

LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

EDWIN SOON

RESPONDENT

CITATION

TO: Edwin Soon
c/o Edwin Soon Law Office
609 - 938 Howe Street
Vancouver, BC V6Z 1N9

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 December 2016 and September 2020, you misused your law firm's trust account by receiving some or all of \$1,071,484.37, or disbursing some or all of \$2,037,731.81, or both, as set out in Schedule "A" (the "Trust Transactions"), when you had not provided any or substantial legal services in connection with the Trust Transactions, contrary to one or more of Rules 3-58.1, 3-60(4), and 3-60(5) of the Law Society Rules.

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

2. Between approximately December 2015 and September 2020, you caused one or both of Company 1, and Company 2, companies in which you had a direct or indirect financial interest, to enter into loan agreements with your clients, or former clients, AA and companies associated with them, for funds totaling approximately \$4,635,000.00, as set out in Schedule “B”, contrary to one or more of rules 2.1-3(b), 3.4-1, 3.4-26.1, 3.4-28, 3.4-29, 3.4-34, 7.3-1, and 7.3-2 of the *Code of Professional Conduct for British Columbia* and your fiduciary duties to your client(s).

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

3. Between approximately March 2016 and February 2019, in relation to a mortgage and subsequent refinancing, you acted in a conflict of interest when you represented one or more of Company 1, a company in which you had a direct or indirect financial interest, Company 3, and AA, contrary to one or more of rules 2.1-3(b), 3.4-1, 3.4-2, 3.4-26.1, 3.4-28, 3.4-29, 3.4-34, 7.3-1, and 7.3-2 of the *Code of Professional Conduct for British Columbia*, and your fiduciary duties to your client(s).

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

4. Between approximately June 2016 and July 2017, concerning File #13150, you acted in a conflict of interest when you represented Company 1, a company in which you had a direct or indirect financial interest, and Company 4, as co-lenders in relation to a \$437,000.00 second mortgage loan, contrary to one or more of rules 2.1-3(b), 3.4-1, 3.4-2, 3.4-5, 3.4-26.1, 3.4-28, 3.4-29, 3.4-34, 7.3-1, and 7.3-2 of the *Code of Professional Conduct for British Columbia*, and your fiduciary duties to your client(s).

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

5. Between approximately July 2017 and March 2020, in relation to one or more of the 13 trust transactions set out in Schedule “C”, you transferred, or caused to be transferred, some or all of \$1,054,126.21 between clients’ trust ledgers and you failed to maintain the required records showing the transfer of those funds, contrary to Rule 3-68(c) 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*.

6. Between approximately January 2018 and January 2020, in relation to one or more of the 372 trust transactions set out in Schedule “D”, you deposited, or caused to be deposited, some or all of \$901,463.62, and you failed to maintain a book of entry or data source showing the source and form of funds received, contrary to Rule 3-68(a)(ii) 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*.

7. Between approximately April 2018 and April 2020, in relation to one or more of the 20 trust transactions set out in Schedule “E”, you deposited, or caused to be deposited, some or all of \$465,484.06, or you withdrew, or caused to be withdrawn, some or all of \$98,239.44, or both, and you failed to maintain a book of entry or data source showing the identity of the client on whose behalf trust funds were received or disbursed, contrary to Rule 3-68(a)(iii) 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*.

8. Between approximately January 2018 and April 2020, in relation to one or more of the 385 deposits into trust totaling \$1,363,697.68¹ set out in Schedules “D” and “E”, or one or more of the 5 withdrawals from trust totaling \$98,239.44 set out in Schedule “E”, you failed to record the trust transactions in accounting records in chronological

¹ Note that entries 371 and 372 on Schedule “D” and entries 12 and 16 on Schedule “E” (the January 22, 2020 deposit of \$1,250.00 and the January 31, 2020 deposit of \$2,000.00) are duplicate entries and are only counted once for this allegation.

order and in an easily traceable form, contrary to Rule 3-67(5) 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.

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 4th day of October, 2024.

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

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