

THE LAW SOCIETY OF BRITISH COLUMBIA

In the matter of the *Legal Profession Act*, SBC 1998, c. 9

and a section 47 review concerning

GARY RUSSELL VLUG

APPLICANT

**DECISION ON APPLICATION FOR
AN EXTENSION OF STAY**

Application date: March 11, 2015

Bencher: Lynal Doerksen

Discipline Counsel: Carolyn Gulabsingh
Appearing on his own behalf: Gary R. Vlug

- [1] The Applicant seeks a Review of a hearing panel decision that suspended the Applicant from the practice of law for six months commencing October 1, 2014. On September 11, 2014 another Chambers Bencher stayed the Applicant's suspension pending the hearing of the Review until April 30, 2015, or sooner if the Applicant discontinued the Review or the Benchers dismiss the application (see: 2014 LSBC 48).
- [2] Unfortunately the transcripts of the hearing were not delivered to the Applicant until mid-January 2015 despite being ready for delivery by the end of September 2014. This was inadvertent, but it did mean that the Applicant could not properly prepare for the Review until he received the transcripts.
- [3] A date for the Review has been set for April 30 and May 1, 2015, and a time line has been agreed to by the Applicant and Law Society counsel for the exchange of

submissions. The record for the Review has been agreed upon as well. After a pre-review conference, the stay was extended to May 8, 2015.

- [4] The Applicant now asks that the stay of the suspension be extended further to August 1, 2015. His reasons are, in essence, that it is problematic for him and his clients (or potential clients) in that he does not know what will happen at the end of the Review hearing on May 1, 2015 and that he cannot now advise his clients about his availability after May 8, 2015. Further, if the Review is not favourable to him, he may only have six days to temporarily wind up his practice and find other counsel for his clients.
- [5] If I grant the extension and the Applicant is unsuccessful with the Review, the Review panel will have the authority to commence the suspension at a date earlier than August 1, 2015. On the other hand, as a practical matter, most decisions by a Review panel are provided at a later date in written form. This usually takes 60-90 days and, in the case of a suspension, the panel usually grants a period of time for the Applicant to prepare for the suspension.
- [6] I note from the original Chambers Benchers decision to stay the suspension that the Applicant was permitted to practise without conditions pending the outcome of the discipline hearing and it was held that the public is not at risk by the stay being granted. There has been no suggestion that anything has changed in this regard.
- [7] Further, I note that the Applicant has been diligent in the pursuit of this matter, a Review date has been set, the record has been agreed upon and a timeline for the exchange of written submissions has been set. This application for an extension is timely.
- [8] Thus, I will grant the extension of the stay on the same terms as was originally granted:

The stay will terminate upon the Applicant's Review being:

- (a) discontinued or abandoned by the Applicant;
- (b) dismissed by the Benchers on Review;
- (c) upon further order of the Benchers on Review; or
- (d) on August 1, 2015,

whichever event occurs first.