

Hearing File No.: HE20230023
Citation Issued: December 13, 2023

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

MICHAEL SAUL MENKES

RESPONDENT

CITATION

TO: **Michael S. Menkes**
#325 - 625 Agnes Street
New Westminster, BC V3M 5Y4

AND TO: **His Solicitor, Michael J. Butterfield**
Butterfield Law Corporation
402 - 2020 Richmond Road
Victoria, BC V8R 6R5

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. On or about September 9, 2021, in relation to files #19168, #19155, #19177 and #19189, you misappropriated or improperly withdrew some or all of \$707.84 in client funds by withdrawing the funds from your trust account and depositing them directly into your personal bank account when you were not entitled to the funds, contrary to one or both of Rule 3-64 of the Law Society Rules and your fiduciary duties.

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

2. On or about September 9, 2021, in relation to files #18906, #19097, #19183, #19194, you misappropriated or improperly handled some or all of \$31.91 in client funds by transferring the funds from your trust account to your law firm's trust "float" account when you were not entitled to the funds and had not delivered a bill to your clients, contrary to one or more of Rules 3-64 and 3-65 of the Law Society Rules, section 69(1) of the *Legal Profession Act*, and your fiduciary duties.

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

3. On or about September 9, 2021, in relation to files #19190, #19102, and #18999, you improperly withdrew or authorized the improper withdrawal of some or all of \$675.31 in funds from trust, by failing to deposit the funds directly to your law firm's general account in circumstances where the funds were purportedly withdrawn for the payment of your fees, contrary to Rule 3-65(1.1) of the Law Society Rules.

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

4. On or about September 9, 2021, in relation to file #19190, you improperly withdrew or authorized the improper withdrawal of some or all of \$33.40 in funds from trust for the payment of your fees, by withdrawing the funds from trust when you had not delivered

a bill to your client, contrary to one or both of Rule 3-65 of the Law Society Rules and section 69(1) of the *Legal Profession Act*.

This conduct constitutes professional misconduct or a breach of the Act or rules, 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 13th day of December, 2023.

A handwritten signature in black ink, appearing to read 'Tara McPhail', written over a horizontal line.

Tara McPhail
Director, Discipline and External Litigation
The Law Society of British Columbia