

Rico Rey Hipolito

Vancouver, BC

Called to the bar: May 14, 1993

Suspended from practice: October 28, 2008

Ceased membership: January 1, 2010

Admission accepted by Discipline Committee: April 12, 2012

Counsel : Alison Kirby for the Law Society and Jean Whittow, QC for Rico Rey Hipolito

FACTS

Rico Rey Hipolito was a sole practitioner and his practice was primarily in the area of immigration law. In his 2006 and 2007 trust reports, he stated that he did not maintain any trust accounts to receive, disburse or hold trust funds.

On October 21, 2008, the Law Society scheduled a compliance audit of Rey Hipolito's practice; however, he was not present when the auditor arrived. The Law Society notified Rey Hipolito that he was required to produce and permit the copying of his records by October 28. When Rey Hipolito did not comply, he was immediately suspended under Law Society Rule 3-79.1.

Rey Hipolito arranged for another lawyer to manage his practice. On March 5, 2009, the court appointed the Law Society as custodian of his practice.

The Law Society investigated several allegations against Hipolito:

In 2004, Rey Hipolito received a flat fee of \$2,700 for an immigration-related sponsorship application and visitor's visa application for a client and her mother. He failed to ensure the applications were filed with Citizenship and Immigration Canada, and he incorrectly advised his client on the status. In 2007, the client made her own inquiries and found out that Rey Hipolito had not filed the applications. Rey Hipolito did not respond to her emails. He also failed to handle the money received in accordance with trust accounting rules.

In 2006, Rey Hipolito promised to repay a client \$6,000 in fees after the client's judicial review of the dismissal of an application for permanent residency was dismissed. When the funds had still not been received in 2008, the client made a complaint to the Law Society.

In 2008, Rey Hipolito took a flat fee of \$2,500 to represent a client who wanted to sponsor her husband for permanent residence. He did not provide the services nor deliver a bill to the client, but rather used those funds for personal purposes. He also misappropriated \$1,040 that was given to him in trust to pay Citizenship and Immigration Canada filing fees. Rey Hipolito misled the client as to the status of her application. In January 2009, he responded to the client's email about the delay in processing the application, but did not disclose that he was suspended. The client made a complaint to the Law Society after Rey Hipolito sent her a bank draft for \$1,040 in February 2009.

In 2009, Rey Hipolito gave legal advice and accepted \$1,000 payment for his services when he was suspended from practising law. The client later checked "Lawyer Look-Up" on the Law Society's website and saw that a custodian had been appointed over Rey Hipolito's practice. She then contacted the custodian for information and assistance. The Law Society contacted Rey Hipolito and he admitted that he had accepted

a retainer and confirmed that he knew that he was not allowed to practise.

admissions

Rey Hipolito admitted to professional misconduct for:

- failing to serve clients in a conscientious, diligent and efficient manner so as to provide a quality of service at least equal to that which would be expected of a competent lawyer in a similar situation;
- treating flat fee funds from clients as his own when he had not performed the services and had not billed his client;
- failing to repay the \$6,000 he agreed to refund to his client;
- failing to file applications and misleading clients as to the status of the applications;
- misappropriating \$1,040 paid by a client in trust; and
- not disclosing to clients that he was suspended from the practice of law and not referring those clients to the lawyer who had assumed conduct of his practice.

Under Rule 4-21, the Discipline Committee accepted Rey Hipolito's admissions on his undertakings:

1. not to apply for reinstatement to the Law Society for a total of eight years ending on June 3, 2017;
2. during that period, not to apply for membership in any other law society without first advising the Law Society of BC; and
3. not to permit his name to appear on the letterhead of any lawyer or law firm or otherwise work in any capacity whatsoever for any other lawyer or law firm in BC without the prior written consent of the Law Society.