

## **John Lawrence Chipperfield**

Surrey, BC

Called to the bar: June 29, 1972

**Discipline hearing** : August 10, 2010

**Panel** : Gavin Hume, QC, Chair, Peter Lloyd and Robert McDiarmid, QC

**Report issued** : August 31, 2010 (2010 LSBC 20)

**Counsel** : Eric Wredenhagen on behalf of the Law Society and John Lawrence Chipperfield on his own behalf

### **Facts**

John Lawrence Chipperfield failed to respond to Law Society letters regarding three complaints made against him.

Chipperfield's explanation to the panel was that he had raised privilege issues in an earlier Law Society inquiry relating to a trust audit of his practice, which were essentially the same reasons he had for failing to respond to the letters regarding the complaints. He stated that any response would require disclosure of privileged matters. He had previously refused to disclose those matters, and he felt he was placed in double jeopardy by being asked to respond to the complaints.

Although the panel did not need to decide whether disclosure of requested materials breached privilege, as Chipperfield contended, it suggested that he may be confusing principles of solicitor-client privilege in private legal disputes with those applicable within the regulatory scheme of the *Legal Profession Act*. The panel also noted that most of the questions in the Law Society's letters did not appear to require disclosure of privileged matters. Noting that a persistent failure to respond to Law Society correspondence places a persuasive burden on the respondent to excuse that conduct, the panel decided that Chipperfield did not satisfy that burden.

### **Verdict**

The panel found that Chipperfield had professionally misconducted himself.

### **Penalty**

The panel ordered that Chipperfield pay:

1. a \$1,000 fine; and
2. \$2,000 in costs.

The panel also ordered Chipperfield to respond to the questions posed by the Law Society in its correspondence. The panel suggested that, in his response, he identify those portions of the documents that, in his view, have a solicitor and client privilege attached to them so that he can take the matter up before the Courts if he so desires.