

Coquitlam, B.C.

Called to the bar: May 14, 1993

Suspended: November 13, 1997 (At the time of the penalty hearing, Ms. Peters was under suspension. She had been suspended in November, 1997 pending the hearing of a separate discipline citation.)

Discipline hearing panel: April 29, 1997 and January 21, 1998

G.J. Lecovin, Chair, H.R. Berge and J.M. MacIntyre, Q.C.

M.C.T. Baillie, for the Law Society

L.M. Peters, on her own behalf

Summary

Ms. Peters failed for over one year to pay the accounts of a reporting services company, although she had a professional responsibility to pay financial obligations incurred in the course of her practice, as well as a legal responsibility. She also failed to respond to communications from the Law Society respecting complaints from the company and another complainant.

Facts

1) Failing to meet a professional financial obligation

In December, 1994 Ms. Peters requested a reporting services company attend an examination for discovery, for which the reporting service billed \$407.88 at the end of that month. In April, 1995 Ms. Peters arranged for the company to attend another examination for discovery, for which it billed \$163.71 that same month.

On June 20 and August 3, 1995 the reporting services company faxed reminders for payment to Ms. Peters and called her firm on September 12. On October 11 the company wrote to remind Ms. Peters of the December, 1994 and April, 1995 invoices, as well as another outstanding invoice.

The company wrote again on November 24 to acknowledge Ms. Peters' payment of one invoice and again requested payment of the December 1994 and April 1995 invoices, failing which the company said it would contact the Law Society.

The company complained to the Law Society on January 16, 1996. The Law Society wrote to Ms. Peters on several occasions and drew her attention to her obligation to pay

financial debts incurred in her practice. Ms. Peters paid the outstanding invoices in April, 1996.

2) Failing to respond to Law Society communications

Reporting services company complaint

Law Society staff wrote to Ms. Peters on January 19, 1996 asking for her explanation of the complaint made by the reporting services company. The Society sent reminder letters on February 13, March 5 and March 12.

Ms. Peters wrote to the Society on April 9 to say that she had thought the bills would be paid by another party, but was sorting this problem out and had instructed her bookkeeper to pay the invoices by the end of the week.

On April 12 the Law Society wrote to Ms. Peters for a full explanation of her delay in payment and to request confirmation that the invoices had been paid. The reporting services company advised the Society several days later that Ms. Peters had paid the invoices.

The Society wrote to Ms. Peters on May 9 and again on May 24, setting a deadline of 10 days for her response. After an exchange of telephone messages, Ms. Peters said she was not aware the Society needed more information about the complaint and would respond by June 21. On June 21 she called to say she would reply the following week.

On July 29 the Law Society wrote again to Ms. Peters and set a deadline of five days for her full explanation of the complaint, failing which the complaint and Ms. Peter's failure to respond would be referred to the Discipline Committee. Ms. Peters provided no further response.

Complaint in matrimonial matter

On May 10, 1996 the Law Society wrote to Ms. Peters to seek her explanation of a complaint made by opposing counsel in a family law proceeding.

Having received no response, Law Society staff telephoned Ms. Peters on June 11. After an exchange of messages, Ms. Peters made contact on June 18. She said she would meet with her client on June 20 and would provide a response on June 21.

On June 21, Ms. Peters left a message with Law Society staff to say she could not respond the next day but would do so on June 24. She did not respond.

On June 26, the Law Society staff left a message for Ms. Peters to call. On July 29 the Society wrote again to Ms. Peters to summarize the communications to date and to request a response to the complaint within five days. Ms. Peters did not respond.

The panel hearing this case ordered a review of Ms. Peters' practice. The practice review report concluded that Ms. Peters wished to do her best for clients but that serious personal, medical and financial problems had contributed to problems in her practice.

Decision

Ms. Peters' conduct constituted professional misconduct.

Penalty

The hearing panel ordered that Ms. Peters:

1. be reprimanded;
2. pay a \$500 fine, within one year;
3. pay \$1,500 as costs of the discipline hearing, within 18 months;
4. submit to the Competency Committee as a condition of resuming practice, with payment of costs, including costs of her practice review, to be at the Committee's discretion;
5. appear before a board of examiners appointed by the Discipline Committee; and
6. authorize her physicians to report to the Law Society.

Discipline Case Digest — 1998: No. 14 October (Peters)