

2008 : No. 5 December

Glenn John Niemela

Vancouver, BC

Called to the bar: August 26, 1988

Discipline hearing : October 15, 2008

Panel : William Jackson, Chair, Haydn Acheson, Kathryn Berge, QC

Report issued : October 23, 2008 (2008 LSBC 35)

Counsel : Eric Wredenhagen for the Law Society, Jerome Ziskrout for Glenn Niemela

Facts

On November 30, 1992, Niemela filed and registered a certificate of pending litigation on behalf of his client, a bank, against a property in Mount Lehman, BC belonging to WW.

WW made the payments by the mid-90s that the judgment against him required. He then checked the property title and discovered the CPL. He contacted Niemela's office occasionally to ask for it to be discharged, but did not receive any response.

In or about 2000, WW began to consider selling the property. He spoke to Niemela on the phone. Niemela advised that he would "look into it" and "get back to" WW. Niemela did not. WW subsequently left telephone messages for Niemela, but did not receive any response. WW sent a letter in December, again, making the same request to remove the CPL from title. He followed up with phone messages but, again, received no response.

WW sent a registered letter to Niemela on February 7, 2005. After he received no response he retained a lawyer in 2006. His lawyer wrote to Niemela on January 3, 2007 to request prompt discharge of the CPL. In March of that year she wrote to Niemela again and enclosed a draft discharge letter in Niemela's name for the Land Title Office. Over the course of six months, WW's lawyer had a number of phone conversations with Niemela and his staff. By June of 2007 Niemela told WW's lawyer that he would sign the draft letter of discharge that she had sent him in March, and that he would return it to her by email that day. He did not. Later that same month the Law Society received a complaint from WW's lawyer.

Admission and Penalty

Niemela admitted that his failure to provide a substantive response to either WW or his lawyer between December 2004 and June 2007 with respect to the CPL constituted professional misconduct.

Pursuant to Law Society Rule 4-22, the hearing panel accepted Niemela's admissions and ordered him to:

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