

Vancouver, B.C.

Summary

The solicitor breached Law Society Rule 510(2) in failing to notify the Society within seven days of two unsatisfied judgments against him.

Facts

A registry services company commenced an action against the solicitor to collect on accounts for services. The solicitor filed a notice of intention to dispute the claims, but then elected not to defend them, but rather allowed judgment to be taken against him.

In July, 1996 a Provincial Court judge ordered that the solicitor pay the registry services company \$1,897.51. On September 16, 1996 the company obtained a second judgment for \$525.

Sometime in September the solicitor learned these judgments had been entered, but he did not satisfy them and did not advise the Law Society that the judgments were outstanding.

In October the judgment creditor complained to the Law Society about the unpaid judgments.

In November, 1996 the judgment creditor agreed to give the solicitor until December 6, 1996 to pay, which he did. The creditor subsequently advised the Law Society of the payment.

Decision

The solicitor breached Law Society Rule 510(2) by failing to notify the Society within seven days of the two unsatisfied judgments against him.

Penalty

The discipline hearing panel ordered that the solicitor be reprimanded.

Publication

The solicitor applied for an order from the panel that the publication not identify him or, alternatively, for an order from the Benchers for non-publication.

The panel noted non-identification was appropriate in the circumstances, given that small amounts of money were involved, that the solicitor did not know the specific requirements of Rule 510(2), that delay in receiving a decision on an unrelated citation against the solicitor may have impacted on his sense of urgency in dealing with the judgments and that he did pay the judgments within three months of learning of their entry. The panel also stated that this matter might have been disposed of by a conduct review or letter of admonishment, rather than a citation hearing.

The solicitor elected not to pursue an application for non-publication before the Benchers.

Discipline Case Digest — 1998: No. 18 October (Re: a solicitor)