

2024 LSBC 40
Hearing File No.: HE20240009
Decision Issued: September 26, 2024
Notice of Referral Filed: April 30, 2024

THE LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

APPLICANT 21

RESPONDENT

**DECISION OF THE HEARING PANEL
ON AN APPLICATION FOR ENROLMENT**

Hearing dates: June 27, 28 and 29, 2024

Panel: Eric V. Gottardi, KC, Chair
Paul Barnett, Public Bencher
Tanya Chamberlain, Bencher

Discipline Counsel: Jaia Rai

Counsel for the Applicant: Michael Shirreff
and Abrisham Eshghi

BACKGROUND

[1] In September 2023, the Applicant applied for enrolment (“Enrolment Application”) in the Law Society Admission Program (the “LSAP”). The Enrolment Application included an articling agreement between the Applicant and their prospective principal, AB, a lawyer practicing at the law firm, B&B.

[2] On November 8, 2023, the Credentials Committee ordered a hearing into the Enrolment Application. After receiving notice of the Committee’s decision, AB applied for permission to employ the Applicant. On December 7, 2023, the Committee granted permission for AB to employ the Applicant as a legal assistant.

[3] At the hearing, the parties filed an agreed statement of facts and letters submitted on behalf of the Applicant.

[4] The Applicant testified in person before the Panel. The Applicant’s employer, AB testified by video through Zoom, a video conferencing platform.

[5] At the conclusion of the hearing, the Panel reserved its decision. Counsel for the Applicant requested that the Panel consider making an oral decision to grant the Applicant admission to the LSAP with written reasons to follow. The Panel advised that it would consider that approach.

[6] On July 4, 2024, the Panel issued a Memorandum of Decision which set out its order, granting the application to enrol in the articling program (LSAP), upon conditions. The detailed reasons for the decision were to follow. On August 29, 2024 adjudicator Eric V. Gottardi, KC, was elevated to the bench and following that date did not participate in the written reasons of the Panel.

[7] These are the reasons of the Panel.

BURDEN AND STANDARD OF PROOF

[8] Pursuant to Rule 5-6.2 of the Law Society Rules (the “Rules”), the Applicant has the onus to satisfy the Panel on the balance of probabilities that they are presently of good character and repute and fit to become a barrister and solicitor, pursuant to section 19(1) of the *Legal Profession Act* (the “Act”) which states:

19(1) No person may be enrolled as an articulated student, called and admitted or reinstated as a member unless the benchers are satisfied that the person is of good character and repute and is fit to become a barrister and a solicitor of the Supreme Court. (the “Section 19 Test”).

[9] The Law Society took no position at the hearing regarding whether the Applicant had discharged their burden pursuant to the Section 19 Test.

CIRCUMSTANCES GIVING RISE TO THE REFERRAL TO HEARING

[10] The Applicant is 33 years old. The Applicant attended a college for post-secondary studies prior to transferring to a university (the “University”). When attending the University there were allegations of academic dishonesty against the Applicant in 2009 to 2010. The Applicant left the University in 2015 and re-enrolled at the college where they received a Bachelor of General Studies in 2017.

[11] From 2011 to 2023 the Applicant was employed by a municipality (the “Municipality”) as a lifeguard at various public pools.

[12] The Applicant was admitted to law school in 2018.

[13] In the summer of 2023, the Applicant was hired by B&B to commence articles in October 2023, pending the granting of their Enrolment Application.

[14] Following the submission of their Enrolment Application in September 2023, the Credentials Committee on November 8, 2023 ordered a hearing into the Applicant’s Enrolment Application.

[15] On February 29, 2024, counsel for the Law Society provided the Applicant with a Notice of Referral for Hearing and notice of the issues and circumstances to be inquired into pursuant to Rule 2-91 of the Rules.

[16] The Applicant provided security for costs as required by Rule 2-92.

[17] The Applicant has been employed with B&B since September 2023 as a legal assistant.

