

2010 : No. 2 Summer

Bradley Darryl Tak

Port Moody, BC

Called to the bar: February 15, 1991

Discipline hearing : January 27 (facts and verdict) and April 8, 2010 (penalty)

Panel : David Renwick, QC, Chair, Leon Getz, QC and Thelma O'Grady

Report issued : April 7 (2010 LSBC 07) and May 14, 2010 (2010 LSBC 13)

Counsel : Eric Wredenhagen for the Law Society and Bradley Darryl Tak on his own behalf

Facts

In September 2008, Bradley Darryl Tak accepted a \$2,000 cash retainer from a client. He subsequently failed to respond to his client's repeated telephone calls and messages. As a result, the client could not determine what, if any, steps Tak had taken on his behalf.

Upon receipt of the client's complaint, the Law Society was also unsuccessful in reaching Tak by phone and email. A personally delivered letter finally prompted a response that he would reply to the Law Society on or before November 13, 2009. The Law Society received a letter from him on December 14, 2009. He admitted that he had met with the client and received a retainer in cash; however, he failed to fully provide the information requested.

At the time of the hearing, the panel did not know if the retainer was used since no statement of account was provided, nor did they know if it was retained or forwarded to the new lawyer. Following the hearing, Tak did provide the Law Society with a copy of his trust ledgers and records relating to receipt and deposit of the client's cash retainer.

Verdict

Tak did not present any evidence that would excuse his conduct. The panel found that his failure to substantively respond to repeated requests from the Law Society amounted to professional misconduct.

Penalty

The panel stated that this type of misconduct goes to the heart of the Law Society's ability to govern the profession. Their concern was amplified by the fact that Tak had been found guilty of professional misconduct in July 2009, less than a year earlier, for similar conduct in another matter.

The panel ordered that Tak:

1. be suspended for 45 days; and
2. pay costs of \$2,500.