

March 2, 2018

The Law Society alleged that **Fatima Yasmin Van Maurik**, 2010, of Keswick, committed professional misconduct.

The Tribunal determined that the following allegations were established:

- Contrary to Rule 5.01(5) of the *Paralegal Rules of Conduct* and By-Law 9, Part IV, sections 7, 9 and 10 under the *Law Society Act*, the respondent mishandled trust funds, in that the respondent:
 - a. accepted trust funds from a client on two separate occasions despite not operating a trust account;
 - b. negotiated both cheques and did not deposit the trust funds into a trust account; and
 - c. although accepting fees in advance of providing legal services, did not provide any service for the fees accepted.
- Contrary to Rule 3.01, the respondent failed to perform the services for which she was retained to the standard of a competent paralegal, in that the respondent:
 - a. failed to file a Small Claims Court action on behalf of a client;
 - b. failed to take meaningful steps and otherwise pursue the client's matter and implement the client's instructions;
 - c. failed to respond in a timely and effective manner to communications from the client; and
 - d. failed to account to the client by failing to deliver a statement of account, including amounts charged as fees and disbursements, despite multiple requests from the client that the respondent do so.
- Contrary to Rule 2.01(1) and Rule 3.02(2), the respondent misled her client, in that the respondent, among other things, promised to provide an accounting of funds to the client and did not do so.
- Contrary to Rule 9.01(1), the respondent failed to reply promptly to a communication from the Law Society dated on or about August 7, 2015 and failed to provide a complete response to that communication.

The Tribunal orders:

1. The respondent's licence to provide legal services is suspended for two (2) months commencing April 1, 2018.

2. The respondent shall comply with the terms of the Law Society's *Guidelines for Paralegals Who Are Suspended or Who Have Given an Undertaking Not to Provide Legal Services*.
3. The respondent shall provide restitution in the amount of \$700 to be paid to Overcomers Christian Fellowship Church c/o Pastor Carlton Edwards, within 30 days of this Order, failing which the suspension set out in term 1 will continue indefinitely until such time as the restitution is paid to the satisfaction of the Executive Director, Professional Regulation.
4. The respondent shall pay costs to the Law Society in the amount of \$6,000, within 12 months of this Order, after which interest will accrue on any unpaid portion of costs at a rate of 3% per year.

(Counsel for the Society, Daniel Iny and Louis Century / the Paralegal self-represented)