



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**

ORDER

The Hearing Committee of the Law Society of Saskatchewan (hereinafter called the "Hearing Committee") comprised of Susan Barber Q.C., as Chair and Deb Schmidt, having convened on Friday, April 9th, 2010, has determined that Miles Baumgartner (hereinafter the "Member") 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;
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;
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;
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;
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;

6. did breach an undertaking provided to the Law Society of Saskatchewan wherein he undertook to cease taking new files and matters;
7. did attempt to mislead the Law Society of Saskatchewan Auditor by back dating file opening dates;
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
9. did mislead CIBC Mortgages Inc. in relation to various matters by stating that certain work had been done when it had not been.

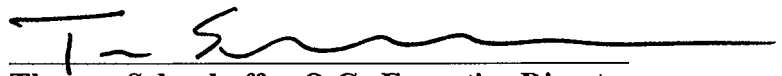
After hearing submissions from counsel and after due deliberation to determine the action to be taken, and considering a 10 month interim suspension already served by the Member, the Hearing Committee orders:

1. THAT the Member shall only engage in the practice of law pursuant to the conditions contained herein. Should the Member fail to meet any of the following conditions, at any time, his license to practice law shall immediately be suspended. Such a suspension shall continue until compliance has been achieved or conditions varied to remedy any default by the Chair of the Discipline Committee of the Law Society of Saskatchewan. In order to return to practice, the Member shall be subject to the following terms and conditions:
 - a. He shall at his own expense, secure and maintain a practice supervisor, approved by the Chair of Discipline, who is prepared to formally undertake responsibility for the following supervisory obligations:
 - i. That he or she will, on a monthly basis review the Member's trust and general account records, in advance of their being provided to the Law Society, to ensure that he or she is personally aware of all monies received by the Member's firm in any matter on which the Member is retained and he or she will ensure there is no irregularity in the handling of any monies received by his firm and that all trust accounting rules are complied with;
 - ii. That he or she will become familiar and remain familiar with the Member's practice and files. To achieve this objective, he or she will require the Member to provide a complete list, in writing, of open files including all open file statuses, on a monthly basis;
 - iii. That he or she will meet with the Member in person at least one per month to review his open file list in order to ensure public protection and quality of service;
 - iv. That he or she will, from time to time, select and review random files to verify the status as indicated by the Member;

- v. That he or she will maintain copies of the written open file status lists and provide such file status lists to the Law Society upon request;
 - vi. That he or she will identify shortcomings in the Member's file and office management systems and assist the Member to remedy those shortcomings;
 - vii. That he or she will participate and cooperate with any Law Society staff who wishes to review practice management/professional standards issues as well as the audit and inspection of trust accounts;
 - viii. That he or she will immediately advise the Law Society of Saskatchewan of any irregularities, claims or potential claims, concerns or complaints respecting the Member; and
 - ix. That he or she will immediately advise the Law Society of Saskatchewan of any intention to terminate the relationship with the Member and in that event provide 30 days notice to the Law Society.
- b. He shall continue treatment by a registered psychologist, psychiatrist or registered counselor (Care Provider) as follows:
- i. The Member shall provide confirmation as to the identity of his current Care Provider;
 - ii. The Member shall continue to attend regularly scheduled appointments with his Care Provider until such time as these regular sessions are, in the opinion of his Care Provider, no longer necessary;
 - iii. The Member shall authorize and direct his Care Provider to report to the Law Society if the Member discontinues attending regularly scheduled appointments or misses two consecutive appointments;
 - iv. The Member shall sign an Authorization and Direction allowing his Care Provider to communicate with the Law Society of Saskatchewan as required. It should be noted that the details of the Member's private sessions with his Care Provider are not to be disclosed to the Law Society, and any reporting should focus only on the Member's general attendance and prognosis;
 - v. In the event the Member changes his Care Provider to another registered psychologist, psychiatrist or registered counselor, the Member shall forthwith advise the Law Society of the change and provide new authorizations with respect to the new Care Provider.
2. THAT these conditions shall remain in effect for a minimum of two years, after which time, the Member may apply in writing to the Chair of Discipline to vary or remove any or all of these terms and conditions of practice;

3. THAT the Member shall pay costs in the amount of \$7,500.00 to the Law Society of Saskatchewan;
4. THAT the costs are payable on or before April 9, 2012; and
5. THAT if further time is required for payment of the costs, an extension of time to pay may be granted on application by the Member to the Chair of Discipline prior to April 9, 2012.

DATED at the City of Regina, in the Province of Saskatchewan, this 26th day of April, 2010.



**Thomas Schonhoffer Q.C., Executive Director
Law Society of Saskatchewan**