

Admissions by former lawyer

PHILIP GORDON NERLAND

Vancouver, B.C.

Called to the bar: September 10, 1982

Resigned: May 9, 1995

Failure to pay a practice debt

Between December, 1993 and May, 1994 Mr. Nerland received invoices from a title search company respecting service on approximately 150 matters, but Mr. Nerland did not pay the invoices. As of May, 1994 he owed the company \$5,388.89 and service charges.

After Mr. Nerland ceased practising law in July, 1994, the company began a Small Claims Court action to collect the debt. Mr. Nerland consented to judgment of \$5,971.61. He began making monthly payments of \$400 in January, 1998, and the debt was scheduled to be satisfied by March, 1999.

Failure to properly inform client

After various trial dates were set and adjourned, Mr. Nerland advised a client in December, 1993 that he had set a trial date for February 18, 1994.

On February 18, he told the client that the trial would not proceed that day because a settlement of the action would likely be reached with opposing counsel. In fact Mr. Nerland knew that the trial date had been lost because he had failed to file documents needed to retain the date.

Improperly billing LSS through poor organization and neglect

Mr. Nerland acted for a family law client (Ms. H) on a private retainer in 1991, which was converted to a legal aid retainer in 1992.

In May, 1992 a physician billed a disbursement of \$138 to Mr. Nerland's office for provision of a medical letter on behalf of Ms. H. M. Nerland sent the bill to Ms. H and asked her to pay the physician directly.

In June, 1992 Mr. Nerland submitted a bill to the Legal Services Society for services rendered to his client. He included on his bill, as a disbursement, the \$138 bill from the physician. He had in fact not paid the physician's bill himself, nor had he checked whether his client had paid it. Ms. H later paid the bill in October, 1992.

Mr. Nerland admitted this error resulted from poor organization of his practice and accounting records, aggravated by neglect of his practice due to his addiction to alcohol at the time.

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In February, 1999 the Discipline Committee accepted Mr. Nerland's admission of professional misconduct for 1) failing to meet certain debts incurred in the course of practice, 2) failing to properly advise a client on the reason for a trial not proceeding and 3) erroneously billing (through poor office organization and neglect) the Legal Services Society for a disbursement he in fact had not paid.

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