

Citation Authorized: April 29, 2020
Citation Issued: May 12, 2020
Citation Amended: May 19, 2020

**LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION**

BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

AND:

DAVID ANDREW RIDDELL

RESPONDENT

**RULE 4-29 ADMISSION OF MISCONDUCT
AND UNDERTAKING TO THE DISCIPLINE COMMITTEE**

1. In a Facts & Determination hearing decision issued July 26, 2021, concerning a criminal charge, conviction, and sentence (detailed below), the Hearing Panel found the Respondent committed conduct unbecoming the profession as alleged in the citation - issued May 12, 2020 and amended May 19, 2020 (the "Citation").¹
2. On January 27, 2022, the Discipline Committee considered and accepted a proposal submitted by the Respondent under Rule 4-29 of the Law Society Rules, dispensing with the need to proceed to a sanction hearing.
3. Under the accepted proposal, the Respondent admitted he committed conduct unbecoming the profession as alleged in the Citation, and gave his undertaking, for a period of ten (10) years, commencing on January 27, 2022:

¹ *Law Society of British Columbia v Riddell*, [2021 LSBC 32](#) [Riddell].

- a) not to apply for re-admission to the Law Society of British Columbia or elsewhere within Canada;
 - b) not to apply for membership in any other law society (or like governing body regulating the practice of law) without first advising in writing the Law Society of British Columbia;
 - c) not to engage in the practice of law in British Columbia with or without the expectation of a fee, gain or reward, whether direct or indirect, until such time as he may again become a member in good standing of the Law Society of British Columbia; and
 - d) not to permit his name to appear on the letterhead of, or work in any capacity whatsoever, for any lawyer or law firm in British Columbia, without obtaining the prior written consent of the Discipline Committee of the Law Society of British Columbia.
4. As a result, the Citation is now resolved under Rule 4-29 of the Law Society Rules and the Respondent's admission of conduct unbecoming the profession and his undertaking will be recorded on his professional conduct record.
 5. In making its decision, the Discipline Committee considered a letter to the Chair of the Discipline Committee, dated January 20, 2022, in which the Respondent admitted the disciplinary violation and gave his undertaking not to practice law.
 6. Furthermore, the Committee considered the Facts & Determination hearing decision in *Riddell*,² an Agreed Statement of Facts dated February 2, 2021 and March 10, 2021, and the Respondent's prior professional conduct record which consisted of two voluntary undertakings to the Law Society.
 7. The Committee also considered issues concerning the Respondent's mental health, as well as the protection of the public.
 8. As part of his proposal, the Respondent has acknowledged that in accordance with Rule 4-29(5) of the Rules, his undertaking not to practice means that he is a person who ceased to be a member of the Law Society as a result of disciplinary proceedings and that section 15(3) of the *Legal Profession Act* applies to him.
 9. At the conclusion of the term of his undertaking, pursuant to s. 19(3) of the *Legal Profession Act*, should the Respondent apply for reinstatement in British Columbia, a mandatory credentials hearing would be held to consider his good character and fitness to

² *Ibid.*

practise law. The Respondent's professional conduct record, including this admitted misconduct, as well as other relevant information, would be considered at that time.

10. If he were to be reinstated, the Respondent would have to comply with any "conditions on returning to practice" that a credentials panel may impose. The Law Society would have the opportunity to seek appropriate conditions to address the protection of the public.
11. In the interim, the Respondent has undertaken not to apply to the Law Society or any other law society without informing the Law Society in writing, and not to work for a lawyer or law firm in British Columbia without obtaining prior consent from the Law Society.
12. As such, the public will be protected as the Respondent is not permitted to practise law for a lengthy period of time, and would have to apply for reinstatement through a process where he would bear the onus of proof as to his fitness for reinstatement.

The Key Admitted Facts:

Member Background

13. The Respondent obtained his Bachelor of Laws degree at the University of Cambridge in the United Kingdom. The Respondent was called to the bar in England in 1993 and worked as a barrister in Manchester until he immigrated to Canada in 2001.
14. The Respondent was called and admitted as a member of the Law Society of British Columbia on June 20, 2003.
15. The Respondent practiced at a law firm in Maple Ridge as an associate between 2008 and 2012.
16. The Respondent became a sole practitioner within the same law firm in 2013.
17. The Respondent practiced primarily in the areas of real estate and commercial matters.
18. The Respondent changed his status to non-practicing in July 2018 in the face of criminal proceedings and the related Law Society investigation.

Citation

19. The Citation in this matter was authorized by the Discipline Committee on April 29, 2020 and was issued on May 12, 2020.
20. The Citation was amended on May 19, 2020.

