2025 LSBC 25
Hearing File No.: HE20200092
Decision Issued: September 23, 2025
Citation Issued: November 4, 2020
Citation Amended: January 5, 2023

THE LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL

HEARING DIVISION

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

NEAL BURTON WANG

RESPONDENT

DECISION OF THE HEARING PANEL ON DISCIPLINARY ACTION

Hearing date:	June 25, 2025
Panel:	Thomas L. Spraggs, KC, Chair David Dewhirst, Public representative Bruce A. LeRose, KC, Lawyer
Discipline Counsel:	William B. Smart, KC Susan J. Humphrey
Counsel for the Respondent:	J. Kenneth McEwan, KC Julian Wierenga

INTRODUCTION

[1] Neal Burton Wang (the "Respondent") was admitted as a member of the Law Society of British Columbia (the “Law Society”) in 1999. He has worked for large national firms, specializing in complex international commercial transactions and investment. At the time of citation, the Respondent was operating as a sole practitioner, occasionally in conjunction with other firms.

[2] The Law Society initiated disciplinary proceedings against the Respondent with a citation authorized by the Discipline Committee on October 29, 2020. The Citation was officially issued on November 4, 2020 and subsequently amended on January 5, 2023 (the “Citation”).

[3] The Citation contained seven allegations of professional misconduct against the Respondent. The allegations related to the Respondent’s handling of trust funds, client identification, and accounting records.

[4] Allegations 1, 3, and 5 alleged that the Respondent, on three separate client matters, failed to: (a) provide substantial, or any, legal services, (b) make reasonable inquiries about the circumstances of trust funds, and (c) make records of such inquiries.

[5] Allegations 2, 4, and 6 alleged that the Respondent, on three separate client matters, failed to obtain, record, and verify client identification information.

[6] Allegation 7 alleged that the Respondent failed to properly manage trust funds and maintain accounting records in compliance with the Law Society Rules (the “Rules”) including: (a) withdrawing bank fees directly from trust funds, (b) making payment from trust funds when the accounting records were not current, (c) withdrawing trust funds by way of online and/or email transfers and ATM withdrawals, (d) withdrawing trust funds for the payment of fees without first preparing and immediately delivering a bill for those fees, (e) to (h) various failures relating to the maintenance of proper and prompt trust fund accounting records, and (i) to (j) delivering unsigned and/or undescriptive bills to clients.

[7] The Hearing Panel’s decision (the “F&D Decision”) was issued on September 7, 2023 (*Law Society of BC v. Wang*, 2023 LSBC 38). The F&D Decision concluded that:

(i) the Respondent’s behaviour amounted to professional misconduct in relation to allegations 1, 5, 7(b), 7(d), and 7(j);

(ii) the Respondent’s behaviour amounted to a breach of the Rules, without any finding of professional misconduct, in relation to allegations 2, 4, and 6;

(iii) the Respondent admitted to breaching the Rules in relation to allegations 7(a), 7(c), 7(e), 7(f), 7(g), 7(h), and 7(i); and

(iv) the Respondent provided substantial legal services in relation to allegation 3, which was consequently dismissed.

[8] The Law Society applied for review of the F&D Decision to: (a) reverse the dismissal of allegation 3; arguing instead for a finding of professional misconduct, and (b) to change the finding in allegations 2, 4, and 6 from a breach of the Rules to a finding of professional misconduct. The Respondent sought cross-review on the F&D Decision to: (a) reverse the finding of professional misconduct in allegations 1, and 5.

[9] The Review Board met to consider the F&D Decision on June 24 to 25, 2024. Its decision (the "Review Decision") was issued on October 28, 2024. The Review Decision stated that:

(i) the Hearing Panel's finding of professional misconduct in relation to allegations 1 and 5 was upheld;

(ii) the Hearing Panel's finding of a breach of the Rules in allegation 2 was upheld;

(iii) the Hearing Panel's finding of professional misconduct in allegations 7(b), 7(d), and 7(j) was upheld;

(iv) the Hearing Panel's dismissal of allegation 3 was reversed in favour of the Review Board's finding of professional misconduct; and

(v) the Hearing Panel's finding of a breach of Rules in relation to allegations 4, and 6 was reversed in favour of the Review Board's finding of professional misconduct.

