2020 LSBC 30
Decision issued: June 22, 2020
Citation issued: March 8, 2019

CORRECTED DECISION: PARAGRAPH [73] SUB-PARAGRAPH (c) WAS AMENDED ON JULY 20, 2020

THE LAW SOCIETY OF BRITISH COLUMBIA

In the matter of the *Legal Profession Act*, SBC 1998, c. 9

and a hearing concerning

DOUGLAS JOSEPH WILLIAM HAMMOND

RESPONDENT

DECISION OF THE HEARING PANEL

Written materials:	May 21, 2020
Panel:	Brook Greenberg, Chair Don Amos, Public representative H. William Veenstra, QC, Lawyer
Discipline Counsel:	J. Kenneth McEwan, QC and Laésha J. Smith
Counsel for the Respondent:	Patrick F. Lewis

BACKGROUND

[1] On March 8, 2019, the Discipline Committee of the Law Society of British Columbia (the "Law Society") issued a citation alleging that the Respondent had committed professional misconduct in using his firm's trust account to receive and disburse funds without:

(a) providing substantial, or any legal services in connection with the matter;

(b) making reasonable inquiries in respect of the circumstances of the matter; or

(c) recording the results of any inquiries made in respect of the circumstances of the matter.

[2] The Respondent made a proposal in this proceeding pursuant to Rule 4-30 of the Law Society Rules (the "Rules"), conditionally admitting a discipline violation and consenting to a specified disciplinary action (the "Disciplinary Action") as follows:

(a) the Respondent is to be suspended for two weeks; and

(b) the Respondent will pay costs in the amount of $1,000.

It was understood that a summary of the circumstances giving rise to the Disciplinary Action would be published, including the identity of the Respondent.

[3] On March 5, 2020, the Discipline Committee considered and accepted the conditional admission and proposed Disciplinary Action and instructed counsel for the Law Society to recommend acceptance of the proposal to this Panel.

[4] Both the Law Society and the Respondent requested that this matter proceed by way of a hearing in writing. The Panel considered and granted that application on May 26, 2020.

[5] For the reasons set out below, the Panel accepts that the admission and Disciplinary Action proposed by the Respondent and the Law Society are appropriate.

ISSUES

[6] There are two issues to be determined by this Panel:

(a) Does the Respondent's conduct constitute professional misconduct?

(b) Is the proposed Disciplinary Action appropriate in the circumstances?

FACTS

[7] The parties provided the Panel with an Agreed Statement of Facts (the "ASF") contained within a Joint Book of Exhibits. The Joint Book of Exhibits was marked as Exhibit 1, and formed the evidentiary basis for this hearing.

[8] The ASF included the following admitted facts.

The Respondent's background

[9] The Respondent was called to the bar on May 20, 1988.

[10] He practised between his call date and April 2019, sometimes as a sole practitioner and at other times within a law firm.

[11] At the times material to this matter, the Respondent was a sole practitioner, practising primarily in the areas of corporate, commercial and real estate law.

[12] In April 2019, the Respondent left private practice to take on a general counsel position.

[13] The Respondent has no prior disciplinary history.

The transactions and services provided

[14] Between 2014 and 2016, the Respondent provided various legal work for investors, officers and consultants of a British Columbia company ("X Corp."). Some of this legal work was referred to the Respondent by another lawyer (the "Other Lawyer") who acted as corporate counsel for X Corp.

[15] The Respondent has known the Other Lawyer for around 30 years, including having practised at the same law firm in the early 1990s. The Respondent considered and continues to consider the Other Lawyer to be trustworthy and reputable counsel.

[16] In mid-2016, the Other Lawyer advised the Respondent that an X Corp. investor ("TL") wished to make a further investment of US$474,000 in X Corp. in tranches, which were to be based on achievement of performance milestones agreed to by TL and X Corp.

[17] The Respondent understood from both TL and the Other Lawyer that TL and X Corp. wanted the investment funds to be held in a lawyer's trust account to provide certainty that the funds were in place and to assure timely payment.

[18] The Other Lawyer advised the Respondent that, because there was a conflict between X Corp. and TL, he could not act on behalf of both parties and needed other counsel to be involved.

[19] On October 26, 2016, a Vice President of X Corp. sent an email introducing the Respondent and TL to each other and advised that the Respondent could assist "on the $500,000 USD escrow."

