

Jacqueline Levesque

Prince George, BC

Called to the bar: May 20, 1994

Ceased membership : January 22, 2010

Admission accepted : May 12, 2011

Counsel : Susan Coristine for the Law Society; Jacqueline Levesque on her own behalf

FACTS

Jacqueline Levesque's practice involved assisting survivors of Aboriginal residential schools in making claims against the government of Canada. Under a settlement agreement, the government paid counsel 15% of the claimant's award as counsel fees. With the client's written agreement, counsel could charge an additional contingency fee to a maximum of 15%. The settlement agreement provides for an adjudication to ensure that any additional contingency fee paid was fair and reasonable.

Contingency fees

Levesque improperly charged a client an additional contingency fee when there was no written contingency fee agreement with the client. In another case, Levesque took funds from trust in payment of fees under a contingency fee agreement when she knew that the fees were being disputed and that an adjudicator would be conducting a fee review.

Unprofessional comments

Levesque sent a letter to the chief adjudicator, in which she complained about the adjudicator's decision in the fee review case. The deputy chief adjudicator upheld the fee review decision and concluded that Levesque's submission was "inconsistent with the proper tone of professional communication from a lawyer and unnecessarily rude and provocative."

Client loans

Levesque submitted falsified documents to one lending institution and issued an improper invoice to another to secure \$10,000 loans from each on behalf of a client. She then borrowed that money back from her client, without advising the client to get independent legal advice. Levesque ultimately repaid the loan, fees and interest to the lending firms.

Breach of undertaking

When Levesque took over a client matter, she requested a transfer of the client file from the previous lawyer. The lawyer sent the file to Levesque based on several undertakings, including the undertaking to pay the other lawyer's disbursements within seven days. Levesque took the position that she was not required to pay these disbursements and would not comply with the undertaking, but kept the file. She did not return the file until after the other lawyer contacted the Law Society.

ADMISSIONS

Levesque admitted that her conduct relating to the contingency fee matters, the unprofessional comments, the client loans and the breach of undertaking was contrary to Law Society rules and amounted to professional misconduct.

Under Rule 4-21, the Discipline Committee accepted Levesque's admission and her undertakings:

1. not to apply for reinstatement to the Law Society of BC for a period of five years;
2. not to apply for membership in any other law society during this period without first advising the Law Society of BC;
3. not to permit her name to appear on the letterhead of, or otherwise work in any capacity for, any lawyer or law firm in BC during this period without obtaining the prior written consent of the Law Society; and
4. provide the Law Society with a medical report prepared by a qualified medical examiner in the event she applies for reinstatement.

REVIEW