

Jeffrey Francis Murray

Kelowna, BC

Called to the bar: September 2, 1994 (BC)

Discipline hearing : November 16, 2006

Panel : Leon Getz, QC, Chair, William Sullivan, QC and Gerald Kambeitz, QC

Report issued : December 6, 2006 (indexed as 2006 LSBC 47)

Counsel : Maureen Boyd for the Law Society and James P. Taylor, QC for Mr. Murray

Facts

Between the summer of 2003 and February 2004, Mr. Murray represented AM on several legal matters. In February 2004, AM paid Mr. Murray \$2,000 in cash in respect of the legal matters. Mr. Murray used the funds for his personal use without first: depositing them in trust as required by Law Society Rule 3-51(1); providing a statement of account as required by Rule 3-57(1) and section 69(1) of the *Legal Profession Act*; recording the receipt of funds under Rule 3-59; recording the transactions related to the funds in his trust account as required by Rule 3-63; and accounting in writing to his client for the funds as required by Rule 3-48. Further, Mr. Murray did not remit GST or PST in connection with the funds in a timely manner.

AM filed a complaint with the Law Society in June 2005. At the time of receipt of the funds, Mr. Murray had provided legal services to AM of a value of at least \$2,000. On March 2, 2006 he rendered a statement of account to AM, which included further legal services to July 9, 2004 and a balance outstanding of \$3,932.36. He also deposited \$2,000 of his own funds to AM's credit in trust, applied that \$2,000 to the statement of account and remitted the outstanding taxes. Mr. Murray subsequently wrote off the outstanding balance.

Admission and Penalty

Mr. Murray admitted that his conduct in dealing with the funds in breach of the *Legal Profession Act* and the Law Society Rules amounted to professional misconduct. The panel accepted Mr. Murray's admission and his proposed penalty and ordered that he:

1. be reprimanded;
2. pay a fine of \$1,500; and
3. pay costs of \$2,000.