[20] On October 28, 2016, the Respondent spoke with TL by telephone, at which time he requested identification documents from TL. The Respondent subsequently received, by email, scanned pictures of the requested documents. He did not meet with TL to verify his identity.

[21] On October 31, 2016, the Respondent caused a US dollar trust account (the "Trust Account") to be opened with a Canadian bank.

[22] On that same date, the Respondent emailed terms of engagement to TL, which included that the Respondent:

(a) would hold funds in trust and would pay amounts out as directed;

(b) would charge $200 for processing each payment;

(c) was acting for a company ("BC Ltd.") of which TL was the sole officer and director;

(d) was not acting in any capacity for TL or X Corp.; and

(e) was "merely facilitating the transfer of money" and was not advising or determining whether the performance milestones had been met.

[23] On November 1, 2016, TL deposited a bank draft in the amount of US$474,000 directly into the Trust Account.

[24] On the same day, TL instructed the Respondent to make a payment to another British Columbia company ("M Corp."). The Other Lawyer had advised the Respondent that M Corp. was a subsidiary of X Corp.

[25] Between November 2, 2016 and January 11, 2017, the Respondent caused US$473,000 to be paid to M Corp. through five payments made out of the Trust Account in accordance with directions provided by TL.

[26] The Respondent took a fee of US$200 from the funds held in the Trust Account for each of the five payments made, resulting in a total net payment after bank fees of $1,040 (Canadian) to the Respondent.

[27] The Respondent did not provide any other services.

[28] The Respondent did not make or record any inquiries with respect to the performance milestones or the other terms relating to TL's further investment in X Corp. or the payments to M Corp.

Admissions of the Respondent

[29] In the ASF, the Respondent admits that he was served with the Citation on March 11, 2019.

[30] The Respondent also admits that his conduct as set out above and in the ASF constitutes professional misconduct pursuant to s. 38(4) of the *Legal Profession Act*.

ANALYSIS AND DISCUSSION

Professional misconduct

[31] The test for professional misconduct is set out in *Law Society of BC v. Martin*, 2005 LSBC 16, paragraphs 154 and 171, as follows:

> … The real question to be determined is essentially whether the Respondent's behaviour displays culpability which is grounded in a fundamental degree of fault, that is whether it displays gross culpable neglect of his duties as a lawyer.
>
> The test that this Panel finds is appropriate is whether the facts as made out disclose a marked departure from that conduct the Law Society expects of its members; if so, it is professional misconduct.

[32] In *Law Society of BC v. Kim*, 2019 LSBC 43, paragraph 45, the panel held in respect of this test:

> The *Martin* test is not a subjective test. A panel must consider the appropriate standard of conduct expected of a lawyer, and then determine if the lawyer falls markedly below that standard.

[33] The Respondent has admitted that his conduct comprises professional misconduct.

[34] Applying the test described above, the Panel accepts that the Respondent's admission of professional misconduct is warranted.

[35] Lawyers have long been expected and required to take steps to ensure that their trust accounts are used only for the legitimate commercial purposes for which they are established.

[36] In particular, the *Code of Professional Conduct for British Columbia* (the "*BC Code*") provides as follows:

3.2-7 A lawyer must not engage in any activity that the lawyer knows or ought to know assists in or encourages any dishonesty, crime or fraud.

Commentary

[1] A lawyer should be on guard against becoming the tool or dupe of an unscrupulous client, or of others, whether or not associated with the unscrupulous client.

…

[3.1] The lawyer should also make inquiries of a client who:

(a) seeks the use of the lawyer's trust account without requiring any substantial legal services from the lawyer in connection with the trust matter …

[3.2] The lawyer should make a record of the results of these inquiries.

[37] In *Law Society of BC v. Skogstad,* 2008 LSBC 19, paragraphs 60 and 61, the panel held that it was inappropriate for a lawyer to allow a trust account to be used as a mere conduit, without providing legal services:

> The Panel wonders what role the Respondent was playing in these transactions if not to provide an air of legitimacy to an otherwise risk-filled and purportedly extraordinarily high yield investment program that drew in hundreds of individual investors. Once the V offshore trust had been established, there was very little in the nature of legal services provided to that client. The flow of funds from investors could as easily have been accomplished by a direct deposit to an account in the name of V in any bank in Nelson or elsewhere.
>
> *It is the view of this Panel that this use of a trust account by the Respondent is entirely inappropriate. Trust accounts must only be used for the legitimate commercial purposes for which they are established, namely to aid in the completion of a transaction in which the lawyer or law firm plays a role as legal advisor and facilitator*. The Respondent had no such role in either the Railway Bond Program or the Bank Debenture Program — he was merely a convenient and apparently legitimate conduit for funds from the individual investors to the various schemes decided upon by F for V. *The trust account served no legitimate role in these events and should not have been so employed*.

