

2007 : No. 5 December

## **Roger Roy Plested**

Kamloops, BC

Called to the bar: May 15, 1974

**Discipline hearing** : September 28, 2007

**Panel** : James Vilvang, QC, Chair, Leon Getz, QC and Art Vertlieb, QC

**Report issued** : October 11, 2007 (2007 LSBC 45)

**Counsel** : Maureen Boyd for the Law Society; Jerome Ziskrout for Mr. Plested

### **Facts**

In 2006 Roger Roy Plested acted as solicitor for the estate of AW. Plested failed to reply to telephone communications and to letters dated December 27, 2006 and April 12, 2007 from TS, the executor. Plested also failed to reply to Law Society telephone messages left on January 15 and 17, 2007, and to Law Society letters dated January 25, February 20, March 7 and March 14, 2007, all in relation to the Law Society's investigation of a complaint filed by TS.

In May 2006, Plested acted as solicitor for CFSA in the preparation, execution and registration of a mortgage. Plested failed to respond to CFSA's faxes dated July 5 and September 27, 2006 and January 4, 2007, all requesting his solicitor's final report and related mortgage documentation.

In January 2007, CFSA filed a complaint with the Law Society regarding Plested's conduct. Plested failed to respond to Law Society letters dated February 20, March 15 and April 2, 2007, all relating to investigation of the CFSA complaint.

On May 16, 2007 Plested provided his solicitor's report and related mortgage documentation, to CFSA's satisfaction. Plested did not respond to the Law Society's communications regarding CFSA's complaint until June 2007, after the Law Society issued a citation.

## **Verdict**

Plested admitted his failure to respond to clients and the Law Society, and that his actions constituted professional misconduct. The panel accepted Plested's admissions and found him guilty of professional misconduct.

### **Penalty**

The panel said Plested appeared to be "an honest, hard-working practitioner," who spent a considerable amount of time on pro bono work. The panel noted that while this was laudable, "it does not excuse a failure to respond to communications from the Law Society and to report properly to clients." The panel added that failure to respond to communications from the Law Society is a serious matter.

The panel referred Plested to the Practice Standards Committee, directing him to abide by that committee's

directions and orders, and to remain under its jurisdiction until released by that committee. The panel also ordered Plested to pay a fine of \$1,000 and costs of \$1,250 within four months.