



CANADA)
PROVINCE OF SASKATCHEWAN)
TO WIT)

IN THE MATTER OF *THE LEGAL PROFESSION ACT, 1990*
AND IN THE MATTER OF MILES BAUMGARTNER,
A LAWYER OF REGINA, SASKATCHEWAN

Formal Complaint

I, MELANIE HODGES NEUFELD, of the City of Regina, in the Province of Saskatchewan, Complaints Counsel for the Law Society of Saskatchewan, do hereby certify that John Will, Vice-Chair of the Discipline Committee of the Benchers of the Law Society of Saskatchewan, has appointed a Hearing Committee pursuant to Section 47(1) of *The Legal Profession Act, 1990*, comprised of Susan Barber, Q.C. as Chair along with Ronald Kruzeniski, Q.C. and Deb Schmidt to hear and determine a formal complaint set out by the Investigation Committee consisting of Robert Kennedy, Q.C., pursuant to Section 46(1) of *The Legal Profession Act, 1990*, against MILES BAUMGARTNER, a lawyer and a member of The Law Society of Saskatchewan, carrying on the practice of law at all of the relevant times in the City of Regina, in the Province of Saskatchewan, as follows:

THAT MILES BAUMGARTNER, of the City of Regina, in the Province of Saskatchewan is guilty of conduct unbecoming a lawyer in that he:

1. did fail to serve his clients, K&L G. in a conscientious, diligent and efficient manner, in that he failed to conclude their matter within a reasonable time, and further that he failed to respond to their repeated inquiries in relation to the status of the file;

Reference Chapter II of the *Code of Professional Conduct*.

2. did fail to serve his client, L.C. of Farm Credit Canada (FCC) in a conscientious, diligent and efficient manner, in that he failed to provide his final report or security documentation relating to a mortgage transaction within a reasonable time (approximately 11 months) or in accordance with their instructions;

Reference Chapter II of the *Code of Professional Conduct*.

3. did fail to, within a reasonable time, address trust accounting issues brought to his attention by John Allen, Law Society Auditor, specifically his failure to bill clients in a timely fashion and/or remove money from his trust account as soon as possible after he became entitled to it;

Reference Law Society Rule 940(2).

4. did fail to, within a reasonable time, provide a substantive response to the Law Society of Saskatchewan in relation to its complaint surrounding his trust accounting issues;

Reference Chapter XV of the *Code of Professional Conduct*.

5. did fail to, within a reasonable time, provide a substantive response to the Law Society of Saskatchewan in relation to the complaint of K&L G;

Reference Chapter XV of the *Code of Professional Conduct*.

6. did breach an undertaking provided to the Law Society of Saskatchewan wherein he undertook to cease taking new files and matters;

Reference Chapter IX and XVI of the *Code of Professional Conduct*.

7. did attempt to mislead the Law Society of Saskatchewan Auditor by back dating file opening dates;

Reference Chapter I of the *Code of Professional Conduct*.

8. did mislead the Law Society of Saskatchewan Practice Advisor, with whom he undertook to work to improve his practice, by misrepresenting the status of files; and

Reference Chapter I of the *Code of Professional Conduct*.

9. did mislead CIBC Mortgages Inc. in relation to various matters by stating that certain work had been done when it had not been.

Reference Chapter I of the *Code of Professional Conduct*.

DATED at the City of Regina, in the Province of Saskatchewan, this 27th day of July, 2009.

Melanie Hodges Neufeld
Complaints Counsel for the Law Society of
Saskatchewan