

Discipline Digest

The Law Society
of British Columbia



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Admissions to the Discipline Committee

When a citation has been directed against a lawyer, the lawyer may tender a conditional admission of a discipline violation to the Discipline Committee under Law Society Rule 4-21 (formerly Rule 468).

If the admission is accepted by the Discipline Committee, the Committee will rescind any outstanding

citation, direct that the admission be endorsed on the lawyer's professional conduct record and advise the complainant of the disposition.

Rule 4-38 provides for publication of summaries of these cases.

Admission by former member: misappropriation of client trust funds

BILHAR SINGH KOONAR

Vancouver, B.C.

Called to the Bar: January 10, 1978

Ceased membership: January 1, 1999

Between 1994 and 1996, while practising as a partner of a Vancouver law firm, Mr. Koonar misappropriated approximately \$144,000 in trust funds belonging to clients by transferring the funds to his own personal account without the knowledge or consent of the clients, as follows:

- **Client C Ltd.:** While representing C Ltd, a property development company, in 1996, Mr. Koonar received in trust from purchasers four deposits of \$5,000 (\$20,000 total) to be held in trust for the purpose of ensuring compliance with design covenants on new construction. The deposits were to be released to the builder or purchaser upon satisfaction of requirements and instructions from C Ltd. Mr. Koonar authorized the transfer of these deposits from segregated trust accounts to the firm's pooled trust account. He subsequently misappropriated three of these deposits (\$15,000) by transferring the money from the pooled trust account to his own personal account and misappropriated one of the deposits (\$5,000) by placing it in the account of another client (B) in partial repayment of money he personally owed to B.
- **Client T Ltd.:** While representing this property development company in 1996, Mr. Koonar received funds from purchasers in relation to five different property sales. In two instances, he held in trust compliance deposits of \$1,500 each (\$3,000 total),

which he misappropriated by transferring the money from the firm's pooled trust account to his own personal account, taking some of it in cash. In two other instances, he held funds in trust that earned \$1,072 in interest, which Mr. Koonar transferred from the firm's pooled trust account to his own personal account, taking some in cash. In the final instance, Mr. Koonar was to withhold \$336 to be applied towards the payment of a fence on behalf of the purchaser. Mr. Koonar instead transferred this amount from trust to his own personal account.

- **Client S Inc.:** Mr. Koonar represented this company, which was developing a strata title resort. Of a \$5,000 deposit received in trust, Mr. Koonar misappropriated \$4,850 in November and December, 1995 by transferring these funds to his own personal account, taking some in cash. After various authorized payments made by the firm for this client, \$5,000 remained in trust. Of this money, Mr. Koonar misappropriated \$4,500 in 1996 by making transfers from trust to his personal account and taking some of the money in cash.
- **Client PM:** Mr. Koonar advised this client that \$10,000 would be held in trust by the firm to be applied to various accounts. In January, 1995 Mr. Koonar misappropriated \$8,000 of the money by transferring it to his own personal account. He later misappropriated \$375 of funds held in trust for this client.
- **Client RM:** In April, 1996 Mr. Koonar misappropriated \$5,000 from money held in trust for this client,

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