

Surrey, B.C.

Called to the Bar: June 12, 1987

Discipline hearing panel: December 14, 1993

T. Brown, Q.C., Chair, B. Trevino, Q.C. and A. Howard

Counsel for the Law Society: G. Cuttler

The member appearing on his own behalf

Summary

The member sent local realtors an advertising flyer that featured a young woman dressed in an evening gown. Among other things, the advertisement offered a free bottle of champagne for every conveyancing referral made to the member's law office by a realtor. The advertisement also said that realtors could, by dropping off business cards, win prizes, including "two beautiful hostesses to assist at one open house." The member admitted that he had professionally misconducted himself in violating former Ruling B/4 of *Professional Conduct Handbook* which prohibits a lawyer from entering into an arrangement for another person to direct clients to the lawyer in return for a reward. The member also admitted the advertisement was contrary to the best interests of the public and to the maintenance of a high standard of professionalism, and violated the Law Society marketing rules.

Facts

In December, 1992 the member sent an advertising flyer to local realtors offering a free bottle of champagne for every conveyancing referral to his law office by a realtor during January and February, 1993.

The advertisement, which featured a drawing of a young woman dressed in an evening gown, also said realtors could win various prizes, including "two beautiful hostesses to assist at one open house."

The member stated he that he did not receive any new business from this advertisement and that he ceased distribution of the advertisement as soon as he received a complaint.

Decision

The member admitted that he had professionally misconducted himself by distributing an advertisement that:

- improperly requested people to direct clients to his office in return for a reward, contrary to the Law Society rule against steering [*then Ruling B/4(b) of the Professional Conduct Handbook; now Chapter 9, Rule 2(a) of the Handbook*]; and
- was contrary to the best interests of the public and to the maintenance of a high standard of professionalism, in violation of the *Handbook* marketing rules [*then Ruling C/4(e); now Chapter 14, Rule 4(e)*].

Penalty

The Discipline Committee and the discipline hearing panel accepted the member's admission and proposed disciplinary action, and ordered that:

1. the member be reprimanded;
2. the member pay a fine of \$2,000 within 30 days;
3. within 30 days, the member send letters — in a form approved by the Law Society — to the realtors who received his advertising flyer to apologize for the advertisement and to request that

- the realtors state whether, as a result of the advertisement, they directed clients to the member's firm in return for a reward;
4. the member deliver to the Law Society copies of the realtors' responses;
 5. in the event that any of the realtors confirms having directed a client to the member in return for a reward, the member repay that client any legal fees the client paid to the member; and
 6. the member pay costs of the discipline proceedings, not exceeding \$2,500, within six months.

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