POSITION OF THE PARTIES

[10] The Law Society's position is that a suspension of six months is the appropriate and required disciplinary action in the Respondent's case based on: (a) the number of findings of professional misconduct, (b) the seriousness of the professional misconduct, (c) the length of time over which the professional misconduct occurred, (d) the significant amount of funds received and disbursed from the trust funds, (e) the Respondent's lack of insight into his conduct, and (f) the Respondent's attempt to conceal his misconduct from the Law Society inquiry.

[11] The Respondent's position is that a suspension of two months is the appropriate disciplinary action in his case based on: (a) his inexperience regarding the Rules, (b) the Law Society's improper reliance on his conduct during the inquiry as a relevant factor, (c) the Law Society's proposed three-to-six-month suspension being unsupported by precedent due to his case's distinguishable factors, (d) the Law Society's attempt to subject him to additional disciplinary action based on his choice to obtain the full benefit of the procedural protections available to him, and (e) the severe impact of a six month suspension on his professional and personal life.

[12] In response to the Respondent's submissions, the Law Society argued that: (a) the Respondent's inexperience with the Rules was not a mitigating factor, (b) the Respondent's dishonesty, and not his attempt to obtain the full benefit of the procedural protections available to him, is a significant factor in the length of suspension sought, and (c) the reliance on *Law Society of BC v. Yen*, 2023 LSBC 2 as a guide for the length of suspension sought is justifiable and proper given the Respondent's misconduct. In *Yen* the Review Board found the appropriate range for similar misconduct was three to six months.

GENERAL PRINCIPLES

[13] The Law Society has a duty to uphold and protect the public interest in the administration of justice by: (a) preserving and protecting the rights and freedoms of all persons, (b) ensuring the independence, integrity, honour and competence of lawyers, (c) establishing standards and programs for the education, professional responsibility, and competence of lawyers, (d) regulating the practice of law, and (e) supporting and assisting lawyers in fulfilling their duties in the practice of law (*Legal Profession Act*, SBC 1998, c. 9, s. 3).

[14] In *Law Society of BC v. Hill*, 2011 LSBC 16, at para. 3, it was stated that the primary object of disciplinary proceedings is to "discharge the Law Society's statutory obligation … [and] to decide upon a sanction or sanctions that … is best calculated to protect the public, maintain high professional standards and preserve public confidence in the legal profession".

[15] Determining the appropriate sanction is an individualized process involving the weighing of aggravating and mitigating factors in the context of the specific case at hand (*Law Society of BC v. Faminoff*, 2017 LSBC 4, at paras. 84 and 87). In cases where multiple instances of misconduct have been proven, the sanction is typically determined in aggregate as opposed to assigning separate disciplinary action for each instance (*Law Society of BC v. Gellert*, 2014 LSBC 5).

[16] The sanction must serve the objectives of specific and general deterrence, denunciation of the misconduct, and if appropriate, the rehabilitation of the respondent. Misconduct relating to core professional duties (particularly those involving dishonesty, court orders, or failures in fundamental obligations that "cut close to the bone") require a strong response to maintain public trust in the disciplinary process (*Law Society of BC v. Lessing*, 2013 LSBC 29, at para. 118).

[17] *Law Society of BC v. Ogilvie*, 1999 LSBC 17, at paras. 9 to 10, set out an extensive, although non-exhaustive, list of thirteen factors to be considered when determining the appropriate sanction.

[18] The *Ogilvie* factors were subsequently applied in *Law Society of BC v. Lessing*, 2013 LSBC 29 and consolidated under four general categories in *Law Society of BC v. Dent*, 2016 LSBC 5, at paras. 19 to 23:

(a) the nature, gravity, and consequences of the conduct;

(b) the character and professional conduct record of the respondent;

(c) the respondent's acknowledgment of the misconduct and remedial action; and

(d) public confidence in the legal profession, including public confidence in the disciplinary process.

[19] The consolidated *Dent* factors represent the "modern approach" adopted in most contemporary disciplinary proceedings. This approach allows the panel to focus on those considerations most relevant to the case at hand, while balancing the general duty to protect the public's confidence in the profession, and the disciplinary process, with the specific duty to rehabilitate the lawyer through appropriate sanction. In cases where the general and specific duties are in conflict, the protection of the public confidence must prevail (*Law Society of BC v. Lee*, 2022 LSBC 5 at para. 9).

NATURE, GRAVITY, AND CONSEQUENCES OF THE MISCONDUCT

[20] The misconduct in this case is both serious and wide-ranging. It occurred over multiple client matters, involved several distinct but related breaches of core regulatory duties, and reflected a sustained departure from the standards expected of a practicing lawyer.

