

Surrey, B.C.

Called to the Bar: September 10, 1979

**Discipline hearing panel:** October 14, 1997

G.J. Lecovin, Chair, P. Keighley and W. Sullivan

T. Follett, for the Law Society

Mr. Campbell, on his own behalf

## **Summary**

Mr. Campbell delayed unreasonably over a four-year period to obtain court approval of a personal injury settlement on behalf of an infant. He also failed to respond reasonably promptly to opposing counsel in the case and in another litigation matter.

## **Facts**

### **Delaying in obtaining court approval of settlement**

In 1990 Mr. Campbell began representing an infant, by way of her guardian ad litem, in personal injury litigation. A trial set for November 5, 1991 was adjourned after Mr. Campbell reached a settlement with counsel for the defendants. Under the terms of settlement, if the Public Trustee did not give consent, Mr. Campbell was to apply to the Supreme Court to dismiss the personal injury action and approve the settlement.

The Public Trustee did refuse consent to the settlement in July, 1992, but Mr. Campbell did not apply for dismissal of the action until July, 1996, despite numerous letters and telephone calls from the defendants' counsel.

Mr. Campbell did not file an approved order until February, 1997 or send a copy of the order to the Public Trustee until July, 1997.

### **Failing to respond promptly to another lawyer**

While acting on the infant settlement, Mr. Campbell delayed on numerous occasions to reply reasonably promptly to the defendants' counsel.

On another file in 1995, Mr. Campbell received from opposing counsel a bill of costs and a draft order. Despite reminder letters from opposing counsel on May 9 and 31, July 19, August 18, October 31 and December 8, 1995, as well as numerous telephone messages, Mr. Campbell did not respond until March 12, 1996.

### **Admission and proposed penalty**

Under Law Society Rule 469, Mr. Campbell admitted that he was guilty of professional misconduct in:

- delaying unreasonably from July, 1992 to July, 1996 in applying for court approval of a settlement and dismissal of an action, contrary to Chapter 11, Rule 5 of the *Professional Conduct Handbook*; and
- failing to reply reasonably promptly to communications from opposing counsel on the two litigation files, contrary to Chapter 11, Rule 6 of the *Handbook*.

Mr. Campbell expressed regret over his conduct and did not attempt to justify it. He noted that, on the personal injury file, he had clear instructions to settle, but felt the plaintiff would have done much better at trial. He consequently had developed an aversion to the file.

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

1. pay a \$3,000 fine by December 4, 1997;
2. pay \$1,000 towards the cost of the discipline proceedings by December 4, 1997; and
3. undergo a Law Society practice review at his own expense.

*Discipline Case Digest — 1998: No. 4 February (Campbell)*