

2003] LSBC 30

Report issued: November 27, 2003

Citation issued: February 12, 2003

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

GLENFORD EMERSON GREENE

Respondent

Decision of the Hearing Panel on Penalty

Hearing date: November 21, 2003

Panel: G. Glen Ridgway, Q.C., Single Bencher Panel

Counsel for the Law Society: Jessica Gossen

Appearing on his own behalf: Glenford Greene

[1] After a hearing held on June 6, 2003, I issued a decision dated July 22, 2003, finding that the Respondent, Glenford Emerson Greene, had misconducted himself in making inappropriate comments about another lawyer and members of the Judiciary in letters dated February 6, 2002; March 7, 2002; and May 5, 1998.

[2] I will not repeat the offending comments in this decision on penalty, as they are found in full in my earlier decision.

[3] I note the error in the spelling of " canon" in my earlier decision and direct that the spelling be corrected.

[4] The Respondent is an experienced member of the Law Society, having been called to the Bar on May 12, 1980.

[5] The offending comments relate to two separate legal proceedings in which the Respondent was involved as Counsel.

[6] I was directed by Counsel for the Law Society to three other matters involving the Respondent in reports with respect to conduct reviews, one of which provided a comment as to the Respondent's inappropriate approach to the Law Society and how that approach magnified the events with respect to that previous complaint. The Respondent acknowledged that his approach to this matter in part led us to the circumstances which resulted in the hearing of June 6, 2003, and this hearing on penalty.

[7] Counsel for the Law Society also directed the Panel to the matter of Ogilvie (99/25) and the factors set out therein relating to the determination of penalty.

[8] As well, Counsel for the Law Society directed the Panel to the matter of Harding (03/10), Israels (1994), Dixon (99/22), and Barker (93/14).

[9] Counsel for the Law Society suggested that an appropriate disposition would be a fine in the range of \$2,000.00 to \$4,000.00, plus costs. Exhibit 1 in the penalty proceedings was a Bill of Costs indicating Law

Society costs at \$4,888.92.

[10] The Respondent expressed remorse. This certainly was a change of approach to that which he took at the initial hearing, wherein he stated that the proceedings were an attempt by zealous Law Society staff to control his life and that the proceedings were a chill on lawyers properly conducting their responsibilities and an attempt to thwart lawyers in forcefully dealing with the Judiciary.

[11] The Respondent indicated that he was embarrassed, as he should be, that this matter had got to where it was, and that he had been cited by the Law Society, found to have misconducted himself professionally, and that this would be published.

[12] The Respondent indicated that he was frustrated with the conduct of another lawyer and with members of the Judiciary, but acknowledged that his response to such frustration was inappropriate.

[13] I had asked Counsel for a copy of the final decision in the " F litigation," which was the proceeding leading to the comments about the opposing lawyer and two members of the Judiciary. Although the copy of the Reasons for Judgment provided by Mr. Greene is difficult to read, it does appear that his client was ultimately successful, as the Respondent had indicated at the June 6, 2003, hearing. The Respondent indicated that his client was restored to the position which he had prior to those legal proceedings; however, it had cost him \$50,000.00 in legal fees, and that was frustrating for the Respondent.

[14] The Respondent has also indicated that his attendance at these proceedings has been costly, as he lives in a remote area of British Columbia.

[15] In coming to a decision as to the appropriate penalty, I must again comment at what appears to be the lack of purpose or potential benefit to his clients or to himself in making these comments. The same can be said for the approach that the Respondent took in dealing with this matter once it came to the attention of the Law Society.

[16] I have reviewed the criteria set out in Ogilvie, and in particular, the nature and gravity of the remarks made, the experience of the Respondent, the acknowledgment by the Respondent of wrongdoing at the penalty phase, the impact on the Respondent of the penalties, the need for deterrents, and the range of penalties in similar circumstances. The Respondent will be fined \$3,000.00 and pay costs of \$3,500.00.

[17] As there was no application with respect to anonymous publication, this decision and that of the hearing of June 6, 2003, will be published.