

2011 : No. 1 Spring

Bradley Darryl Tak

Port Moody, BC

Called to the bar: February 15, 1991

Discipline hearing : December 6, 2010 and January 27, 2011

Panel : Joost Blom, QC, Chair, David Mossop, QC and Kenneth Walker

Report issued : January 6, 2011 (2011 LSBC 01) and February 17, 2011 (2011 LSBC 05)

Counsel : Maureen Boyd for the Law Society and Bradley Darryl Tak on his own behalf (facts and determination); Maureen Boyd for the Law Society and Gordon Kehler for Bradley Darryl Tak (disciplinary action)

Facts

Between May and July 2010, Bradley Darryl Tak failed to respond to numerous requests for information from the Law Society regarding a client complaint. He also did not reply promptly to a subsequent letter from the Law Society requesting a meeting to obtain explanations about certain files, records, accounts and other evidence.

Since the facts and determination phase of this proceeding, Tak was suspended from practice on December 7, 2010 for failure to file his trust report for 2009. That suspension came to an end on January 5, 2011 when he filed the report.

In the meantime, he ceased membership in the Law Society on January 1, 2011 for non-payment of fees. Pursuant to Law Society requirements, his practice was put into the hands of a locum. Tak intends to apply for reinstatement.

Determination

The panel found that Tak had committed professional misconduct by failing to comply with requests for information made by the Law Society in its regulatory capacity. Failure to respond is serious because of the vital public interest in maintaining the Law Society's ability to investigate complaints promptly and effectively.

Tak's misconduct was aggravated by the fact that, within the last year and a half, he had already been disciplined twice for failing to respond to the Law Society. He was under a 45-day suspension during many of the events in this case.

Tak's counsel submitted that his misconduct was not chronic, but situational, resulting from an accumulation of pressures in his personal life. The panel noted indications that he was taking steps to deal with his financial and organizational problems and the emotional difficulties that seemed to underlie them.

Two letters from lawyers who had knowledge of Tak's practice described him as a competent and hard-working lawyer. It was in his favour that he practised for about 17 years without any problems relating to his professional conduct. But that has to be considered against the string of largely interrelated disciplinary proceedings since July 2009.

Disciplinary Action

Since Tak's pattern of misconduct persisted after a 45-day suspension was ordered for previous failures to respond, the panel determined that the disciplinary measure in this case must be a substantially longer suspension.

The panel ordered that Tak:

1. be suspended for four months; and
2. pay \$2,500 in costs.