Circumstances of the Misconduct and Disciplinary Action

[18] The misconduct that caused the Credentials Committee to refer this matter for this hearing consisted of three distinct matters:

- (a) allegations of academic misconduct from 2009 to 2010 when the Applicant was an undergraduate student at the University (the “Academic Dishonesty”);

- (b) driving contraventions for failing to display an “N” in 2009, driving while restricted in 2015 and an Immediate Roadside Prohibition (“IRP”) in 2016 (the “Driving Infractions”); and
- (c) allegations of inappropriate workplace conduct resulting in two warning letters in 2018 and 2019 and a one-day suspension in June 2023 (the “Workplace Conduct”)

collectively, the (“Misconduct”).

[19] The Applicant admitted the Misconduct in their Enrolment Application, through the application process and in their evidence before the Panel.

Application for Articles and Disclosure to the Law Society

[20] The Law Society acknowledged at the hearing that the Applicant was forthright and honest in their dealings with the Law Society throughout the application process.

[21] The Applicant submitted all the documents and information requested by the Law Society investigator. The Applicant informed their employer, B&B of the status of their Enrolment Application and the nature of the allegations of the Misconduct.

LEGAL PRINCIPLES

[22] At the commencement of the hearing, the Law Society provided the Panel with written submissions on the legal principles that apply where an applicant must satisfy the panel that they meet the “good character, repute and fitness” criteria of the Section 19 Test. The Law Society and counsel for the Applicant submitted a joint book of authorities and were in agreement in their submissions regarding the Section 19 Test. The Panel accepts and adopts the Law Society’s submissions on the legal principles that govern the Section 19 Test.

Character, Repute and Fitness

[23] The applicable legal principles were partly derived from an article written by Mary Southin, KC and published in the Advocate in 1987: Southin, Mary, “What is “Good Character?”, *The Advocate* (1987) v.35 (the “Southin Article”).

[24] In *Law Society of BC v. Applicant 3*, 2010 LSBC 23, the panel considered what is meant by good character, repute and fitness, relying on *McOuat*, June 12, 1992 Panel Decision at p. 11 (affirmed by the Court of Appeal in *McOuat v. Law Society of*

BC (1993), 1993 CanLII 1794 (BC CA), 78 BCLR (2d) 106 (“*McOuat Appeal*”) and the Southin Article:

[14] The Applicant has the burden of proving that he meets the character and fitness test on a balance of probabilities (Rule 2-67 [now Rule 5-6.2]). In *McOuat*, the panel commented on the central question of what constitutes good character:

What constitutes good character and repute and fitness to become a barrister and a solicitor of the Supreme Court? In an article entitled, “What is ‘Good Character?’” published in *The Advocate*, (1987) v. 35, at 129, Mary Southin, QC (as she then was), considered the meaning of the terms, stating:

I think in the context “good character” means those qualities which might reasonably be considered in the eyes of reasonable men and women to be relevant to the practice of law in British Columbia at the time of application.

Character within the Act comprises in my opinion at least these qualities:

1. An appreciation of the difference between right and wrong;
2. The moral fibre to do that which is right, no matter how uncomfortable the doing may be and not to do that which is wrong no matter what the consequences may be to oneself;
3. A belief that the law at least so far as it forbids things which are *malum in se* must be upheld and the courage to see that it is upheld.

What exactly “good repute” is I am not sure. However, the Shorter Oxford Dictionary defines “repute” as “the reputation of a particular person” and defines “reputation” as:

1. The common or general estimate of a person with respect to character or other qualities; the relative estimation or esteem in which a person is held.
2. The condition, quality or fact of being highly regarded or esteemed; also respectability, good report.

In the context of s. 41 [now s. 19] I think the question of good repute is to be answered thus: would a right-thinking member of the community consider the applicant to be of good repute? ...

If that right-thinking citizen would say, knowing as much about an applicant as the Benchers do, “I don’t think much of a fellow like that. I don’t think I would want him for my lawyer”, then I think the Benchers ought not to call him or her.

...

