

The Law Society of British Columbia
In the matter of the *Legal Profession Act*, SBC 1998, c.9
and a hearing concerning

Douglas Warren Welder

Respondent

**Decision of the Benchers
on Cost on Review**

Written Submissions

Benchers: David M. Renwick, QC, Chair, Haydn Acheson, Rita Andreone, Patricia Bond, David Crossin, QC, David Mossop, QC, Thelma O'Grady, Gregory Petrisor

Counsel for the Law Society: Thomas R. Manson, QC

No submissions on behalf of the Respondent

Background

[1] The decision in this matter is found at 2011 LSBC 06. In that decision, the Benchers asked the parties to make written submissions on costs. Counsel for the Law Society did. However, the Respondent did not.

Position of the Law Society of British Columbia

[2] The Law Society seeks an order that the Respondent pay costs to the Law Society in respect of this Review in the amount of \$4,000. Of this amount, \$2,582.61 represents the actual cost of disbursements incurred by the Law Society for court reporter fees, production of transcripts, and panel fees. The balance of \$1,417.39 is claimed for counsel fees, at an amount that is approximately 33% of the counsel fees incurred by the Law Society.

[3] For clarity, the Law Society is seeking a costs order for those costs related to this Review. The Law Society intends to address the costs incurred with respect to the citation hearing regarding Facts & Determination and Disciplinary Action at the Disciplinary Action hearing.

[4] Prior discipline decisions support an award of costs against the Respondent on a full-indemnity basis if reasonable in the circumstances. However, as a matter of policy, the Law Society no longer seeks costs on a full indemnity basis: *Law Society of BC v. McCandless*, 2010 LSBC 09 at para. 39.

[5] The actual costs of the Law Society with respect to the Review total approximately \$5,600. These costs include total disbursements of \$2,582.61, inclusive of panel fees. The counsel costs are sought on the basis of the “standard” recovery rate for both in-house and external counsel of \$175 per hour, of which the Law Society seeks to recover approximately 33% of that amount.

Disposition

[6] The Benchers have come to the conclusion that the costs sought by the Law Society are reasonable in the circumstances.

[7] The Benchers order the Respondent to pay the Law Society the sum of \$4,000.

