

LLOYD GEORGE ROBERTS

97/7

Gold River, B.C.

Called to the Bar: May 15, 1968

Ceased membership: December 31, 1995

Discipline hearing panel: November 27 and December 18, 1996

W.M. Trotter, Q.C., as a one-Bencher panel

J.P. Whittow, for the Law Society

Mr. Roberts, on his own behalf

Summary

Mr. Roberts failed to respond to communications from the Law Society respecting his obligation to complete remedial study courses. Later, Mr. Roberts did not pay the second instalment of his professional liability insurance, and his right to practise law thereby ceased. He failed to respond promptly to Law Society communications respecting his disposition of client files, wills, records and trust money.

Facts

In October, 1993 the Competency Committee accepted a practice review panel's recommendations regarding Mr. Roberts' law practice, on the understanding that he planned to continue practising. He did nothing to change that understanding. The panel found that Mr. Roberts' knowledge of substantive and procedural law was particularly weak in the areas of real estate and wills and estates, and his office systems were not acceptable. The panel recommended, among other things, that Mr. Roberts complete remedial courses. The first of these was in law office management and accounting (LOMAS).

Mr. Roberts did not complete the LOMAS course by the January 3, 1994 due date. A new date was set. In March, 1994 Mr. Roberts told Law Society staff in the competency department that he was considering retiring and thought he had a buyer for his practice. The Law Society abandoned the new deadline for completion of the LOMAS course on this basis. Mr. Roberts later called to say the sale had fallen through and he was going on vacation for some months. The competency department followed up in August, still in expectation that Mr. Roberts was ceasing practice.

On November 28 Mr. Roberts wrote to the Society to say he proposed to carry on practice part time "for the next year at least." On December 9, 1994 the Competency Committee asked Mr. Roberts to restrict his practice and not to practise in any solicitor's areas (which would make remedial courses in these areas unnecessary) and not to practise civil litigation. The Committee asked for a list of his civil litigation and criminal files.

Mr. Roberts did not respond to the letter, nor to a follow-up letter on April 25, 1995; this second letter reminded him of the earlier correspondence and raised a new concern.

In June, 1995 Mr. Roberts did not pay the second instalment for his professional liability insurance and he automatically became disqualified from practice. The Law Society followed up with him to ensure his withdrawal complied with the Law Society Rules on the custody of files, original wills and important documents, records and trust accounts.

Mr. Roberts failed to reply promptly to letters from the Law Society dated September 21, October 5 and 9 and November 2, 1995. A few days before his discipline hearing on November 24, Mr. Roberts faxed a letter to the Law Society dealing with some, but not all, of the outstanding issues relating to his withdrawal from practice.

Decision

The hearing panel found that Mr. Roberts' conduct constitutes professional misconduct.

Penalty

The panel ordered that Mr. Roberts:

1. be fined \$1,000;
2. satisfy a board of examiners appointed by the Competency Committee that he is competent to practise law should he seek to be reinstated and resume practice; and
3. pay \$2,500 as costs of the discipline proceedings.

Discipline Case Digest — 1997: No. 7 October (Roberts)