[16] The test of good character and repute has both subjective and objective aspects. This was explained by the hearing panel in *McOuat*, supra, at p. 12:

The word “character” in the expression “good character and repute” has been treated in many decided cases, especially the older ones, as importing the character or “characterization” given the applicant by other persons, what may be called a subjective sense. An example is *Leader v. Yell* (1864), 16 CB (NS) 584; 143 ER 1256 where Erle CJ said

Good or bad character does not depend on what a man knows of himself; it means his general reputation in the estimation of his neighbours.

In the same case Byles J said

... character does not mean a man’s real conduct and mode of life, but it means his reputation among his neighbours.

In more recent cases the words “good character” seem to be applied in the context of “strength of character” or “character defect”. Used in that way the expression “good character” refers to what a man’s personality, principles and beliefs actually are as opposed to the way the community regards him, whether or not he has earned the good or bad regard in which he is held. This sense may be considered objective.

One tends to naturally consider it more important that a lawyer be a good person and have and act upon correct principles as opposed to being regarded, rightly or wrongly, by others as seeming to be good or bad. But we think we are required to consider the regard in which the candidate is held by others as well as the qualities of character Mr. McOuat possesses, that is both the subjective and objective senses of “good character”.

[17] In this same case, the panel explained the fitness test at pp. 17-18:

The demands placed upon a lawyer by the calling of barrister and solicitor are numerous and weighty and “fitness” implies possession of those qualities of character to deal with the demands properly. The qualities cannot be exhaustively listed but among them must be found a commitment to speak the truth no matter the personal cost, resolve to place the client’s interest first and to never expose the client to risk of avoidable loss and trustworthiness in handling the money of a client.

The cannons [sic] of legal ethics [*Professional Conduct Handbook*, chapter 1] adopted by the Law Society provide assistance, when they assert:

A lawyer is a minister of justice, an officer of the Courts, a client’s advocate, and a member of an ancient, honourable and learned profession.

In these several capacities it is a lawyer’s duty to promote the interests of the State, serve the cause of justice, maintain the authority and dignity of the Courts, be faithful to clients, be candid and courteous in relations with other lawyers and demonstrate personal integrity.

[18] There is overlap between the character test and the fitness test. If this applicant fails the character test, he will automatically fail the fitness test (*McOuat*, supra).

[25] The Court of Appeal in *McOuat Appeal* approved the hearing panel’s findings that the concepts of good character, repute and fitness overlap and contain subjective and objective elements.

[26] In addition to the considerations above, the Panel must consider the Law Society’s public interest mandate pursuant to section 3 of the *Act* to ensure that:

... the legal profession maintains high standards of professional conduct to promote public confidence in the administration of justice and strengthen the integrity of the Canadian systems of justice.

Law Society of BC v. Applicant 9, 2016 LSBC 14, at paras. 36 to 37

[27] Applicants must demonstrate that at the time of the hearing they are of good character and repute. They must show they have redeemed themselves through

rehabilitative acts and change. The inquiry by the panel concerning the Applicant's current character must be fact specific.

Recency of Past Conduct

[28] In *Law Society of BC v. Applicant 13*, 2019 LSBC 13, at paras. 87, 88 to 89, the panel re-admitted the applicant following recent misconduct in the workplace that resulted in the termination of their articles by their principal. The panel found the conduct of the applicant was comprised of a series of isolated events that were out of character and which had been addressed by the applicant. The panel found that the applicant was suffering from stress during their articles. Stress is not an excuse for misconduct, but the amount of stress experienced by a person at the time of the misconduct is a factor for a panel to determine whether the acts were isolated incidents that were out of character.

Approach to Rehabilitation

[29] The cases establish that past conduct is not always an indicator of current character, and not determinative of a person's character for all time. If an applicant can establish that they have made positive character changes and taken steps to rehabilitate themselves, they can satisfy a hearing panel's concerns about past misconduct that raise "fundamental concerns" about an applicant's fitness: *Applicant 3*, at paras. 22 to 23.

