

2009 : No. 2

Alan James Short

Parksville, BC

Called to the bar: September 11, 1978

Discipline hearing : June 9, 2008 and January 30, 2009

Panel : David Renwick, QC, Chair, Meg Shaw, QC and David Mossop, QC

Report issued : July 9, 2008 (2008 LSBC 20) and April 23, 2009 (2009 LSBC 12)

Counsel : Jaia Rai (facts and verdict) and Maureen Boyd (penalty) for the Law Society and Reginald Harris for Alan James Short

Facts

In the summer of 2006 the Law Society received complaints from a court official and other counsel that Alan James Short was drinking and appearing in court while impaired, contrary to his January 14, 2003 undertaking to the Law Society to abstain from the consumption of alcohol. The Law Society requested and received a report from Short's physician, which did not note any consumption of alcohol since February 2005. Short failed to respond to the Law Society's request for an explanation as to why his physician was unaware of his recent drinking.

The Benchers suspended Short on September 12, 2006 to protect the public interest pending the disposition of the citation. Short subsequently admitted that from 2005 to July 2006 he drank on several occasions and appeared in court while impaired.

Verdict

The panel found Short guilty of professional misconduct for breaching his undertaking to the Law Society not to consume alcohol and for appearing in court on more than one occasion while impaired.

Penalty

The panel ordered that Short:

1. be reprimanded;
2. enter into a monitoring agreement with a physician and terms satisfactory to the Law Society for a period of five years ending January 31, 2014, and comply with the terms of that monitoring agreement; and
3. pay costs of \$7,000.