

Thomas Paul Harding

Surrey, BC

Called to the Bar: August 31, 1990

Discipline hearing: April 8, 2003

Panel: Ralston S. Alexander, QC, as a one-Bencher panel, by consent

Report issued: April 14, 2003; indexed as [2003] LSBC 20

Counsel: James Doyle, for the Law Society; Thomas Davies, for Mr. Harding

Summary

Mr. Harding represented certain former clients of another lawyer (S) who were suing S for negligence. At a small social gathering that followed a Family Law Section dinner meeting, Mr. Harding told an associate from S's firm that S had admitted enough in examination for discovery to be disbarred and that Mr. Harding was going to have S disbarred. Three other lawyers at the gathering heard Mr. Harding's comments, including another associate from S's firm. After one of those lawyers who overheard the conversation asked Mr. Harding to stop making these statements, he did so. A month later he wrote a letter of apology to lawyer S. Pursuant to Rule 4-22, Mr. Harding admitted that his conduct in making serious statements of this nature in these circumstances constituted professional misconduct. The Discipline Committee and the discipline hearing panel accepted Mr. Harding's admission and his proposed disciplinary action, and the panel accordingly ordered that he be fined \$1,000 and pay \$3,500 in costs.

Facts

Mr. Harding represented certain former clients of lawyer S in a lawsuit against S. The plaintiffs alleged that S had been negligent and in conflict of interest when he represented them.

In October, 2000, S was examined for discovery by Mr. Harding.

In late November, 2000 Mr. Harding attended a dinner meeting of the Family Law Section at a hotel in Surrey. After the meeting, a number of the lawyers went to the hotel lounge for a drink. The lawyers sat at three different tables in close proximity.

At one point, Mr. Harding talked with P who was an associate lawyer at S's law firm. During this conversation, Mr. Harding said words to the effect that S had admitted enough during his examination for discovery to be disbarred and that Mr. Harding was going to get S disbarred. Three other lawyers overheard parts of this conversation, including another associate from S's firm.

When one of the lawyers who overheard the conversation told Mr. Harding to stop making these statements, he did so.

In early January, 2001 Mr. Harding wrote to lawyer S to retract and apologize for any such statements he had made in late November.

On November 20, 2002 the Discipline Committee resolved to issue a citation against Mr. Harding.

Admission and penalty

Pursuant to Rule 4-22, Mr. Harding admitted that his conduct in making serious statements of this nature in these circumstances constituted professional misconduct.

The Discipline Committee and the discipline hearing panel accepted Mr. Harding's admission and his proposed penalty. The panel accordingly ordered that he:

1. be fined \$1,000 and
2. pay \$3,500 in costs.

Discipline Case Digest — 2003: No. 10 April (Harding)