

2005: No. 02 July-August

William Fredric Murray

Burnaby, BC

Called to the bar: May 14, 1976

Discipline hearing: May 25, 2005

Panel: Ralston S. Alexander, QC, as a single-Bencher panel by consent

Report issued: July 8, 2005 (indexed as 2005 LSBC 21)

Counsel: Brian McKinley for the Law Society and Herman Van Ommen for Mr. Murray

Facts

In February 2003 Mr. Murray represented W in a dispute against a company and two individuals (X and Y) who were directors and shareholders of the company. The lawyer who acted for X and Y wrote to Mr. Murray asking if her clients had been served with the writ of summons. She also sought clarification of a statement from Mr. Murray that he expected strict compliance with timelines. Mr. Murray did not respond to this letter and he subsequently took default judgment on behalf of W against X and Y. When new counsel for the defendants requested that Mr. Murray not take default proceedings without first giving notice, Mr. Murray failed to respond, although the previous day he had asked a sheriff to execute a writ of seizure.

Admission

Pursuant to Rule 4-22, Mr. Murray admitted that his conduct in failing to reply to correspondence from opposing counsel on matters requiring his response and, in one of these instances, taking default judgment without first clarifying his intention regarding compliance with time limitations as requested constituted professional misconduct.

Penalty

The Discipline Committee and discipline hearing panel accepted Mr. Murray's admission and his proposed disciplinary action and ordered that he:

1. pay a \$2,000 fine; and
2. pay \$1,000 as costs.

The panel noted that this penalty was the minimum acceptable in the circumstances of the case.