

**GARTH BUITENHUIS:
PRACTICE CONDITIONS SUMMARY**

1. THAT the Member agrees with the following Undertakings pursuant to the decision of the Conduct Investigation Committee, made September 1, 2016 and undertakes as follows:

Law Office Management Review

- a. The Member will, at any time, at the discretion of the Law Society of Saskatchewan (the “**Society**”), participate with a Law Society Practice Advisor in Law Office Management Review to assess the problems and deficiencies in the Member’s practice and come up with a written plan to address and improve or remedy same.

Monthly Trust Reconciliations

- b. The Member will provide a copy of all monthly trust bank reconciliation(s), client trust listing(s), detailed client trust ledgers and corresponding bank statements and cancelled cheques or cheque image to the Society Auditors by the 30th of each month, **commencing immediately**.
- c. The Member will provide any other information the Society Auditors request under Parts 13 to 16 of the Rules within 2 weeks of receiving the request. All information provided will be in proper form and with appropriate details.
- d. The Member will work with the Practice Supervisor to ensure the *Rules* and *Code* are being complied with in regard to all trust and general accounts.
- e. The Member will pay all penalties assessed by the Society within the Rules, within 30 days of receiving notification from the Society.

Practice Supervisor

- f. The Member will, at his own expense, practice under the supervision of **ELKE CHURCHMAN**, as another practicing Member of the Law Society of Saskatchewan (the “**Practice Supervisor**”), and under a Plan of Supervision. Both the Practice Supervisor and the Plan of Supervision must be approved by the Chair of the Discipline Executive Committee and must comply with the following:

Conflicts and Confidentiality

- i. The Member will ensure that file protection mechanisms are in place to protect against any conflict concerns;
- ii. Upon execution of these undertakings, the Member will compile a list of all current open files, setting out the name of the client, the file number, area of law and current status of the matter (the “**File List**”), and provide same to the Society;
- iii. If upon execution of these undertakings, the Member has a file or files with the Practice Supervisor’s Law Firm, the Member will clearly identify the conflict of interest on the File List;
- iv. Prior to commencing work on a new file, the Member will request and receive a conflict search from the Practice Supervisor. If there is a conflict on the potential file, the Member will not commence work on the file and will refer the matter to another lawyer;

Frequency of Contact

- i. The Member will meet with the Practice Supervisor in person every week at my office at an agreed upon time. If extenuating circumstances arise that prevent the Member from meeting with the Practice Supervisor in person, there will be a telephone conference (or conference via other comparable form of telecommunication, i.e. Skype or Facetime) at an agreed upon time;
- ii. After two months under the Plan of Supervision, the Practice Supervisor, in the Practice Supervisor's discretion, may determine that the in-person meetings are only required every two weeks. If the Practice Supervisor makes such a determination, the Member will comply with this contact schedule. Such a determination does not prevent the Practice Supervisor from later requiring weekly in-person meetings, if she determines they are required;
- iii. The Member undertakes to be available should the Practice Supervisor require more frequent contact with him

Member Obligations

- iv. The Member agrees to cooperate with the Society, the Conduct Investigation Committee, the Chair of the Discipline Executive Committee, and the Practice Supervisor, keeping the practice Supervisor apprised of all aspects of his practice;
- v. Prior to each meeting with the Practice Supervisor, the Member will update the File List for new and closed files and to describe the current status of each matter (the "**Review List**"), and provide the Review List to the Practice Supervisor. Upon request, the Member will provide the Review List to the Society;
- vi. Unless by reason of a conflict between myself and my Practice Supervisor, the Member will not, at any time, deny the Practice Supervisor access to any of his files, whether open or closed;
- vii. Outside of the scheduled in-person (and telephone conference attendances), the Member shall seek the advice of the Practice Supervisor any time a problem or a potential problem arises;
- viii. Upon the recommendations of Practice Advisor, Linnea Goodhand, the Member will ensure that each file:
 - (1) is in chronological order;
 - (2) has file materials separated into logical sub-folder (i.e. pleadings, medical information, financial information, correspondence, etc. are separated);
 - (3) only contain appropriate file material and that I will refile any misfiled material on the correct file;
 - (4) is clearly and properly identified (i.e. colour-coded by area of law, appropriate file covers and labeled front cover and side tab with appropriate file identifying information);
 - (5) has a file opening sheet;
 - (6) has proper client identification;

- (7) contains records of telephone attendances with clients or counsel, with dates and appropriate notes made;
- (8) contains records of personal attendances, with date and proper notes made;
- (9) demonstrates the Member has provided clients with correspondence and relevant material received;
- (10) meets any other criteria deemed appropriate by the Practice Supervisor;
- (g) the Member will create a firm timeline for retirement and advise the Society on this timeline, in writing, by April 30, 2017;
- (h) the Member will put in place a Successor Plan and advise the Society of same by April 30, 2017;

Meetings

- (i) At my meetings with the Practice Supervisor, the Member will:
 - (1) review with the Practice Supervisor any files the Practice Supervisor selects from the Review List to ensure the Member is abiding by his professional responsibilities and obligations, as well as these Undertakings. Which files are reviewed at any meeting will be in the sole discretion of the Practice Supervisor. The Member will ensure that the Practice Supervisor reviews no less than five files at each meeting;
 - (2) discuss with the Practice Supervisor any and all problems or potential problems that exist on the Member's files;

Reporting to Law Society

- (j) In the event that a potential or actual significant problem appears on any file the Member am working on, he shall provide the details thereof, to the Practice Supervisor, the Society and, if applicable, to the Saskatchewan Lawyers' Insurance Association;
- (k) Upon request, the Member will provide a periodic report to the Society concerning the progress under the Plan of Supervision. Such reports will provide a level of detail satisfactory to the Society;

Amendments to Undertakings

- (l) In the event that the Member wishes to amend his approved practice arrangement or Practice Supervisor, the Member will obtain the prior approval of the Chair of the Discipline Executive Committee for the amendment. All of the within terms and conditions will continue to apply to such arrangement or Practice Supervisor;
- (m) After the expiry of one year from the date these Undertakings are approved by the Chair of Discipline, the Member may apply, with supporting materials, to the Society for consideration by the Chair of the Discipline Executive Committee for a determination as to whether or not some or all of the conditions or terms of supervision should be continued, be amended, or be removed; and

Breach of Undertakings

- (n) The Member understands that if he breaches any of the foregoing Undertakings he may be subject to discipline by the Society.

Effective May 5, 2017.