

2013 : No. 02 Summer

Crystal Irene Buchan

Victoria, BC

Called to the bar: May 15, 1992

Discipline hearing : February 13, 2013

Panel : Leon Getz, QC, Chair, Paula Cayley and William Sundhu

Report issued : March 6, 2013 (2013 LSBC 08)

Counsel : Carolyn Gulabsingh for the Law Society; Mary Clare Baillie for Crystal Irene Buchan

Facts

In July 2012, the Law Society received a complaint about several aspects of Crystal Irene Buchan's quality of service on a client file, specifically failure to reply to communications from the client or to do so on a timely basis. The Law Society advised Buchan of the complaint and sent her a letter soliciting a written response.

On September 19, 2012, Buchan wrote a letter to the Law Society apologizing for any distress that she may have caused her client. However, she did not address six particular matters in the Law Society's letter.

On October 17, the Law Society sent another letter to Buchan requesting a reply, and reminded her that a failure to respond may be referred to the Discipline Committee.

On December 10, the Law Society issued a citation to Buchan. On February 1, 2013, two months after the issuance of the citation and about two weeks before the hearing, Buchan provided a response to the Law Society's letters.

Admission and disciplinary action

The Law Society submitted that Buchan had committed professional misconduct, which Buchan did not dispute. The panel agreed.

Failure to respond to the Law Society has consistently been regarded by hearing panels as a serious breach of a lawyer's professional obligations. The panel took into account a number of considerations in determining disciplinary action.

In recent years, Buchan experienced significant personal pressures as a result of serious disabilities or illnesses of family members. Further, around the time she received the first letter from the Law Society, she learned that her elderly mother was terminally ill.

Buchan claimed these circumstances rendered her almost incapable of responding appropriately to the Law Society's request. She also misunderstood the importance of responding to the Law Society's letters and the possibility of a citation if she did not.

The panel accepted that Buchan's personal circumstances were a source of great stress. On the other hand, the pressures did not prevent her from dealing with correspondence and other matters in her practice during the period in question. In the panel's opinion, Buchan did not provide any specific, meaningful explanation for why she failed to respond to the Law Society.

Buchan eventually sought counselling and legal advice but, as the panel noted, not until after the citation was issued.

The panel also considered Buchan's professional conduct history, which includes a conduct review in 2011 arising from another complaint about delay and quality of service issues and failure to respond to the Law Society.

The panel accepted Buchan's admission that she committed professional misconduct and ordered that she pay:

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