Criminal Charges and Disposition

21. In or around August 2016, the RCMP received reports from the BC Integrated Child Exploitation Unit and the National Centre of Missing and Exploited Children that a user account named “daddy” had uploaded an image of child pornography in a chat room.
22. The RCMP obtained a jurisdiction report from the BC Integrated Child Exploitation Unit indicating that the internet service provider address related to “daddy” was situated in Maple Ridge, BC.
23. On August 26, 2016, the RCMP obtained a production order to determine subscriber information for that IP address. Following receipt of that information, the RCMP discovered that the IP address was associated with an account connected to the residence of the Respondent.
24. On June 8, 2017, the RCMP was granted a search warrant authorizing access to search the Respondent’s residence.
25. On July 4, 2017, the RCMP executed the search warrant on the Respondent’s residence.
26. During the course of the warrant, the RCMP seized several electronic devices, which contained a number of images and videos falling within the definition of child pornography set out in the *Criminal Code*, RSC 1985, c. C-46 (the “*Criminal Code*”).
27. The RCMP estimated that the number of images constituting child pornography was 152. The number of videos constituting child pornography was two.
28. The RCMP also identified artifacts on the Respondent’s computer indicating that Windows Media Player was used to open about 25 files that were indicative of child pornography based on the names of the files.
29. On July 7, 2017, the Respondent provided the Law Society with a copy of the search warrant.
30. On July 18, 2017, the Respondent entered into a voluntary undertaking with the Law Society to:
 - a) not represent any persons under the age of 19, with or without the expectation of a fee, gain or reward, whether direct or indirect;
 - b) in relation to his law practice, not to be in the presence of any persons under the age of 19 unless they are accompanied at all times by a parent or legal guardian; and

- c) not to practice in the area of family law or criminal law.
31. On October 31, 2017, the Respondent requested that the Law Society hold its investigation in abeyance pending the outcome of the police investigation and/or any potential criminal proceedings regarding the offences of possessing child pornography and making available child pornography.
32. On November 16, 2017, the Discipline Committee granted an abeyance of the Law Society investigation until criminal charges were laid or until November 16, 2018, whichever occurred first.
33. On July 4, 2018, the Respondent was arrested and charged, including with the following count:
- On or about the 17th day of January, 2017 to the 4th day of July, 2017, at or near Maple Ridge, possessing child pornography contrary to section 163.1(4) of the *Criminal Code*.
34. The Crown later directed a stay of proceedings in relation to a second charge.
35. The Respondent reported the charges to the Law Society the same day he was charged, on July 4, 2018.
36. The Respondent was released from custody with conditions including reporting to a bail supervisor, not to attend any public parks, public swimming areas, or community centres where persons under the age of 16 years are present or could reasonably be expected to be present, not to access any social media sites, social network, internet discussion forums, or chat rooms, and not to possess any pornographic material, among other conditions.
37. The Crown later amended the possession of child pornography charge to a period starting on or about January 1, 2015 to July 4, 2017.
38. On July 8, 2018, the Respondent entered into a voluntary undertaking with the Law Society to:
- a) not engage in the practice of law with or without the expectation of a fee, gain or reward, whether direct or indirect;
 - b) not act as a designated paralegal; and
 - c) to deliver a complete application to the Law Society to change his practice status to non-practising.

39. On July 9, 2018, the Respondent applied to become a non-practising member of the Law Society.
40. On September 9, 2019, the Respondent pled guilty to the possession of child pornography, as set out in the amended charging document.
41. On February 14, 2020, the court heard joint submissions on the Respondent's sentencing. It was jointly submitted that the Respondent should be placed on a nine-month conditional sentence order followed by a probation order for a period of 15 months with conditions.
42. At the February 14, 2020 hearing, the following mitigating factors were identified with respect to the circumstances and the appropriateness of the proposed sentence:
 - a) The Respondent had no criminal record. He entered a guilty plea.
 - b) The Respondent was very remorseful and had taken responsibility for his actions.
 - c) The Respondent had attended extensive counselling with a registered psychologist, and continued to attend group counselling.
 - d) The Respondent had struggled with mental health issues.
 - e) The Respondent had suffered immensely from the collateral consequences of the offence, including the loss of his law career and professional reputation, the public stigma of offending, including media attention.
 - f) The Respondent was found to be a low risk for future contact, sexual offending, and a moderate risk for accessing child pornography materials.
43. However, counsel did recognize at sentencing that:
 - a) This is a serious offence. The materials involve young children in explicit sexual acts.
 - b) The images were viewed over a prolonged period of time. It was not a single event.
44. At sentencing, the court was provided with a pre-sentence report as well as expert reports. These reports indicated that the Respondent had suffered from mental health issues as well as repetitive work burnout and financial stresses, and that, without intervention, he would have continued to access child pornographic materials. He expressed remorse and

took responsibility for his actions, including attending extensive counselling to address the offence.³

45. On February 24, 2020, the court accepted the joint sentence proposal and sentenced the Respondent to a nine-month conditional sentence order to be followed by a 15-month probation order.
46. Among other conditions, the Respondent was required to submit a DNA sample to the RCMP and to register and comply with the National Sex Offender Registry for a period of 20 years.

Admission of Misconduct

47. The Respondent has admitted that he was in possession of child pornography, contrary to section 163.1(4) of the *Criminal Code*, and for which he was sentenced on February 24, 2020.
48. The Respondent has admitted that this conduct constitutes conduct unbecoming the profession, pursuant to s. 38(4) of the *Legal Profession Act*.

³ *Ibid.* at para. 18.