

2015 : No. 1 Spring

Georgiale Alida Lang

Vancouver, BC

Called to the bar: November 17, 1989

**Discipline hearing** : June 25 and November 20, 2014

**Panel** : Ken Walker, QC, Chair, Dr. Gail Bellward and Peter Warner, QC

**Decision**: August 25 (2014 LSBC 35) and December 10, 2014 (2014 LSBC 60)

**Counsel** : Carolyn Gulabsingh for the Law Society; Geoffrey Cowper, QC for Georgiale Alida Lang

## Facts

Georgiale Alida Lang acted for her client, who was a long-time friend, in an estate litigation matter. Lang had no retainer agreement with the client, but during the solicitor-client relationship, two sizeable accounts were sent to her client. The first account was paid; the second was disputed.

The dispute resulted in a review of the accounts before a deputy registrar of the Supreme Court. Lang represented herself at this proceeding, and her client was represented by another lawyer. Lang spent two days on the witness stand in her capacity as a “party” to give evidence and be cross-examined.

On her way to court on the third day of the hearing, Lang commented to her assistant that she intended to discuss settlement with her former client and his lawyer when they arrived at the courthouse.

Lang saw the opposing lawyer in the courtroom and noted to him that his client had not yet arrived. Lang and her assistant left the courtroom and waited out in the hall, without speaking to the lawyer about a settlement.

When her former client arrived, Lang asked if she could speak to him. He agreed and they went into a private interview room. The opposing lawyer was not present and was unaware of this meeting.

Lang had a very brief conversation, including an exchange of comments on the relative merits of each side’s case, and she offered to settle the accounts at a discount. Her former client said he needed to speak to his lawyer concerning the offer before he would agree to settle.

Lang responded that she believed the lawyer would not agree to the proposed settlement. Her former client repeated his desire to speak to his lawyer and, at this point, the conversation ended.

The former client and his lawyer spoke privately and then Lang met them both. The settlement offer was rejected.

Lang apologized for speaking to her former client about the settlement without his lawyer being present. She told them she would self-report her conduct to the Law Society. She wrote a letter that day to disclose and apologize for her error. Lang also disclosed and apologized to the Deputy Registrar who conducted the hearing. The matter was settled later that day.

## Determination

The panel determined that Lang had committed professional misconduct when, in the course of

representing herself in a review of her bill before a deputy registrar, she had settlement discussions with the opposing party in the absence of his nearby lawyer and without that lawyer's consent.

Lang's conduct was serious but did not arise from any overt intention to breach the rules. There was no adverse impact upon the other party and Lang gained nothing from the conduct.

The conduct happened only once during three to ten minutes of contact between Lang and her former client. Lang immediately apologized for her conduct and self-reported to the presiding registrar and to the Law Society.

The panel took into consideration that Lang has 25 years of experience as a lawyer and her professional conduct record is nearly without blemish.

## Disciplinary Action

The panel issued a reprimand and ordered that Lang pay \$5,820 in costs.

## Review