

2006 LSBC 16

Report issued: April 28, 2006

Oral Reasons: April 25, 2006

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

Vance King Goulding

Respondent

Decision of Three Benchers

Hearing date: April 25, 2006

Panel: James D. Vilvang, QC, Chair, Thelma O'Grady, Leon Getz, QC

Counsel for the Law Society: Jean Whittow, QC

No-one appearing on behalf of the Respondent:

Background

[1] This is a proceeding pursuant to Section 39 of the *Legal Profession Act* and Rule 4-17 of the Law Society Rules to determine whether the Respondent should be suspended or have conditions placed on his practice pending final disposition of the citation that was authorized by the Discipline Committee on April 6, 2006.

[2] The citation that has been authorized relates to allegations that the Respondent:

1. Failed to keep his client reasonably informed and failed to respond to her requests for information about her case contrary to Chapter 3, Rule 3 of the *Professional Conduct Handbook*;
2. Failed to respond to communications from the Law Society in connection with the complaint of H.R. and the request for his availability to attend a Conduct Review, pursuant to Chapter 13, Rule 3 of the *Professional Conduct Handbook*; and
3. Failed to answer inquiries and provide the Practice Reviewers with information, files or records concerning his practice, contrary to Rule 3-13(4) of the Law Society Rules.

[3] The Respondent was properly notified of the proceedings, but he did not attend. We determined that there was no reason not to proceed.

[4] We heard evidence from Ms. Long, Mr. Gounden and Ms. Kalsi on behalf of the Law Society and received submissions from counsel on behalf of the Law Society.

[5] Having considered the evidence and submissions, We order that the proceeding shall be adjourned.

[6] We further order that:

1. The Respondent must set a date for the Conduct Review ordered by the Discipline Committee in

November, 2005;

2. The Respondent must set a date for the Practice Review ordered by the Practice Standards Committee in December, 2005;

3. The Respondent must provide a substantive response to the H.R. complaint, including providing his file, accounting records and a written response, to Ms. Long, the staff lawyer in the Professional Conduct Department; and

4. The Respondent must send a cheque to the Law Society for \$3,050, which funds will be used by the Law Society to repay H.R. for the retainer she provided to the Respondent.

[7] The Respondent shall fulfill condition number 4 within 15 days of the date of this proceeding.

[8] The Respondent shall fulfill conditions 1, 2 and 3 within 30 days of the date of this hearing.

[9] If any of the above conditions are not met, we will reconvene on a date to be fixed in June, 2006.

[10] We further direct that if, for any reason, the Conduct Review and Practice Review have not been concluded by the end of June, 2006, we will reconvene to deal with any matters that may then be outstanding.

[11] We also direct that notice of this decision shall be provided to the Respondent by fax, e-mail and delivery to his office by Friday, April 28, 2006.