

Failing to Respond to the Law Society

ALLAN RICHARD CAPLAN

Richmond, B.C.

Called to the bar: December 19, 1975

Resigned membership: May 17, 1996

On March 2, 1995 a Law Society staff lawyer wrote to Mr. Caplan to request his response to a complaint by another lawyer. Mr. Caplan wrote back on April 6, 1995, expressing concern that he might be prejudiced by the Law Society proceeding with the complaint while there was related litigation ongoing.

On April 19 the Law Society staff lawyer wrote to Mr. Caplan, setting out the basis on which the Society would consider holding the complaint in abeyance. Mr. Caplan wrote back on April 21 to request that this be done.

On June 8 the Discipline Committee resolved to seek an explanation of the complaint from Mr. Caplan before determining whether or not to allow the complaint to be held in abeyance.

On June 15 and 22 the Law Society staff lawyer wrote to Mr. Caplan at the Committee's direction. He sent a reminder letter on July 18. He sent another reminder on August 29 and advised Mr. Caplan of the lawyer's duty to reply promptly to the Law Society.

On October 3, 1995 the staff lawyer advised Mr. Caplan that his failure to respond to the Law Society would be put before the Discipline Committee. On October 12 the Discipline Committee authorized a citation against him.

Mr. Caplan wrote to the Law Society again on April 3, 1996 providing his explanation of the complaint.

On May 9, 1996 Mr. Caplan admitted to the Discipline Committee that he had been guilty of professional misconduct by failing to reply promptly to the Law Society as required by Rule 3, Chapter 13 of the *Professional Conduct Handbook*. The Committee accepted the admission pursuant to Rule 468, ordered that the citation be rescinded and instructed that the admission be endorsed on Mr. Caplan's professional conduct record.

On May 16, 1996, under section 43(1) of the *Act*, a panel of three Benchers suspended Mr. Caplan pending disposition of another citation against him. Mr. Caplan resigned as a member of the Law Society on May 17.