

Parksville, B.C.

Called to the Bar: September 1, 1989

Discipline hearing:

Date: August 16, 2000

Panel: Robert W. Gourlay, Q.C. as a single Bencher panel by consent

Report: August 28, 2000

Indexed as [2000] LSBC 20

Counsel:

Jessica Gossen, for the Law Society

Mr. Evans, on his own behalf

Summary

Following a fee review, Mr. Evans failed pay a judgment in favour of his clients, contrary to his obligation to pay practice debts under Chapter 2, Rule 2 of the *Professional Conduct Handbook*. He also failed to immediately notify the Law Society of this unsatisfied judgment or advise the Law Society of how he proposed to satisfy it, contrary Rule 510(2) (now Rule 3-44) of the Law Society Rules.

Facts

In 1998 two clients of Mr. Evans sought a registrar's review of his legal accounts which totalled \$14,135.57. The registrar reduced the accounts to \$8,974.14 and provided the clients with a certificate in their favour for repayment of the balance.

The clients filed the certificate in Supreme Court on September 17, 1998, and the certificate was accordingly deemed a judgment under the provisions of the *Legal Profession Act*.

Mr. Evans did not pay the judgment or notify the Law Society that it remained unpaid. Mr. Evans assigned into bankruptcy in February, 1999 and the clients, who had not been paid as of that date, were listed as creditors of the estate.

Admission and disciplinary action

Pursuant to Law Society Rule 4-22, Mr. Evans admitted that his conduct constituted professional misconduct in that he:

- failed to pay a practice debt, being the judgment in favour of his clients, contrary to Chapter 2, Rule 2 of the *Professional Conduct Handbook*;
- failed to comply with Rule 510(2) (now Rule 3-44) of the Law Society Rules by failing to report a judgment that was unsatisfied for seven days, and failing to advise the Law Society of how he proposed to satisfy it.

The Discipline Committee and discipline hearing panel accepted Mr. Evans' admission and his proposed disciplinary action, and the panel ordered that he:

1. be reprimanded; and
2. pay \$1,000 toward costs of the hearing, on or before December 31, 2000.

Discipline Case Digest — 2001: No. 18 October (Evans)