

2009 : No. 1 April

Gregory John Lanning

Abbotsford, BC

Called to the bar: May 15, 1992

Discipline hearing : June 11, 12 and 13 (Facts and Verdict) and November 25, 2008 (Penalty)

Panel : William Jackson, Chair, Leon Getz, QC and David Mossop, QC

Report issued : September 29, 2008 (2008 LSBC 31) and January 29, 2009 (2009 LSBC 02)

Counsel : Jean Whittow, QC and Mathew Good for the Law Society and Gregory John Lanning on his own behalf

Facts

Gregory John Lanning represented client LG in a family law matter through a legal aid referral.

LG and NG were married in 1998 and had a daughter in 1999. They separated in 2004 and negotiated a separation agreement in May 2006. In June 2006 issues arose and NG, a self-represented litigant, filed various applications in Provincial Court, including an *ex parte* restraining order against LG.

Between August and December 2006 Lanning and NG exchanged letters pertaining to unresolved legal matters. In 12 of those letters, Lanning critiqued NG's correspondence and engaged in name-calling and personal criticism.

Lanning said that his communications were a "brilliant but unorthodox strategy" to "squelch," "defeat" or "crush" NG in order to advance his client's interest in securing access, and later, a divorce.

Verdict

A lawyer's communications must be courteous, fair and respectful. A lawyer is to refrain from personal remarks or references and to maintain objectivity and dignity.

Lanning's conduct departed from professional standards from the outset. He issued repeated letters that were rude, deliberately provocative and belittling of an opposing party. Even if his purpose was to advance the interests of his client, this does not justify the incivility and discourtesy contained in the letters.

The panel noted that lawyers face many challenges in dealing with unrepresented litigants, particularly in family matters. Parties can easily descend into name calling and uncivil language. The panel urged lawyers to rise above this behaviour.

Lanning's correspondence falls markedly below the standards expected of members of the Law Society and amounts to professional misconduct.

Penalty

The panel considered the nature and gravity of the conduct, the previous character of the respondent, including details of prior discipline, and the impact upon the victim, and ordered that Lanning:

1. be reprimanded;
2. pay a fine in the amount of \$2,500;
3. pay costs in the amount of \$6,600;
4. pay the fine and costs by June 30, 2009.

