

2006 : No. 05 November-December

Danine Lorraine Geronazzo

Victoria, BC

Called to the bar: September 8, 1998

Ceased membership: January 1, 2005

Penalty hearing : June 29, 2006

Panel : Ralston S. Alexander, Q.C., Chair, G. Glen Ridgway, Q.C., William Sullivan, Q.C.

Report issued : October 13, 2006 (indexed as 2006 LSBC 37)

Counsel : Gerald Cuttler for the Law Society; Danine Geronazzo on her own behalf

Facts

On October 3, 2005 the hearing panel found Ms. Geronazzo guilty on two counts of professional misconduct, for her failure to respond to four unrelated Law Society inquiries regarding three complaints from former clients, and for her failure to respond to one complaint from the Public Guardian and Trustee.

Penalty

At the penalty hearing, the panel stated its strong desire to demonstrate the importance of a lawyer's obligation to respond promptly to Law Society communications relating to investigation of complaints. Observing that Ms. Geronazzo was no longer a member of the Law Society, and that she was already under indefinite suspension by virtue of a previous and unrelated discipline proceeding, the panel declined the conditional and time limited suspension recommended by Law Society counsel. The hearing panel noted that section 38 of the *Legal Profession Act* restricts conditional suspensions to matters where a member is required to complete a remedial program, to appear before a board of examiners, or to practise law in a firm of other lawyers.

Expressing frustration with Ms. Geronazzo's apparent reluctance to recognize that she had yet to respond to the Law Society's inquiries regarding four outstanding complaint matters, the panel stressed that a lawyer's obligation to respond is not relieved by an interim suspension, and does not go away when the membership of the responding lawyer is allowed to lapse. The hearing panel concluded by pointing out that on any application for reinstatement by Ms. Geronazzo, the nature and number of her outstanding and unanswered complaints will be considered in the Credentials Committee's review of her conduct record.

The panel accordingly ordered that Ms. Geronazzo:

1. be suspended from the practice of law for a period of two months, effective immediately upon her reinstatement as a member of the Law Society; and
2. pay costs in the amount of \$1,000.