

Vancouver, B.C.

Called to the Bar: May 10, 1983

Discipline hearing:

Date: February 27, 2001

Panel: William M. Everett, Q.C., Chair, Jo Ann Carmichael, Q.C. and Ross D. Tunncliffe

Report: March 5, 2001

Indexed as [2001] LSBC 10

Counsel:

Paula Kalsi, for the Law Society

Norman H. Callegaro, for Mr. A

Summary

Mr. A did not pay in a timely fashion a psychiatrist's account for services rendered in relation to a legal aid file. Mr. A admitted that he had failed to fulfil a professional financial obligation incurred in the course of his practice, contrary to Chapter 2, Rule 2 of the *Professional Conduct Handbook*, and that this conduct constituted professional misconduct. The Discipline Committee and discipline hearing panel accepted Mr. A's admission and his proposed penalty. The panel accordingly ordered that he be reprimanded, pay a \$2,000 fine and pay \$1,000 as costs.

Facts

While representing a client on a criminal legal aid retainer in 1998, Mr. A obtained approval of the Legal Services Society to pay for a psychiatric assessment of the client. The psychiatrist performed the assessment and sent an account for \$825 to Mr. A in November, 1998.

Mr. A subsequently rendered an account to the Legal Services Society, which included the psychiatrist's bill. In February, 1999 he received payment of \$14,147 from the Legal Services Society for his work on several legal aid files, and payment for some disbursements, including the psychiatric assessment.

Mr. A used the Legal Services Society payment to pay general bills of his practice and to pay \$4,300 to his trustee in bankruptcy so as to receive a full discharge from bankruptcy. (*Mr. A had made an assignment in bankruptcy in 1996 and received a conditional discharge in 1997, on the basis that he would pay \$4,300 to his trustee in bankruptcy by January 15, 1999.*)

On June 29, 1999 the psychiatrist who had rendered services on the legal aid file telephoned Mr. A to follow up on payment of his bill. Mr. A assured him that he would send payment within two weeks. The psychiatrist followed up again, by telephone in July and by letter in August. Following receipt of the August letter, Mr. A wrote back to say the bill had been paid and further that Mr. A was “nonplussed by your petty invective and bickering.” The psychiatrist did, in fact, receive a cheque from Mr. A in August, but the cheque was returned for insufficient funds. Mr. A subsequently apologized for the cheque not having cleared and also for his earlier comments.

Mr. A paid the psychiatrist’s account on September 25, 2000.

Admission

Pursuant to Law Society Rule 4-22, Mr. A admitted that his conduct in failing to promptly pay a professional financial obligation incurred in the course of his practice breached Chapter 2, Rule 2 of the *Professional Conduct Handbook* and constituted professional misconduct.

Penalty

The Discipline Committee and discipline hearing panel accepted Mr. A’s admission and his proposed disciplinary action, and accordingly ordered that he:

1. be reprimanded;
2. pay a \$2,000 fine by December 31, 2001; and
3. pay \$1,000 as costs of the proceedings by December 31, 2001.