

2007 : No. 1 March

Danine Lorraine Geronazzo

Victoria , BC

Called to the bar: September 8, 1998

Ceased membership: January 1, 2005

Bench Review: June 26, 2006

Benchers: Gordon Turriff, QC, Chair, Ronald Tindale, Robert Punnett, Michael Falkins, Thelma O'Grady, David Renwick, QC and Ken Dobell

Report issued : December 13, 2006 (indexed as 2006 LSBC 50)

Counsel : Gerald Cuttler for the Law Society and Ms. Geronazzo on her own behalf

Background

In the decision of the hearing panel (facts and verdict: 2004 LSBC 26, penalty 2005 LSBC 12), Danine Lorraine Geronazzo was found guilty of professional misconduct for attempting to mislead her employers and the Law Society about work she had performed on various client files.

The hearing panel ordered that Ms. Geronazzo be suspended until she had entered into a practice supervision agreement for a period of two years and had certified that, for the two-year period of the supervision, she would practise only as an employee, associate or partner with two or more members of the Law Society who were not related to her. The hearing panel also ordered that she pay \$29,283 in costs.

On review, the Law Society argued the hearing panel erred in the decision on penalty by not considering whether Ms. Geronazzo was suitable to practise law and whether she should be disbarred. The Law Society also argued that a practice supervision agreement was inappropriate because Ms. Geronazzo had been working under the supervision of established and respected law firms at the time of her offences. In addition, the Society contended the penalty decision fettered the discretion of the Credentials Committee because it would allow Ms. Geronazzo, who had voluntarily given up her membership in the Law Society, to return to practice once she had satisfied the conditions imposed, without having to prove her character and fitness on reinstatement.

Decision

The Benchers accepted that there are degrees of misleading conduct and that while Ms. Geronazzo's actions were serious, they were of a lesser degree. They also agreed that Ms. Geronazzo should not be practising at present, but that the Law Society failed to establish that she would not at some future time be able to return to practice. Consequently, the Benchers concluded that disbarment was not appropriate in this instance. They also found that a practice supervision agreement would provide a safeguard for the public.

However, the Benchers concluded that the hearing panel's penalty of a suspension until a practice supervision agreement was in place was not an effective punishment for the proved misconduct because Ms. Geronazzo could have satisfied the condition immediately and avoided punishment altogether. Accordingly, the Benchers ordered a six-month suspension effective immediately. The Benchers also concluded that the conditions imposed by the hearing panel would not fetter the Credentials Committee's discretion because Ms. Geronazzo would have to prove her fitness on a reinstatement application, if she

made one.

Accordingly, the Benchers ordered:

1. a six-month suspension;
2. that if Ms. Geronazzo was reinstated, she would, before returning to the practice of law, have to:
 - a) enter into a Practice Supervision Agreement for a period of two years from her return;
 - b) certify that she would engage in the practice of law only as an employee, associate or partner with two or more members of the Law Society who were not related to her by blood or marriage;
and
3. that there would be no costs of the review.