

2009 : No. 1 April

Khushpal Singh Taunk

Surrey, BC

Called to the bar: May 19, 2000

Discipline hearing : November 27, 2008

Panel : Glen Ridgway, QC, Chair, Gavin Hume, QC and Bruce LeRose, QC

Report issued : December 8, 2008 (2008 LSBC 37)

Counsel : Eric Wredenhagen for the Law Society and Jerome Ziskrout for Khushpal Singh Taunk

Facts

Khushpal Singh Taunk was retained in February 2005 to represent MG in a divorce proceeding. MG wanted to obtain a speedy divorce from KG so that he could proceed with an arranged marriage in India. KG had previously commenced a family law proceeding in Vancouver in January 2004. MG had counterclaimed in that proceeding, seeking a divorce. In April 2004, a case management consent order resolved issues of custody, access and child support, but the issues of spousal support, property division and divorce remained outstanding.

At the time of the retainer, MG provided incorrect information to Taunk, stating that he had not sought a divorce in the Vancouver action and that all issues from that action filed had been resolved except for the divorce.

Taunk commenced a new action on March 10, 2005 in New Westminster, in which divorce was the only relief sought. In April, Taunk became aware that in fact spousal support and property division issues were not resolved and MG had counterclaimed for divorce in the Vancouver action. Taunk filed an amended writ and an amended statement of claim in the New Westminster action, noting that:

The Consent Order was signed on April 15, 2004 by the parties and their respective counsels [sic], resolved all issues other than the divorce, spousal support and property division.

Taunk brought an application in New Westminster on April 29, 2005 seeking an order for divorce. Justice S, who heard the application, was not prepared to grant a divorce until all other issues outstanding between the parties had been resolved.

Despite the fact that the issues of property division and spousal support remained unresolved, Taunk brought the divorce application back to court on June 9, 2005. Justice S rejected Taunk's submission and ordered instead that the Vancouver action and the New Westminster action be consolidated.

Following two unsuccessful attempts to have the consolidation order entered in the registry, Taunk set his application for July 4, 2005. He did not serve a notice of hearing on KG. At the July 4 hearing before Justice D, Taunk did not advise the court of the two previous attendances before Justice S; the existence of the Vancouver action; the consolidation order; or KG's reason for opposing the application. The divorce was granted. When KG became aware of the divorce she complained to the Law Society.

In a letter responding to the Law Society, Taunk admitted that he should have advised Justice D of the consolidation order and that he had failed in this duty to the court.

Verdict

The hearing panel accepted Taunk's admission that he wrongfully obtained the Divorce Order on July 4,

2005 and found his conduct constituted professional misconduct.

Penalty

In their assessment on Penalty, the hearing panel considered Taunk's failure to meet his responsibilities to the court and particularly his failure to advise Justice D of the directions provided by Justice S on June 9, 2005. Taunk gave an undertaking to the Law Society that he would not appear in court or before administrative tribunals without senior counsel representing his clients, unless he was relieved of this undertaking by the Law Society.

Taunk agreed to review the Law Society's Practice Refresher Course and Small Firm Practice Course, paying particular attention to ethical issues raised in those courses..

Therefore, the panel ordered:

1. a one-month suspension; and
2. \$2,500 in costs.