

Hearing File No.: HE20250005
Citation Issued: May 23, 2025
Citation Amended: June 3, 2025
Citation Further Amended: February 23, 2026
Citation Further Amended: May 27, 2026

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

DESMOND GREG FRIEDLAND

RESPONDENT

SECOND FURTHER AMENDED CITATION

TO: Desmond Friedland
Des Friedland & Associates
700 West 16th Avenue
Vancouver, BC V5Z 1S7

TAKE NOTICE THAT by direction of the Discipline Committee of the Law Society of British Columbia, a Hearing Panel of the Law Society will, at a date and time to be set, conduct a hearing to inquire into your conduct or competence as a member of the Law Society of British Columbia, in accordance with section 38 of the *Legal Profession Act*. Parts 4 and 5 of the Law Society Rules outline the procedures to be followed at the hearing. Your appearance before the Hearing Panel may be your only opportunity to present evidence, call witnesses or make submissions.

The allegations against you are:

- ~~1. Between approximately March 15, 2018 and August 11, 2021, in the course of representing your client AG in relation to the estate of EJ (the "Estate") you engaged in activity that you knew or ought to have known assisted in or encouraged dishonesty.~~

when you did one or more of the following, contrary to one or both of rules 2.2-1 and 3.2-7 of the Code of Professional Conduct for British Columbia:

- (a) acted for AG when you knew or ought to have known that AG falsely represented to one or more third parties that AG was the executor of the Estate;
- (b) accepted proceeds of the Estate, being some or all of \$1,008,877.79 as set out in Schedule “A”, into your firm’s trust account;
- (c) failed to promptly notify DD, a lawyer named as an alternate executor in EJ’s will, of EJ’s death; and
- (d) misrepresented to DD that you had instructions from the family and beneficiaries of EJ about the administration of the Estate.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

2. In the alternative to allegation one, Between approximately March 15, 2018 and August 11, 2021, in the course of representing your client AG in relation to the estate of EJ (the “Estate”), you failed to make reasonable inquiries in relation to one or more of the following, contrary to rule 3.2-7 and commentary of the *Code of Professional Conduct for British Columbia*:

- (a) your client and the subject matter and objectives of the retainer;
- (b) the reason for the payment of some or all of \$1,008,877.79 as set out in Schedule “A”, into your firm’s trust account;
- (c) the alleged agreements between the purported beneficiaries to have AG apply for letters of administration of the Estate; and
- (d) the alleged agreements between the purported beneficiaries as to the disposition of the Estate.

This conduct constitutes professional misconduct, pursuant to 38(4) of the *Legal Profession Act*.

3. ~~Between approximately August 11, 2021 and October 2, 2022, in relation to the estate of EJ (the “Estate”), you failed to pay out \$11,200 in Estate funds as soon as practicable to DD, the duly appointed executor of the Estate, contrary to Rule 3-58.1(2) of the Law Society Rules.~~

~~This conduct constitutes professional misconduct or a breach of the Act or Rules, pursuant to 38(4) of the *Legal Profession Act*.~~

4. Between approximately November 23, 2018 and November 13, 2024, in one or more of the ~~31~~²⁹ instances listed in Schedule “B”, you misappropriated or improperly withdrew client trust funds from your firm’s pooled trust account, contrary to one or more of Rules 3-63 and 3-64(3) of the Law Society Rules, and your fiduciary duties, by doing one or more of the following:
- (a) withdrawing funds from trust when there were insufficient funds on deposit to the credit of the clients, resulting in trust shortages;
 - (b) withdrawing funds from trust when your trust accounting records were not current; and
 - (c) making payments from trust when the payments should have been made from the firm’s general account.

This conduct constitutes professional misconduct or a breach of the Act or Rules, pursuant to s. 38(4) of the *Legal Profession Act*.

5. ~~Between approximately November 23, 2018 and November 13, 2024, in one or more of the 31 instances listed in Schedule “B”, you failed to do one or both of the following, contrary to one or both of Rules 3-74(1) and (2) of the Law Society Rules:~~

- ~~(a) immediately eliminate the trust shortages upon discovery of the shortages; and~~
- ~~(b) immediately make a written report to the Executive Director, including all relevant facts and circumstances, for trust shortages greater than \$2,500 upon discovering them.~~

~~This conduct constitutes professional misconduct or a breach of the Act or Rules, pursuant to s. 38(4) of the *Legal Profession Act*.~~

6. Between approximately January 8, 2020 and November 25, 2022, in one or more of the 16 instances listed in Schedule “C”, you received money into your firm’s account trust when you failed to do one or both more of the following, contrary to one or more of Rules 3-64.2(b) and 3-68(a) and (b) of the Law Society Rules:

- (a) identify and record the source of funds received into your firm’s pooled trust account; and
- (b) identify and record the identity of the client on whose behalf trust funds were received into your firm’s pooled trust account.

This conduct constitutes professional misconduct or a breach of the Act or Rules, pursuant to s. 38(4) of the *Legal Profession Act*.

7. Between approximately March 31, 2021 and September 30, 2022, in one or more of the 18 instances listed in Schedule “D”, you failed to do one or both of the following, contrary to Rule 3-73 of the Law Society Rules:

- (a) prepare a monthly trust reconciliation for your firm’s pooled trust account within 30 days of the effective date of the reconciliation; and
- (b) maintain a listing of balances of each separate trust account or savings, deposit, investment or other account identifying the client for whom each is held.

This conduct constitutes professional misconduct or a breach of the Act or Rules, pursuant to s. 38(4) of the *Legal Profession Act*.

8. On or about April 20, 2021, you provided answers to one or more of questions C14, C18, C20, C24, C26, C30, and C31 on your Trust Report for the period ending December 31, 2020, that you knew or ought to have known were false or misleading.

This conduct constitutes professional misconduct, pursuant to s. 38(4) of the *Legal Profession Act*.

If you fail to appear at the hearing, the Hearing Panel may proceed with the hearing in your absence and make any order that it could have made had you been present.

THIS CITATION AMENDED June 3, 2025 pursuant to Rule 5-4.2 of the Law Society Rules.

THIS CITATION FURTHER AMENDED February 23, 2026 pursuant to Rule 5-4.2 of the Law Society Rules.

THIS CITATION FURTHER AMENDED May 27, 2026 pursuant to Rule 5-4.2 of the Law Society Rules.