

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: ***Law Society of British Columbia v.
Hanson,***
2005 BCCA 354

Date: 20050620
Docket: CA032060

Between:

The Law Society of British Columbia

Respondent
(Plaintiff)

And

Leonard Hanson

Appellant
(Defendant)

Before: The Honourable Chief Justice Finch
The Honourable Madam Justice Rowles
The Honourable Mr. Justice Smith

Oral Reasons for Judgment

L. Hanson

Appearing in person

J.L. Owen

Counsel for the Respondent

Place and Date:

Vancouver, British Columbia
20 June 2005

[1] **FINCH C.J.B.C.:** Mr. Hanson appeals the judgment of the B.C. Supreme Court pronounced 11 June 2004 holding him in contempt of an order pronounced on 16 October 1984 restraining him from engaging in the practice of law, or holding himself out as being entitled to practice law. Mr. Hanson also appeals the sentence imposed of one month in custody and 100 hours of community service.

[2] Mr. Hanson became a member of the Law Society in 1960. On 28 January 1983, he was disbarred for professional misconduct. In 1984, the Law Society was provided with evidence that Mr. Hanson was continuing to practice law. The Law Society applied for an injunction. On 16 April 1984, by consent, Lander J. imposed an injunction in the following terms:

... [T]he Defendant, Leonard Hanson, be hereby restrained from engaging in the practice of law in British Columbia and from holding himself out in any way as being entitled or qualified to engage in the practice of law in British Columbia[.]

[3] On the present application for an order holding Mr. Hanson in contempt, the Law Society led evidence in respect of six matters occurring between 1994 and 2004, in each of which Mr. Hanson was alleged to have breached the injunction.

[4] Mr. Justice Rice held Mr. Hanson to be in breach of the restraining order in respect of all six allegations. The judge gave lengthy and detailed reasons for judgment reviewing the evidence and making findings of fact and credibility. He summarized his conclusions at paras. 103-106 of his reasons.

[5] On this appeal, Mr. Hanson challenges a number of the factual findings made by the trial judge. In particular, he says the judge erred in concluding that he

engaged in the practice of law on behalf of Rob Daniel in 1994 and 1995; and that he similarly erred in finding that Mr. Hanson engaged in the practice of law on behalf of J.C. Banana Enterprises Ltd. in 2003 and 2004.

[6] Mr. Hanson has also made an application to adduce fresh evidence and has filed in support affidavits of himself and two others, Mr. Guerrero or Mr. Carlo as Mr. Hanson has referred to him this morning, and Mr. Narwal.

[7] To succeed on an appeal against the trial judge's findings of fact in a case such as this where the standard of proof is beyond a reasonable doubt, the appellant must show that the finding of contempt is unreasonable, that is, that there is no evidence to support the finding, or alternatively, that there has been a misapprehension of the evidence, or the ignoring or overlooking of relevant evidence, or an error in principle. Mr. Hanson has shown nothing of that sort in this appeal. The trial judge's findings are fully supported by the evidence, as demonstrated in his reasons for judgment and I can see no error of law.

[8] With respect to the Daniels matter and the J.C. Banana case, the trial judge's findings there turned in large part on questions of credibility. It is in respect of those cases that Mr. Hanson seeks to adduce fresh evidence. The evidence tendered does not meet the test for admissibility as fresh evidence. The information tendered was discoverable by reasonable diligence prior to the hearing before Mr. Justice Rice, the tendered evidence does not pass the threshold of reasonable credibility, and the tendered evidence would not, if admitted, be practically conclusive of any issue before the court.

[9] I would dismiss the appeal against the finding of contempt.

[10] The sentence imposed by the trial judge was incarceration for one month followed by 100 hours of community service.

[11] This sentence is well within the range of sentences previously imposed for contempt: see ***Law Society of British Columbia v. McLeod*** (17 December 1998) Vancouver A952288 (B.C.S.C.); ***Law Society of British Columbia v. McLaughlin*** (30 July 1992) Vancouver A861743 (B.C.S.C.); and ***Law Society of British Columbia v. McLaughlin*** (12 January 1999) Vancouver A86743 (B.C.S.C.).

[12] The sentence imposed on Mr. Hanson is neither unfit nor unreasonable.

[13] I would dismiss the appeal against sentence as well.

[14] **ROWLES J.A.:** I agree.

[15] **SMITH J.A.:** I agree.

[16] **FINCH C.J.B.C.:** The appeal is dismissed.

“The Honourable Chief Justice Finch”