

2012 : No. 2 Summer

Glenn John Niemela

Vancouver, BC

Called to the bar: August 26, 1988

Discipline hearing : January 24, 2012

Panel : Patricia Bond, Chair, Dr. Gail Bellward and William Sundhu

Report issued : February 17, 2012 (2012 LSBC 09)

Counsel : Alison Kirby and Carolyn Gulabsingh for the Law Society and Henry Wood, QC for Glenn John Niemela

Facts

A complaint was made against Glenn John Niemela on May 24, 2011. As part of the Law Society's investigation, a letter was sent to Niemela on July 11, 2011 that required a response. When no response was received, a second letter was sent on August 22. Niemela telephoned the Law Society on August 30 and apologized for the delay; however, he did not formally respond to the complaint. The Law Society followed up again in September. In October, Niemela was cited for failing to respond to the Law Society, contrary to Chapter 13, Rule 3 of the Professional Conduct Handbook.

On January 16, 2012, one week prior to the discipline hearing, Niemela responded in writing to the Law Society's inquiry.

Admission and disciplinary action

Niemela acknowledged that the appropriate finding in this case is one of professional misconduct and that he had an obligation to respond to the Law Society in a timely manner. He explained that the circumstances of his workload played a major factor in his failure to respond, but did not present those circumstances or any others as an excuse for his behaviour.

In the panel's view, an aggravating factor was the delay of 24 weeks for Niemela to respond to the Law Society's initial request.

The panel took into consideration Niemela's professional conduct record, which reflects a pattern of delay and procrastination. The panel urged Niemela to take the steps necessary to address any underlying issues that have contributed to this citation.

The panel stated that the need for general deterrence commanded a disciplinary action that reflected the seriousness of the offence, particularly in light of Niemela's disciplinary record. Failure to reflect that seriousness appropriately risks erosion of the public's confidence in the ability of the Law Society to regulate the conduct of its members.

The panel accepted Niemela's admission and ordered that he pay:

1. a \$5,000 fine; and
2. \$2,000 in costs.