

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

James Douglas Hall

Respondent

**Decision of the Hearing Panel
on Costs**

Written submissions received from the Law Society,
No submissions received from the Respondent

Panel: G. Ronald Toews, QC, Chair, Patricia L. Schmit, QC, G. Glen Ridgway, QC

Counsel for the Law Society: Brian McKinley

No-one on behalf of the Respondent:

Background

[1] The citation in this matter was issued on June 19, 2003, and directed the Hearing Panel to inquire into the Respondent's conduct as follows:

1. Your conduct in that you failed to respond to communication from the Law Society, those communications being correspondence from a Professional Conduct Lawyer dated February 5, 2003, March 7, 2003, March 24, 2003 and April 4, 2003, contrary to Rule 3, Chapter 13 of the Professional Conduct Handbook.

[2] The hearing of this matter went forward on September 25, 2003, and this Panel concluded that the Respondent was guilty of professional misconduct. The Respondent did not appear for that hearing.

[3] The Respondent did appear at the hearing with respect to Penalty on December 13, 2003. On the matter of costs, the Panel ordered that the Respondent pay the costs of these proceedings, and further, that should the Respondent and the Law Society not agree on the costs and their payment, the Panel would determine such upon receipt of written submissions respecting that matter.

[4] The matter of costs and their payment has not been agreed upon by the Respondent and the Law Society, and the Law Society has submitted that the Respondent pay costs in the amount of \$5,351.61 within one year of the date of the order.

[5] In support of its application, the Law Society indicates that a copy of their proposed Bill of Costs was forwarded to the Respondent.

[6] The Respondent replied by letter dated January 23, 2004, proposing that the costs be capped at \$1,000.00.

[7] The Law Society proposes that the Respondent be responsible for the full costs as submitted by the Law

Society on the principles set out in *Law Society of BC v. McNabb*, 1999 LSBC 02, and this Panel agrees that in the circumstances of this matter, such an order is appropriate.

[8] This Panel orders that the Respondent pay, within one year of the date of this decision, the sum of \$5,361.61 as costs in this matter.