[21] The Respondent failed in connection with the receipt of trust funds (allegations 1, 3, and 5). In three separate client matters, he received significant funds in trusts and failed

to: (i) provide substantial or any legal services in connection with the funds, (ii) make reasonable inquiries into the circumstances of the transactions, and (iii) make a record of the results of such inquiries. These duties exist to ensure that a lawyer's trust account is used only for legitimate legal purposes and that suspicious transactions are properly scrutinized before being processed.

[22] The failure to meet these obligations compromised the Respondent's role as a gatekeeper over his trust account; a function recognized as essential to preventing misuse of trust funds (*Law Society of BC v. Gurney*, 2017 LSBC 15, at para. 37). By not making inquiries or keeping proper records, the Respondent allowed transactions to proceed without the oversight necessary to protect clients, the public, and the integrity of the profession.

[23] The Respondent failed to obtain, record, and verify client identification documents (allegations 2, 4, and 6). In relation to the same three client matters, the Respondent failed in his duty to adhere to the Rules governing client identification. These requirements form a critical part of the Law Society's anti-money laundering and anti-fraud safeguards, and they demand strict compliance.

[24] The purpose of the client identification and verification regime is to protect both the public and the integrity of the profession from exploitation for illegal purposes. The Respondent's non-compliance removed an important safeguard against potential dishonesty, crime or fraud, undermining the ability to detect and address improper or unlawful activity.

[25] The Respondent failed to maintain proper accounting records (allegation 7). The deficiencies included disbursing trust funds when records were not current, making withdrawals by prohibited means, withdrawing funds for payment of fees without proper billing and delivering unsigned or insufficiently descriptive bills. Proper trust accounting is a foundational professional obligation and a cornerstone of the Law Society's regulatory system.

[26] The cumulative effect of these breaches is significant. They occurred across multiple matters, over an extended period of time, and involved systemic failures in fulfilling essential duties. Beyond the risk posed to the specific clients involved, the misconduct undermines public trust in the legal profession's capacity to safeguard client property, prevent misuse of trust accounts, and comply with its own regulatory framework.

CHARACTER AND PROFESSIONAL CONDUCT RECORD

[27] The Respondent was called to the Bar in 1999 and has no prior disciplinary history. Ordinarily, the absence of a professional conduct record is considered a mitigating factor, as it may indicate that the misconduct in question is an isolated departure from otherwise acceptable professional behaviour.

[28] In this case, however, the mitigating effect of the Respondent's previously unblemished record is reduced. The misconduct involved multiple proven allegations that occurred over an extended period of time and related to fundamental professional obligations. Such circumstances diminish the weight that can be given to an otherwise clean professional conduct record, as the breaches were neither minor nor technical, but instead went to the core of the Respondent's regulatory and safeguarding duties.

[29] The Respondent has significant professional experience, including work on complex transactions. Although he was operating as a sole practitioner at the relevant times without the assistance of the infrastructure of a larger firm, this circumstance does not excuse the misconduct. The Respondent should not expect more lenient treatment based on his chosen practice arrangement; the overriding consideration remains the protection of the public.

ACKNOWLEDGMENT OF MISCONDUCT AND REMEDIAL ACTION

[30] At the facts and determination phase of the Hearing, the Respondent admitted to certain breaches of the Rules, but contested the majority of the allegations, including several that were ultimately upheld as professional misconduct. The Respondent is entitled to defend the Citation as he sees fit. It is not an aggravating factor to mount a vigorous defense to a citation and it would be inappropriate to increase sanction on this basis. Instead, it is a neutral factor.

[31] In an unsworn statement accompanying his submissions to which the Law Society did not object, the Respondent acknowledges that he should have better familiarized himself with the trust accounting and client verification rules. He says that since the deficiencies were cited by the Law Society trust accounting division, he has taken proactive steps to guarantee future compliance. The Panel notes that acknowledgment of misconduct and remedial action is a possible mitigating factor. In this case, however, any acknowledgment of wrongdoing came only after extensive proceedings and was limited in scope.

[32] Another concern of the Law Society was the inexperience of the Respondent in managing a solo practice. The Respondent has not acted as a sole practitioner since the

date of the events at issue in the proceedings, and submits that he has taken care to ensure that the firms at which he has worked since have highly experienced accounting and support staff.

