

2008 : No. 3 - July

## **Larry William Goddard**

Abbotsford, BC

Called to the bar: May 20, 1975 (ceased membership March 6, 2007)

**Discipline hearing** : September 17, 2007 (Facts and Verdict) and February 27, 2008 (Penalty)

**Panel** : Leon Getz, QC, Chair, Ralston Alexander, QC and Kenneth Walker

**Report issued** : October 25, 2007 (2007 LSBC 46) and May 12, 2008 (2007 LSBC 14)

**Counsel** : Maureen Boyd for the Law Society and no-one on behalf of the Respondent

### **Facts**

On May 3, 2007, a citation was issued against Larry Goddard, alleging 15 counts of misconduct that occurred between September 2000 and January 2007. The allegations included breaches of undertaking, failure to provide clients with an appropriate quality of service, failure to respond to colleagues and failure to respond to communications from the Law Society. The Law Society did not proceed with one of the counts at the hearing.

As Goddard was not present at either hearing, the panel had limited evidence from which to find facts. The panel referred to Goddard's conduct record and findings from a previous citation in order to better understand his circumstances.

### **Breaches of Undertaking**

Goddard represented client FCC in a loan transaction. In letters dated June 27 and October 25, 2004, Goddard undertook to transfer funds to the solicitors for the vendors and ensure that all registered financial charges against the subject property in trust were discharged in the Land Title Office and provide particulars of the discharge within 60 days. Goddard failed to do so. In addition, Goddard failed to respond to communications from another lawyer involved in the transaction.

Goddard represented client LM in the sale of a mobile home. In a letter dated September 25, 2000 Goddard undertook to file a release of the existing PPSA charge registered against the mobile home and provide confirmation of having done so. Goddard failed to file a release within a reasonable period of time. In addition, Goddard failed to respond to communications from a notary representing the purchasers.

Goddard represented clients AC and RC in a real estate transaction with a numbered company. In a letter dated January 31, 2006, Goddard undertook to provide copies of financial documents within five business days of the completion date, pay the amount required by the payout statement, ensure the mortgage on the property was discharged and register the transaction with the Land Titles Office. Goddard failed to provide payout particulars within five business days of the completion date and failed to obtain a discharge of the mortgage held by the numbered company.

### **Failure to Provide an Appropriate Quality of Service**

Goddard represented clients VS and MS in a real estate transaction. Goddard failed to provide a registrable Form A to the notary representing the purchaser. In doing so, Goddard failed to provide his clients with the quality of service equal to that of a competent lawyer in a similar situation. In addition, Goddard failed to

respond promptly to the letters of February 9 and 13, 2006 from the notary representing the purchaser.

## **Failure to Respond to the Law Society**

Goddard failed to respond promptly or at all to communications from the Law Society regarding seven complaints received by the Law Society about his professional conduct.

## **Verdict**

Goddard did not attend the hearings, citing numerous health problems, and counsel did not appear on his behalf. The panel acknowledged that he had health issues, but decided that despite his absence it was appropriate to proceed.

The panel found that in three instances, Goddard breached the undertakings to which he was subject. The panel also found that in three instances, Goddard failed to respond to communications from other lawyers or notaries public. The panel found that in seven instances, Goddard failed to respond on a timely basis or at all to communications from the Law Society. And the panel found that in one instance, Goddard failed to meet the required standard of competent service.

The panel noted that professional misconduct constitutes a marked departure from conduct the Law Society expects of its members. After reviewing the evidence, the panel concluded that Goddard's actions on all 14 counts constitute professional misconduct.

## **Penalty**

The panel accepted that Goddard's professional misconduct in this case arose from ongoing personal and family health issues, which resulted in him becoming disengaged from practice.

The panel noted that while the Law Society made repeated efforts to assist Goddard, it is his responsibility to get help when things are going wrong in practice. Goddard did not reach out in any way for needed assistance.

The panel noted that Goddard's professional misconduct is aggravated by its continued nature. The panel noted that the 14 counts of professional misconduct in the case before them were similar to the instances alleged in the 2004 citation against Goddard.

With regard to Goddard's personal history, the panel concluded that it is reasonable to impose a requirement that if he applies for reinstatement he cannot return to practice without proof that the underlying conditions have been resolved.

The hearing panel ordered that Goddard:

1. be suspended for six months, effective immediately;
2. upon application for reinstatement, provide a medical opinion from a physician acceptable to the Credentials Committee who can verify his mental and physical fitness to practise law;
3. pay a contribution to the costs of the proceedings in the amount of \$12,000.