

2010 : No. 2 Summer

Robert John Cuddeford

Maple Ridge, BC

Called to the bar: May 4, 2001

Discipline hearing : May 5, 2010

Panel : Kenneth Walker (single Benchers panel)

Report issued : May 11, 2010 (2010 LSBC 11)

Counsel : Eric Wredenhagen for the Law Society and Robert Cuddeford on his own behalf

Facts

In October, November and December 2009, Robert John Cuddeford received letters and telephone messages from the Law Society regarding a complaint about him. He chose not to reply because he was concerned his written response might be used by the complainant in an action in the courts.

Cuddeford was not aware that the *Legal Profession Act* makes communications with the Law Society concerning an investigation of a complaint inadmissible in court proceedings, except with the consent of the lawyer. The panel noted that his decision not to respond was misguided and that he ought to have retained counsel to assist him with this issue, as suggested in the Law Society's letters.

At the hearing, Cuddeford explained that the complainant was difficult and had a history of complaining about him. The panel found that an aggravating factor was that he had been slow to reply to communications from the Law Society in the past on a related complaint from this complainant. His failure to provide a timely response interfered with the statutory obligation of the Law Society to investigate complaints.

The panel urged Cuddeford to take advantage of the Law Society's online Communications Toolkit training module.

Admission and Penalty

Cuddeford admitted that his failure to respond to Law Society communications constitutes professional misconduct. The panel accepted his admission and ordered that he:

1. pay a \$2,000 fine;
2. pay \$1,000 in costs; and
3. respond to the Law Society's October 2009 letter.