

2013 : No. 01 Spring

Karamgopal Paul Singh Lail

Surrey, BC

Called to the bar: June 12, 1987

Discipline hearing : September 20, 2012

Panel : Leon Getz, QC, Chair, Robert Smith and Gary Weatherill, QC

Oral reasons: September 20, 2012

Report issued : December 19, 2012 (2012 LSBC 32)

Counsel : Carolyn Gulabsingh for the Law Society; Robert Hunter for Karamgopal Paul Singh Lail

Facts

In November 2007, Karamgopal Paul Singh Lail notified his former firm of his intended resignation. In the process of winding up his practice, Lail issued and signed 24 accounts addressed to various clients of the firm.

In each of the 24 accounts, the amount of the invoice was equal to the balance held in trust for the client by the firm, and each authorized the withdrawal of funds from trust to satisfy the accounts.

Lail took no steps to deliver these accounts to the clients. None of the client files contained a retainer agreement, correspondence or notes indicating that the clients consented to Lail billing the files.

One of the 24 accounts Lail issued to a client was in the amount of \$750; however, this client did not owe any money to the firm. Lail issued this account so that he could authorize the withdrawal of trust funds to partially satisfy an amount owing to the firm by another client, a corporate client that Lail understood was related to the first client. The first client did not consent to Lail withdrawing funds from trust to satisfy the account of the other client.

Admission and disciplinary action

Lail admitted that his conduct was contrary to Law Society rules and constituted professional misconduct.

In the panel's view, Lail's conduct clearly crossed the line between mere breach of the rules and professional misconduct. Trust accounting obligations go to the heart of confidence in the integrity of the legal profession, and there is a clear public interest in ensuring that they are performed meticulously and not, as in this case, nonchalantly.

The panel took into consideration that Lail had been a lawyer for more than 25 years. His professional conduct record consisted of a single conduct review in 2006. The panel believed that any similarity between that conduct and the present misconduct was, at best, superficial. Accordingly, it was determined that Lail's professional conduct record should not play any significant role in determining an appropriate penalty.

The panel accepted Lail's admission of professional misconduct and ordered that he pay:

1. a \$3,500 fine; and
2. \$2,000 in costs.