

Making misrepresentations to clients and consulate

James Anthony Hall

Vancouver, B.C.

Called to the Bar: May 10, 1984

Voluntarily resigned from membership: July 16, 2001

Client B

In June, 1994 Mr. B retained Mr. Hall to prepare and submit an application on his behalf for permanent residence in Canada. Mr. Hall prepared the application, but did not submit it. In September, 1994 Mr. Hall sent a fax to Mr. B stating that he had submitted the application to a Canadian Consulate in New York State, although he knew this statement was untrue.

In 1996 Mr. B asked Mr. Hall to place his application in abeyance, but several months later asked that the application be resumed. Mr. Hall did not submit the application at that time.

In June, 1998 Mr. Hall wrote to Mr. B to request that the application form be re-executed to complete a replacement file for Canada Immigration, although he knew that no application had ever been filed for his client.

In September, 1999 Mr. B attempted to change counsel, but changed his mind after speaking with Mr. Hall. Mr. B subsequently enquired about the status of his application directly from the Canadian Consulate and was advised in early 2000 that there was no record of his file in their office. Mr. B obtained new counsel.

Clients Mr. and Mrs. F

In April, 1998 Mr. Hall was retained by Mr. and Mrs. F to assist them in obtaining temporary residence in Canada, which was granted in July, 1998. At that time, Mr. and Mrs. F asked Mr. Hall to initiate an application for permanent residence.

Mr. Hall did not submit the application to Canada Immigration on his clients' behalf.

In April, 1999 Mr. Hall wrote to the Canadian Consulate in New York State and advised them that he had filed an application for permanent residence on behalf of Mr. and Mrs. F although this was not true.

In the summer of 1999, Mr. and Mrs. F requested an update on the status of their application. Mr. Hall did not advise his clients that he had not submitted the application, but rather told them he would make enquiries.

In February, 2000 Mr. Hall told his clients that the Canadian Consulate appeared to have lost their file and that a fresh application needed to be submitted, although he knew this statement was untrue.

Mr. and Mrs. F executed new application forms in March, 2000 and then retained other counsel.

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In April, 2000 Mr. Hall wrote to the Law Society to report his own conduct and in January, 2001 he undertook to resign from membership in the Society on conclusion of a major trial for which he was counsel. He resigned as of July 16, 2001.

In March, 2001 the Discipline Committee resolved to issue a citation against Mr. Hall.

In September, 2001 Mr. Hall tendered an admission of professional misconduct to the Discipline Committee for his conduct in:

- delaying in preparing and filing the applications of Mr. and Mrs. F, contrary to Chapter 3, Rules 3 and 5 of the *Professional Conduct Handbook*;
- misleading Mr. and Mrs. F respecting the status of their application and misrepresenting that their application had been lost by the Canadian Consulate when it had not;
- misrepresenting that a new application form had to be completed by Mr. and Mrs. F when no application had been filed for them at all;
- misrepresenting to a Canadian Consulate that an application had been submitted for Mr. and Mrs. F when it had not;
- failing to follow the instructions of Mr. B to file his application and misrepresenting to Mr. B on two occasions that his application had been filed when it had not.

On October 4, 2001 the Discipline Committee accepted Mr. Hall's admission pursuant to Rule 4-21, on his undertaking:

- not to apply for reinstatement in the Law Society for one year;
- not to apply for membership in any other law society without first advising the Law Society in writing;
- not to permit his name to appear on the letterhead of any lawyer or law firm without the written consent of the Law Society;
- to obtain written consent from the Law Society before working for any other lawyer or law firm in B.C.