

Delta, B.C.

Called to the bar: May 17, 1955

Discipline hearing panel: August 2, 1996

T.L. Brown, Q.C., as a one-Bencher panel

J. Whittow, for the Law Society

J. Williams, for Mr. Ivens

Summary

Mr. Ivens delayed in responding to the Law Society respecting the complaints of four different clients.

Facts

Mr. Ivens delayed in responding to the Law Society with respect to complaints against him, as follows:

- **J complaint** — Law Society staff wrote to Mr. Ivens on June 29, 1995 to request his response to a client complaint, and followed up with letters on July 20, August 3 and August 15. The staff person granted an extension for a response to September 5. Mr. Ivens agreed to fax a response on September 6, but did not do so until September 8. In his letter, Mr. Ivens said that he had refunded fees to the client and would report more in the near future after reviewing the file. Law Society staff wrote further reminder letters on September 28 and October 13 and called on October 23. Mr. Ivens said he would try to send his reply by October 27, but he did not. Staff wrote again on October 31 and called on November 16. Mr. Ivens said that he would respond, but did not.
- **M complaint** — On June 26, 1995 Law Society staff wrote to Mr. Ivens to request a response to a complaint, and sent follow-up letters on July 18 and August 3. When talking to staff on August 3 about both the M and J complaints, Mr. Ivens said he would provide a reply. Staff send a reminder letter on August 15. At Mr. Ivens' request, staff extended the time for response on both complaints to September 5. Mr. Ivens faxed a response on September 11 saying that he would provide his client with documentation that had been the focus of the complaint. Law Society staff asked Mr. Ivens for a copy of the documents on September 13 and, not having received them, sent a follow-up letter on October 4. Staff learned from the complainant on October 16 that Mr. Ivens had never provided the documentation. Staff sent letters on October 20 and 31 and called on November 16, but Mr. Ivens did not provide his response.
- **H complaint** — On December 20, 1995 Law Society staff wrote to Mr. Ivens to ask for his response to a complaint. Staff sent reminder letters on January 10 and 29, 1996 and called on February 12. In that conversation, Mr. Ivens said that he would respond shortly. Staff wrote again on February 19 and then agreed to give Mr. Ivens until February 29 to respond. When Mr. Ivens said a new problem had caused a delay, staff agreed to a further extension to March 6, but Mr. Ivens did not respond.
- **P complaint** — On February 8, 1996, Law Society staff wrote to Mr. Ivens respecting a complaint involving the same circumstances as the H complaint. Staff wrote reminder letters on February 28 and March 15, but Mr. Ivens did not respond.

On February 8, 1996, the Discipline Committee authorized a citation against Mr. Ivens respecting his failure to respond to the J and M complaints. The Committee authorized an amendment to the citation on April 11 to include Mr. Ivens' failure to respond to the H and P complaints. Mr. Ivens responded to the four complaints on June 28 and July 11, 1996.

Decision

Mr. Ivens' conduct constitutes professional misconduct.

Penalty

The discipline hearing panel ordered that Mr. Ivens:

1. be reprimanded;
2. submit to a practice review to be carried out under the direction of the Competency Committee;
and
3. pay \$500 as costs of this hearing, within 30 days.

Discipline Case Digest — 1997: No. 2 January (Ivens)