

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

DANIEL JAMES BARKER

RESPONDENT

AMENDED CITATION

TO: Daniel James Barker
c/o Barker & Company
815 Hornby Street, Suite 501
Vancouver, BC V6Z 2E6

AND TO: His Solicitor, William B. Smart, KC
Hunter Litigation Chambers Law Corporation
2100 - 1040 West Georgia Street
Vancouver, BC V6E 4H1

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 2018 and September 2019, in the course of acting in one or more of the matters set out in Schedule "A", you provided legal services, or used or permitted the use of your firm's trust account in one or more of the instances

set out in Schedule “B”, or you did both, in circumstances where you failed to do one or more of the following:

- (a) be on guard against becoming the tool or dupe of an unscrupulous client or other persons;
- (b) make reasonable inquiries about the circumstances, including, but not limited to:
 - (i) the identity of your clients or other parties, or both;
 - (ii) the relationships between the parties and certain agents or intermediaries;
 - (iii) the legal or beneficial ownership of certain property and business entities;
 - (iv) the subject matter and objectives of your retainer;
 - (v) the nature and purpose of some or all of the transactions;
 - (vi) the source of funds received;
 - (vii) the purpose of the payment of the funds;
 - (viii) the reason for the funds to go through your firm’s trust accounts; and
- (c) make a record of the results of inquiries made.

This conduct constitutes professional misconduct, pursuant to section 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 July 27, 2023 pursuant to Rule 5-4.2 of the Law Society Rules.