

2009 LSBC 34

Report issued: November 24, 2009

Corrigenda issued: November 26, 2009

Citation issued: August 9, 2006

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

Michael Curt Scholz

Applicant

Corrigenda

Benchers: Bruce LeRose, QC, Chair, Leon Getz, QC, Peter Lloyd, David Mossop, QC, Thelma O'Grady, David Renwick, QC, Meg Shaw, QC, Herman Van Ommen

Counsel for the Law Society: Henry Wood, QC

Counsel for the Applicant: George Gregory

[1] The Benchers make the following corrections to the Decision of the Benchers on Review issued November 24, 2009 by revising paragraphs [7] and [30] as follows:

[7] The Hearing Panel found the Applicant's conduct in failing to properly obtain the consents of the appropriate parties to the payment out of funds from his trust account where such payment was not approved by Order of the Court, to be professional misconduct in that it represented a marked departure from what the Law Society expects from its members. *Law Society of BC v. Scholz*, 2008 LSBC 02 at paragraph [55].

[30] It was argued on behalf of the Applicant that:

Contrary to allegations 2 and 4, the evidence was unanimous that the Applicant was not acting for W Ltd. at the time of the loan. The Panel seems to have recognized this in analyzing the Applicant's conduct on these counts, because it did not refer to the fact that the Applicant was acting for W Ltd. in its analysis of allegations 2 and 4.