> [emphasis added]

[38] The panel in *Law Society of BC v. Gurney*, 2017 LSBC 15 cited *Skogstad* in concluding, at paragraph 79(a):

> … Even where other authorities, such as FINTRAC, may be aware of the source of the funds entering an account, the effect of solicitor-client privilege is that the parties to whom the funds are disbursed and the purpose for which the funds are disbursed are shielded by the privilege. It is for this reason that *a lawyer's trust account cannot be used only for the purpose of facilitating the completion of a transaction, but the lawyer must also play a role as a legal advisor with regard to the transaction. This is the requirement to provide legal services*.
>
> [emphasis added]

[39] In *Gurney*, the panel went on to conclude, at paragraph 79(c), that a finding of breach of the lawyer's duty to investigate does not require proof that the underlying transaction is illegitimate.

[40] At paragraph 80, the panel aptly described the responsibilities lawyers bear with respect to their trust accounts as a "gatekeeper function."

[41] Recently, the panel in *Law Society of BC v. Daignault*, 2020 LSBC 18, concluded that a lawyer accepting funds into a trust account without performing legal work warranted, at least in part, the acceptance of a "global" admission of misconduct. In that case, the panel held as follows at paragraphs 69 and 70:

> The facts at issue in *Skogstad* facts are distinguishable from the instant case, in as much as the lawyer's client in *Skogstad* 2008 was involved in fraud. There is no evidence of fraud in this case. Nonetheless, the lawyer's duty to ensure that their trust account is used for the purposes for which it was intended does not depend on whether the client's eventual use of money paid through the trust account proves to be illicit. To maintain public confidence in the profession, a trust account must only be used for the legitimate commercial purpose for which it was established; it must "not be used as a convenient conduit": *Gurney* at paragraph 79.
>
> In 2011 to 2012, the Respondent ought to have known that he was professionally obliged not to permit his trust account to be used for transactions that were unconnected to legal work. We therefore find that the Respondent's failure to provide any substantial legal services in

> connection with the Depositor 1, 2 and 3 trust transactions is part and parcel of his professional misconduct in respect of those transactions.

[42] Both the *BC Code* and prior decisions make clear that lawyers in British Columbia have long been obliged to act as gatekeepers of their trust accounts and to take active steps to ensure that those accounts are used only for the legitimate commercial purposes for which they are established.

[43] It is important to note that the Respondent's conduct in this matter pre-dated the adoption of Rule 3-58.1(1) which now provides:

> Except as permitted by the Act or these rules or otherwise required by law, a lawyer or law firm must not permit funds to be paid into or withdrawn from a trust account unless the funds are directly related to legal services provided by the lawyer or law firm.

[44] Therefore, the Respondent's dealings with the Trust Account were not subject to the qualified prohibition in Rule 3-58.1(1) against lawyers allowing funds to be deposited into or disbursed from a trust account where related legal services were not provided.

[45] Nevertheless, prior to the introduction of Rule 3-58.1(1), lawyers in British Columbia were obligated, as described above, not to allow their trust accounts to be used merely as a conduit without making and recording inquiries of any client who sought the use of a trust account without requiring any substantial legal advice.

[46] The Respondent admits that he did not make or record any inquiries about the underlying transactions in circumstances where use of the Trust Account was sought without any substantial legal services from the Respondent.

[47] As a result, the Respondent's admission of professional misconduct is appropriate, and the Panel accepts that admission.

Appropriateness of the specified disciplinary action

[48] In this case, the Respondent and the Law Society have agreed to a specified disciplinary action. The test to be applied in considering whether a proposed specified disciplinary action is appropriate is set out in *Law Society of BC v. Rai*, 2011 LSBC 02 at paragraph 7 as follows:

> … The Panel must also be satisfied that the proposed disciplinary action is "acceptable". What does that mean? This Panel believes that a disciplinary action is acceptable if it is within the range of a fair and

> reasonable disciplinary action in all the circumstances. The Panel thus has a limited role. The question the Panel has to ask itself is, not whether it would have imposed exactly the same disciplinary action, but rather, "Is the proposed disciplinary action within the range of a fair and reasonable disciplinary action?"

