

Vancouver, B.C.

Called to the Bar: August 1, 1985

Discipline hearing panel: January 14, 1997

R.C.C. Peck, Q.C., Chair, P.J. Keighley and G.R. Toews

G.A. Cuttler, for the Law Society

E.D. Crossin, for Mr. Ranspot

Summary

Over a period of 14 months, Mr. Ranspot rendered accounts to the Legal Services Society for legal aid services that he had either not performed or had performed prior to the date of referral and was therefore not entitled to bill. Mr. Ranspot also deposited two trust cheques to his general law firm account, instead of to his trust account, and did not immediately discover or correct the trust shortfall. For several weeks, Mr. Ranspot practised law although he had not paid for the liability insurance that was mandatory for him as a lawyer in private practice.

Facts

Between September, 1992 and October, 1993, Mr. Ranspot on eight occasions rendered accounts to the Legal Services Society for services that he had either not performed or had not performed prior to the date of referral and was therefore not entitled to bill. These accounts totalled \$4,000. He did so knowingly and with the intention that the Legal Services Society act on the false referrals to the Society's detriment and to his benefit.

Mr. Ranspot also deposited two trust cheques to his general law firm account, which was then in overdraft, instead of to his trust account, and did not immediately discover or correct the trust shortfall.

In July, 1994 Mr. Ranspot paid his second instalment for liability insurance, but his cheque was returned for insufficient funds. He subsequently made payment by bank draft in August. Between July 26 and August 11, Mr. Ranspot practised law when he was not entitled to do so because he had not paid for liability insurance, which is mandatory for a lawyer in private practice.

Decision

The discipline hearing panel found that Mr. Ranspot was guilty of professional misconduct.

Penalty

In deciding penalty, the hearing panel noted that Mr. Ranspot's conduct over the period of time in question was aberrant behaviour for him and that he was undergoing depression and extreme psychological stress due to the breakdown of his marriage. After weighing the nature and circumstances of the misconduct, public perception, Mr. Ranspot's background and otherwise good character, the panel determined that a penalty less than disbarment would meet the best interests of the public and the profession. The panel noted that there was no evidence of misconduct by Mr. Ranspot since the time of these incidents and that the risk of reoccurrence was extremely low.

The hearing panel ordered that Mr. Ranspot:

1. be suspended for 18 months as of February 14, 1997;*
2. pay costs of the discipline proceedings.

The panel ordered that, before being permitted to resume practice, Mr. Ranspot must attend for an examination by a psychiatrist, chosen by the Law Society, and must appear before a board of examiners who will have access to the psychiatrist's report. The board of examiners must be satisfied that Mr. Ranspot

is competent and fit to return to practice and not adversely affected by any psychiatric, psychological or emotional condition or disability or by any dependency on alcohol or drugs.

If he were to resume practice, Mr. Ranspot would be required to meet once a month with a mentor, approved by the Law Society, who must do a monthly review of his practice and billing procedures during the first year.

* Noted in the March-April, 1997 *Benchers' Bulletin*.

Discipline Case Digest — 1997: No. 9 November (Ranspot)