

Raymond William Barton

Quesnel, BC

Called to the Bar: September 13, 1983

Became a non-practising member: September 27, 2001

Discipline hearing: June 15, 2004

Panel: David A. Zacks, QC, as a one-Bencher panel by consent

Report issued: June 18, 2004, indexed as 2004 LSBC 20

Counsel: Jerome D. Ziskrout, for the Law Society and Martin Finch, for Mr. Barton

Summary

Mr. Barton breached his undertaking by failing to instruct his physician to submit a medical report to the Law Society. The Discipline Committee and a discipline hearing panel accepted Mr. Barton's admission of professional misconduct and his proposed penalty. The panel accordingly ordered that Mr. Barton be reprimanded and meet various conditions, including that he abstain from alcohol and, prior to returning to practice, provide a report from a physician specializing in alcohol addiction stating that Mr. Barton is fit to practise law and setting out a treatment and monitoring plan for him.

Facts

In September, 2000 Mr. Barton gave an undertaking to the Law Society that he would instruct his physician to submit medical reports to the Society. He breached his undertaking by failing to instruct his doctor to submit the medical report due August 10, 2003.

Mr. Barton had earlier elected to become a non-practising member in September, 2001.

Admission and penalty

Pursuant to Law Society Rule 4-22, Mr. Barton admitted that his breach of undertaking constituted professional misconduct. The Discipline Committee and the hearing panel accepted Mr. Barton's admission and his proposed penalty, and accordingly ordered that he:

be reprimanded;

abstain absolutely from the consumption of alcohol;

attend a minimum of two Alcoholics Anonymous meetings per week and provide written confirmation of attendance in a form satisfactory to the Discipline Committee;

before recommencing practice, provide proof that he has met and consulted with a physician specializing in alcohol addiction, assessment and treatment;

before recommencing practice, provide a report satisfactory to the Law Society from an addiction physician setting out that Mr. Barton is fit to practise law and proposing a treatment plan and

monitoring regime; and

submit to such further assessment and treatment as the addiction physician requires.

The panel further ordered that Mr. Barton's failure to abide by any of these conditions would result in his immediate suspension.