

Vancouver, B.C.

Called to the Bar: September 13, 1973

Discipline hearing:

Date: October 11, 2000

Panel: Jane Shackell, Q.C, Chair, Robert McDiarmid, Q.C. and William Sullivan, Q.C.

Report: October 31, 2000

Discipline hearing report indexed as [2000] LSBC 26

Counsel:

Jessica Gossen, for the Law Society

Richard Sugden, Q.C., for Mr. Dobbin

Summary

Mr. Dobbin failed to reply to Law Society correspondence respecting a complaint against him. He admitted, and the hearing panel found, that this conduct constituted professional misconduct. The panel took into consideration Mr. Dobbin's record with respect to this type of conduct and ordered that he be reprimanded, pay \$1,500 in costs and comply with a number of conditions in order to continue in practice: specifically, to respond to the Law Society's correspondence respecting the complaint, to undertake to respond to any future correspondence within 14 days, to file his practice declaration and to complete a course of psychiatric treatment that would address his failure to respond.

Facts

A lawyer wrote to the Law Society complaining that he had written to Mr. Dobbin 13 times and telephoned him 30 times on behalf of a client, but that Mr. Dobbin had not responded.

On January 8, 1999 a Law Society staff lawyer wrote to Mr. Dobbin to request his response to this complaint. The Law Society sent reminder letters to Mr. Dobbin on January 18 and February 3. On February 18 the staff lawyer wrote to Mr. Dobbin again, drawing his attention to the provisions of the *Professional Conduct Handbook* that require a lawyer to reply promptly to Law Society communications.

On March 9, 1999, having received no response, the Law Society staff lawyer wrote once more to Mr. Dobbin, noting that the matter would be referred to the Discipline Committee should Mr. Dobbin fail to respond within five days. He did not respond.

A discipline citation was issued against Mr. Dobbin on June 30, 1999.

Decision

The discipline hearing panel found, and Mr. Dobbin admitted, that his failure to respond to Law Society communications constituted professional misconduct.

Penalty

Given the nature of Mr. Dobbin's misconduct and his record on this type of issue, the hearing panel stated that it was very inclined to suspend him. The panel however instead looked to persuade Mr. Dobbin of the seriousness of his conduct and to give the Discipline Committee more options should Mr. Dobbin fail to comply with certain conditions.

The panel ordered that:

1. Mr. Dobbin be reprimanded;
2. As a condition of continued practice, Mr. Dobbin must:
 - a) respond to the Law Society's earlier correspondence respecting the complaint against him by October 31, 2000;
 - b) give his undertaking, by October 31, 2000, to provide a full and substantive response within 14 days to any further Law Society correspondence respecting this complaint;
 - c) file his practice declaration by October 31, 2000; and
 - d) take immediate steps to complete a program of psychiatric treatment at his own expense to address the reasons behind his failure to respond, to authorize his psychiatrist to provide the Society with status reports on request and to continue in treatment until relieved of this condition by the Chair of the Discipline Committee;
3. Mr. Dobbin pay \$1,500 as costs of the discipline proceedings on or before June 30, 2001.