[49] The factors that should be considered in determining a disciplinary penalty are set out in *Law Society of BC v Ogilvie*, 1999 LSBC 17. In *Law Society of BC v. Faminoff*, 2017 LSBC 04, paragraphs 84 and 85, the review panel confirmed that a panel should consider those factors and apply the following approach:

> In determining a disciplinary penalty, it is only necessary to identify those circumstances and principles that are important to the disciplinary decision. Decisions on penalty are an individualized process that requires the hearing panel to weigh the relevant factors in the context of the particular circumstances of the lawyer and the conduct that has led to disciplinary proceedings.
>
> In addition, disciplinary action must be appropriate based on the particular circumstances of the case. Although consistency and lack of arbitrariness are important in a self-regulated profession, the *Ogilvie* factors are designed to help to select the appropriate disciplinary action to best rehabilitate the Respondent and also to promote public confidence in the legal profession. This means that hearing panels will attempt to impose penalties that are appropriate for that particular individual.

[50] In the matter at hand, the Law Society submits, and the Respondent agrees, that the most relevant factors to the assessment of the appropriateness of the proposed Disciplinary Action are:

(a) the need to ensure the public's confidence in the integrity of the profession and the need for general deterrence;

(b) the nature and gravity of the conduct;

(c) the advantage gained by the Respondent;

(d) the previous character of the Respondent, including details of prior discipline;

(e) the Respondent's acknowledgement of the misconduct and the presence of other mitigating factors; and

(f) the range of penalties imposed in similar cases.

[51] We address these factors below.

Public confidence and general deterrence

[52] The Law Society submits, and there is no question, that the Respondent's conduct relates to areas of "vital importance to the Law Society: ensuring the appropriate use of trust accounts and combatting money laundering."

[53] As a result, the need to ensure the public's confidence in the integrity of the profession and the requirement for deterrence are directly engaged here.

Nature and gravity of the conduct

[54] According to the Law Society, the Respondent's failure to perform the gatekeeper role in respect of the Trust Account comprises serious misconduct which poses a risk to the public interest.

[55] Those submissions are clearly apposite.

[56] Furthermore, the Law Society submits that there were additional factors present that should have prompted the Respondent to refuse to allow his trust account to be used without making further inquiries about the underlying transactions, including that the Respondent:

(a) did not meet TL in-person;

(b) was not asked to perform services other than receiving and disbursing funds from the Trust Account;

(c) was not asked to provide advice with respect to the agreement related to the funds received into and disbursed from the Trust Account; and

(d) was not provided information related to the performance milestones that were the basis for the payments from the Trust Account.

[57] The ASF discloses other aspects of the transactions that ought to have prompted the Respondent to make further inquiries, including that:

(a) the Respondent did not confirm or verify the identity of TL;

(b) the funds were deposited in the Trust Account via a bank draft purchased by TL; however, the terms of engagement provided that the Respondent acted only for BC Ltd., not TL;

(c) the underlying transaction was described as a further investment by TL in X Corp.; however, all of the payments were made to M Corp.; and

(d) the introductory email referred to a US$500,000 escrow, but only US$474,000 was deposited and US$473,000 was paid out.

[58] As referred to in *Gurney*, the issue is not whether aspects of the transactions, such as the involvement of multiple corporate entities, were ultimately determined to be problematic.

[59] Rather, the issue is the lack of information necessary for the Respondent to have a reasonable understanding of the material features of the transactions, including the role of the various participants. The Respondent's failure to make inquiries about the parties and the underlying transactions created an unacceptable risk of inadvertently allowing the Trust Account to be utilized in money laundering or other nefarious dealings.

Advantage gained by the Respondent

[60] The Law Society noted in its submissions that the Respondent received CAD$1,040 as payment for his services.

Record of the Respondent

[61] The Respondent has no prior discipline history.

Respondent's acknowledgement of misconduct and other mitigating factors

[62] In its submissions, the Law Society described the Respondent as having expressed remorse and accepted full responsibility for his conduct early in the investigation. Additionally, the Respondent fully co-operated with the investigative process and admitted the facts set-out in the ASF.

[63] According to the Law Society, there is no evidence of actual losses or fraudulent activity related to the transactions at issue. The Law Society submits this is another mitigating factor.

[64] The Panel agrees that evidence of fraud or loss would have been a significantly aggravating factor. However, that does not make the lack of evidence of fraud or loss a mitigating circumstance.

