

Admission by former B.C. lawyer

PAB CHINNAPPA CHETTY

Yellowknife, N.W.T. (formerly of Abbotsford, B.C.)

Called to the Bar: January 15, 1976

Ceased practice: February 13, 1998

Ceased membership: January 1, 1999

Billing and transferring trust funds without having performed service

On February 2, 1995 Mr. Chetty received a \$2,500 retainer from a client. He and the client had agreed that legal services would be billed at an hourly rate of \$200. On February 3 Mr. Chetty deposited the retainer to trust and that same day rendered a bill to the client for \$2,366.66 (which included \$2,000 for fees and a reference to undertakings to perform future legal services). Also that same day, Mr. Chetty transferred the \$2,000 retainer to his general account prior to the work being performed.

Failing to render accounts

In August, 1994, Mr. Chetty deposited to trust a \$150 retainer from a client. Three days later he transferred the money from his trust account to his general account without rendering a bill. On September 17 he deposited a \$500 retainer from the client to trust; on September 25 he transferred that money to his general account without rendering a bill. He rendered a bill in January, 1995 and credited the client with the \$650.

In December, 1994 Mr. Chetty and another client signed a retainer agreement whereby the client would pay a retainer and Mr. Chetty would bill for his services at an hourly rate of \$100. The client paid the retainer on January 20, 1995. Mr. Chetty deposited the money to trust and immediately withdrew it in cash without rendering a bill to the client.

Failing to deposit retainer to trust

On January 20, 1995 Mr. Chetty received a \$500 retainer from another client. Mr. Chetty did not deposit this money to his trust account or his general account and did not render a bill to the client until March 23, 1995. At that time he rendered a bill for \$1,344.05, and credited the client with the \$500 deposit.

Failing to maintain accounting books and records

From November 30, 1994 to March 23, 1995 Mr. Chetty failed to perform monthly trust account reconciliations, to maintain trust cash books and trust ledgers or to maintain non-trust books and accounts as required by Rules 860, 842 and 843 respectively (now Rules 3-65, 3-60, 3-61 and 3-62).

* * *

A Law Society investigation of Mr. Chetty's books, records and accounts was conducted in March, 1995. He was cited in September, 1997.

In February, 1998, Mr. Chetty undertook to cease practising law and consented to the appointment of a custodian of his practice. He ceased membership at the end of 1998 for non-payment of fees.

Mr. Chetty admitted that his conduct in billing and transferring trust funds without having performed legal services for a client, in failing to render accounts to clients, in failing to deposit a retainer to trust and in failing to maintain accounting books and records constituted professional misconduct. On February 3, 2000 the Discipline Committee accepted Mr. Chetty's admission on his undertaking:

- not to apply for reinstatement to the Law Society for two years from February 13, 1998 (being the date he ceased practising law) and until such time as a Law Society investigation in relation to certain Special Compensation Fund claims has been concluded;
- not to apply for membership in any other law society without first advising the Law Society in writing;
- not to permit his name to appear on the letterhead of any lawyer or law firm without the written consent of the Law Society; and
- to obtain the written consent of the Law Society before working for any lawyer or law firm in British Columbia.

The Committee resolved that, should Mr. Chetty apply for reinstatement, certain additional counts alleged in the citation would be referred to the Credentials Committee for consideration.

Discipline Digest — 2000: No. 1 January (Chetty)