

2008 : No. 4 - October

Edward George Jackson

North Vancouver, BC

Called to the bar: May 15, 1992

Discipline hearing : April 15, 2008

Panel : Joost Blom, QC, Chair, Richard Stewart, QC, Ronald Tindale

Report issued : September 12, 2008 (2008 LSBC 28)

Counsel : Maureen Boyd and Eric Wredenhagen for the Law Society and no-one on behalf of Edward Jackson

Facts

On June 13, 2007, a citation was issued against Edward Jackson, alleging three counts of misconduct. The allegations were failure to meet professional financial obligations incurred or assumed in the course of practice, failure to reply promptly or at all to the communications from the Law Society, and failure to safeguard confidential client materials.

Failure to Meet Professional Financial Obligations

Jackson asked a member of the Law Society to attend in his place as In-Custody Duty Counsel at North Vancouver Provincial Court on December 15, 2004. Jackson agreed to pay the member the amount payable by the Legal Services Society in respect of such attendance. The member attended and completed the required duty counsel billing form and provided it to Jackson. Jackson received payment from the Legal Services Society in early 2005.

In April 2005, Jackson advised the member of personal circumstances that made it difficult for him to provide payment. While the member did not then object to a delay, a complaint was made to the Law Society on August 24, 2006 with regard to non-payment. The member received payment in April 2007.

Failure to Respond to the Law Society

On April 19, 2006, the Law Society received a complaint from Mr. and Mrs. R, clients of Jackson. Jackson responded to the complaint in a letter to the Law Society on May 8, 2006, outlining some personal problems he was having and advising that he had returned the Clients' file materials in late April 2006.

The Law Society wrote several letters to Jackson seeking information about the scope of his practice and whether he had any arrangements with another lawyer to assist him in the event he was unable to meet his obligations to his clients. A substantive response from Jackson was not received.

Failure to Safeguard Confidential Client Materials

On November 1, 2006, the Law Society was advised that Jackson had been evicted from his apartment and that a file cabinet containing confidential client files had been removed by the landlord. On that same day, the Law Society received a telephone call from RL, who identified himself as a friend of Jackson's, advising that he was arranging to have Jackson's property, including the client files, taken to a secure storage facility.

On November 8, 2006, as the files remained unsecured, Law Society staff took into safekeeping all files with confidential client information from Jackson's apartment. The Law Society wrote to Jackson to advise that they had taken possession of the files and to contact them immediately to discuss arrangements for suitable storage. Jackson did not contact the Law Society to view or take possession of the files.

Admission and Penalty

Jackson admits that he failed to meet his professional financial obligations and that this conduct constitutes professional misconduct. Jackson also admits that he received and read five letters from the Law Society, that he failed to provide a substantive response to such letters, promptly or at all, and that his failure to respond constitutes professional misconduct. Jackson further admits that his failure to ensure the privacy and safekeeping of confidential client information is contrary to his duties and that such an act constitutes professional misconduct.

On the basis of submissions of both the Law Society and the Respondent and taking into account the evidence of professional misconduct, Jackson's professional conduct record, and the multiple incidents over extended periods of time, the Panel found that Jackson's actions constitute a serious matter and require a significant penalty. The hearing panel ordered that Jackson, who was currently a non-practising member;

1. be suspended for one month, effective immediately upon Jackson fulfilling the requirements, paying the fees and becoming a practising lawyer;
2. be referred to the Practice Standards Committee, effective at the same time as 1.; and
3. pay costs in the amount of \$2,000 by August 31, 2010.