

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

DANIEL MARKOVITZ

RESPONDENT

CITATION

TO: **Daniel Markovitz**
c/o Markovitz Law Offices
253 - 11180 Coppersmith Place
Richmond, BC V7A 5G8

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 January 4, 2021 and September 14, 2022, in the course of acting in 18 client files, you received some or all of \$56,190.00 in client funds as advance payment of legal fees (the “Funds”) in one or more of the instances set out in Schedule “A”, and you did one or more of the following:

- (a) misappropriated or improperly handled the Funds by depositing the Funds into your firm's general account when you were not entitled to some or all of the Funds, contrary to Rule 3-58(1) of the Law Society Rules (the "Rules"); and
- (b) deposited the Funds into your firm's general account when you had not delivered a bill to your clients, or the bill delivered failed to include a description of the legal services provided by you and clearly and separately detail the amounts charged as fees and disbursements or both, contrary to one or more of Rule 3-72(3) of the Rules, section 69 of the *Legal Profession Act*, and rule 3.6-3 of the *Code of Professional Conduct for British Columbia*.

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

- 2. Between approximately January 1, 2016 and December 7, 2022, you collected Goods and Services Tax ("GST") from your clients and failed to promptly remit some or all of \$25,299.23 in GST, interest, and penalties due to the Canada Revenue Agency, contrary to rule 7.1-2 of the *Code of Professional Conduct for British Columbia*.

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

- 3. Between approximately April 30, 2021 and July 31, 2023, you collected British Columbia Provincial Sales Tax ("PST") from your clients and failed to promptly remit some or all of \$37,590.24 in PST, interest, and penalties due to the provincial government, contrary to rule 7.1-2 of the *Code of Professional Conduct for British Columbia*.

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

- 4. Between approximately December 29, 2011 and October 27, 2022, you filed trust reports for the years 2011 to 2022 which included responses stating that during the reporting period, your law practice paid GST and PST in full and on time, which you

knew or ought to have known was false or misleading, contrary to rule 7.1-1 of the *Code of Professional Conduct for British Columbia*:

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

5. Between approximately April 23, 2021 and March 8, 2022, in the course of acting for one or more of AA, BB, CC, and DD, you breached your January 13, 2006 undertaking to the Law Society by practicing in areas other than criminal law, contrary to one or both of rules 2.1-4(b) and 7.2-11 of the *Code of Professional Conduct for British Columbia*.

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.

DATED at Vancouver, British Columbia, this 28th day of September, 2026.



Joyce Johner, Director, Discipline
The Law Society of British Columbia