

2012 : No. 1

Gregory Charles Cranston

Burnaby, BC

Called to the bar: July 13, 1977

Discipline hearing : April 19, 20 and 21, 2011

Panel : David Renwick, QC, Chair, Haydn Acheson and Patricia Bond

Report issued : August 24, 2011 (2011 LSBC 24)

Counsel : Jaia Rai for the Law Society and David Sutherland and Dana Kripp for Gregory Charles Cranston

Facts

Between January 2007 and February 2009, defence counsel Gregory Charles Cranston missed numerous court appearances on 17 separate occasions and made misrepresentations to the court in five instances.

Ten of the allegations in the citation related to missed appearances involving fix-date appearances, pre-trial conferences or trial confirmation dates or failure to make arrangements to have an agent attend. These allegations did not involve any missed trial dates.

Another three allegations related to Cranston representing to the court that he had filed Notices of Appeal when he had not.

Four allegations were not pursued by the Law Society.

The allegations arose as a result of one of Cranston's misrepresentations to the court. The Chief Judge made a formal complaint to the Law Society.

Admission and disciplinary action

Cranston admitted to the allegations that he failed to attend the fix-date appearances and that he made misrepresentations to the court. He admitted that his conduct constituted incompetent performance of duties undertaken in his capacity as a lawyer, but he was not prepared to admit that his conduct amounted to professional misconduct.

Cranston attributed his problems to extensive health issues, which resulted in fatigue and faulty memory, calendar conflicts and reliance on support staff to make arrangements for agency appearances and to file documents. The panel recognized that medical issues and treatments had a significant effect on Cranston's general health; however, he failed to realize the effect that his medical condition had on his professional obligations, both to his clients and to the courts.

Cranston also failed to have a proper diary system in place, moderate his workload or hire additional help to properly run his busy practice.

In the panel's view, the evidence did not support a finding that the -misrepresentations made to the court were deliberate or that there was any intention to mislead. In each instance, the Notices of Appeal had been

signed prior to Cranston's appearance in court, and he was under the -mistaken honest belief that they had actually been filed in the court registry.

Cranston relied on his staff and expected that the Notices of Appeal had been filed as he had instructed. However, he failed to determine the true state of affairs before making his representations and was negligent in carrying out his responsibilities as a lawyer.

The panel noted that Cranston had a professional conduct record that included a conduct review as well as a finding of professional misconduct for affixing his signature as a witness on a Bill of Sale that had not been signed in his presence.

The panel heard from witnesses and reviewed a number of reference letters attesting to the respect that Cranston had earned.

Cranston cooperated with the Law Society during the investigation and made admissions that shortened the hearing significantly.

The panel agreed that the discipline violations committed by Cranston were serious and significant in number and length of time in which they occurred. However, none of the violations involved dishonesty or intentional misconduct. None of the missed appearances were for a trial, but were part of the process leading up to the actual trial date.

After carefully reviewing the circumstances surrounding each of the allegations as well as Cranston's extensive medical history, the panel found that Cranston incompetently performed his duties as a lawyer over the course of two years by missing numerous court appearances and making several misrepresentations to the court.

The panel ordered that Cranston:

1. pay a fine of \$10,000;
2. pay \$10,000 in costs;
3. continue receiving medical care;
4. submit to a practice review and follow any recommendations;
5. obtain a medical, psychological or psychiatric assessment, or counselling and follow any recommendations; and
6. practise in a setting approved by the Law Society, including supervision by a lawyer.