[33] The Law Society argues that the Respondent should be subjected to a harsher sanction because the Respondent lied to the Panel and provided the Panel "with contradictory testimony [and] falsified documents." This came after the Respondent swore an oath to conduct himself truly and with integrity. This remedial action of attempting to deceive the regulator to avoid a finding of professional misconduct is a serious aggravating factor according to the Law Society.

[34] The Respondent strenuously opposes this submission of the Law Society and contends that any sanction that the Respondent receives should be limited to those items set out in the Citation. The Respondent also states that to increase the sanction because the Respondent was found to be less than credible and misleading in his testimony would be contrary to the rules of procedural fairness.

[35] We agree. The Respondent was not cited for falsifying accounting records or otherwise misleading the regulator and as such would be denied his right to full answer and defense on those issues. To increase a sanction based on this uncited misconduct would be improper.

[36] The Law Society was provided with the opportunity to provide more authority to support its position but after a rather exhaustive search could not provide any on point.

[37] Accordingly, the Panel finds that it would be inappropriate to increase the Respondent's sanction based on this point. If the Law Society had wished to seek an increase in sanction for dishonesty or falsifying records, those allegations should have been made in a citation. The fact that such conduct was considered as part of a credibility finding against the Respondent does not justify its use to increase sanction.

PUBLIC CONFIDENCE IN THE PROFESSION AND THE DISCIPLINARY PROCESS

[38] The Respondent's position is that a potential six-month suspension would have a severe impact on the Respondent's professional and personal life that "materially exceeds what is necessary to deter similar conduct... and maintain public confidence in the legal profession."

[39] Further, the Respondent submits that a two-month suspension will "materially impair the Respondent's professional standing, inflict further reputation injury... and

degrade many of his client relationships". As a result, it has the necessary deterrent effect on other lawyers and would maintain public confidence in the legal profession.

[40] The Law Society's position on ensuring public confidence is that the falsifying of documents and lying to the hearing panel are clear aggravating factors when considering the public's confidence. They go on to state that, "[t]he public has a right to expect the Law Society will impose on the Respondent a sanction that sends a message... that emphasizes the importance of acting with integrity and their practice and their dealings with the Law Society."

[41] In addition, the Law Society cited the Cullen Report's widespread attention stressing the "serious harm and social consequences caused by money laundering", and in particular lawyers' roles in facilitating it. Because of this, the public would further expect the Law Society to impose a significant sanction on the Respondent in response to his misconduct.

DISCIPLINARY ACTION TO BE IMPOSED

[42] In his statement, the Respondent asks for compassion. Asserting that any suspension, especially the proposed six-month one, would cause irreversible damage to his practice. Further, a six-month suspension would have a significant impact on his financial institution clients who rely on the Respondent.

[43] The Respondent does request that the Panel limit the suspension to two-months which will still "cause significant harm to [his] client relationships and [his] reputation within the Financial Services Practice Bar", but that it would allow some prospect of reconnecting before the passage of time completely severs any relationship.

[44] This Panel is guided by a consideration of the following decisions and consent agreements in which suspensions within the range of two to six months have been imposed for similar misconduct (The Panel notes that the consent agreements provide some guidance as to the sanctions agreed upon in similar circumstances through a process of negotiated settlement, but are given less weight as they are not decisions of a panel.):

> *Law Society of BC v. Cheng*, Rule 3-7.1 Consent Agreement (November 28, 2022),
>
> *Law Society of BC v. Yen*, 2023 LSBC 2,
>
> *Law Society of BC v. Osei*, 2022 LSBC 43,

Law Society of BC v. Biancardi, Rule 3-7.1 Consent Agreement (December 19, 2023).

[45] The Panel agrees with the parties that the appropriate disciplinary action for the Respondent is a suspension.

[46] After considering all the circumstances, the Panel finds that a suspension of four-months from practice is appropriate. This suspension is one that is imposed on a holistic basis that takes into account the specific circumstances and proven misconduct of the Respondent.

CONCLUSION

[47] The Panel finds that a four-month suspension is the appropriate course for disciplinary action in relation to the findings of the Review Board.

[48] The suspension is to commence on October 15, 2025 or such other date as the parties may agree or the Tribunal shall order.

[49] The Panel will consider costs by way of written submissions. The Law Society shall have until October 1, 2025 to either file a consent order as to the costs of the Hearing or to file a draft Bill of Costs and its submissions on costs. The Respondent in turn shall have until October 15, 2025 to file any responding materials and the Law Society shall have until October 22, 2025 to file a reply. In the absence of any materials being filed, there shall be no order as to costs.