

2008 : No. 4 - October

Bert Donald Currie

Fort St. John, BC

Called to the bar: May 12, 1981

Discipline hearing : June 20, 2008

Panel : G. Glen Ridgway, QC, Chair, Emily Reid, QC, Robert Punnett

Report issued : July 14, 2008 (2008 LSBC 21)

Counsel : Eric Wredenhagen for the Law Society, Bert Donald Currie on his own behalf

Facts

Bert Currie was retained by client JW in May 2007 in connection with his arrest. JW consulted Currie about the matter and provided him with a \$750 retainer and two post-dated cheques. JW was later advised that police would not be proceeding with charges. He subsequently attended Currie's office, at which time the post-dated cheques were returned and he was advised that either part or all of the retainer would be returned.

Over the next several months, JW attempted to contact Currie's office with regard to the return of the retainer. By November 2007, he had not received either a statement of account or return of the retainer. He subsequently complained to the Law Society.

Currie failed to respond in a timely manner or at all to Law Society correspondence pertaining to this complaint, including letters from the Law Society dated November 26, 2007, December 18, 2007, January 3, 2008, January 15, 2008 and January 24, 2008.

Admission and Penalty

The panel noted that failure to respond to communications from the Law Society is a serious matter. Often the matter that originated the complaint does not proceed to a discipline panel; what does proceed is a citation for a lawyer's failure to respond to Law Society communications with respect to that complaint.

Currie admitted that his failure to respond promptly or at all to correspondence from the Law Society was contrary to Chapter 13, Rule 3 of the *Professional Conduct Handbook*. He further admitted that his conduct constituted professional misconduct.

Pursuant to Law Society Rule 4-22, the hearing panel accepted Currie's admission and ordered that he:

1. Pay a fine in the amount of \$1,500; and
2. Pay costs in the amount of \$1,000.