

Vancouver, B.C.

Called to the Bar May 14, 1969

Discipline hearing panel: April 24, 1995 and June 20, 1995

H.R. Berge, Chair, M. Martin and T.M. McEwan

D.W. Roberts, Q.C., for the Law Society

D. Crossin, for Mr. Morrow

Summary

Mr. Morrow practised law while unable to fulfil his duties as a lawyer because of alcoholism. He breached his undertaking to the Law Society not to consume alcohol and to submit regularly to monitoring by his physician pending the outcome of his discipline hearing. On another matter, Mr. Morrow falsely stated to a judge that he had recently begun representing a client when, in fact, he had met with the client several times in the preceding months.

Facts

Practising while unable to fulfil duties because of alcoholism / breach of undertaking

In late 1993 and 1994 Mr. Morrow practised law while unable to fulfil his duties as a lawyer because of alcoholism.

In December, 1993 Mr. Morrow attended a meeting on behalf of a client when his abilities as a lawyer were adversely affected by alcohol. He arrived at that meeting late and smelling of alcohol, made an accusatory statement against his own client's interests, failed to maintain control of the meeting and failed to maintain supervision over his support staff at the meeting.

In investigating a different complaint against Mr. Morrow in June, 1994, the Law Society obtained his consent to receive a physician's report on his treatment for alcoholism.

Mr. Morrow's physician provided to the Law Society a letter that he had addressed "to whom it may concern." The physician stated that he had "instructed Mr. Morrow to discontinue practising law immediately as he is medically disabled." The physician had also advised the Superintendent of Motor Vehicles that he had instructed Mr. Morrow to cease driving a vehicle; the Motor Vehicle Branch subsequently cancelled Mr. Morrow's licence.

On July 7, 1994 the Discipline Committee authorized a citation against Mr. Morrow and ordered that a hearing panel determine under section 43 of the *Legal Profession Act* whether Mr. Morrow should be suspended pending the outcome of the hearing. On July 15 the panel accepted a set of conditions agreed on by counsel for the Law Society and counsel for Mr. Morrow. Those conditions specified that Mr. Morrow would immediately surrender his practising certificate until he had successfully completed an alcohol treatment program, would undertake not to consume any alcohol, would submit to monitoring to detect any alcohol consumption and would attend Alcoholics Anonymous at least three times per week.

On September 9, 1994 Mr. Morrow's physician reported to the Law Society that Mr. Morrow had successfully completed a four-week residential treatment program. Mr. Morrow subsequently resumed practice.

Between October 26 and November 2, 1994 Mr. Morrow resumed drinking.

On November 16, 1994 the Law Society held another hearing to determine whether Mr. Morrow should be suspended. Mr. Morrow gave a further undertaking, which was accepted by the panel. The undertaking provided that, if Mr. Morrow failed to submit to monitoring to detect alcohol consumption, he would immediately surrender his practising certificate to the Law Society pending the outcome of his hearing.

On December 12, Mr. Morrow's physician reported to the Law Society that Mr. Morrow had admitted to drinking again and that the physician had observed signs of drinking. After being contacted by the Law Society, Mr. Morrow surrendered his practising certificate in accordance with his undertaking. He also consented to the appointment of a custodian for his practice.

False statements to court

In July, 1994 Mr. Morrow falsely stated to a Provincial Court judge that he had just recently been retained by a client when, in fact, he had already met with that client three or four times since April, 1994.

Decision

The hearing panel found that Mr. Morrow's conduct constitutes professional misconduct.

Penalty

The panel ordered that Mr. Morrow be suspended until such time as he can satisfy a board of examiners appointed by the Competency Committee that his competence to practise law is not adversely affected by a dependency on alcohol.

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