

2005: No. 02 July-August

Stephen Neville Suntok

Victoria, BC

Called to the bar: May 19, 1995

Discipline hearing: May 27, 2005

Panel: Patricia L. Schmit, QC, as a single-Bencher panel by consent

Report issued: July 15, 2005 (indexed as 2005 LSBC 29)

Counsel: Brian McKinley for the Law Society and Dennis Murray, QC for Mr. Suntok

Facts

In May 2003, Mr. Suntok and Ms. H broke off their romantic and physical relationship. In the days following the breakup, Mr. Suntok sought counselling and treatment for depression. While Ms. H was visiting her father in North Vancouver, Mr. Suntok called her and the two of them argued. Mr. Suntok had been drinking alcohol. He subsequently took a helicopter to Vancouver and a taxi to the house where Ms. H was staying.

The doors of the house were open and Mr. Suntok went inside. He unplugged the telephone and assaulted Ms. H by grabbing her by the neck and then by the ponytail, throwing her to the ground, threatening her, kicking her once in the head and punching her four times around the head area with a closed fist. When a neighbour ran towards him, Mr. Suntok stopped the assault and ran out of the house. He returned through another open door, damaged some furniture and left. He turned himself in to police shortly after the assault.

At the time of this incident, Mr. Suntok was employed as Crown Counsel. He has been in private practice since October 2003.

Mr. Suntok pleaded guilty to assault on January 14, 2004. He received a conditional discharge and three years probation on various conditions. On appeal, a suspended sentence was substituted for the conditional discharge on substantially the same conditions. The judge determined that this was not an appropriate case for a conditional discharge and took into account the nature of the assault and that Mr. Suntok had previously received a conditional discharge for assault.

Mr. Suntok's previous conditional discharge related to an assault in 1991 of his then girlfriend, prior to him becoming an articled student. When Mr. Suntok applied to enter the Law Society admission program, he was required to undergo a psychiatric assessment. Following that assessment, he had been enrolled in articles subject to conditions, including counselling requirements.

On June 9, 2004 the Discipline Committee authorized a citation against Mr. Suntok.

Verdict

Mr. Suntok admitted and the hearing panel found that his conduct in assaulting Ms. H was dishonourable conduct that reflected adversely on the integrity of the legal profession, contrary to Chapter 2, Rule 1 of the *Professional Conduct Handbook* and that this conduct constituted conduct unbecoming a member of the Society.

Penalty

The hearing panel reviewed the various factors relevant to penalty.

The panel ordered that Mr. Suntok:

1. be reprimanded;
2. be suspended for 90 days, commencing November 1, 2005;
3. undertake to enter a monitored recovery program agreement for two years in a form satisfactory to the Practice Standards Committee and which must include:
 - participation in peer accountability, counselling or support meetings not less than three times a week; and
 - authorization of attendance and progress reports respecting these meetings;
4. provide quarterly reports to the Practice Standards Committee as to his compliance with ongoing treatment and counselling;
5. abstain absolutely from the consumption of alcohol;
6. provide quarterly medical reports from a physician confirming his abstention from alcohol through regular urine testing and annual liver testing; and
7. pay \$8,000 as costs within two years of returning to practice.