

Inadequate detail on billing

ALLEN WILLIAM McGARVEY

Courtenay, B.C.

Called to the bar: January 10, 1984

While practising criminal and personal injury law as a sole practitioner, Mr. McGarvey on occasion issued to his clients interim bills that contained little or no description of the services rendered, contrary to section 70(3) (now section 69(4)) of the *Legal Profession Act*. Typically such accounts sent by Mr. McGarvey would read “To professional services rendered including: to my fee.”

Mr. McGarvey prepared the bills after he had completed the work to which the bills related. He did so to support a transfer of retainer funds from his trust account to his general account.

At a later date Mr. McGarvey would issue more detailed billings that covered the same period of time covered by the interim accounts.

Mr. McGarvey did not realize at the time that he was in breach of the *Act* with respect to his accounting practices, and no client complained. He later acknowledged that rendering multiple bills covering the same period of time is confusing and potentially misleading for clients.

Since September, 1992 Mr. McGarvey ceased these accounting practices, employed a chartered accountant to assist him with his office management and accounting and improved his accounting system so as to be able to promptly render itemized and detailed interim bills.

In March, 1999 the Discipline Committee accepted Mr. McGarvey’s admission under Law Society Rule 4-21 that his former accounting practices constituted professional misconduct. The panel noted that Mr. McGarvey had also agreed to pay, over a six-month period, \$6,000 toward the costs of an audit of his practice.

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