

Gregory Allan Smith

Surrey, BC

Called to the bar: February 12, 1985

Discipline hearing: August 24, 2004

Panel: David A. Zacks, QC, as a single-Bencher panel by consent

Report issued: August 27, 2004 (indexed as 2004 LSBC 29)

Counsel: Todd R. Follett for the Law Society and Jerome D. Ziskrout for Mr. Smith

Facts

Mr. Smith had a shortage in his trust account from December 2001 to October 2002. The shortage resulted from paying a disbursement in excess of funds held for a client following a recording error in his accounting records.

Mr. Smith failed to immediately eliminate the trust shortage or to report that shortage to the Law Society as required by Rule 3-66. Mr. Smith also failed to maintain the accounting records necessary to enable the Law Society to properly evaluate the circumstances surrounding trust shortages, contrary to Rule 3-60(c)(ii).

For several months in 2002 Mr. Smith failed to prepare monthly trust reconciliations in a timely fashion, contrary to Rule 3-65(4).

Verdict

The hearing panel found and Mr. Smith admitted that he had breached the Law Society Rules.

Penalty

The panel noted that Mr. Smith had paid little attention to the administrative side of his practice. He had no dishonest intent, and no client had suffered in these circumstances. Moreover, he had taken corrective measures to prevent a reoccurrence. The panel agreed to a joint submission of counsel on penalty and ordered that Mr. Smith:

1. pay a \$2,000 fine;
2. follow any remedial program recommended by the Practice Standards Committee; and
3. pay \$7,500 as costs.