

Michael Zsolt Galambos

Vancouver, BC

Called to the bar: May 17, 1991

Suspended: August 1, 2007

Discipline hearing : April 18, 2007

Panel : Gordon Turriff, QC, Chair, Joost Blom, QC and Robert W. McDiarmid, QC

Report issued : June 11, 2007 (2007 LSBC 31)

Counsel : Maureen Boyd for the Law Society and Jerome Ziskrout for Michael Zsolt Galambos

Facts

In February 2006, colleagues in the office where Michael Zsolt Galambos worked were preparing an application for short leave for an application in a matrimonial action. Galambos was aware of a discussion on whether it was necessary to serve the defendant in the action with only the writ and statement of claim, or whether the notice of motion and supporting affidavit also had to be served. On February 15, 2006, the writ and statement of claim were served on the defendant. The notice of motion and supporting affidavit were not served.

On February 17, 2006, Galambos attended before Master Barber in Supreme Court Chambers to speak to the short leave application. Prior to leaving the office for court, Galambos asked a legal secretary if the defendant had been served. She told Galambos that the defendant had been served, but the process server had not yet provided an affidavit of service. He did not ask which documents had been served on the defendant.

During his submissions in the short leave application, Galambos represented to the court that the notice of motion and supporting affidavit had been served on the defendant. The master granted the short leave application. Immediately after the application, Galambos' associate advised him that the notice of motion and affidavit had not been served. Galambos did not return to court to advise that his representation was not accurate.

Verdict

The panel accepted Galambos' admission that his conduct on February 17, 2006 had the effect of misleading the court, and found him guilty of professional misconduct.

Penalty

The panel underscored the importance of ensuring the court can accept statements of counsel without having to make inquiry. The panel agreed that this kind of case calls for something more than a fine and ordered a one-month suspension from August 1 to August 31, 2007 and costs of \$3,000. Although the panel did not order Galambos to write a letter of apology to Master Barber, they were assured he would do so.