

2014 LSBC 60
Report issued: December 10, 2014
Oral reasons: November 20, 2014
Citation issued: March 18, 2014

THE LAW SOCIETY OF BRITISH COLUMBIA

In the matter of the *Legal Profession Act*, SBC 1998, c. 9

and a hearing concerning

GEORGIALEE ALIDA LANG

RESPONDENT

**DECISION OF THE HEARING PANEL
ON DISCIPLINARY ACTION**

Hearing date: November 20, 2014

Panel: Ken Walker, QC, Chair
Dr. Gail Bellward, Public representative
Peter Warner, QC, Lawyer

Counsel for the Law Society: Carolyn Gulabsingh
Counsel for the Respondent: D. Geoffrey Cowper, QC

- [1] The Panel determined that the Respondent had committed professional misconduct when, in the course of representing herself in a review of her bill before the Deputy Registrar, she had settlement discussions with the opposing party in the absence of his nearby counsel, knowing that the party was represented by counsel and without that counsel's consent, contrary to Rule 7.2-6 of the *Code of Professional Conduct for British Columbia*.
- [2] The Panel notes that the purposes of Law Society discipline proceedings are not to punish offenders and exact retribution, but to protect the public, maintain high

professional standards, and preserve public confidence in the legal profession (*Law Society of BC v. Hordal*, 2004 LSBC 36).

- [3] We have weighed the factors to be considered in assessing sanction as set out in *Law Society of BC v. Ogilvie*, [1999] LSBC 17. Our findings in relating these factors to the case at hand and to the facts of it as found in our earlier decision are as follows:
1. The Respondent's proven conduct was serious, but did not arise from *mala fides* or any overt intention to breach the Rules.
 2. The Respondent is a 1989 call with 25 years of experience, and her Professional Conduct Record is nearly without a blemish, there being just one incident in 1999 involving a complaint over an improperly sworn affidavit. In the resulting conduct review, the reviewers concluded that the Respondent had not knowingly submitted the flawed affidavit, its filing rather resulted from haste and inattention.
 3. There was no adverse impact upon the other party.
 4. The Respondent gained nothing from the conduct.
 5. The conduct happened only once, and the duration was three to ten minutes of contact.
 6. The Respondent immediately apologized for her conduct and self-reported to the presiding Registrar and to the Law Society, so there is no need for deterrence or remediation of this lawyer.
 7. We received no evidence on the impact of a fine on the Respondent. The Respondent did not formally challenge the Law Society claim for costs nor the claim for a fine.
 8. There is a need to deter members generally from such conduct, and the reporting of this case will assist in that.
 9. There is a need to ensure the public's confidence in the integrity of the profession, and again, the reporting of this case will assist in that.
- [4] The Law Society advised that there were few similar cases before law societies in Canada, and tendered to us six cases, one from British Columbia, three from Alberta, one from Nova Scotia and one from Northwest Territories, these being:

Law Society of BC v. Moore-Stewart, [1993] LSDD No. 188

Law Society of Alberta v. Welz, [1966] LSDD No. 303

Law Society of Alberta v. Bilyk, 2006 LSA 18

Law Society of Alberta v. Hanson, 2010 ABLs 20

Nova Scotia Barristers' Society v. Ayre, [1998] LSDD No. 8

Law Society of the Northwest Territories v. Stark, [2001] LSDD No. 14

- [5] We will not review here the facts of these cases, but find that one of them involved significantly more egregious transgressions (*Ayre*) such that that case was unhelpful to us. Of the other five, one resulted in a \$500 fine, and all of the remaining four resulted in reprimands only. These latter five cases all involved conduct that we found to be more serious than the Respondent's conduct in this case.
- [6] Accordingly, having considered the above factors and case precedents, we are satisfied that the appropriate sanction in this case is a reprimand and the payment of costs in the agreed upon amount of \$5,820, which we find to be fair and reasonable. It is so ordered.

SEALING ORDER

- [7] In order to protect the confidential client information that is disclosed in the citation issued, exhibits admitted in evidence and decisions reached in this case, we order, pursuant to Rules 5-6, 5-7 and 5-8, that any person who requests copies of any such materials pertaining to this hearing be given the redacted versions (deleting the names of the clients) as tendered to the Panel by Ms. Gulabsingh at the conclusion of the hearing.