

2010 : No. 1

Robert John Palkowski

Vancouver, BC

Called to the bar: January 10, 1978

Discipline hearing : November 27, 2009

Panel : G. Glen Ridgway, QC, Chair, Barbara Levesque, Ronald Tindale

Report issued : December 1, 2009 (2009 LSBC 35)

Counsel : Eric Wredenhagen for the Law Society; Donald Muldoon for Robert John Palkowski

Facts

On the evening of February 26, 2006, Robert John Palkowski was driving his vehicle over the Lions Gate Bridge when he crossed the centre double solid yellow lines. He hit one vehicle and then continued to drive into oncoming traffic and collided head on with another vehicle. The driver of the second vehicle was seriously injured.

The officer at the accident scene had reasonable grounds to believe that Palkowski's ability to drive was affected by alcohol. The officer was unable to obtain a suitable breath sample after three attempts at the roadside, and Palkowski subsequently refused to blow into the handheld screening device. A blood sample taken at the hospital later showed that Palkowski's blood alcohol level at the time of the accident was approximately three times the legal limit.

Palkowski was charged with dangerous operation of a vehicle causing bodily harm; impaired driving causing bodily harm; failure or refusal to comply with a demand made by a peace officer and failure or refusal to provide a breath sample.

Palkowski's lawyer wrote the Law Society to advise that his client had been involved in a motor vehicle accident and was facing criminal charges. The Discipline Committee placed the matter in abeyance until conclusion of the criminal proceedings.

Palkowski entered a guilty plea to the charge of impaired driving causing bodily harm. On January 15, 2009, he was given a 12-month conditional jail sentence and a 12-month driving prohibition.

Palkowski's lawyer wrote to the Law Society on February 11, 2009 stating that his client accepted full responsibility for his conduct and acknowledged that he drank too much on the date in question and then decided to drive home.

Admission and Penalty

Palkowski admitted that he operated a motor vehicle while impaired by alcohol and was involved in a collision that caused bodily harm to another person. He admitted that his conduct constituted conduct unbecoming a lawyer.

The hearing panel accepted Palkowski's admission and ordered that he:

1. be suspended for one-month; and
2. pay \$1,500 in costs.

