

2014 : No. 02 Summer

Stanley Chang Woon Foo

Vancouver, BC

Called to the bar: November 10, 1995 (BC); June 24, 1994 (Ontario), June 2010 (New York State)

Discipline hearing : January 31, 2014

Panel : Thomas Fellhauer, Chair, Gavin Hume, QC and Lance Ollenberger

Decision issued : July 4, 2013 (2013 LSBC 26) and April 30, 2014 (2014 LSBC 21)

Counsel : Carolyn Gulabsingh for the Law Society; Richard Gibbs, QC for Stanley Chang Woon Foo

Facts

In September 2011, while at a courthouse attending to client matters, Stanley Chang Woon Foo made discourteous or threatening remarks to a social worker employed by the Ministry of Children and Family Development. Specifically, his words were that he “should shoot” her because she “takes away too many kids.”

Determination

Foo’s lawyer submitted that these comments were the result of Foo’s awkward social skills and were really a “joke gone bad.”

The panel determined that Foo’s conduct was more than just a mere failure to exercise ordinary care and was a marked departure from what the Law Society expects of lawyers. Further, by making these comments outside a courtroom during recess, the conduct related to Foo’s professional practice.

The panel found that Foo had committed professional misconduct.

Disciplinary Action

While no one was harmed by Foo’s words, his behaviour did undermine the public’s confidence in the integrity of the legal profession.

The panel considered a number of aggravating factors.

Foo made his comments outside of a courtroom in an area where other persons were present, including other social workers. Comments like these, in such an emotional and volatile environment, are completely inappropriate for an officer of the court.

The panel was very concerned about Foo’s professional conduct record and history of failing to control his behaviour. He has three previous conduct reviews, two of which involved inappropriate or discourteous behaviour towards a social worker and an unrepresented opposing party.

The panel acknowledged that Foo appeared to be sincere in his commitment to taking steps to change; however, he had given assurances a number of times before, but failed to carry through with his commitments.

According to one of the reference letters provided to the panel, Foo takes on difficult legal aid files, and there are few lawyers who take on these kinds of files. Therefore, a longer suspension would have a negative impact in terms of access to justice. The panel considered this to be important.

However, under the principles of progressive discipline, it appeared that previous orders and recommendations in the nature of a mentorship program, psychological counselling and treatment, and a fine were not effective. The panel hopes that a shorter suspension will give Foo an opportunity to critically examine his behaviour and commit to change.

The panel ordered that Foo:

1. be suspended for two weeks; and
2. pay \$8,840 in costs.

On June 1, 2014, a stay of suspension was granted pending a review sought by Foo.