

2008 LSBC 26

Report issued: September 03, 2008

Oral Reasons: August 12, 2008

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

Adam Charles Munnings

Applicant

**Decision of the Hearing Panel
on Application for Enrolment**

Hearing date: August 12, 2008

Panel: G. Glen Ridgway, QC, Chair, Leon Getz, QC, Kenneth Walker

Counsel for the Law Society: Henry C. Wood

Counsel for the Respondent: Michael Tammen

Background

[1] This was a hearing held to determine whether the Applicant should be enrolled as an articulated student. Under section 19 of the *Legal Profession Act* the Benchers must be satisfied that an applicant is of good character and repute and fit to become a barrister and a solicitor of the Supreme Court. The onus is on the Applicant to prove this on the balance of probability. The hearing occurred on August 12, 2008. At the conclusion of the hearing the Chair of the Panel gave oral reasons with written reasons to follow. We allowed the Applicant to be enrolled as a student subject to the following conditions:

(a) The Applicant shall, during his articles, be the subject of four reports prepared by his principal or designate, which shall be delivered to the Manager, Member Services and Credentials, for the attention of the Credentials Committee. These reports will express the principal's view of the general performance of the Applicant with a focus on any concern relating to abuse of alcohol.

We are led to believe his principal has agreed to assist the Law Society in this way.

(b) Prior to each report, the Applicant shall be the subject of a random request by his principal for a sample to test for liver function. Such report shall be attached to the report referred to above.

The Applicant has agreed to provide samples for such tests.

(c) During his articles, the Applicant shall also provide a further sample to test for liver function if so directed by the Executive Director of the Law Society of British Columbia or his designate.

[2] These are the written reasons.

[3] The Applicant was born in Ontario and is 28 years of age. He has been in a stable relationship for some four years. He graduated with a Law degree from the University of British Columbia in 2005. Since May, 2006 he has been employed in the legal department of British Columbia Hydro. He has been encouraged by his co-workers to pursue articles.

[4] His good character and repute is supported by co-workers and community members who have knowledge of the Applicant. Their statements are found in Exhibit 1 at Tab 3.

[5] In his Application for Enrolment for Articles dated Oct. 25, 2007, the Applicant, to his credit, disclosed instances of excessive alcohol consumption in his recent past. The Credentials Committee investigated and consequently ordered this hearing.

[6] The Panel has received the opinion of Dr. Donald Hedges, Physician and Surgeon, who is an expert in chemical dependency. His opinions of January 29, 2008 and May 23, 2008 are found at Exhibit 1, Tabs 4 and 5. Dr. Hedges concluded that the Applicant has "an alcohol abuse disorder which, if not addressed, could potentially lead to severe negative consequences."

[7] Dr. Hedges, in part, based his opinion on the past history of alcohol consumption reported to him by the Applicant and on a liver function test that he ordered.

[8] In anticipation of this hearing, the Applicant voluntarily was the subject of a further liver function test. The sample was collected on March 1, 2008 (Exhibit 1, Tab 6). This test was normal. However, this test was not sufficient to change the opinion of Dr. Hedges. The Applicant testified that he has reduced both the frequency and amount of alcohol he consumes. He indicated that the history referred to by Dr. Hedges is now in his past. That past use was associated with social and sporting functions at university.

[9] The Applicant told Dr. Hedges that "he thought that most people who had been to university had drinking histories similar to his own." (Exhibit 1, Tab 4) In his evidence before us, the Applicant testified that he recognized that that statement was not accurate. We believe the statements made to Dr. Hedges indicate a lack of insight relating to excessive alcohol consumption.

[10] The Applicant has satisfied us that he is of good character and repute and is fit to be enrolled, subject to the conditions mentioned. We rely on the opinion of Dr. Hedges and the evidence of the Applicant. In light of the evidence, we believe that the imposed conditions are reasonable.

[11] We were asked to consider imposing further conditions upon the Applicant at the completion of his articles. We have declined to do so since we do not think they are necessary. The Applicant understands that his performance during articles may or may not result in further consideration by the Credentials Committee.

[12] We urge the Applicant to reflect carefully on the medical opinion of Dr. Hedges. We similarly urge him to take affirmative steps to learn about alcohol abuse and dependency. The practice of law is demanding and can be stressful. Members who abuse alcohol often find themselves subject to discipline.

Costs

[13] The Applicant has posted \$2,000 as security for the costs of this hearing. We order that he

pay \$2,000 as costs forthwith.