

## Lawyer B

94/8

Vancouver, B.C.

Called to the Bar: May 11, 1982

**Discipline hearing panel:** July 26, 1993 and April 20, 1994  
C.O.D. Branson, Q.C., Chair, R.S. Tretiak and P.D. Warner

Counsel for the Law Society: S.R. Chamberlain, Q.C.

Counsel for the member: R.R. Sugden, Q.C.

### Summary

In representing a client on a complaint to the B.C. Council of Human Rights, the member failed to advise the client in a timely way that he had received from the Council a summary of their investigation, failed to seek instructions from the client on whether to file a response to the Council and failed to seek an extension of time for the filing. The member's gross negligence in handling this matter constitutes professional misconduct.

### Facts

The member represented a client who had made a complaint to the B.C. Council of Human Rights. The member received a summary of an investigation from the Council on April 2, 1991. He failed to contact his client about this summary in a timely fashion to obtain instructions from the client on whether to file a response and failed to obtain an extension of time for the filing.

Though he had substantial material from his client and another person assisting the client, the member then failed to provide an adequate response to the B.C. Council of Human Rights to establish that the matter should proceed to a hearing, according to the test set out by the B.C. Supreme Court: *Cook v. B.C. Council of Human Rights* 9 CHRR, D/4967; *Onischak v. B.C. Council of Human Rights* 10 CHRR, D/6290; and *Cohen v. B.C. Council of Human Rights* 14 CHRR, D/99.

The panel found that the member had been grossly negligent in handling this matter and referred also to Part B, Ruling 15 of the *Professional Conduct Handbook* in effect at that time.

### Decision

The member's conduct constitutes professional misconduct.

### Penalty

The panel ordered that the member:

1. be reprimanded;
2. pay \$2,000, as costs of the discipline proceedings, by October 20, 1994; and
3. participate at his own expense in a peer review by a person chosen by the Law Society.