

2007 : No. 1 March

## **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.