[30] The public interest requires that rehabilitation of lawyers and law students be encouraged so that the legal profession reflects the diversity of society. In *Applicant 3*, at para. 23, the panel found that:

Persons who have gone astray and have truly rehabilitated themselves can give valuable insights to clients, the courts and the public. They can become valued and trustworthy members of the profession.

[31] The Applicant must also demonstrate to the panel that they appreciate the problematic nature of their past misconduct, and the harms caused: *Applicant 3*, at para. 153.

Relevance and Weight Attributed to Character References

[32] The relevance and weight attributable to character references depends on the extent to which the opinions expressed (i) are informed as it relates to the applicant's circumstances and past conduct, (ii) provide insight into an applicant's journey and character transformation, and (iii) reconcile character issues engaged in the case with their views of the applicant's current character and fitness to practice law.

[33] Where character references do not have full knowledge of the misconduct of the applicant, or do not address it in their evidence or letter, a panel will give those limited weight as in *Applicant 3*, at para. 149.

Prior “Similar” Cases

[34] Prior decisions involving similar misconduct were provided to the Panel for the purpose of providing “assistance in assessing the impacts of past conduct on one’s character and [the] degree to which insights must be gained and rehabilitation established”. Outcomes in the cases are not determinative because the assessment of current character and fitness is fact driven.

[35] The Panel were provided with decisions where applicants were admitted to the Law Society following acts of academic dishonesty, driving infractions and workplace misconduct:

- (a) Academic dishonesty: *Law Society of BC v. Applicant 5*, 2012 LSBC 24; *Law Society of BC v. Applicant 11*, 2016 LSBC 38; *Law Society of BC v. Applicant 14*, 2016 LSBC 44, *Seifi v. Law Society of Ontario*, 2019 ONLSTH 56; *Olowolafe v. Law Society of Ontario*, 2019 ONLSTH 155; and *Malik v. Law Society of Ontario*, 2021 ONLSTH 106.
- (b) Driving infractions: *Law Society of BC v. Applicant 12*, 2019 LSBC 3; *Law Society of BC v. Applicant 15*, 2020 LSBC 15; and *Malik v. Law Society of Ontario*, 2021 ONLSTH 106.
- (c) Workplace misconduct: *Law Society of BC v. Applicant 14*, 2016 LSBC 44; and *Guo v. Law Society of Ontario*, 2019 ONLSTH 46.

Limitations and Conditions

[36] Limitations or conditions on practice must only be imposed after the applicant has satisfied the Section 19 Test. Conditions should not be used to “bootstrap” the good character requirement: *Law Society of BC v. Applicant 18*, 2024 LSBC 12, at para. 44.

[37] If an applicant satisfies the Section 19 Test, practice limitations and conditions may be considered in response to a fitness concern raised by the evidence. Panels have ordered conditions related to mentoring and education. See, for example: *Applicant 18*, at paras. 58 to 59; *Seifi v. Law Society of Ontario*, 2019 ONLSTH 85, at para. 2; and *Malik v. Law Society of Ontario*, 2021 ONLSTH 106, at para. 91.

APPLICATION TO THIS CASE

The Applicant's Position

[38] The Applicant submits to the Panel that they satisfied the requirements of the Section 19 Test and that they are a person of good character and repute, fit to practice law.

[39] The Applicant submits they have candidly acknowledged their wrongful actions during the LSAP application process, the Law Society credentials investigation and during their evidence at the hearing. They say that they have accepted full responsibility for their past actions, have learned from their mistakes and that their past conduct is not reflective of their overall character today.

[40] The Applicant says that they have not minimized their "problematic" past issues at any stage of this process, rather they have been open, honest and have taken responsibility for their conduct.

[41] The Applicant says they are not the same person they were when these matters took place. They testified that they have learned from the incidents that occurred. They say they have grown and matured as a person since these events took place and as a result these incidents do not reflect their current character.

