

Fort St. John, B.C.

Called to the Bar May 12, 1981

**Discipline Hearing Committee:** October 9, 1990

J.M. MacIntyre, Q.C., Chair, H.J. Grey, Q.C., and B.J. Wallace, Q.C.

### **Summary**

The member was intoxicated in court, and he breached his undertaking to the Law Society.

### **Facts**

In February, 1990, while serving as defence counsel in a criminal jury trial, the member appeared in County Court intoxicated by alcohol. His intoxication affected his conduct as counsel to the extent that the trial judge declared a mistrial.

After investigation by the Law Society, the Standing Discipline Committee authorized a citation on March 1. On March 23 the member sent a letter to the Law Society undertaking not to consume alcohol. He subsequently breached that undertaking.

On May 31 the member voluntarily undertook to cease practising law until after his discipline hearing. He successfully completed a five-week residential alcohol treatment program and then attended Alcoholic Anonymous regularly.

### **Admissions**

The member admitted that his conduct in appearing in court while intoxicated and in breaching his undertaking to the Law Society constituted professional misconduct.

The Hearing Committee resolved to accept the member's admissions and proposed disciplinary action pursuant to Rule 469, and accordingly ordered that he:

1. be reprimanded;
2. continue in regular counselling once a week for his alcohol problem at the North Peace Alcohol and Drug Counselling Service until that Service decides counselling is no longer necessary;
3. provide urine samples for analysis at his expense, at least once a week on a random basis for one year, and at least once a month on a random basis for two more years;
4. attend Alcoholics Anonymous meetings three times a week and submit attendance cards to his counsellor at the North Peace Alcohol and Drug Counselling Service.

J.D. Ziskrout, for the Law Society

C. MacClean, Q.C., for the member