

THE LAW SOCIETY OF BRITISH COLUMBIA

IN THE MATTER OF THE *LEGAL PROFESSION ACT*, SBC 1998, C. 9

AND

STUART J. ZUKERMAN

(a member of the Law Society of British Columbia)

RULE 3-7.1 CONSENT AGREEMENT SUMMARY

1. On August 26, 2024, the Chair of the Discipline Committee approved a consent agreement proposal submitted by Stuart J. Zukerman (the “Lawyer”) under Rule 3-7.1 of the Law Society Rules (“Rules”).
2. Under the proposal, the Lawyer admitted that he committed the following misconduct, and that it constitutes professional misconduct pursuant to s. 38(4) of the *Legal Profession Act*:
 - i. Between approximately October 2000 and May 2023, he sexually harassed AA, an employee of his law firm, contrary to one or both of rules 2.2-1 and 6.3-3 of the *Code of Professional Conduct for British Columbia*, when he:
 - a) touched her without her consent;
 - b) made comments of a sexual nature; and
 - c) engaged in unwelcome romantic and/or sexual advances.
 - ii. Between approximately October 2000 and May 2023, he engaged in the sexual harassment of persons employed by his law firm by engaging in inappropriate conduct or making inappropriate statements, which he knew or ought to have known were unwelcome and likely to create an intimidating, hostile or offensive work environment that would adversely affect individuals employed by his firm, contrary to rule 6.3-3 the *Code of Professional Conduct for British Columbia*.

- iii. Between approximately January 1, 2018 and May 2023, he sexually harassed BB, an employee of his law firm, contrary to one or both of rules 2.2-1 and 6.3-3 of the *Code of Professional Conduct for British Columbia*, when he:
 - a) took a surreptitious photograph of her cleavage without her knowledge;
 - b) attempted to take a surreptitious video recording underneath her dress in the office without her knowledge;
 - c) made comments of a sexual nature; and
 - d) engaged in unwelcome romantic and/or sexual advances.
3. Under the proposal, the Lawyer agreed to resign his membership in the Law Society of British Columbia and undertake the following:
 - i. not to engage in the practice of law in British Columbia with or without the expectation of a fee, gain or reward, whether directly or indirectly, for a period of five (5) years commencing on November 30, 2024;
 - ii. not to apply for reinstatement to the Law Society of British Columbia or elsewhere within Canada for a period of five (5) years, commencing on November 30, 2024;
 - iii. not to apply for membership in any other law society (or like governing body regulating the practice of law) without first advising the Law Society of British Columbia in writing;
 - iv. not to work in any capacity whatsoever, for any lawyer or law firm in British Columbia, without obtaining the prior written consent of the Executive Director of the Law Society.
4. In making its decision, the Chair of the Discipline Committee considered an Agreed Statement of Facts dated August 21, 2024, and a letter to the Chair of the Discipline Committee.
5. This consent agreement will now form part of the Lawyer's professional conduct record.
6. Pursuant to Rule 3-7.1(5) of the Rules, and subject to Rule 3-7.2 of the Rules, the Law Society is bound by an effective consent agreement, and no further action may be taken on the complaint that gave rise to the agreement.
7. The admitted facts are summarized below.

Summary of Facts

Lawyer Background

8. The Lawyer was called and admitted as a member of the Law Society of British Columbia on September 1, 1989.
9. The Lawyer practices primarily family law and offers services as a mediator.
10. Since 2011, Mr. Zukerman has practised law at his firm, Zukerman Law Group (the “Firm”) in Surrey, British Columbia.

Facts

11. A Law Society investigation was initiated after a complaint was made by a lawyer previously employed by the Firm.
12. The Law Society’s investigation uncovered numerous incidents of sexual harassment.

Sexualized Work Environment

13. Broadly, the investigation uncovered that the Lawyer created, promoted or encouraged a highly sexualized, intimidating, hostile or offensive work environment at the Firm.
14. Staff described that comments of a sexual nature were common and included jokes, sexual innuendo, bragging or detailing of sexual encounters, and commenting on staff or potential staff’s appearances.
15. Staff also described their view that employees who went along with the sexual banter were better liked by the Lawyer and therefore more likely to receive promotions or higher bonuses (which were discretionary).
16. Many informal complaints were made about the Lawyer’s conduct. Despite being brought to his attention, the Lawyer did not change his behaviour.

Sexual Harassment of AA

17. The Law Society investigation uncovered that the Lawyer sexually harassed his employee, AA.
18. The harassment involved sexualized jokes, comments and innuendo directed towards AA.
19. On one occasion, the Lawyer touched AA’s buttocks without her consent while she stood on a ladder painting the office.

20. In 2014, the Lawyer wrote AA a letter detailing his sexual and romantic feelings towards her and queried whether she would consider leaving her family to engage in a formal relationship with him.
21. AA rejected the Lawyer's advances and asked him to stop pursuing her. The Lawyer sent AA one further letter describing his feelings for her, and then discontinued asking AA to have a relationship with him. He continued to engage in inappropriate sexual jokes and innuendo for the remainder of his working relationship with AA.

Sexual Harassment of BB

22. The Law Society investigation also uncovered that the lawyer sexually harassed his employee, BB.
23. The harassment involved sexual jokes, comments on her appearance, discussion of his sexual activities and sexual innuendo.
24. The Lawyer also expressed his sexual attraction to BB in explicit terms.
25. On one occasion, the Lawyer accessed an employee's work computer without permission to download an image of BB. The Lawyer advised BB that he had done so and that it was because he thought she looked attractive in the photograph.
26. In October 2022, the Lawyer advised BB that he had taken a surreptitious photograph of her cleavage. BB told the Lawyer that the conversation made her uncomfortable and the Lawyer apologized.
27. On May 10, 2023, the Lawyer attempted to take a surreptitious video recording of BB underneath her dress. BB caught the Lawyer attempting to film her and became distraught. She requested that the Lawyer delete the video and he complied. BB left the office that afternoon and never returned.
28. Later that evening, the Lawyer apologized to BB for his misconduct in an email and noted that he was suffering from physical and mental health issues that contributed to his behaviour.
29. The May 10, 2023 incident culminated in the resignation of three female employees from the Firm.
30. The Lawyer admits that all of the above noted conduct amounts to professional misconduct.

Interim Measures

31. On September 7, 2023, the Lawyer gave an undertaking to the Law Society that he would not be alone in the presence of any person who identifies as female, in relation to his practice of law, and to inform all lawyers at the Firm of his undertaking.
32. These measures were in place while the Law Society completed its investigation and will remain so until the Lawyer's resignation effective November 30, 2024.

Mitigating Factors

33. During the investigation, the Lawyer provided a medical report to the Law Society detailing that the Lawyer was suffering from a physical and mental health issue that contributed to the May 10, 2023 incident.
34. The Lawyer was cooperative with the Law Society's investigation, admitted his misconduct, and took steps address his health issues.

Aggravating Factors

35. The Lawyer has a professional conduct record: in 2017 the Lawyer underwent a Conduct Review for disparaging comments he made online about a client's ex-wife.
36. The misconduct at issue in this consent agreement occurred for a period of over twenty years despite repeated complaints.
37. The Lawyer was in a heightened position of power over his employees.
38. The impact on the victims was severe and resulted in three individuals leaving the Firm.

Conclusion

39. In approving the consent agreement proposal, the Chair of the Discipline Committee considered the outcomes in prior and related cases, the interests of the victims and the Lawyer's contributing physical and mental health issue.