

2005 LSBC 51

Report issued: November 18, 2005

Oral Reasons: November 8, 2005

The Law Society of British Columbia
In the matter of the *Legal Profession Act*, SBC 1998, c.9
and a s. 39 proceeding concerning

James Douglas Hall

Respondent

Decision of Three Benchers

Hearing date: November 8, 2005

Panel: Ross D. Tunnicliffe, Chair, Gavin Hume, QC, Robert Brun, QC

Counsel for the Law Society: Brian McKinley

Not appearing: James D. Hall

[1] The Law Society seeks to have this Panel suspend the Respondent. This is an application pursuant to Section 39 of the *Legal Profession Act* and Rule 4-17(1) of the Law Society Rules.

[2] Rule 4-17(1) provides in part:

If there has been a direction under Rule 4-13(1) to issue a citation, any three Benchers may do one or more of the following with or without notice to the respondent:

- (a) suspend the lawyer, if the three Benchers consider, on a balance of probabilities, that the continued practice of the lawyer will be dangerous or harmful to the public or the lawyer's clients;

[3] At the conclusion of the hearing of this application on November 8, 2005, this Panel specifically found that:

(a) The Respondent had been given proper notice of the hearing and failed to attend or to provide submissions to the Panel, and

(b) The application of the Law Society should be allowed, with these written reasons to follow.

[4] The Respondent was called to the British Columbia Bar on September 2, 1994. At the time of the hearing of this application, the Respondent was the subject of an administrative suspension as a consequence of his failure to file an acceptable Form 47 Trust Report on a timely basis.

[5] The underlying complaints respecting the conduct of the Respondent relate, firstly, to his alleged failure to comply with recommendations of the Practice Standards Committee set out in a letter to him from the Practice Standards counsel dated March 17, 2005 and subsequently adopted by the Practice Standards Committee on May 5, 2005. Secondly, it is alleged, *inter alia*, that the Respondent caused a Form 47 Trust

Report to be delivered to the Law Society that contained a forged signature of a Certified General Accountant and that the Respondent did so knowingly or was wilfully blind to the fact that the person who signed the Form 47 was not a Certified General Accountant.

[6] At the hearing this Panel heard prima facie evidence that the Respondent repeatedly failed to comply with the recommendations of the Practice Standards Committee referenced above and that the level and quality of his practice is very poor. The evidence also established on a prima facie basis that the Respondent caused a Form 47 Trust Report to be delivered to the Law Society either knowing or being wilfully blind to the fact that the person who signed the Form 47 was not the named Certified General Accountant.

[7] On the totality of the evidence, this Panel agrees that the Law Society has established, on a balance of probabilities, that allowing the Respondent to continue in the practice of law would be dangerous or harmful to the public or the Respondent's clients. Accordingly this Panel orders the Respondent suspended, effective November 8, 2005, until final disposition of the citation or further order pursuant to Rule 4-19.