

2007 : No. 1 March

Daniel Glen Addison

Abbotsford, BC

Called to the bar: May 14, 1993

Discipline hearing : February 21, 2007

Panel : James Vilvang, QC, Chair, Robert McDiarmid, QC and William Sullivan, QC

Report issued : March 2, 2007 (2007 LSBC 12)

Counsel : Jaia Rai for the Law Society and Jerome Ziskrout for Mr. Addison

Facts

Mr. Addison represented the defendant in a motor vehicle matter where there were four independent witnesses to the accident. Two of the witnesses were favourable to the plaintiff and two were favourable to the defendant. Mr. J was the strongest witness for the defence.

Mr. Addison did not enter the names of his defence witnesses on the List of Witnesses, but he did provide that information in a November 14, 2005 letter to counsel for the plaintiff, lawyer A. Mr. J was not included in the list indicated in that letter. When lawyer A contacted Mr. Addison to inquire as to why Mr. J was not on the List of Witnesses, Mr. Addison indicated that this was an oversight by his office, and Mr. J was on the List of Witnesses. Mr. Addison indicated to lawyer A that he wanted Mr. J's name added to the list of witnesses.

Lawyer A later learned that Mr. J had died in the summer of 2004. On November 29, lawyer A's co-counsel contacted Mr. Addison to ask if he knew that Mr. J was dead. Mr. Addison indicated that he had found out about two weeks before that Mr. J had died.

In the hearing, Mr. Addison admitted that, at the time of his conversations with lawyer A and her co-counsel, he was aware that Mr. J had died in the summer of 2004 and he had learned of his death in mid-October. He further admitted that this conduct constituted professional misconduct.

Verdict

The hearing panel accepted Mr. Addison's admission that he misled opposing counsel and found Mr. Addison's conduct constituted professional misconduct.

Penalty

The hearing panel accepted the joint submission on penalty by Mr. Addison and the Law Society. The panel ordered:

1. a 30-day suspension to commence March 10, 2007; and
2. costs in the amount of \$6,369.

In their assessment of the penalty, the panel emphasized an earlier decision (*Law Society of BC v. Johnson*, August 19, 1992) which noted that:

To lie to a fellow member of the legal profession is a matter of the utmost severity. The profession that

we practise in is based upon mutual trust and confidence that what our fellow practitioner tells us can be accepted. It is imperative that lawyers, both in their professional and personal lives, conduct themselves and their dealings with honesty and integrity. If that is not done, the profession will fall into great disrepute and ultimately lose its self-governing capacity.