

## *Breach of Undertaking*

### **CHRISTOPHER SCOTT JOHNSON**

Vancouver, B.C.

Called to the bar: August 1, 1986

On March 19, 1992, while acting for the vendor in a conveyancing transaction, the member wrote to the notary for the purchasers and undertook to pay out and discharge two mortgages against the title on receipt of the sale proceeds.

When he received the proceeds, the member paid out the mortgages and obtained signed discharges, but he failed to file the discharges. A year later, the notary for the purchasers drew this failure to the member's attention.

The member attempted to file the discharges, but discovered that the Land Title Office required revised forms. He tried to obtain new signature for the discharges but could not locate the mortgage holders. In September, 1993 the notary for the purchasers complained to the Law Society about the member's breach of undertaking.

The member, who at the time no longer practised conveyancing, retained another law firm to complete the transaction. The new firm filed the discharges in January and March, 1994.

The Law Society wrote to the member on September 30, 1993 requesting a response to the complaint. The Society sent follow-up letters on October 15 and 26, November 9 and 26 and December 15, 1993. The member did not respond until December 22, 1993.

On October 13, 1994, the member admitted to the Discipline Committee that he had professionally misconducted himself by breaching his undertaking, contrary to Chapter 11, Rule 7 of the *Professional Conduct Handbook* and by his failure to respond promptly to Law Society correspondence, contrary to Chapter 13, Rule 3 of the *Handbook*.

Pursuant to Law Society Rule 468, the Discipline Committee accepted the member's admission and ordered that it be endorsed on his professional conduct record.