

2004 LSBC 20

Report issued: June 18, 2004

Oral Reasons: June 15, 2004

Citation issued: November 25, 2003

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

## **RAYMOND WILLIAM BARTON**

Respondent

### **Decision of the Hearing Panel**

Hearing date: June 15, 2004

Panel: David Zacks, Q.C., Single Bencher Panel

Counsel for the Law Society: Jerome Ziskrout

Counsel for the Respondent: Martin Finch

### **Background**

[1] Pursuant to Rule 4-22 of the Law Society Rules, counsel for the Law Society has recommended to me, as a single Bencher panel by consent, the acceptance of a conditional admission and proposed disciplinary action referable to the Respondent, against whom a citation has been issued on November 25, 2003, and amended by Law Society counsel on May 31, 2004. The citation, as amended, directed that this Hearing Panel inquire into the Respondent's conduct as follows:

1. You gave an undertaking to the Law Society dated September 7, 2000 to instruct your doctor to submit medical reports to the Law Society. You breached this undertaking by failing to instruct your doctor to submit the medical report due August 10, 2003.

[2] The Respondent admits that his conduct constitutes professional misconduct and proposes the following disciplinary action:

1. The imposition of a reprimand.
2. The Respondent must abstain absolutely from the consumption of alcohol.
3. The Respondent must attend a minimum of two AA meetings per week and provide written confirmation of his attendance in a form satisfactory to the Discipline Committee.
4. Before recommencing practice the Respondent must provide proof that he has met and consulted with a physician specializing in addiction assessment and treatment. In this regard Dr. Baker in Kamloops and Drs. Hedges, Coleman and R. Baker in Vancouver are all acceptable.
5. Before recommencing practice, the Respondent must provide a report in a form satisfactory to the Law Society from an addiction physician setting out:

a) an opinion that the Respondent is fit to practise law; and

b) a proposed treatment plan and monitoring regime.

6. The Respondent must submit to such further assessment and treatment as the addiction physician requires.

7. Failure to abide by any of these conditions will result in the immediate suspension of the Respondent.

[3] It is now up to me to determine whether the admission of a disciplinary violation and the consent to specified disciplinary action pursuant to Law Society Rule 4-22 is appropriate in the circumstances. This Panel has authority only to accept or reject the proposed disposition.

[4] Having heard the submissions of counsel for the Law Society and for the Respondent and taking into account the cases put before me and the recommendation of the Discipline Committee, I find that the admission and proposed disciplinary action is appropriate.

[5] The Executive Director of the Law Society is hereby instructed to record the Respondent's admission on his Professional Conduct Record, and to impose the approved disciplinary action.

[6] There will be publication of this decision in the normal course.