

The Law Society of British Columbia
In the matter of the *Legal Profession Act*, SBC 1998, c.9
and a hearing concerning

Michael Murph Ranspot

Respondent

**Decision of the Hearing Panel
on Facts and Verdict**

Hearing date: March 6, 2007

Panel: David Renwick, Q.C., Chair, Thelma O'Grady, Robert Brun, Q.C.

Counsel for the Law Society: Maureen Boyd

Appearing on his own behalf: Michael M. Ranspot

Background

[1] On June 29, 2006 a citation was issued against the Respondent pursuant to the *Legal Profession Act* and Rule 4-13 of the Law Society Rules by the Executive Director of the Law Society of British Columbia pursuant to the direction of the Chair of the Discipline Committee. The citation directed that this Panel inquire into the Respondent's conduct as follows:

1. You failed to provide your client J.O. & Co. with a quality of service on the estate file of J.J.B. at least equal to that which would be expected of a competent lawyer in a similar situation, in that you failed to do the work in hand in a prompt manner so that its value to the client was not diminished or lost, contrary to Chapter 3, Rule 3 and Chapter 3, Rule 5 of the *Professional Conduct Handbook*.
2. You signed a Practice Supervision Agreement and were bound by that agreement from December 15, 2000 to September 4, 2003. Conditions of that agreement required you to provide your practice supervisor with a written summary of all your open files within one month of resuming practice, and to thereafter provide monthly written updates of your summary to your practice supervisor. You failed to provide your practice supervisor with a complete written summary of all your open files as required, as you failed to include in your report a summary of the open estate file of J.J.B., for which you were responsible during the entire period of practice supervision.
3. In response to a request from the Law Society, you provided a progress report to the Law Society dated June 21, 2004 in which you provided a list of all your open files. At that time, you still had conduct of the J.J.B. estate file, but you failed to include it in your list of open files.

[2] The requirements for service of this citation upon the Respondent, pursuant to Rule 4-15, were admitted by the Respondent.

Statement of Agreed Facts

[3] Counsel submitted a Statement of Agreed Facts, which was filed as an Exhibit in these proceedings. The Statement of Agreed Facts set out the following.

1. On August 1, 1985, the Respondent was admitted to the Bar of British Columbia.
2. On October 2, 1998, the Respondent applied for reinstatement to the Law Society and was readmitted on February 1, 2001.

Failure to Provide Quality Service

3. In August 1990, the Respondent was retained by J. O. & Company of Tipperary, Ireland to administer the estate of J.B. (the "Estate").
4. At all material times, the assets of the Estate have been in the possession of the Public Guardian and Trustee of British Columbia (the "Public Guardian and Trustee").
5. On or about March 23, 1993, the Respondent received the original will of J.B. (the "Original Will") from the Public Guardian and Trustee.
6. On August 4, 1993, the Respondent submitted to the Probate Registry of the British Columbia Supreme Court an application for Letters of Administration with Will Annexed in respect of the Estate. This application was rejected, in part because the affidavit of the administrator did not include the reason for the delay in filing.
7. In February 1994, the Respondent redrafted the application for Letters of Administration in respect of the Estate. The application was not submitted.
8. After August 1995, the Respondent took no further steps in respect of the Estate.
9. On January 14, 1997, the Law Society conducted a hearing and issued a decision in respect of professional misconduct by the Respondent, as a result of which he was suspended from the practice of law for a period of 18 months.
10. On January 30, 1997, the Law Society, by letter to his counsel, advised the Respondent that he had to make arrangements to transfer all files and any funds before his suspension commenced and asked the Respondent to submit a report in respect of such matters as required by Rule 1120 (then applicable).
11. On February 13, 1997, the Respondent advised the Law Society pursuant to Rule 1120 that:
 - (a) Mr. [B.] of Surrey, B.C. will be assuming conduct of my existing active or open files. These files will remain at my present office site;
 - (b) Closed files will be stored, initially, at my present offices situate at Suite 304-100 West Pender Street, Vancouver, B.C. and older files at Fax Records;

- (c) I do not have in my possession any wills, titles or other valuables; and
- (d) Any remaining important documents or records will remain at my present offices.

