

2005 LSBC 03

Report issued: February 7, 2005

Oral Reasons: January 13, 2005

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The Law Society of British Columbia  
In the matter of the *Legal Profession Act*, SBC 1998, c.9  
and an application pursuant to Rule 4-19 concerning

**Robert Earl Williamson**

Respondent

**Decision of Three Benchers**

Hearing date: January 13, 2005

Panel: Ralston S. Alexander, QC, Chair, Gordon Turriff, QC, Joost Blom, QC

Counsel for the Law Society: Jean Whittow, QC

On his own behalf (by telephone): Robert E. Williamson

[1] This is an application by the Respondent, Robert Earl Williamson, for a variation of an Order made by this Panel on the 22<sup>nd</sup> of November, 2004, which variation seeks an extension of the date by which the Respondent must have a practice supervisor satisfactory to the Practice Standards Committee of the Law Society in place. The Order originally required that that practice supervisor be in place by December 15, 2004. The Respondent brought his application for a variation of that Order on December 21, 2004.

[2] The application is brought by the Respondent pursuant to Law Society Rule 4-19(13) which requires as follows:

If an order has been made under Rule 4-17(1), with notice to the Respondent, the panel must, if cause is shown on the balance of probabilities by or on behalf of the Respondent, rescind or vary the order.

[3] We have considered the application and the submissions made by the Respondent in respect of the efforts he has made to find a practice supervisor. We have heard the submissions of the Law Society. It is our view that no cause has been shown to vary the Order and, accordingly, the request for an extension of time is denied.

[4] It is the view of this Panel that the Respondent has not shown sufficiently energetic attempts to comply with our Order, either before or after the December 15, 2004 deadline date ordered by us.

[5] An example of that lack of energetic compliance is that it took the Respondent from November 22, 2004, the date of our Order, until December 2, 2004, some ten days later, to make initial face-to-face contact with his first candidate.

[6] The Respondent's evidence was to the effect that he attempted to make contact with Mr. Moffat on the 26<sup>th</sup> of November; that he ultimately contacted him and spoke to him on the 2<sup>nd</sup> of December; and that he actually met with and provided some materials to him on the 4<sup>th</sup> of December; in all, a period of ten to

twelve days in between the time of our Order and the time of his delivering the materials.

[7] When Mr. Moffat refused the Respondent's request, the Respondent sought out a Mr. Kern and provided some material to Mr. Kern. Mr. Kern was contacted on December 6, 2004 and material was provided to him on the 9<sup>th</sup> of December. This three day period of time indicates unnecessary delay. This request should have been done sooner.

[8] The Panel encouraged the Respondent on November 22, 2004 to seek any required variation of the Order at least a week before it expired. The Respondent sought the variation of the Order a week after, rather than a week before, the date set for compliance.

[9] By being presented on the 21<sup>st</sup> of December, it was a request made on the eve of the Christmas vacation period. This is further evidence (in our view) of a lack of serious attention to compliance with the Order. In our deliberations we asked ourselves how can we believe that this Respondent takes our Order seriously when the non-compliance continues for nearly a week before a variation to the terms of our Order is requested.

[10] This brings us to the present circumstances, and there is, in our view, no certainty that the next candidate, Mr. Gaudette, will agree to assist the Respondent as practice supervisor. If he does not, then this process will continue even beyond the requested extension date of January 31, 2005.

[11] The Panel is not prepared to facilitate this apparently indefinite succession of unsuccessful attempts to find a practice supervisor. This matter must be resolved forthwith or, alternatively, it must be returned to the Discipline Committee for that Committee's further attention.

[12] Despite this denial of the request for an extension we note the advantage to the Respondent from continuing his efforts to seek a suitable candidate to act as practice supervisor and to put in place the related practice supervision agreement. If further process by the Law Society is undertaken by way of a new Rule 4-17 application, this Respondent would then be in a position to say that he has an accountant, that he has a bookkeeper, and that he has in place a suitable practice supervisor with a suitable Practice Supervision agreement in place.