

2008 LSBC 04

Report issued: January 28, 2008

Citations issued: April 12, 2006 and  
June 13, 2006

The Law Society of British Columbia  
In the matter of the *Legal Profession Act*, SBC 1998, c.9  
and a hearing concerning

**Rodney John Strandberg**

Respondent

**Decision of the Hearing Panel  
on Penalty**

Hearing date: November 30, 2007

Panel: Bruce A. LeRose, QC, Chair, Gerald Lecovin, QC, Gavin Hume, QC

Counsel for the Law Society: Gerald Cuttler

Counsel for the Respondent: Jerome Ziskrout

## Background

[1] This is the penalty decision with respect to two citations, one containing nine separate counts, that were issued against the Respondent concerning conduct between 2002 and 2005.

[2] The Respondent admitted that all but two counts constituted professional misconduct.

[3] The Hearing Panel determined that the Respondent was guilty of professional misconduct on the other two counts.

[4] The Respondent was called to the Bar in 1987, and has practised as a sole practitioner since that time. He is approximately 47 years old and had a general practice.

[5] The citations that were issued against the Respondent concerned a wide range of professional misconduct. The conduct was specified in the citations as set out in our decision on Facts and Verdict, issued on April 11, 2007 ( *Law Society of BC v. Strandberg*, 2007 LSBC 19).

### Evidence at Hearing

[6] No oral evidence was tendered, but counsel provided the Respondent's resignation dated November 26, 2007, wherein the Respondent undertook not to apply for reinstatement for a period of not less than seven years from the date of the letter, and then only if such application is accompanied by a psychiatric report confirming the counselling he has taken and providing an opinion that he is then fit to practise law and any conditions that should be imposed upon his practice in the event that he is readmitted.

[7] Counsel then made a joint submission " as an alternative to the Law Society seeking an order of disbarment." That submission was as follows:

- (a) the Respondent will resign immediately (i.e. before the hearing);
- (b) the Respondent will also immediately undertake not to apply for membership for a period of no less than seven years, and then only if his application is accompanied by a psychiatric report that confirms the counselling he has taken, and that provides an opinion that the Respondent is fit to practise law and the conditions that ought to be imposed on his practice in the event he is readmitted
- (c) that the Respondent be ordered to pay costs fixed in the amount of \$36,000; and
- (d) that the decision of the Hearing Panel be published.

[8] Also filed as an exhibit was the Professional Conduct Record of the Respondent, which set out the 10 previous occasions when the Law Society had to censure the Respondent for his misconduct. The first of these occasions was in April, 1996 and the last in May, 2003. It is an unenviable record.

## Decision

[9] In view of the record of the Respondent and the seriousness of the citations proved against him, the Panel would disbar the Respondent. However, given the terms of his resignation and the other terms of his undertaking, including the acknowledgement that he is not fit to practise law, and being cognizant that the seven years within which he undertakes not to apply to practise law, taken together with his age and the probable requirements to re-enter the practice of law at that time, make it unlikely that the Respondent would ever be able to resume the practice of law, the Panel is satisfied to accept the joint submission of counsel and orders as follows:

1. That the Respondent be ordered to pay costs fixed in the amount of \$36,000.
2. That the decision of the Hearing Panel be published.