

Abbotsford, B.C.

Called to the bar: October 1, 1969

Discipline hearing panel: December 11, 1992 and November 17, 1994 (*hearing report October, 1997*)

D.A. Silversides, Q.C., as a one-Bencher panel

J. Whittow, for the Law Society

Mr. Major, appearing on his own behalf

Summary

Mr. Major failed to take appropriate steps to complete a remedial studies program, to implement remedial measures in his practice and to respond promptly to the Law Society. He has since complied with an order to practise law only in a supervised setting.

Facts

Following a peer review of his practice in 1990, Mr. Major agreed to a Competency Committee request that he complete a remediation program.

In November, 1990 Mr. Major indicated that he had substantially complied with the remedial recommendations. He began a remedial studies program on wills and estates in 1991. After requesting and receiving two extensions on the first two segments of the program, Mr. Major did not complete all assignments and failed to meet the deadlines for the second, third and fourth segments of the course. The Competency Committee met with Mr. Major and set new deadlines within which Mr. Major was to complete the program. Mr. Major understood the Committee viewed those deadlines as important.

On the deadline for the third, fourth and fifth segments of the course, Mr. Major faxed his answers to the Law Society staff lawyer overseeing the program. Over half the questions (and the bulk of the work on these segments) were either answered incorrectly or left unanswered. On December 31, Mr. Major provided answers to his final assignment, but not the attachments necessary to evaluate the work.

On several occasions throughout the remedial studies program, the Society staff lawyer responsible for the program wrote to Mr. Major, but he did not respond.

A practice review in 1992 showed the member was not in compliance with most of the remedial recommendations from 1991, that his practice was deficient and that there were still concerns respecting his wills and estates practice.

Decision

Mr. Major's conduct constitutes professional misconduct.

Penalty

The hearing panel ordered that, as of April, 1995, Mr. Major practise law only as an employee of another lawyer, as an employee of a Crown Corporation, government or the Legal Services Society or in a supervised setting approved by the Discipline Committee. Mr. Major has complied with that restriction.

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