

West Vancouver, B.C.
Called to the bar: May 15, 1972

Discipline hearing panel: May 26, 1994
B.B. Trevino, Q.C., Chair, S.A. Moore and P.D. Warner

J. Whittow, for the Law Society
H.P. McLaughlin, for the member

Summary

The member failed to meet his financial obligations in relation to his law practice by not paying accounts rendered to him by a reporting service and by a search company. He also failed to report to the Law Society an unsatisfied judgment taken against him by the search company. The hearing panel found that the member was facing overwhelming financial and family difficulties at the time.

Facts

The member failed to meet his financial obligations in relation to his practice by failing to pay accounts of \$1,560.70 to a search company in 1991, and accounts of \$204.53 to a court reporting service in 1992. He also failed to report to the Law Society an unsatisfied judgment taken by the search company for \$1,897.22, which included the \$1,560.70.

The member paid the accounts and the judgment after the Discipline Committee issued a citation.

At the time of the discipline citation, the member was overwhelmed by financial problems. He was winding down his practice in expectation of receiving commissions from an international business transaction, but those funds were frozen in the United States during the 1991 Gulf War.

The member was also under great emotional distress at the time. With two young children at home, his marriage broke down and he needed to rely on financial support from other relatives.

Decision

In failing to pay his practice debts, the member breached Part G, Ruling 1 (now Chapter 2, Rule 2) of the *Professional Conduct Handbook*.

By failing to report an unsatisfied judgment against him to the Law Society the member breached Law Society Rule 510(2).

Penalty

The panel ordered that the member be reprimanded.

In the circumstances of this case, the panel ordered that the member not be identified in the publication. The panel said it was exercising its discretion pursuant to Rule 495(2)(b) for these reasons:

- The member's breach of the rules resulted from overwhelming financial problems that were not within his control and arose largely from unpredictable international events.
- The member reported his larger problems to the Law Society and consulted Law Society staff for advice and assistance, although he did not report the judgment taken by the search company.
- The professional debts and the judgment were extremely modest in comparison to the member's other financial concerns, and they came at a time when he was having to rely, at least in part, on his family for financial support and did not have the money to pay.
- There was no moral turpitude or breach of other Law Society rules.

- The publication, as ordered, will make the profession aware of the rules requiring lawyers to pay practice debts and to report certain events, such as unsatisfied judgments, to the Law Society.

Discipline Case Digest — 1994: No. 7 August (Re: A Solicitor)