[42] The Applicant has the support of lawyers AB and BB and the firm B&B. They say these lawyers had the opportunity for the last nine months to observe their conduct in a workplace setting and gave them glowing reviews. They submit that the only reason that they will not be able to article at B&B is because the firm does not have capacity for two students, having had to hire a student due to the delay in the credentials process.

[43] The Applicant says that the Panel should accept the evidence of AB and the letter submitted by AB and BB concerning their good character, fitness to practice and ability to behave professionally in the workplace.

[44] AB testified by Zoom concerning his knowledge of the Misconduct and the Applicant's performance as a legal assistant for approximately nine months.

[45] AB said that the Applicant kept them fully informed of the Applicant's Enrolment Application and the circumstances that caused the credentials hearing to be held. AB testified that the Applicant was "very up front" about the Misconduct that led to the hearing and were aware of the specifics of the Misconduct.

[46] AB testified that the Applicant conducted themselves with professionalism in the workplace and that they had courteous and cordial relations with their co-workers. In short, they had no concerns about the Applicant's conduct in the workplace.

[47] BB and AB wrote a letter on behalf of the Applicant which was tendered in evidence and which detailed the circumstances of the Applicant's employment as a legal assistant, their support of the Applicant as a lawyer and the reasons that they could not hold the articulated position for the Applicant, which was due to staffing needs and not a reflection on the Applicant in any way.

[48] The Applicant's two siblings wrote letters on the Applicant's behalf in which they detailed their knowledge of the Misconduct and the positive changes they have seen in their sibling since then. The Applicant provided a letter from their landlord attesting to the Applicant's good character. Two work colleagues from the Municipality provided a letter about their experience with the Applicant in the workplace.

Law Society's Position

[49] The Law Society took no position as to whether the Applicant has satisfied the Section 19 Test and should be admitted to LSAP. The Law Society accepted that on the evidentiary record before the Panel, it was open to us to find that the Applicant had satisfied the test.

[50] The Law Society submitted that the Applicant admitted the Academic Dishonesty, Driving Infractions and Workplace Misconduct outlined in the Rule 2-91 Notice Letter.

[51] The Law Society says that in order to assess the Applicant's current character and fitness to practise law, the Panel must consider the extent to which the Applicant's past misconduct and behaviours are indicative of character flaws. The Law Society submits that the answer to that question informs the extent to which the Applicant must establish rehabilitation, and whether they have discharged the burden of establishing that they are currently of good character and repute and are fit to practise.

Passage of time and character transformation

[52] The Law Society submitted that when the Applicant committed the Academic Dishonesty, they did not satisfy the good character, repute and fitness requirements for enrolment but that there has been sufficient time and space for rehabilitation and self-

transformation for the Applicant since then. The Law Society further states that but for the other allegations of misconduct, the evidence establishes the Applicant's rehabilitation following the Academic Dishonesty.

[53] The Law Society submitted that the Panel could find that the Driving Misconduct and the Workplace Misconduct were isolated incidents that were out of character. If we so found, the Law Society says that rehabilitation has a lesser role to play, and the most recent incident of Workplace Misconduct in June 2023 is not particularly relevant.

The Workplace Conduct

[54] The Law Society submitted it was open to the Panel to conclude that the recent Workplace Misconduct raised concerns about the Applicant's character and fitness.

[55] The Law Society submitted that the Applicant's evidence concerning the positive changes in their life after being accepted into law school in 2018 are worthy of belief, but that the Panel must consider the Workplace Misconduct to determine the degree to which these incidents reflect on the Applicant's suitability for enrolment. In particular the Law Society encouraged the Panel to consider:

- (a) The degree to which the incidents themselves reflect behaviours that make an applicant unsuitable for Enrolment.
- (b) Whether the Applicant's stated reasons and explanations for the workplace incidents reveal any behavioural patterns that raise concerns about the Applicant's character and fitness.
- (c) The insights gained by the Applicant into the wrongful nature of their behaviours.
- (d) The Applicant's level of candour in the application process, including any concerns about how they have portrayed the workplace incidents or the other misconduct.
- (e) Evidence pertaining to the Applicant's more recent activities that reveal positive character traits, including in the context of their employment as a legal assistant from September 2023 to present.

