

Failing to conduct client matters in conscientious manner

RICHARD DONALD PAYNE

Port Coquitlam, B.C.

Called to the bar: May 11, 1982

Mr. Payne was retained by an American lawyer in September, 1993 to pursue a collection in B.C. Small Claims Court. Mr. Payne received a \$750 retainer in U.S. funds, which he held in trust.

After receiving invoices in support of the collection action and, with some difficulty, identifying the defendant companies, Mr. Payne attempted to meet with their principal, but failed to do so.

In the spring of 1994, Mr. Payne's mother became terminally ill and Mr. Payne traveled to see her on a number of occasions. He was distracted by this personal problem and failed to follow through on his client's instructions or to communicate with the client.

The client complained to the Law Society in August, 1995. The Society wrote on September 6 to request Mr. Payne's explanation and sent reminder letters on October 4 and October 30. When Law Society staff telephoned on November 16, Mr. Payne said he would prepare a letter the next day, but he did not. The Society wrote again on January 8 and February 13. When a Law Society staff lawyer called Mr. Payne again on February 21, Mr. Payne admitted that he had neglected the file because of other priorities. The staff lawyer further extended the deadline for a written response to February 28, but Mr. Payne did not provide one.

The Discipline Committee authorized a citation against Mr. Payne on July 4, 1996.

On March 6, 1997, Mr. Payne admitted to the Discipline Committee that he was guilty of professional misconduct in failing to conduct legal matter for his client in a conscientious, efficient and diligent fashion, in failing to respond to communication from his client and in failing to respond promptly to Law Society correspondence.

Mr. Payne returned to the retainer to the client and agreed to submit to a Law Society practice review, at the Society's discretion. He also voluntarily began treatment to overcome stress-related physical and psychological problems.

The Discipline Committee accepted Mr. Payne's admission pursuant to Rule 468, rescinded the citation and directed that the admission be endorsed on his professional conduct record.