

2004 LSBC 02A
Report issued: January 8, 2004
Oral Reasons: December 19, 2003

The Law Society of British Columbia
In the matter of the *Legal Profession Act*, SBC 1998, c.9
and a s. 39 proceeding concerning

William Frederick McGuire

Respondent

Decision of Three Benchers

Hearing date: December 19, 2003

Panel: William J. Sullivan, QC, Chair, John J.L. Hunter, QC, Margaret Ostrowski, QC

Counsel for the Law Society: Todd R. Follett

Counsel for the Respondent: Christopher Hinkson, QC

[1] This is an application by the Law Society, pursuant to s. 39 of the *Legal Profession Act* and Rule 4-17 to consider the interim suspension of the Respondent pending a hearing of the citation which has been authorized by the Discipline Committee.

[2] Having read the materials and hearing submissions on behalf of the Law Society and the Respondent, we are satisfied that the public interest will be served in allowing the Respondent to continue in practice provided he is able to meet the following conditions, which will remain in effect pending disposition of the citation or until further order of the Panel. The conditions are as follows:

1. The Respondent, as of today, shall cease to be a signatory on his trust accounts. L. Allison Maxwell, barrister and solicitor, shall take over and be sole signatory on the Respondent's trust accounts and may, at her discretion, open a new trust account in the name of the Respondent, in place of or in addition to the existing trust accounts. No payments shall be made out of any of such trust accounts unless she is satisfied such payments are justified.
2. The Respondent shall forthwith bring his books and records into compliance with Part 3 of the Law Society accounting Rules. The Law Society shall provide him with copies of the originals of his books and records in their possession needed to do this. Such compliance shall occur by January 31, 2004. The Respondent shall inform the Law Society of the status of bringing his books and records into compliance forthwith on demand by the Law Society.
3. The Respondent shall, no later than December 29, 2004, eliminate his trust account shortage, determined as of October 31, 2003, to be \$6,674.64. Upon determination of any additional trust shortage to December 19, 2003, the Respondent shall eliminate that shortage within three business days of being advised of that amount. If the final trust account shortage is less than \$6,674.64, then the Respondent is entitled to payment out of trust to the extent of his overpayment.
4. The Respondent shall forthwith hire an accountant to prepare and ensure that, from December 18, 2003, his books and records comply with Part 3 of the Law Society accounting Rules. Such accountant

shall, on a timely basis, provide the Law Society with monthly reconciliations commencing with the month of December, 2003.

5. The Respondent shall make all trust deposits into whatever trust account as may be determined by L. Allison Maxwell, and shall do so no later than the next business day following receipt of the trust funds. He shall provide L. Allison Maxwell with a deposit receipt within one business day of the deposit.

6. The Respondent shall forthwith advise the Law Society if L. Allison Maxwell will no longer act in regard to his trust accounts.

7. The Respondent shall not do any real estate transaction without the consent, in writing, of the Law Society.

8. Subject to a Court Order, no monies shall be paid out of the trust accounts of the Respondent existing as of December 18, 2003, until any additional trust shortages, up to December 19, 2003, have been determined, and if monies are needed to eliminate an additional shortage, have been paid into trust.