

**LAW SOCIETY OF NEW BRUNSWICK  
BARREAU DU NOUVEAU-BRUNSWICK**

**FORM 22**

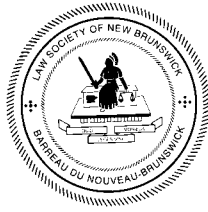
**NOTICE OF COMPLAINT**

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Under Section 56 of the *Law Society Act, 1996*.

In the Matter of a Hearing by a Panel of the Discipline Committee into the conduct of **ALLAN LEVINE**.

1. The Discipline Committee panel will be constituted under the *Law Society Act, 1996* to inquire into the charges that Allan Levine has conducted himself in a manner deserving sanction.
2. The charges against Allan Levine that are being referred to the Discipline Committee for hearing are as follows:
  - a) Post-dated cheques were provided from Allan Levine's trust account to the Law Society of New Brunswick dated March 13, 2009, April 1, 2009, May 1, 2009 and June 1, 2009 which were payments of a deductible to the professional liability insurer contrary to Rule 4 of the *Uniform Trust Account Rules* pursuant to the *Law Society Act, 1996*;
  - b) An audit of Allan Levine's trust account was conducted by the accounting firm of Deloitte & Touche for the period covering February, March and April 2009, which showed the following areas of non-compliance with the *Uniform Trust Account Rules* pursuant to the *Law Society Act, 1996*:
    - (i) Failure to maintain his trust accounting records in compliance with Rule 2 of the *Uniform Trust Account Rules*;
    - (ii) Failure to promptly deposit client funds into his trust account within the first banking date of receiving the same contrary to Rule 3(1) of the *Uniform Trust Account Rules*;
    - (iii) Failure to obtain confirmation of an electronic funds transfer into his trust account contrary to Rule 3(3) of the *Uniform Trust Account Rules*;



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- (iv) Failure to withdraw promptly from his trust account legal fees earned contrary to Rule 4(1) of the *Uniform Trust Account Rules*;
  - (v) Making disbursements from his trust account without supporting documentation contrary to Rule 4(2) of the *Uniform Trust Account Rules*;
  - (vi) Making withdrawals from his trust account without a billing or written notification having been delivered to the client contrary to Rule 4(2)(c) of the *Uniform Trust Account Rules*;
  - (vii) Withdrawing monies from his trust account contrary to Rules 4(2) and 4(3) of the *Uniform Trust Account Rules*.
3. David M. Norman, Q.C. of Cox & Palmer in Fredericton, New Brunswick has been appointed Counsel to the Law Society for the hearing of this complaint.
- 4.
- a) The Law Society intends to proceed in the **English** language, however;
  - b) If Allan Levine requires the services of an interpreter, he must advise the Registrar of the Law Society at least 7 days before the hearing.

DATED this 2<sup>nd</sup> day of September 2009.

Shirley C. MacLean  
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