

2008 : No. 1 March

John Keith Lowes

Vancouver, BC

Called to the bar: May 15, 1970

Discipline hearing : February 27 (facts and verdict) and November 15, 2007 (penalty)

Panel : James Vilvang, QC, Chair, June Preston and David Renwick, QC

Report issued : May 29 (2007 LSBC 28) and December 6, 2007 (2007 LSBC 54)

Counsel : Jaia Rai for the Law Society and Jerome Ziskrout for the respondent

Facts

In his 2005 Trust Report to the Law Society, John Keith Lowes self-reported that he had not paid to the government the provincial sales tax he had collected from clients for his legal services.

In subsequent correspondence with the Law Society, Lowes admitted that he had never registered with the government to remit sales tax, that he had collected sales tax from clients since the early 1990s when the tax was introduced, that he had never remitted the tax he collected, and that he had misled his clients by collecting and not remitting the tax. Lowes estimated he owed more than \$175,000 in sales tax.

Lowes admitted his actions constituted professional misconduct.

Verdict

The hearing panel accepted Lowes' admissions and found him guilty of professional misconduct.

Penalty

At the penalty hearing, Lowes presented evidence that he had been an alcoholic from 1981 until his family organized a successful intervention in 1992. At that time he already owed \$10,000 in unremitted provincial sales tax, but rather than deal with the debt he continued to keep the tax he collected from clients.

A doctor also provided evidence that it is common for alcoholics, once sober, to fear they will relapse if they do certain things. The panel accepted this as the reason Lowes had not remitted provincial sales tax.

Lowes also told the Law Society that his wife had passed away in 2005 after a lengthy battle with cancer, that he cared for an adult daughter who suffered from depression and that he planned to sell his house to pay his tax debt.

The panel noted Lowes had self-reported his failure to pay tax, had admitted professional misconduct and had taken steps to pay the outstanding taxes. The panel ordered that Lowes pay a fine of \$5,000 and costs of \$4,885.