

2005 LSBC 22

Report issued: June 1, 2005

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

SHELDON GOLDBERG

Respondent

Decision of the Hearing Panel on Penalty

Hearing date: May 26, 2005

Panel: Patricia L. Schmit, Q.C., Chair, G. Glen Ridgway, Q.C., Robert W. McDiarmid, Q.C.

Counsel for the Law Society: Herman Van Ommen

Appearing on his own behalf: Sheldon Goldberg

[1] A majority of this Panel determined that the Respondent had misconducted himself by improperly withdrawing from a criminal trial and by being discourteous and disrespectful to the Court.

[2] There was some confusion as to when Mr. Goldberg was called to the Bar. The Law Society records indicate January 3, 1973, while the Respondent states 1970.

[3] Counsel for the Law Society entered the Respondent's Conduct Record as Exhibit 1 during the penalty phase of this hearing. It referred to Conduct Reviews in 1996, 1997, and 2002. The Conduct Review in 1996 related to remarks made by the Respondent to a Judge, which remarks were inappropriate and insulting.

[4] The 2002 Conduct Review related, in part, to disparaging remarks made by the Respondent about the Courts and members of the judiciary.

[5] Counsel also referred to several authorities, with the 1985 Hearing Panel decision relating to *Griffin Christie Layne* being the most relevant.

[6] The Respondent, on his own behalf, referred the Panel to the sanction he has already received, which he refers to as a "lifetime" ban by Judge Godfrey. This has had and will continue to have a significant impact on him and his clients.

[7] The Respondent also states that his actions assisted an accused and prevented that accused from being wrongly convicted.

Decision

[8] It is the Panel's view that a suspension is the appropriate sanction for the Respondent's conduct.

[9] While Counsel for the Law Society suggests a three-month suspension as in the *Layne* matter, this

Panel is of the view that Mr. Layne's conduct resulted from economic motives, while the Respondent's conduct did not.

[10] The Respondent's actions flowed from his wish to assist someone before the Courts whom he felt would be wrongly convicted. This is a laudable goal; unfortunately, the Respondent chose the wrong one of several options available to help that person, and in so doing, abandoned a client and insulted and was disrespectful to the Court.

[11] The Respondent will be suspended from the practice of law for a period of thirty days commencing December 5, 2005.

[12] The matter of costs was not spoken to at the hearing. Costs will be payable by the Respondent. Should he and Counsel for the Law Society be unable to agree on the matter of costs, the Panel will accept submissions in writing relative thereto.