[65] As the panel held in *Gurney*, lawyers are required to act as gatekeepers of their trust accounts. In that regard, the provisions of the *BC Code*, and now the Rules, are intended to impose effective preventive measures to ensure lawyers' trust accounts are not conscripted into money laundering activities.

[66] The deleterious effect of a lawyer's failure to fulfil the gatekeeping role occurs by exposing the public to heightened risk of mischief, not just in cases where that risk materializes. That said, the presence or absence of evidence of fraud or loss is an important part of the factual context to be considered in determining an appropriate penalty.

[67] The Law Society submits that additional mitigating circumstances exist including:

(a) The Respondent became involved in this matter as a result of a referral from the Other Lawyer, whom he had known and trusted for 30 years.

(b) The Respondent had done prior work related to X Corp. and had some familiarity with it, its business and its investors, including TL.

(c) The Respondent understood that the Other Lawyer was representing X Corp. in respect of the transaction, and the Respondent's peripheral role was only required due to a conflict.

(d) The Respondent accurately set out his understanding of the transaction and his role in the engagement email.

(e) The Respondent has now left private practice and is unlikely to operate a trust account in the near future.

[68] The Respondent does not take issue with any of the Law Society's submissions, and provides the following additional considerations:

(a) The Respondent understood the investment funds were provided from one Canadian bank and were deposited in the Trust Account held at another Canadian bank.

(b) As a result of this matter, the Respondent now has a heightened sensitivity to the risk of mischief and has correspondingly heightened vigilance.

Range of penalties imposed in similar cases

[69] Both the Law Society and the Respondent made submissions with respect to penalties imposed in similar cases.

[70] In its submissions, the Law Society reviewed three decisions involving the use of a lawyer's trust account in the absence of significant legal services. However, both the Law Society and the Respondent submitted that neither *Gurney* nor *Law Society of BC v. Hsu*, 2019 LSBC 29 were particularly helpful given the substantially different circumstances at issue.

[71] On the other hand, the parties contended that the circumstances in *Daignault* were most similar to those in this matter and that the penalty imposed in that case demonstrates that the proposed Discipline Action falls within the range of reasonableness.

[72] In *Gurney*, the panel ordered the respondent to be suspended for six months and to disgorge $25,845 in fees received. The panel also placed conditions on the respondent's future operation of any trust accounts.

[73] The parties submit that the circumstances that resulted in that disciplinary action are distinguishable from the matter at hand. In particular they note that, in *Gurney*:

(a) approximately $25 million was deposited and paid out of the respondent's trust account in respect of clients with whom the respondent had no prior dealings or knowledge;

(b) the funds were transferred from outside of Canada;

(c) the matter was referred to the respondent from a former lawyer previously suspended by the Law Society for misconduct;

(d) the respondent received fees of $25,845 based on a percentage of the funds received and disbursed from his trust account; and

(e) the respondent did not acknowledge his misconduct, but rather took the position that the Law Society was acting abusively in issuing and proceeding with the citation.

[74] In *Hsu*, the panel ordered the respondent to be suspended for three months and to pay costs of $1,000. In addition, the panel ordered certain restrictions on the respondent's practice.

[75] Again, the parties submit that the circumstances are distinguishable from this matter. In particular in *Hsu*:

(a) approximately $14 million of investor's funds flowed through the respondent's trust account;

(b) the respondent was dealing with securities transactions in respect of which she was not competent to act;

(c) the respondent took no steps to determine whether any laws or regulations applied to the security transactions in respect of which she was engaged;

(d) the respondent's conduct facilitated fraud and the misappropriation of millions of dollars; and

(e) the respondent had received fees of $29,000 for her services.

[76] In contrast, the parties submit that the respondent's conduct in *Daignault,* while more serious than the Respondent's conduct, is more analogous than the circumstances in *Gurney* or *Hsu.*

[77] In *Daignault,* the respondent had both allowed his trust account to be used to process three transactions without providing substantial legal services, and failed to caution an unrepresented person that he was not protecting that person's interests in the transactions.

[78] The panel ordered the respondent to be suspended for two weeks, and made no order as to costs.

[79] As in the case at hand, the respondent in *Daignault* had no prior disciplinary history and had admitted to his misconduct and expressed regret.

[80] Additionally, the panel there concluded that the respondent had "neither sought nor enjoyed gain from his misconduct."

