

2005: No. 02 July-August

Robert Earl Williamson

Vernon, BC

Called to the bar: January 11, 1977

Discipline hearing: December 14, 2004 and April 4, 2005

Panel: Grant C. Taylor, QC, Chair, Gavin H.G. Hume, QC and Warren T. Wilson, QC

Reports issued: January 25, 2005 (indexed as 2005 LSBC 04) and May 13, 2005 (indexed as 2005 LSBC 19)

Counsel: Jean P. Whittow, QC for the Law Society and R. Glen Orris, QC for Mr. Williamson

Facts

Mr. Williamson maintained offices in both Vernon and Calgary and conducted a busy practice. In the course of that practice he:

- failed to serve a client (the plaintiff in a wrongful dismissal action) in a conscientious, diligent and efficient manner in that he failed to advance the action between 1997 and 1999 or communicate with the client on the progress of the matter;
- failed to respond to requests from another lawyer between October 2001 and June 2003 respecting the delivery of several client files and the resolution of outstanding fee issues, contrary to Chapter 11, Rules 5 and 6 of *the Professional Conduct Handbook*;
- failed to deliver to the Law Society a completed accountant's report for 2001 in an approved form when due, contrary to Law Society Rule 3-72; and

failed to respond promptly to Law Society correspondence regarding deficiencies in his 2000 accountant's report, contrary to Chapter 13, Rule 3 of the *Handbook*.

Verdict

The hearing panel found that Mr. Williamson's conduct constituted professional misconduct.

Penalty

The panel noted that, in relation to a separate citation, a hearing was held under section 39 of the *Legal Profession Act* in December 2004 to determine if Mr. Williamson should be suspended or subject to conditions pending that hearing. As conditions of practice, Mr. Williamson was required to enter into a practice supervision agreement, retain a bookkeeper and demonstrate compliance with the accounting rules.

The panel took into account the subsequent progress that Mr. Williamson had made with respect to his practice and personal issues, but also noted that his misconduct was serious and cumulatively showed a lack of concern, diligence and respect for the Law Society, the public interest and his own clients. The panel ordered that Mr. Williamson:

1. be suspended for 45 days commencing June 1, 2005;

2. pay costs of \$24,876.79; and
3. be supervised on return to practice.