

Andrew James Liggett

Burnaby, BC

Called to the bar: May 17, 1991

Discipline hearing : April 29 and November 12, 2009

Panel : Gavin Hume, QC, Chair, David Mossop, QC and David Renwick, QC

Report issued : July 14 (2009 LSBC 21) and December 14, 2009 (2009 LSBC 36)

Counsel : Maureen Boyd for the Law Society; David Taylor for Andrew Liggett

Facts

An audit conducted between September 2006 and April 2009 found numerous problems with Andrew James Liggett's records in his own firm, Sea to Sky Law Corporation.

Liggett was administratively suspended from July 24 to August 24, 2006 for failing to submit his Trust Report. During this two-month period, there was little or no effort by Liggett to get his books and records in order. The Practice Standards Committee subsequently made a number of recommendations and follow-up practice reviews. In September 2008, Liggett was directed to provide a debt reduction plan to the Law Society.

In May 2009, a review of Liggett's records from August 2008 to February 2009 showed that the trust reconciliations were completed on time and were balanced. The GST, PST and employee withholding accounts and the accounts payable ledgers were all current and the accounts receivable ledgers were being maintained. Further, the accounting deficiencies for the period February 2004 to January 2008 had been rectified.

Liggett's lawyer stated that the records were previously not in order due to a difficulty in hiring and retaining competent staff, difficulties in keeping the PC Law and computer system operational, cash flow problems, an inability to hire a replacement bookkeeper when the accountant quit in March 2006, as well as issues in Liggett's personal life.

To bring his books and records in compliance with the Law Society Rules and help meet his financial responsibilities, Liggett spent approximately \$50,000 in accounting fees, restructured his practice, moved to an office space-sharing arrangement, hired a full-time accountant, and sold a number of assets.

Verdict

The panel found that Liggett's conduct constituted professional misconduct for numerous breaches of the Law Society Rules relating to accounting records and failure to comply with requests from the Law Society.

An aggravating factor in this case is that the books and records were out of compliance for three years. In spite of the number of factors playing on Liggett's practice and personal life, the panel was concerned specifically about the length of time taken to rectify the transgressions; the failure to follow through with the two action plans; the notice given to Liggett of the problems as early as May 2006; and the failure to produce any meaningful compliance during the period of Liggett's suspension.

The panel recognized that there was no misappropriation of client trust funds, nor was there any evidence of harm to any person arising from this misconduct. Nevertheless, the panel noted that the administrative side of the practice of law is important. The Law Society rules were instituted to ensure that the public interest is protected and these rules must be adhered to.

Penalty

The panel ordered that Liggett:

1. pay a \$3,000 fine;
2. retain a Chartered Accountant or Certified General Accountant to review his books and records every six months for three years and to report in writing to the Law Society whether the books and records of Liggett's practice are in compliance and, if not, provide a detailed listing of the items of non-compliance; and
3. pay \$18,000 in costs.