

**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 AARON VANIN  
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

**Single Bencher Hearing Committee**

Grant Vogeli, KC – Chair

**Appearances**

Karl Seidenz – Counsel for the Law Society of Alberta (LSA)

Aaron Vanin – Self-represented

**Hearing Date**

October 12, 2023

**Hearing Location**

Virtual Hearing

**HEARING COMMITTEE REPORT - SANCTION**

**Overview**

1. The following citation (Citation) was directed to hearing by the Conduct Committee Panel on April 18, 2023:
  - 1) It is alleged that Aaron Vanin failed to honour a trust condition given to opposing counsel, and that such conduct is deserving of sanction.
2. Mr. Vanin was acting for a wife in a matrimonial dispute. In the course of resolving the dispute, Mr. Vanin was sent a transfer of the matrimonial home under express trust conditions. Mr. Vanin submitted the transfer to the Land Titles Office in breach of those trust conditions.
3. The LSA and Mr. Vanin collaborated on and jointly entered Statement of Admitted Facts, Exhibits and Admission of Guilt (Agreed Statement) in relation to Mr. Vanin's conduct.
4. The Conduct Committee found the Agreed Statement acceptable. Accordingly, pursuant to section 60(4) of the *Legal Profession Act (Act)*, it is deemed to be a finding of this

Hearing Committee (Committee) that Mr. Vanin's conduct is deserving of sanction in relation to the Citation.

5. On October 12, 2023, the Committee convened a hearing into the appropriate sanction.
6. After reviewing all of the evidence and exhibits, hearing the submissions of counsel for the LSA and of Mr. Vanin, and considering a joint submission on sanction, for the reasons set out below, the Committee has determined that a reprimand and fine of \$3,500.00 is the appropriate sanction. In addition, costs of the of \$1,500.00 were also ordered.

### **Preliminary Matters**

7. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing into the appropriate sanction proceeded.

### **Agreed Statement of Facts/Background**

8. After the commencement of proceedings in relation to Mr. Vanin's conduct, LSA counsel and Mr. Vanin submitted the Agreed Statement. The Conduct Committee found the Agreed Statement acceptable. Pursuant to section 60(4) of the *Act*, the admission of guilt in the Agreed Statement is deemed to be a finding by this Committee that Mr. Vanin's conduct is deserving of sanction under section 49 of the *Act*.
9. As provided by section 60(3) of the *Act*, once the Agreed Statement was accepted by the Conduct Committee, the hearing into the appropriate sanction could be conducted by a single Bencher.
10. The following is a summary of the Agreed Statement:
  - Mr. Vanin represented the wife in a matrimonial dispute with her former husband. The dispute was resolved by a decision of the court requiring transfer of the husband's interest in the matrimonial home to the wife in exchange for an equalization payment by the wife to the husband.
  - Counsel for the husband sent Mr. Vanin a signed transfer of the matrimonial home on express trust conditions that no use be made of the transfer until he was provided with the entire equalization payment.
  - Notwithstanding the express trust condition, Mr. Vanin submitted the transfer to the Land Titles Office, and he did not send the entire equalization payment amount to the husband's counsel. Mr. Vanin deducted some child support arrears.

- The deducted child support arrears were owing, but deducting that amount was a clear breach of the express trust condition that the entire equalization payment amount be paid by Mr. Vanin to the husband's lawyer if the transfer was used.
- The husband and wife subsequently settled the child support payment issue.
- Mr. Vanin admitted that he breached the trust conditions.

## Decision on Sanction

11. Counsel for the LSA and Mr. Vanin presented a joint submission on the appropriate sanction. They confirmed their understanding that a hearing committee is not bound by a joint submission on sanction. However, a hearing committee is required to give significant deference to a joint submission and should not depart from a joint submission on sanction unless it would bring the administration of justice into disrepute or is otherwise contrary to the public interest.
12. LSA counsel referred to four similar cases:
  - 1) *Law Society of Alberta v Heming*, 2017 ABLS 18;
  - 2) *Law Society of Alberta v Luthra*, 2020 ABLS 24;
  - 3) *Law Society of Alberta v Donald*, 2022 ABLS 14; and
  - 4) *Law Society of Alberta v. Mason*, 2023 ABLS 14.
13. All four cases dealt with breaches of trust conditions similar to this case and the sanctions were similar to the sanction proposed in the joint submission.
14. The mitigating factors in this case include:
  - 1) Immediate acknowledgment of the inappropriate conduct;
  - 2) Quick admission of guilt and cooperation with LSA counsel;
  - 3) Sincere expression of remorse; and
  - 4) 20 years of practice without any disciplinary history.
15. The only significant aggravating factor is Mr. Vanin's blatant breach of a clearly expressed trust condition.
16. The joint submission on sanction was accepted and the sanction imposed was a fine of \$3,500.00, payment of costs in the amount of \$1,500.00, and a reprimand.
17. An oral reprimand was delivered as follows:

Mr. Vanin, the right to practice law in Alberta is a privilege provided to you by the Law Society of Alberta. When you accept that privilege, you also accept certain responsibilities, including those contained in the Code of Conduct.

The Code of Conduct is absolutely clear that trust conditions, once accepted, must be complied with. Rule 7.2-14 of the Code states:

A lawyer must not give an undertaking that cannot be fulfilled and must fulfill every undertaking given and honour every trust condition once accepted. [Emphasis added]

You have practiced law for 20 years without any disciplinary record with the Law Society. You have acted under and imposed trust conditions countless times. You know that the legal system depends upon trust conditions being complied with - upon lawyers doing what they agree to do. Yet, in this case you blatantly failed to comply with a clearly expressed trust condition.

You and all other lawyers must comply with all trust conditions you accept. Failure to do so will erode the operation of our legal system and the public's confidence in it.

Mr. Vanin, I hope that you have learned from this experience and that you will continue your practice in full compliance with the Code of Conduct.

Thank you for your respectful appearance here today, for admitting your failure, and for taking responsibility for it.

### **Concluding Matters**

18. Mr. Vanin is ordered to pay the fine of \$3,500.00 and costs of \$1,500.00 by October 31, 2023.
19. A Notice to the Attorney General is not required.
20. A Notice to the Profession is not required.
21. The exhibits, other hearing materials, and this report 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 Mr. Vanin will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated October 19, 2023.

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Grant Vogeli, KC