

## **MULTIPLE INCIDENTS**

### **PAUL SINGH HUNDAL**

(North Vancouver)

Called to the Bar January 11, 1983

Mr. Hundal ceased to be a member of the Society on December 31, 1984 for failure to pay the annual fee. He was later permitted to admit that his actions in the following incidents constituted professional misconduct:

#### **Failing to File a Decree Absolute**

The member was retained by Mrs. K to attend to all aspects of her divorce, including filing for the Decree Absolute. The divorce proceedings took place on April 26, 1983 and the member filed the Decree Nisi eight days later. He advised Mrs. K that the divorce would be final three months from the date of filing.

In December 1983 Mrs. K was engaged to be married, and she questioned why she had not received a copy of the Decree Absolute. The member replied that he had neglected to make the necessary application but would do so immediately.

In late January and early February 1984 Mrs. K left numerous messages on the member's telephone answering machine, requesting that he call her with respect to this matter. The member said that he thought he had already filed for the Absolute, and promised to do so without delay. Mrs. K noted that her wedding had been delayed until April 21 because of the member's tardiness, and it was imperative that the divorce be finalized quickly.

On March 8 Mrs. K herself filed for the Decree Absolute. She then informed the member of her intention to lodge a complaint against him with the Law Society. The member said that he did not know he was required to file for the Decree Absolute, and that he had no money to pay courier fees for the filing.

The Law Society wrote to the member on March 26 asking for an explanation of his conduct. Three follow-up letters were sent between April 18 and May 23. The member wrote on April 11 to say that his reply would arrive within two weeks; in fact he did not send a letter of response until November 19.

At a Show Cause Hearing before three Benchers on July 4, 1984, the member said that he forgot to file for the Decree Absolute.

### **Failing to Respond to Correspondence**

The Legal Services Society wrote to the member on December 21, 1983 seeking information on the impaired driving conviction of one of his former legal aid clients. The client had applied for legal aid to appeal his conviction, and the Society required the member's assistance to assess the application properly.

Between January and May, 1984 the Legal Services Society wrote five follow-up letters but the member failed to respond. The Society consequently was unable to assess the legal aid application promptly, to the detriment of the member's former client.

The Law Society wrote to the member on June 7, 1984 asking for an explanation of his conduct but received no reply until November.

### **Misleading Client and Opposing Party**

Mrs. S was involved in two motor vehicle accidents in June 1983 and May 1984. She retained the member in subsequent civil actions for damages.

An Examination for Discovery in relation to the first accident was scheduled for May 29. That morning the member informed Mrs. S that the Discovery had been cancelled because ICBC had changed lawyers. He then told the ICBC claims adjuster that the cancellation was necessary because Mrs. S had sustained injuries in the second accident which prevented her attendance.

The member cancelled another Discovery slated for July 3, 1984 because he had been suspended from the practice of law. He lied in telling Mrs. S that he could not act for her on Discovery because he was leaving his practice to join another law firm.

The Law Society wrote to the member about this matter twice in August 1984 but did not receive a response until November.

### **Breaching Trust Accounting Rules**

A review of the member's law office management and accounting systems in May 1984 revealed that he had breached Law society trust accounting rules in:

- failing to maintain requisite books and ledgers
- failing to make bank and trust reconciliations
- transferring funds from his trust account to his general account without rendering bills

- depositing directly to his general account without rendering bills
- endorsing client cheques over to third parties without passing the funds through his practice bank accounts
- failing to file a Form N for 1983

### **Failing to Comply with Hearing Committee Order**

The member was cited and suspended on June 18, 1984. At the Show Cause Hearing on July 4 the Chairman of the Hearing Committee ordered the member to make written response to complaints lodged by Mrs. K and the Legal Services Society within a week. The member's response was received by the Law Society five months later.

### **Practising While Suspended**

In late 1984 the member filed an Appearance and a Statement of Claim on behalf of client G and received remuneration for these services, although he knew he was at that time suspended from the practice of law. The member signed G's name on the Statement of Defence before filing the document.

### **Failing to Respond to the Law Society**

The Law Society wrote to the member in July and September 1984 as to whether he had provided the custodian of his practice with all open files. The member replied to neither of these letters.

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