

2008 : No. 2 May

Kathryn Jayne Karst

Burnaby, BC

Called to the bar: August 1, 1986

Discipline hearing : March 27, 2008

Panel : James Vilvang, QC, Chair, Robert Brun, QC and William Jackson

Report issued : April 3, 2008 (2008 LSBC 11)

Counsel : Jaia Rai for the Law Society and Jean Whittow, QC for Kathryn Jayne Karst

Facts

Kathryn Jayne Karst practised as a sole practitioner from the date of her call until January 1987, when she ceased to be a member of the Law Society for failure to renew her practice certificate. Karst resumed practice in June 1989 as an associate with the law firm of I & Company until January 1990, when she joined the law firm of C & Company as an associate. From March 1996 until the present, Karst has practised as a self-employed lawyer under the name of C & Company and with C as an associate.

In January 2005 the Law Society conducted a practice review of Karst's legal practice, as ordered by the Practice Standards Committee under Rule 3-13, finding periods of delay or inactivity in six of the seven files reviewed. The committee accepted the nine recommendations set out in the practice review report.

In a follow-up practice review conducted in June 2006, the Law Society found delay or inactivity in seven of the nine files reviewed, noted eight of the previous recommendations were "partially done" or "not done," and issued a revised set of 12 recommendations. A second follow-up practice review in November 2006 indicated that eight of the outstanding recommendations were "partially done" or "not done," and noted periods of inactivity in four files, including delays in proceeding on a criminal defence, attending to entry of a restraining order and securing a client's release from custody.

Admission and Penalty

Karst admitted she failed to maintain adequate office and file management systems as alleged in the Law Society's citation, and admitted that in doing so, she incompetently carried out duties undertaken in her capacity as a member of the Law Society.

The panel accepted Karst's admission and proposed penalty under Rule 4-22, and ordered that she:

1. be reprimanded;
2. practise only as an employee of one or more lawyers to be approved by the Practice Standards Committee and under an employment supervision agreement in a form satisfactory to the Practice Standards Committee, until that committee relieves her of this condition; and
3. pay costs of \$2,000 by December 31, 2008.