

2013 : No. 3

Grant Qing-Nan Meng

Vancouver, BC

Called to the bar: August 27, 1993

Ceased membership : September 1, 2013

Admission accepted by Discipline Committee : July 11, 2013

Counsel : Alison Kirby for the Law Society, Henry Wood, QC for Grant Qing-Nan Meng

Facts

In 2009, Grant Qing-Nan Meng was advised by his external accountant to clear aging trust balances over two years old. Without consulting his client files, Meng assumed that the residual trust balances represented legal fees not billed. He subsequently closed accounts and transferred the money to his general account.

Meng failed to confirm whether he had previously billed the clients, had performed additional services for which he was entitled to bill his clients

or if the amounts remaining in trust were for any specific purpose. He also failed to maintain a bring-forward system for his files, or ensure that all outstanding undertakings had been paid and trust balances had been cleared prior to closing the files and sending them to storage.

In September 2010, the Law Society conducted a compliance audit of Meng's practice. On March 14, 2011, the Law Society ordered an investigation of Meng's books, records and accounts for the period of January 1, 2009 to March 31, 2011.

Admission

While denying any dishonest intent, Meng admitted to nine allegations of failing to comply with his professional obligations relating to trust accounting and the handling of trust funds. Five of these cases involved a sufficient degree of carelessness and/or recklessness as to amount to misappropriation. Meng admitted that his conduct constituted professional misconduct.

Meng admitted that he withdrew unused funds from client trust accounts, supposedly in payment of fees and disbursements for additional legal services. However, Meng did not deliver statements of account to his clients prior to withdrawing the funds, and his client files did not contain evidence that additional legal services were rendered.

Meng did not maintain adequate records that would have permitted him to reconcile his trust account with his client ledgers. He stated that he has since changed his accounting practices and taken steps to verify payments out of trust.

Under Rule 4-21, the Discipline Committee accepted Meng's admissions and his undertakings:

1. to retire and to cease membership in the Law Society;
2. never to apply for reinstatement to the Law Society of BC;

3. not to apply for membership in any other law society without first advising the Law Society of BC; and
4. not to permit his name to appear on the letterhead of, or otherwise work in any capacity for, any lawyer or law firm in BC, without obtaining the prior written consent of the Law Society.