

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

BRADEN WILLIAM LAUER

RESPONDENT

CITATION

TO: **Braden W. Lauer**
414-2001 Wall Street
Vancouver, BC V5L 5E4

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 while 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:

Conduct Related to Clients JC, SL, and BS

Misappropriation

1. Between approximately July 2021 and August 2021, in the course of representing JC in an incorporation matter, you misappropriated or improperly handled some or all of \$493.50 in trust funds by failing to deposit the funds into a pooled trust

account, contrary to Rule 3-58 of the Law Society Rules, and depositing the funds into your personal bank account when you were not entitled to the funds.

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 July 2021 and August 2021, in the course of representing SL in an incorporation matter, you misappropriated or improperly handled some or all of \$472.50 in trust funds by failing to deposit the funds into a pooled trust account, contrary to Rule 3-58 of the Law Society Rules, and depositing the funds into your personal bank account when you were not entitled to the funds.

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

3. Between approximately July 2021 and August 2021, in the course of representing BS with respect to a services agreement, you misappropriated or improperly handled some or all of \$420.00 in trust funds by failing to deposit the funds into a pooled trust account, contrary to Rule 3-58 of the Law Society Rules, and depositing the funds into your personal bank account when you were not entitled to the funds.

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

Accounting Records

4. Between approximately July 2021 and August 2021, you failed to record your receipt of some or all of the following trust funds, contrary to one or both of Rules 3-67(2) and 3-72 of the Law Society Rules:

- (a) \$493.50 received on behalf of JC;
- (b) \$472.50 received on behalf of SL; and
- (c) \$420.00 received on behalf of BS.

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

Quality of Service

5. Between approximately January 2021 and August 2021, in the course of representing JC with respect to an incorporation, you failed to provide JC with the quality of service expected of a competent lawyer, contrary to one or both of rules 3.1-2 and 3.2-1 of the *Code of Professional Conduct for British Columbia*. In particular, you failed to do one or more of the following:
- (a) keep the client reasonably informed about the status of their matter;
 - (b) ensure that the client's matter was attended to in a timely manner so that its value to the client was maintained;
 - (c) take appropriate steps to perform the work promised to the client; and
 - (d) provide the client with complete and accurate relevant information about the matter.

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

6. Between approximately February 2021 and August 2021, in the course of representing SL with respect to an incorporation, you failed to provide SL with the quality of service expected of a competent lawyer, contrary to one or both of rules 3.1-2 and 3.2-1 of the *Code of Professional Conduct for British Columbia*. In particular, you failed to do one or more of the following:
- (a) keep the client reasonably informed about the status of their matter;
 - (b) ensure that the client's matter was attended to in a timely manner so that its value to the client was maintained;
 - (c) take appropriate steps to perform the work promised to the client; and

- (d) provide the client with complete and accurate relevant information about the matter.

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

- 7. Between approximately June 2021 and August 2021, in the course of representing BS with respect to a services agreement, you failed to provide BS with the quality of service expected of a competent lawyer, contrary to one or both of rules 3.1-2 and 3.2-1 of the *Code of Professional Conduct for British Columbia*. In particular, you failed to do one or more of the following:
 - (a) keep the client reasonably informed about the status of their matter;
 - (b) ensure that the client's matter was attended to in a timely manner so that its value to the client was maintained;
 - (c) take appropriate steps to perform the work promised to the client; and
 - (d) provide the client with complete and accurate relevant information about the matter.

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

Misrepresentation to Client

- 8. Between approximately April 2021 and August 2021, in the course of representing JC regarding the incorporation of a business in Alberta, you misrepresented to the client the status of their matter by making one or both of the following statements that you knew or ought to have known were false or misleading, contrary to one or both of rules 2.2-1 and 3.2-2 of the *Code of Professional Conduct for British Columbia*:

- (a) in an email dated April 5, 2021, you stated to the client that the cause of the delay was “the intermediary, a program called Ecore”, when you knew or ought to have known that Ecore was not the cause of the delay; and
- (b) in an email dated July 21, 2021, you stated to the client that “it sounded as though [Ecore] held this off waiting for approval of agent for service”, when you knew or ought to have known that you had previously received the necessary information from the client regarding an agent for service, but had not taken the steps required to advance the matter.

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

Conduct Related to Clients HG and NP

Misappropriation

- 9. In approximately May 2021, in the course of representing HG, a client of a law firm (the “Firm”), you misappropriated or improperly handled some or all of \$3,200.00 provided by HG to the Firm as payment on account of services rendered by failing to deposit the funds into a pooled trust account, contrary to Rule 3-58 of the Law Society Rules, and depositing the funds into your personal bank account when you were not entitled to the funds.

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

- 10. Between approximately May 2021 and August 2021, in the course of representing NP, a client of a law firm (the “Firm”), you misappropriated or improperly handled some or all of \$4,908.86 provided by NP to the Firm as payment on account of services rendered by failing to deposit the funds into a pooled trust account, contrary to Rule 3-58 of the Law Society Rules, and depositing the funds into your personal bank account when you were not entitled to the funds.

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

Accounting Records

11. Between approximately May 2021 and August 2021, you failed to record your receipt of some or all of the following funds provided by clients of a law firm as payment on account of services rendered, contrary to one or both of Rules 3-67(2) and 3-72 of the Law Society Rules:
 - (a) \$3,200.00 provided by HG; and
 - (b) \$4,908.86 provided by NP.

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 8th day of May, 2023.



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