[81] At paragraph 79 of *Daignault,* the panel held that there was no evidence of loss in respect of two of the three transactions, but went on to note:

> … although the Respondent's misconduct certainly created conditions where loss could have occurred.

[82] We agree that the approach to the absence of loss adopted by the panel in *Daignault* is also applicable here. It is a significant consideration that there is no evidence of loss, fraud, or money laundering as a result of the Respondent's

conduct. However, the Respondent's conduct still created risk to the public interest. As a result, we do not consider this factor to be either aggravating or particularly mitigating.

[83] The panel in *Daignault* reviewed both *Skogstad* and *Gurney* and concluded that those decisions offered limited guidance as to an appropriate disciplinary action because the misconduct in those matters had been considerably more severe.

[84] One matter in issue in *Daignault* that was not raised here was investigative delay. The panel in *Daignault* held that the investigation of the respondent was of extremely long duration and, at paragraph 101 of the decision, the panel took that delay into account as a mitigating factor in determining the appropriate outcome.

[85] The circumstances in *Daignault* and the matter at hand differ in a number of ways including that:

(a) the Respondent in this case did not fail to provide the requisite warnings to an unrepresented party as was the case in *Daignault;*

(b) the Respondent received a modest gain from his conduct, rather than "no gain";

(c) the panel in *Daignault* took account of substantial delay in the investigation of the respondent in determining that a two-week suspension was appropriate. There was no similar investigative delay alleged here; and

(d) as set out below, the Law Society seeks an order for costs against the Respondent. In *Daignault* no costs were sought.

[86] Although there are distinguishing features between the two matters, the Panel accepts the submission of both parties that *Daignault* is more similar to this matter than *Gurney* and *Hsu,* which are distinguishable. Those decisions involved significantly more serious misconduct and aggravating circumstances than either *Daignault* or this matter.

[87] Consequently, an outcome in the range of that ordered in *Daignault* is more reasonable than those ordered in *Gurney* or *Hsu*.

[88] In light of all of the factors set out above, including the disciplinary action ordered in *Daignault,* we conclude that the proposed two-week suspension falls within the range of a fair and reasonable disciplinary action.

Costs

[89] As noted above, the Law Society seeks an order for costs of $1,000 on the basis that Rule 5-11 provides that the Panel must have regard to the tariff of costs in Schedule 4 to the Rules, unless in our discretion we consider that no costs, or costs in an amount other than that provided for in the tariff, should be ordered.

[90] The Law Society submits that there is no reason to depart from the tariff of costs and seeks an order at the "low end" of the range provided for in the tariff. For this matter the tariff range is $1,000 to $3,500, exclusive of disbursements.

[91] The Law Society submits that an order for costs at the low end is appropriate given that the Respondent admitted his misconduct and cooperated with the Law Society.

[92] The Respondent consents to the proposed order for costs of $1,000.

[93] In light of the Law Society's submissions and the Respondent's consent, the Panel accepts the parties' position that an order for costs of $1,000 is appropriate.

Non-Disclosure

[94] The Law Society applies for an order pursuant to Rule 5-8(2) that the portions of exhibit 1 that contain confidential client information or privileged information not be disclosed to members of the public.

[95] In particular, the Law Society asks that, if a member of the public requests copies of the exhibit marked in this proceeding, any confidential or privileged information must be redacted prior to being provided, including any client names, identifying information or other information to which these principles are applicable.

[96] The Respondent took no position in respect of the Law Society's application.

[97] The Panel accepts that an order preserving confidential or privileged client information is appropriate.

Commencement of the suspension

[98] The Respondent requested that his suspension commence on July 1, 2020 or later.

[99] The Law Society took no position with respect to the commencement date of the suspension.

[100] As noted in *Daignault*, as a matter of practice, a suspension usually commences in the month following a panel's decision.

[101] Since July 1 is a statutory holiday, the Respondent's suspension will commence on July 2, 2020, or such other date as the Law Society and the Respondent may agree.

ORDERS

[102] For the reasons set out above, the Panel makes the following orders:

(a) The Respondent is suspended from the practice of law for a period of two weeks commencing July 2, 2020 or such other date agreed to by the parties;

(b) The Respondent must pay costs of $1,000 to the Law Society on or before September 1, 2020 or such other date agreed to by the parties.

(c) If any person, other than a party, seeks to obtain a copy of the exhibit filed in these proceedings, all client names, identifying information and any other information that is protected by client confidentiality or solicitor-client privilege must be redacted from the exhibit before it is disclosed to that person.