

Vancouver, B.C.

Called to the Bar: July 13, 1982

Discipline Hearing Panel: August 30, 1991, May 7, 1992

C.O.D. Branson, Q.C., as a one-Bencher panel

J. Whittow, for the Law Society

R. Sugden, Q.C., for the member

Summary

The member professionally misconducted himself in failing to properly supervise C who was employed as a legal assistant. The member also failed to maintain a direct relationship with some clients and to assume full professional responsibility for work done for clients.

Facts

The member became principal to articled student C in 1987. Because of difficulties experienced during articles, C obtained an extension of his articling term to November, 1988. C did not complete his qualification examinations during his articling extension and was not called to the Bar, but continued in employment with the member as a legal assistant.

On August 30, 1989 the member learned from another lawyer that C had misrepresented himself as a lawyer. The Law Society received other complaints that the member failed to supervise C adequately and that he allowed C to run client files without supervision. The member wrote a lengthy letter of response to the Law Society on January 31, 1990. In June, 1991 C misrepresented himself as an articled student.

Decision

After receiving a complaint in August, 1989 the member knew that C was “a potential loose cannon” and that, if C were to remain in the office, he had to be under strict control so he would not misrepresent his status to clients or others. The member was instead wilfully blind to C's actions by failing to supervise him.

The member professionally misconducted himself in failing properly to supervise C as a legal assistant, in failing to maintain a direct relationship with some clients and in failing to assume full professional responsibility for work done for clients, all contrary to Ruling G/11 of the *Professional Conduct Handbook*.

Penalty

Prior to the hearing on penalty, C ceased to be the member's employee.

The hearing panel ordered that the member:

1. be reprimanded;
2. undergo a practice review, at his cost, and undertake any remedial programs recommended by the Competency Committee;
3. undertake not to act as a principal to an articled student until relieved of that condition by the Law Society;
4. undertake not to rehire C without the prior written consent of the Law Society;
5. pay costs of the discipline proceedings, not to exceed \$4,000, by December 31, 1992.