

Intoxication in Court

PATRICK HOOD

Burnaby, B.C.

Called to the bar: March 30, 1953

The member was defence counsel in a trial for sexual assault in the County Court of Vancouver in October, 1987.

During the morning court session on October 2, a juror told the Deputy Sheriff that he had smelled liquor on Mr. Hood's breath. The Deputy Sheriff passed the juror's comments onto the judge later that morning.

Just before court was to resume in the afternoon, Mr. Hood fell down intoxicated in the Barristers' Room. Another lawyer found the member, and reported his condition to the judge.

Mr. Hood ultimately appeared in the courtroom and the proceedings were adjourned until the following Monday. The Crown voiced its intention to apply for a mistrial.

On Monday morning Crown Counsel and Mr. Hood appeared before the same judge in Chambers. Without making a formal application, Crown Counsel invited court to consider a mistrial. The judge declared a mistrial of his own volition because of the juror's report that he smelled liquor on the member's breath and because of comments the member made during his opening to the jury.

The Discipline Committee considered Mr. Hood's intoxicated appearance in court and ordered him to meet with a Conduct Review Sub-committee on July 18, 1988. Although he had notice of the time, date and place of the meeting, the member did not come. A citation for an inquiry was immediately authorized.

Mr. Hood did not appear before the Conduct Review Sub-committee because he suffered a complete alcoholic collapse on July 16, from which date until July 27 he underwent treatment at a detox centre. He described this incident in a letter to the Law Society on August 5.

The member admitted that he had a problem with alcohol and that this problem resulted in his failure to appear in court and before the Conduct Review Subcommittee. As a term of his admission, the member undertook:

1. to cease practising law until the Discipline Committee is satisfied, by way of a medial opinion, that his alcohol problem has been dealt with;
2. in the event the Law Society allows him to resume practice:

- (a) to practise only in association with, or in the employ of, at least one other lawyer; and
- (b) to continue in regular counseling for his alcohol problem.

Discipline Digest — 1989: No. 1 July (Hood)