

Law Society Hearing Panel File No. LCN 5970

LAW SOCIETY HEARING PANEL

TRIBUNALS OFFICE BETWEEN	
FILED	
Date	June 1, 2010
Time	1:16 pm
Staff Signature	Robert - M. [Signature]

Respondent

Davies Bagambire

and

Applicant

The Law Society of Upper Canada

APPLICATION UNDER subsection 34(1) of the *Law Society Act*, R.S.O. 1990, c.L.8, as amended.

NOTICE OF APPLICATION

TO THE RESPONDENT:

A CONDUCT PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

YOU ARE REQUIRED TO ATTEND at a proceeding management conference on **Monday, June 28, 2010, at 9:00 a.m.** at the offices of The Law Society of Upper Canada, Osgoode Hall, 130 Queen Street West, Toronto, Ontario. You may elect to attend by your representative.

IF YOU OR YOUR REPRESENTATIVE FAIL TO ATTEND AT THE PROCEEDING MANAGEMENT CONFERENCE, THE PANELIST CONDUCTING THE CONFERENCE MAY PROCEED IN YOUR ABSENCE.

Date of issue: *June 1, 2010*

TO: Davies Bagambire
Barrister & Solicitor
368 Bloor St. East
Toronto, ON M4W 1H4

APPLICATION

1. The applicant makes application for a determination by the Law Society Hearing Panel of whether the respondent has contravened section 33 of the *Law Society Act* by engaging in professional misconduct.

2. The grounds for the application are: it is alleged that the respondent has engaged in professional misconduct.

3. The particulars of the application are:

(1) The Respondent failed to serve his client T.F., contrary to Rule 2.01(2) of the *Rules of Professional Conduct* by:

(a) failing to communicate with or respond to communications from his client in a timely manner, or at all during the course of his retainer; and

(b) failing to conduct a proper investigation and analysis of the strength of her case and its chances of success prior to making bold assurances in that regard.

(2) The Respondent failed to deposit retainer monies received on behalf of his client T.F. into a trust account, contrary to s. 7 of By-law 9 made pursuant to the *Law Society Act*.

(3) The Respondent failed to account to his client T.F. and to transfer her file to her new counsel upon the termination of the Respondent's retainer, contrary to Rule 2.09(9) of the *Rules of Professional Conduct*.

(4) The Respondent failed to advise his client T.F. of his pending suspension, contrary to s. 9 of By-law 7.1 made pursuant to the *Law Society Act*.

(5) The Respondent acted dishonourably and without integrity when he advised the Law Society that he had notified his client T.F. of his pending suspension, when he had not, contrary to Rule 6.01(1) of the *Rules of Professional Conduct*.

Andrea Waltman
 Discipline Counsel
 The Law Society of Upper Canada
 Osgoode Hall
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 Toronto, Ontario
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- (6) The Respondent failed to honour the financial obligations of his practice, contrary to Rule 6.01(2) of the *Rules of Professional Conduct*, by failing to make the monthly rental payments for his office suite as they came due.
- (7) The Respondent acted dishonourably and without integrity, contrary to Rule 6.01(1) of the *Rules of Professional Conduct* by:
- (a) failing to notify his subtenant S.P., a lawyer, that he had not made his monthly rental payments for his office suite to the landlord as they came due and that this failure could result in a lockout by the landlord; and
- (b) accepting but failing to remit S.P.'s sublease payments to the landlord.

The Law Society of Upper Canada
Applicant

Davies Bagambire
and
Respondent

Law Society Hearing Panel File No: LCN 5911

LAW SOCIETY HEARING PANEL

Proceeding commenced at Toronto

NOTICE OF APPLICATION

Andrea Waltman, Discipline Counsel
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