

J.F. (Julian Frederick) Chester Bridal

Vancouver, BC

Called to the Bar: June 27, 1968

Discipline hearing: July 9, 2002

Panel: G. Ronald Toews, QC, as a one-Bencher panel by consent

Report issued: August 8, 2002; indexed as [2002] LSBC 23

Counsel: Jessica S. Gossen, for the Law Society; Richard R. Sugden, QC, for Mr. Bridal

Summary

Mr. Bridal used his trust account for non-trust transactions and co-mingled personal funds in the account, in breach of the Law Society Rules. He breached various other Law Society accounting rules, failed to advise the Executive Director of unsatisfied monetary judgments against him and failed to remit GST and PST on legal fees and disbursements as required. In the course of a Law Society audit, he failed to reply substantively to the Society or to produce files, records, books and accounts as required. He admitted, and a hearing panel found, that his conduct constituted professional misconduct. The panel agreed with a joint submission from counsel and ordered that Mr. Bridal be reprimanded, pay \$500 as costs and comply with various conditions of continued practice. Those conditions require that Mr. Bridal practise only as an employee of a specified lawyer (or of another lawyer approved by the Discipline Committee), that he not handle any trust transactions or trust money and that he not be responsible for any financial record keeping or clerical duties with respect to client files.

Facts

In 2001 Mr. Bridal failed to respond substantively to requests from a Law Society auditor for information necessary to complete an audit of his practice, contrary to Chapter 13, Rule 3 of the *Professional Conduct Handbook*. He further failed to produce for the Law Society files, records, books and accounts, in breach of Law Society Rule 3-79(2).

Mr. Bridal used his trust account for non-trust transactions and co-mingled personal funds in the account, contrary to Rule 3-52(3) and (4). He breached various other Law Society accounting rules, as revealed in a Law Society audit report in January, 2001, specifically:

- Rule 3-56(2)(b) by cashing five cheques as payable to cash in relation to a client;
- Rule 3-56(3) by failing to make trust withdrawals for fees by a cheque payable to his general account;

- Rule 60 by failing to maintain trust books, records and accounts;
- Rule 3-63 by failing to record trust transactions properly;
- Rule 3-65 by failing to reconcile the trust account on a monthly basis;
- Rule 3-59 by failing to maintain a general cashbook and synoptic journal; and
- Rule 3-62 by failing to maintain a complete billings record.

Mr. Bridal also failed to notify the Law Society in writing of his failure to satisfy four monetary judgments against him within seven days of their entry, specifically: two judgments dated July 14, 1997 and December 24, 1997 for social services taxes, a bank default judgment dated May 15, 1998 and a Canada Customs and Revenue Agency Requirement to Pay dated January 11, 2000.

Verdict

Mr. Bridal admitted, and the hearing panel found, that his conduct constituted professional misconduct.

Penalty

After considering joint submissions from counsel for the Law Society and counsel for Mr. Bridal, the hearing panel ordered that Mr. Bridal:

1. be reprimanded;
2. pay \$500 towards the costs of the discipline proceedings by July 9, 2004; and
3. meet the following conditions of continued practice:
 - a) He must practise law only in the capacity of an employee of a specified lawyer;
 - b) If that lawyer is no longer able or willing to employ him, he must apply to the Discipline Committee to change employers;
 - c) He must not handle any trust transactions or trust money, or in any way be responsible for documenting trust transactions;
 - d) He must not be responsible for any bookkeeping or financial record keeping in connection with client files.
 - e) He must not be responsible for any clerical duties involved in client file management;

- f) He must not be a co-signatory to any trust account without the express approval of the Discipline Committee;
- g) He must consent to his employer cooperating fully with the Law Society by providing full responses to any enquiries the Society may make with respect to him.

Discipline Case Digest — 2002: No. 12 October (Bridal)