

James Douglas Hall

Victoria, BC

Called to the Bar: September 2, 1994

Discipline hearing: September 25 and December 13, 2003

Panel: G. Ronald Toews, QC, Chair, Patricia L. Schmit, QC and G. Glen Ridgway, QC

Reports issued: September 30, 2003 (*Findings of fact and verdict*), indexed as [2003] LSBC 34, and January 5, 2004 (*Penalty*), indexed as 2004 LSBC 01

Counsel: Luisa Hlus, for the Law Society and Mr. Hall on his own behalf (as to penalty)

Summary

Mr. Hall failed to provide a substantive response to the Law Society respecting a complaint against him, despite repeated requests from the Society. The hearing panel found that Mr. Hall's conduct constituted professional misconduct. In the circumstances and taking into consideration a previous finding against Mr. Hall for failing to respond to Law Society communications, the hearing panel ordered that he be suspended for one month, effective January 24, 2004, provide a response, provide his undertaking to respond to all correspondence from the Law Society's Professional Conduct Department within 14 days and pay costs of the discipline proceedings.

Facts

On February 5, 2003 the Law Society wrote to Mr. Hall requesting his response to a complaint against him. Mr. Hall replied by fax on February 24, stating that he would respond to the letter by February 27. Despite reminder letters from the Law Society on March 7, March 24 and April 4 and despite a telephone conversation with Law Society staff on April 7 in which Mr. Hall said he would reply by April 9, he did not in fact provide a substantive response to the complaint.

Law Society staff wrote to Mr. Hall on April 24, 2003 advising him that the matter of his failure to respond was being referred to the Discipline Committee. The letter repeated the request for a response to the original complaint and an explanation of Mr. Hall's failure to respond.

Mr. Hall was cited on June 19, 2003.

Verdict

The panel found that Mr. Hall's conduct in failing to provide a substantive response to Law Society communications that required his response constituted professional misconduct.

Penalty

The hearing panel noted that, despite repeated requests from the Law Society, Mr. Hall failed to respond substantively by providing an explanation of a complaint against him. He did reply on November 25, 2003, which was after the panel had made its finding of misconduct respecting his failure to respond, but prior to the penalty hearing.

In reviewing Mr. Hall's conduct record, the panel noted that another panel earlier in 2003 had found Mr. Hall guilty of professional misconduct respecting a separate instance of failing to reply to the Law Society. At the time he was awaiting penalty in that other matter, Mr. Hall was failing to reply on the current matter.

The panel ordered that Mr. Hall:

1. be suspended for one month, effective January 24, 2004;
2. provide a substantive response to one of the Law Society's letters dated November 27, 2003;
3. within 15 days of publication of this determination, provide to the Law Society a written undertaking to reply to correspondence from the Law Society Professional Conduct Department within 14 days of receipt; and
4. pay costs of the discipline proceedings.