Applicant's stated reasons and explanations

[56] The Law Society submitted that while the Applicant's reasons and explanations for past misconduct were "quite different", they revealed a "common theme" that in the past the Applicant has struggled when under pressure and has had poor impulse control.

Insights gained

[57] The Law Society submitted that the Panel should consider whether the Applicant understands their "heightened" obligations as a lawyer regarding respectful communications with all justice system participants and they must conduct themselves in an ethical and professional manner in difficult and stressful situations.

Level of candour

[58] The Law Society submitted that while the Applicant could have been more careful in their Enrolment Application, there is not a standard of perfection and that lack of care is likely not significant enough to detract from the Respondent's character or fitness.

Applicant's recent activities

[59] The Law Society submitted that the Panel should place significant weight on the testimony of AB because such evidence is often the best evidence of the Applicant's current character as it is insightful and made with full knowledge of the issues to be determined by the Panel.

Character references

[60] The Applicant submitted a letter from AB and BB from B&B, letters from their siblings, a letter from their landlord and letters from work colleagues at the Municipality all of which were entered into evidence at the hearing.

[61] The Law Society's position was that the Panel ought to give considerable weight to the letter from AB and BB because of their knowledge of the issues before the Panel, their significant work experience with the Applicant (nine months) and the firm's zero tolerance of workplace bullying.

[62] With respect to the letters from the Applicant's siblings, the Law Society says they are worthy of some weight given their knowledge and experience of the Applicant's past conduct and the transformation of the Applicant's character over time.

[63] The Law Society submitted that the letter from the landlord was entitled to no weight given their lack of knowledge of the issues before the Panel and the letters from the Applicant's work colleagues have limited relevance since those letters were tendered solely to explain their specific interactions with the Applicant.

FINDINGS OF FACT AND APPLICATION OF LEGAL PRINCIPLES

[64] Prior to the Applicant seeking Enrolment in LSAP, they engaged in misconduct that consisted of the Academic Dishonesty, Driving Infractions, and Workplace Misconduct from the years 2009 until June of 2023.

[65] The Panel is satisfied with the explanations provided by the Applicant under oath concerning how they came to commit the Academic Dishonesty and Driving Infractions. We accept the Applicant's sincere apology, remorse and agree that the Applicant has taken steps in their life such that those incidents are no longer relevant to a consideration of whether the Applicant has satisfied the Section 19 Test.

[66] Further, the Panel was persuaded that the Academic Dishonesty and the Driving Infractions occurred in the distant past and were no longer of concern.

[67] The Panel was concerned about the Workplace Misconduct and in particular the alleged conduct which caused the one-day suspension in June 2023.

[68] The Law Society submitted that the Panel need not engage in a fact-finding exercise to determine what exactly occurred that gave rise to the Applicant's one day suspension because the Applicant acknowledged they committed misconduct that violated the Municipality's respectful workplace policy. The Panel agrees. We accept that the Applicant engaged in misconduct, which was contrary to the Municipality's respectful workplace policy, that the Applicant has been punished for that conduct, regrets that conduct, acknowledged it and has learned from it.

[69] The question for the Panel is what bearing does that recent conduct have on the Applicant's character and fitness to become a barrister and solicitor of the Supreme Court pursuant to the Section 19 Test?

[70] The Applicant provided their evidence in a forthright and honest manner. The Applicant was extremely regretful and remorseful for their conduct and admitted candidly that in hindsight they can see how their emotions and being upset led them to behave in ways that were not professional or respectful in their workplace at that time.

[71] The Panel accepts that the Applicant understands that their conduct at that time is not the kind of conduct that is expected of lawyers.

