

**LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
REVIEW DIVISION**

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

LAWYER 20

RESPONDENT

NOTICE OF REVIEW – RESPONDENT

TO: THE LAW SOCIETY OF BRITISH COLUMBIA

ON NOTICE TO: William B. Smart, K.C. / Maryanna T. Dinh
Hunter Litigation Chambers
2100 – 1040 West Georgia Street
Vancouver, BC V6E 4H1

TAKE NOTICE that the Respondent, Lawyer 20, applies for a review on the record:

[X] under s. 47(3.2) of the *Legal Profession Act*, S.B.C. 1998, c. 9, from a costs order made under section 46 by the Hearing Panel on January 13, 2026 and indexed as 2026 LSBC 01.

AND FURTHER TAKE NOTICE that at the hearing of the review the Respondent will be seeking an order that:

1. The Hearing Panel's order that the Respondent be awarded costs at Scale A in the amount of \$18,330.55 be varied;
2. The Review Board substitute an order that the Respondent be awarded special costs; or
3. In the alternative, that the Review Board substitute an order that the Respondent be awarded double the Tariff costs; or

4. In the further alternative, that the Review Board substitute an order that the Respondent's costs be calculated at Scale B rather than Scale A; and
5. Such further and other relief as the Review Board considers just.

THE ISSUES TO BE CONSIDERED ON THE REVIEW are set out below:

6. The Hearing Panel erred in finding that the pre-hearing consent agreement negotiations between the Respondent and the Law Society were protected by settlement privilege, and thereby declined to consider evidence that was directly relevant to the quantum of costs.
7. The Hearing Panel erred in finding that, even absent settlement privilege, special costs or double costs were not appropriate.
8. The Hearing Panel erred in concluding that the Law Society's conduct in pursuing the citation to a full hearing was not reprehensible or deserving of rebuke within the meaning of *Garcia v. Crestbrook Forest Industries Ltd.*, 1994 CanLII 2570 (BCCA), having regard to the totality of the circumstances including the weakness of the Law Society's case and the significant burden imposed on the Respondent.
9. The Hearing Panel erred in finding that this matter did not involve more than ordinary difficulty within the meaning of Scale B of the Tariff, having regard to the length and complexity of the proceeding, the volume of written submissions, and the novel and significant issues of law and professional responsibility engaged.

Date: April 17, 2026



Respondent, Lawyer 20
Represented by Richard C. Gibbs, K.C.
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