## **Mimi Mankiu Luk**

Richmond, BC

Called to the bar: August 31, 1990

Ceased membership: June 18, 2008

**Admission accepted by Discipline Committee** : April 2, 2009

**Counsel** : Maureen Boyd for the Law Society and Gerald Cuttler for Mimi Luk

### **Facts**

Mimi Mankiu Luk worked for four different firms in Metro Vancouver between August 1990 and October 2000, after which she practised as a sole practitioner. She was suspended from practice in October 2005 and returned on July 27, 2007, practising as Mimi M.K. Luk Law Corporation.

### ***Investigation order***

On June 12, 2008 the Chair of the Discipline Committee ordered an investigation of Luk's books, records and accounts. Law Society staff attended Luk's office to conduct the investigation on June 17. Luk refused access to her office throughout the day and did not allow copying of any documents. Between the close of business on June 17 and 8:30 the next morning, she loaded 17 boxes of file materials, two computers and two large garbage bags filled with garbage and documentation into her car. She destroyed some draft records and accounts and deleted computer files.

Luk admitted that she removed the material from her office to avoid the Law Society having access to it in the course of its investigation. She admitted that her failure to comply with the order and the untrue and misleading responses she gave to the Law Society about the materials in her car constituted conduct unbecoming.

### ***Conduct related to IG***

In September 2001, IG retained Luk to prepare and submit an application to Citizenship and Immigration Canada (CIC). Luk did not submit the application in September or at any time after. However, she sent out a statement of account and deposited a cheque for \$2,480, although she was not entitled to those funds. She did not record receipt of these funds in any client trust ledger for IG or in her trust or general account records. In addition, when her client called to follow up on the status of the application, Luk advised him that the application was still in progress. She also provided her client with a false receipt of payment to CIC for the \$1,525 "Right of Landing and Application fee" and tried to mislead the Law Society that she had paid this fee, when she had not.

Luk admitted that this misappropriation of funds constituted conduct unbecoming. She admitted her failure to serve her client in a conscientious, diligent and efficient manner at least equal to that which would be expected of a competent lawyer in a similar situation. Further, she admitted that her untrue statements to her client and to the Law Society, made in order to mislead, constituted professional misconduct and conduct unbecoming.

### ***Conduct related to GV and RV***

In June 2007, Luk was retained by GV and RV to act for them in the sale of their home and the purchase of a new home. On October 16, Luk prepared and signed a trust cheque in the amount of \$36,754 made payable to TA. The clients did not authorize this payment from trust and were unaware of it. In November

2007 Luk negotiated this trust cheque by depositing the funds into an account she held jointly with TA.

Luk admitted that she misappropriated the funds and that this constituted professional misconduct. In July 2008 Luk provided through her counsel \$36,754 for the Law Society to hold in trust for the clients, pending proper disbursement by the custodian of her practice.

### ***Misappropriation of funds from HH***

In 2005, HH retained Luk in connection with the purchase of two properties. On October 6, 2005, Luk prepared and signed a trust cheque for \$81,105 payable to TA. Her client did not authorize payment of these trust funds and was unaware of this transaction. Later that month, Luk deposited the cheque into an account that she held jointly with TA. Luk admitted that this constituted professional misconduct and provided the Law Society with a cheque for \$81,105 to hold in trust for HH pending proper disbursement by the custodian of her practice.

### ***Conduct related to AF***

AF retained Luk in January 2006 to prepare and submit a sponsorship application for permanent residence for her husband and stepchildren. At this time, Luk was suspended from practising law. She deposited a cheque for \$3,000 on February 2, even though she had not performed any services for her client. In September 2006, Luk requested and accepted payment of \$1,975 for an immigration process fee. She deposited this cheque to her personal bank account and did not pay the immigration fee. She provided a false receipt for the processing fee to her client. Luk admitted that she took the \$3,000 without providing the services, provided a false document for the purposes of misleading her client and failed to complete any services for her client, and that this constituted conduct unbecoming.

### ***Conduct related to JV***

JV retained Luk to purchase a property. When the transaction was completed, Luk held \$13,862 in trust for her client. After deduction of total fees and disbursement of \$10,130, the balance left in trust should have been \$3,731. However, on June 12, 2008 Luk prepared and signed a trust cheque made payable to her law corporation for \$13,862 and transferred to her general account the \$3,731 held in trust for JV. JV did not authorize payment of these trust funds. On June 18, Luk withdrew \$63,000 from her general account, which included the \$3,731 held in trust for JV. Luk admitted that she misappropriated these funds for her own personal purposes and that this constituted professional misconduct.

### **Admission**

Luk admitted that her conduct constituted professional misconduct and conduct unbecoming. On June 18, 2008 Luk terminated her Law Society membership and a custodian was appointed to wind up her practice. Under Rule 4-21, the Discipline Committee accepted Luk's admissions and undertakings:

1. not to apply for reinstatement to the Law Society for a period of 15 years;
2. not to apply for admission to the law society of any other province or territory in Canada without first notifying the Law Society of BC; and
3. not to work for any lawyer or law firm or allow her name to appear on the letterhead of any lawyer or law firm without obtaining the prior written consent of the Law Society.