

Law Society slow to move against one of its own

By Ian Mulgrew

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The Law Society of B.C. as the self-regulatory body of the legal profession appears to be doing as good a job investigating its own these days as the RCMP.

I was staggered to see a 52-year-old Vancouver lawyer -- whose identity is protected by a court-imposed publication ban -- convicted one day of the sexual exploitation of a 14-year-old boy and the next day still practising.

Especially since the lawyer had been previously charged over similar conduct in Ontario. Especially since he lied on his bar admission to hide that unseemly event. Especially since his legal work often involves vulnerable young offenders.

Supreme Court Justice Catherine Wedge convicted the lawyer last Tuesday for an August 2004 incident involving the youth who was his intermittent client from March 2004 through 2006.

That's when the teenager reported the sexual activity to his girlfriend and police.

As of late Friday, the law society said it was "still investigating" -- more than two years after this situation was revealed!

Described in the judgment as "gay," the middle-aged counsel and now-19-year-old first met after the youth called legal aid because he was in custody for car theft.

A few months later, they ended up at the lawyer's apartment where he plied the boy with alcohol and porn flicks. It was apparently a modus operandi.

In 1992, when he was 35, the man initiated sexual relations with another 14-year old youth living in London, Ont., who was a ward of the Children's Aid and living in a group home. That teen, too, said he was seduced with liquor and porn.

They had sex many times, the lawyer agreed later, but he defended the conduct, saying it was consensual.

Still, in 1994, the man was charged under the name of his adoptive parents, which he had been using in London, with procuring sex from the teenager and another boy knowing they were under the age of 18.

He did not deny having sex; he denied it was for cash.

Nevertheless, he did not disclose to police that he had been using two names since the late 1980s,

when he learned that he was adopted.

At that time, he obtained a birth certificate, driver's licence, credit cards and other documents bearing his mother's surname, which he was using then and uses today.

He used both names between September 1994 and April 1997 to simultaneously attend law school in Toronto under his mother's name and deal with the charges under his adopted family name.

He was acquitted after a trial in London, Ont., in April 1998 because the judge was not satisfied the small amounts of money that changed hands were the quid pro quo for sex.

Five months later, in September 1998, the man applied for admission to the Law Society of B.C. under his mother's name, was accepted, articulated and was called to the bar in 1999. He does mainly criminal law.

In her decision, Justice Wedge said that when the accused applied to the law society, he was required to swear a declaration to certain matters including:

"Have you ever been charged, in Canada or elsewhere, with any crime, offence or delinquency under a statute or ordinance? If yes, please provide full particulars on a separate sheet, including applicable dates, places, nature of acts or offences, penalties and pardons."

He lied and did not reveal his then-recent spot of trouble.

The application also read: "State any changes of name, formal or informal, or other surnames or given names you have used, and when."

This bright light put "N/A."

The lawyer acknowledged he had committed perjury by swearing the declarations and taking no steps to rectify them over the ensuing 10 years.

Justice Wedge called his evidence as "quite simply not believable" and bearing "not the slightest ring of truth." His explanation about his use of two names, she said, was "confusing and contradictory." He was not a "credible witness on any of the key factual issues."

And the self-regulatory body is "still investigating"?

I dare say even the Mounties wouldn't take this long.

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