At the time the statement at subparagraph (c) was made, it was not accurate because the Respondent had in his possession the Original Will. The Respondent does not know where the Estate file was located at the time he wrote this letter, although it may have been at his home.

12. On February 14, 1997, the suspension of the Respondent took effect for a period of 18 months. The Respondent did not inform the client J.O. & Co. nor anyone connected with the Estate that he was not practising law for that period.
13. After recommencing the practice of law in February 2001, the Respondent did not perform any work on the Estate.
14. On June 30, 2004, Ms. R. of the Public Guardian and Trustee contacted the Respondent by telephone to request that he provide information or documents from the Estate file so the Estate could be settled. The Respondent acknowledged that he had the Estate file. Ms. R. confirmed her request in writing.
15. The Respondent asserted a solicitor's lien over the Estate file and refused to release it to the Public Guardian and Trustee without written authorization to do so and an agreement for the payment of his fees and disbursements in the amount of \$2,000.
16. On November 23, 2004, a beneficiary of the Estate (A.B.) filed a complaint with the Law Society.
17. On February 16, 2005, the Respondent released to the Public Guardian and Trustee the Original Will.
18. Between April 2003 and June 2005, the Public Guardian and Trustee has charged to the Estate a monthly estate liaison administration fee of \$100 (plus G.S.T. of \$7.00), resulting in a total amount of \$2,700 charged and removed from the Estate. From July 2005 to date, the Public Guardian and Trustee has charged to the Estate the monthly estate liaison administration fee of \$100 (plus G.S.T. of \$7.00), but has not collected these amounts due to the circumstances of the delay in this matter.
19. The Respondent was not advised by the Public Guardian and Trustee that an estate liaison administration fee was being charged to the Estate.

Practice Supervision Agreement

20. On December 15, 2000, the Respondent entered into a Practice Supervision Agreement with James Hogan as Practice Supervisor and James Vilvang, Q.C. as Substitute Practice Supervisor, which, amongst other things, required the Respondent to provide to the Practice Supervisor:

- (a) a written summary of all his open files within one month of commencing practice (the " File

Summary"); and

(b) a monthly written update of this File Summary.

21. The Respondent omitted the Estate File from the File Summary, contrary to the requirement of the Practice Supervision Agreement.

2004 Progress Report

22. On June 21, 2004, the Respondent provided to the Law Society a progress report (the " Progress Report") with respect to his practice, which did not include the Estate file in his list of files.

23. On July 8, 2004, the Practice Standards Committee accepted the Progress Report and relieved the Respondent of a practice restriction.

Admissions

24. The Respondent admits that he failed to provide his client J. O. & Co. with the quality of service on the Estate file at least equal to that which would be expected of a competent lawyer in a similar situation, in that he failed to do the work at hand in a prompt manner, so that the value to the client was diminished. The diminution of the Estate is at least \$2,700 as of this date. The Respondent further admits that his failure to provide any service to his client from 2001 onwards was contrary to Chapter 3, Rules 3 and 5 of the *Professional Conduct Handbook* and is professional misconduct.

25. The Respondent admits that he signed a Practice Supervision Agreement and was bound by that agreement from December 15, 2000 to September 4, 2003. He admits that he was required to provide his practice supervisor with a written summary of all his open files within one month of resuming practice and to thereafter provide monthly written updates of the summary to his practice supervisor. The Respondent admits that he breached the terms of the Practice Supervision Agreement for the entire period of practice supervision by omitting the Estate file from his written summary and thereby failed to provide a complete written summary of all open files to his practice supervisor.

26. The Respondent admits that he provided a Progress Report to the Law Society on June 21, 2004, which was inaccurate in that he failed to include the Estate file in the list of all his open files.

27. The Respondent admits that his conduct in omitting the Estate file from the File Summary and Progress Report is professional misconduct.

[4] The Panel accepts the admission by the Respondent that his conduct described in the citation amounted to professional misconduct.

[5] At the request of counsel for the Law Society and the Respondent, the Penalty phase of the hearing was put over to a date to be agreed between counsel.