

2012 : No. 1

Andrew James Liggett

Port Coquitlam, BC

Called to the bar: May 17, 1991

Discipline hearing : May 11 and November 24, 2011

Panel : Gavin Hume, QC, Chair, Nancy Merrill and Thelma O'Grady

Report issued : August 11, 2011 (2011 LSBC 22) and February 7, 2012 (2012 LSBC 07)

Counsel : Jaia Rai for the Law Society and David Taylor for Andrew James Liggett

Facts

Andrew James Liggett received a letter from the Law Society, dated July 19, 2010, to notify him that the date for the hearing of a previous citation was to be mutually agreed upon and proposed that the hearing be held on September 24, 2010.

At that time, Liggett was committed to attend the second day of a two-day family law trial on September 24. He knew the proposed citation hearing date would be scheduled in the absence of any response from him; however, he took no action.

On August 6, Liggett was served with a letter from the Law Society to confirm that the hearing would proceed on September 24.

In a letter dated August 10, Liggett sought an adjournment of the citation hearing on the grounds that he had a trial on September 24. The Law Society opposed the application, for lack of substantiating documentation.

On September 2, the Chambers Benchers considering the adjournment requested a copy of the Notice of Trial from the court action and Liggett's alternative dates in September.

On September 7, prior to providing the information requested, Liggett attended a pre-trial conference in the family law matter, at which time the September 24 trial date was cancelled.

The Law Society followed up with Liggett concerning the information the Chambers Benchers had requested. Liggett finally and hurriedly responded to the request by faxing a copy of the Trial Notice printed on July 27, 2010 with a separate letter setting out an alternate date. He did not disclose the fact that the September 24 trial date had been cancelled, nor did he advance any other grounds for an adjournment. The Law Society learned of the adjournment directly from the Provincial Court registry.

Determination

Liggett testified that, during the summer of 2010, he was very busy with his sole practice and personal commitments. He also felt that, due to his schedule in the time-frame leading up to September 24, he did not have the time to properly prepare for the citation hearing. He determined he did not need to advance any grounds other than the position that he was committed to a trial appearance on the hearing date.

The panel found Liggett had committed professional misconduct when he sent a Notice of Trial to the Law Society and, either knowingly or -recklessly, misrepresented that he continued to be unavailable for a discipline hearing.

Disciplinary Action

The panel considered Liggett's professional conduct record. Liggett's record, for the most part, involved his systemic failure to maintain his books and records in accordance with Law Society rules and failure to produce records in the course of an investigation. In the panel's view, there existed a clear pattern of Liggett overextending himself in his workload, number of offices, and his law practice management skills.

Over a number of years, the Law Society has made recommendations and directions aimed at assisting Liggett to manage his finances and his workload, and to maintain his books and records in accordance with the rules.

The panel concluded that a suspension was required to impress upon the profession and the public that a lawyer's obligations to their self-governing body, especially in the context of discipline proceedings, must be approached with the utmost integrity and good faith. Conduct falling below such a standard will result in serious consequences.

The panel ordered that Liggett:

1. be suspended for one month; and
2. pay \$6,000 in costs.