

2011 : No. 1 Spring

Richard Donald Payne

Port Coquitlam, BC

Called to the bar: May 11, 1982

Discipline hearing : November 10, 2010

Panel : David Mossop, QC (single Benchers panel)

Report issued : December 16, 2010 (2010 LSBC 28)

Counsel : Stephen B. Jackson for the Law Society and R. Keith Oliver for Richard Donald Payne

Facts

Between March 25 and May 21, 2010 the Law Society phoned Richard Donald Payne twice and sent three letters requesting a written response to a complaint made by a former client. Payne was advised of the deadlines for response; however, the Law Society did not receive a substantive written response to the complaint until August 2010.

Admission and disciplinary action

Payne admitted, and the panel agreed, that his failure to respond to Law Society communications in a timely manner was professional misconduct.

The panel considered Payne's professional conduct record in determining penalty. He had a prior citation for failure to respond to the Law Society in 1995, which he admitted to in 1997.

The panel determined that there were some circumstances that could be viewed as mitigating. Payne's admission in this case reduced the amount of time required to prepare and conduct the hearing. Also, aside from the issue of timeliness, his written response regarding the client complaint was deemed adequate for the purposes of the Law Society's investigation.

Payne also submitted as a mitigating factor the unfortunate death of his father. The Law Society noted, however, that in his 1995 citation for failure to respond, the death of his mother was offered as a mitigating factor.

The panel decided that the most important factors in this case were the need for specific and general deterrence and to ensure the public's confidence in the integrity of the legal profession.

The panel ordered Payne to pay:

1. a \$4,000 fine; and
2. \$1,000 in costs.