

**IN THE MATTER OF PART 3 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF MARVIN J.H. BRAUN
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

ORDER OF THE HEARING COMMITTEE

UPON THE ISSUANCE OF CITATIONS by the Law Society of Alberta (LSA) to Marvin J.H. Braun pursuant to section 56 of the *Legal Profession Act* (the Act);

AND WHEREAS:

- a) Marvin J.H. Braun has signed a Statement of Admitted Facts and Admission of Guilt (the Statement, attached to this Order) in relation to his conduct;
- b) Marvin J.H. Braun admits in the Statement that the conduct set out in the Statement is deserving of sanction;
- c) On September 11, 2018, the Conduct Committee found the Statement acceptable, pursuant to subsection 60(2) of the Act;
- d) On November 9, 2018, the Chair of the Conduct Committee appointed a single Benchler as the Hearing Committee (Committee) for this matter, pursuant to subsection 60(3) of the Act;
- e) Pursuant to subsection 60(4) of the Act, it is deemed to be a finding of this Committee that Marvin J. H. Braun's conduct is deserving of sanction;
- f) On January 21, 2019, the Committee convened a public hearing into the appropriate sanction related to the conduct of Marvin J.H. Braun;
- g) The LSA and counsel for Marvin J.H. Braun have provided a joint submission on sanction for the Committee's consideration, seeking a reprimand and fine of \$1,000.00;
- h) The parties have also agreed that it is reasonable for Marvin J.H. Braun to pay \$1,522.50 in costs in relation to this matter;

- i) The Committee has determined that the joint submission is reasonable, consistent with sanctions in similar cases, does not bring the administration of justice into disrepute and is therefore in the public interest;
- j) The Committee has accepted the joint submission on sanction, and accepted the submission with respect to the payment of costs.

IT IS HEREBY ORDERED THAT:

1. The appropriate sanction with respect to Marvin J.H. Braun's conduct is a reprimand, which was delivered orally by the Committee to Marvin J.H. Braun at the hearing, and a fine of \$1,000.00 which must be paid by May 2019.
2. The text of the reprimand will be attached to this Order as a schedule prior to the Order being published.
3. Marvin J.H. Braun must pay costs in the amount of \$1,522.50, by June 2019.
4. No Notice to the Profession or Notice to the Attorney General is to be made.
5. The exhibits and this order will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Marvin J.H. Braun will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated at Edmonton, Alberta, on March 27, 2019

WILLIAM HENDBEE

APPROVED AS TO FORM AND CONTENT:

Kelly Tang, Legal Counsel
for the Law Society of Alberta

Peter Royal, QC
Counsel for Marvin J.H. Braun

IN THE MATTER OF *THE LEGAL PROFESSION ACT*
AND
IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF
MARVIN J.H. BRAUN
A MEMBER OF THE LAW SOCIETY OF ALBERTA

STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT

INTRODUCTION

1. I was admitted as a member of the Law Society of Alberta on February 29, 1980.
2. My present status with the Law Society of Alberta is administratively suspended for non-payment of fees.
3. I have practiced as a criminal lawyer in Edmonton throughout my career.

CITATIONS

4. On April 10, 2018, the Conduct Committee Panel referred the following conduct to hearing:
 1. It is alleged that Marvin J.H. Braun failed to comply with the Law Society's accounting rules and that such conduct is deserving of sanction; and
 2. It is alleged that Marvin J.H. Braun failed to respond promptly and completely to the Law Society and that such conduct is deserving of sanction.

FACTS

5. I was the Responsible Lawyer for my law practice.
6. My Self Report for the year 2016 was due January 31, 2017. It was not filed until September 25, 2017.
7. My Accountants Report of 2016 was due January 31, 2017. It was not filed until September 28, 2017.
8. On July 13, 2017, I received a letter via my then-counsel [GC] which enclosed a Rule 85 Memo advising of a complaint from the Trust Safety department regarding my delinquent filing of my Self-Report and Accountant's Report, and asking for my written response to the complaint. I did not provide a response to this letter.
9. On August 10, 2017, I received a letter via my then-counsel [GC] which reminded me that I had not responded to the July 13, 2017 letter. I did not respond to this letter.

10. From January to August of 2017 I was suffering from a medical condition that impacted my ability to comply with the trust accounting rules and to respond to the Law Society.

ADMISSION OF FACTS AND GUILT

11. I admit as facts the statements in this Statement of Admitted Facts and Admission of Guilt for the purposes of these proceedings.
12. I admit that I failed to comply with the Law Society's trust accounting rules and that such conduct is deserving of sanction.
13. I admit that I failed to respond promptly or completely to the Law Society and that such conduct is deserving of sanction.
14. For the purposes of section 60 of the *Legal Profession Act*, I admit my guilt to the above conduct.
15. I acknowledge that I have had the opportunity to consult legal counsel and provide this Statement of Admitted Facts and Admission of Guilt on a voluntary basis.

THIS STATEMENT OF ADMITTED FACTS AND ADMISSION OF GUILT IS MADE THIS 22 DAY OF August, 2018.

MARVIN J.H. BRAUN

Reprimand

Mr. Braun, I acknowledge your cooperation and that of your counsel in working with the Law Society to resolve this complaint by admitting guilt and proceeding with a Single Bench hearing, which is appreciated as both a benefit to the Law Society and also to the public.

Mr. Braun, you are a senior member of the bar, having been called in 1980, and as such, you are well aware of the standard of professionalism expected of you by your clients and by the Law Society.

In this case, you failed to meet the standard expected. It is incumbent upon the Law Society as a self-regulated profession to ensure that members of the public are protected from the actions of its members by ensuring that those members adhere to the highest standards of professionalism, and I encourage you to keep that at the forefront in your future practice.

I'm encouraged by your lack of disciplinary history, your seniority, and your submissions today that this is an isolated incident and is unlikely to be repeated, and I wish you well throughout the remaining years of your practice.