

2004 LSBC 06

Report issued: March 23, 2004

Oral Reasons: March 16, 2004

Citation issued: November 25, 2003

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

BRIAN MAURICE LEGGE

Respondent

**Decision of the Hearing Panel
on Facts and Verdict**

Hearing date: March 16, 2004

Panel: Grant C. Taylor, Single Bencher Panel

Counsel for the Law Society: Jessica Gossen

Counsel for the Respondent: Christopher E. Hinkson, Q.C.

Background

[1] On November 25, 2003 a citation was issued against the Respondent pursuant to the *Legal Profession Act* and Rule 4-15 of the Law Society Rules by the Executive Director of the Law Society of British Columbia pursuant to the direction of the Chair of the Discipline Committee. The citation directed that this Hearing Panel inquire into the Respondent's conduct as follows:

1. On April 28, 2000, as a condition of your reinstatement to membership in the Law Society, you were ordered by a hearing panel to provide quarterly written reports to the Law Society. This report was to include in each case a certification by you that you felt in control of your practice and that there were, to your knowledge, no client matters outstanding to which your attention had not been recently directed. You failed to remit to the Law Society the report which was due in April of 2003.

[2] The Respondent acknowledged proper service of the citation and waived the requirements of Rule 4-15 of the Law Society Rules.

[3] Pursuant to Rule 5-2(2), the Respondent agreed to a Panel consisting of a single Bencher.

Agreed Facts

[4] An Agreed Statement of Facts was filed as Exhibit 2 in these proceedings. It provides as follows:

1. Mr. Legge was called to the Bar of British Columbia on May 12, 1967.

2. Mr. Legge was a full time practitioner with the firm, Legge & Company from January 1971 to December 31, 1996, when he ceased practising law. On April 22, 1997, he returned to practice with

Legge & Co. until June 30, 1997. At that time, Mr. Legge became exempt until October 9, 1997, when he practiced again as Legge & Company. Mr. Legge ceased practising once more from January 1, 1999 through to October 3, 2000, at which time he was employed with La Liberte & Company as an associate. On June 1, 2001, Mr. Legge became employed with Feller, Drysdale and continued practising there until he established Legge Sarai & Associates on May 17, 2002. That law firm disbanded on May 1, 2003 and Mr. Legge practiced as a sole practitioner until May 30, 2003. He practiced briefly from August 21, 2003 to November 10, 2003 and has not practiced since.

3. On April 14, 2000, a Hearing Panel dealt with Mr. Legge's application for reinstatement of his membership in the Law Society of British Columbia (the " Law Society"). On April 28, 2000, Mr. Legge's application for reinstatement was approved by the Hearing Panel on the following conditions:

(a) That Mr. Legge provide a written report to the Law Society, commencing three months after his return to the practice of law and continuing quarterly thereafter, outlining the nature of his practice, with particular emphasis upon the number and type of active files under his care and control, the nature of his practice circumstances, i.e. sole practitioner, office sharing, associate counsel, etc., and the number of employees in his office. This report was to include in each case a certification by Mr. Legge that he felt in control of his practice upon which he reported and that there were to his knowledge no client matters outstanding to which his attention had not been recently directed.

(b) That Mr. Legge provide to the Credentials Committee of the Law Society a report from his family physician on a semi-annual basis for an 18 month period.

(c) The hearing panel also directed that these conditions were to be supervised by the Credentials Committee.

2. Mr. Legge was reinstated as a practicing member effective October 3, 2000.

3. Mr. Legge filed his January 2003 report on January 20, 2003. Mr. Legge did not file his April 2003 report despite a reminder letter dated April 2, 2003, a second reminder letter sent by courier on May 6, 2003, a third reminder letter sent May 28, 2003 by facsimile advising Mr. Legge that the matter was being referred to the Credentials Committee. A further letter dated June 9, 2003 was sent to Mr. Legge after the Credentials Committee had considered the matter at its meeting on June 6, 2003. A letter was received from Mr. Legge on June 23, 2003 explaining why he had not filed his April report.

4. The Credentials Committee referred the matter to the Discipline Committee and on September 4, 2003 the Discipline Committee recommended to the Chair of the Discipline Committee that there be a direction to issue a citation concerning Mr. Legge's conduct in breaching one of the conditions of his reinstatement imposed upon him by the hearing panel.

[5] After considering the evidence summarized in the Agreed Statement of Facts, and having heard the submissions of counsel that the conduct as set out in the Schedule to citation constitutes professional misconduct on the part of the Respondent, I find the Respondent guilty of professional misconduct.