[72] The Panel has reviewed the decisions that reflect the applicable legal principles and the decisions which are more fact specific to the Applicant's circumstances and are referred to in paragraph 35 of these Reasons: *Law Society of BC v. Applicant 9*, 2016 LSBC 14 (allegations of sexual assault); *Law Society of BC v. Applicant 11*, 2016 LSBC 38 (allegations of academic misconduct at PLTC); *Law Society of BC v. Applicant 12*, 2019 LSBC 15 (criminal charges, including dangerous driving, assault and uttering threats); *Law Society of BC v. Applicant 15*, 2020 LSBC 15 (criminal charges of assault, breach of a no-contact order, harassment and uttering threats); *Law Society of BC v. Applicant 18*, 2024 LSBC 12 (allegations of sexual harassment); *Seifi v. Law Society of Ontario*, 2019 ONLSTH 56 (allegations of sexual harassment); *Malik v. Law Society of Ontario*, 2021 ONLSTH 106 (academic dishonesty at CPLED). We conclude that there are many decisions where applications were granted where the conduct at issue was far more egregious than that of Applicant 21.

[73] A person's character and fitness to be enrolled as an articulated student must be determined at the time of Enrolment. Rehabilitation is essential.

[74] While the Applicant has not engaged in any kind of direct workplace training since this incident, the Panel is satisfied from the evidence of AB and BB and in particular the *viva voce* testimony of AB concerning the Applicant's workplace conduct during the nine months they were employed at the law firm of B&B that the Applicant has changed and learned.

[75] The Panel's conclusion is bolstered by the letters from the Applicant's siblings who attest to the Applicant growing and maturing over time. In addition, the letters provided by colleagues from the Municipality provide the Panel with some context regarding the allegations of workplace misconduct.

[76] The Panel is satisfied that the Applicant has changed since the Workplace Misconduct occurred. The Applicant has matured and learned from the experience. The Panel accepts that the Applicant understands and is aware that they must not allow their emotions to rule them. They accept that they must take steps to control impulsivity in order to maintain professionalism and decorum in all aspects of their life, including their professional life.

CONCLUSION

[77] Upon weighing the evidence and applying the law presented at the hearing the Panel has concluded that the Applicant has demonstrated on a balance of probabilities that they are currently of good character and repute and fit to become a barrister and a

solicitor of the Supreme Court. The Panel grants the application to enrol in the LSAP program in accordance with s. 19(1) of the *Act*.

[78] The Panel grants the application subject to the following conditions which must be incorporated into the Applicant's formal articling written agreement:

- (a) the Applicant must complete at least six hours of education or training on respectful workplace communication and/or conflict resolution and that education or training program must be approved by the Law Society of British Columbia's Credentials Committee; and
- (b) the Applicant must, during the 12-month articling period, consult and communicate with AB or another senior lawyer or a Bencher of the Law Society, on a quarterly basis.

[79] With respect to the condition in paragraph 78(b), the Panel orders that the Applicant speak to AB (or another senior lawyer) on a quarterly basis during their 12-month articling period concerning their progress and experience during articles.

[80] The Panel previously advised the Applicant and the Law Society, by memo dated July 4, 2024 of the Panel's decision and the conditions. These written reasons replace the memo as the formal determination of the Panel.

NON-DISCLOSURE APPLICATION

[81] At the close of the hearing, the Law Society applied under Rule 5-8(2)(a) of the Rules to anonymize any information from the hearing, including exhibits and transcripts, that discloses the name or any identifying information of the Applicant (the "Non-Disclosure Order"). Rule 5-8(2)(a) permits the Panel to make an order to protect specific information from being disclosed to protect the interests of any person. To obtain an order pursuant to Rule 5-8(2)(a) the party seeking the order must establish that:

- (a) the Tribunal openness poses a serious risk to an important public interest;
- (b) the order sought is necessary to prevent this risk to the identified interest because reasonable alternative measures will not prevent this risk; and
- (c) as a matter of proportionality the benefits of the order outweigh its negative effects.

[82] The Panel grants the Non-Disclosure Order pursuant to Rule 2-104:

2-104 (1) Except as required or allowed under this rule, a publication under Rule 2-103 (1) (a) or (b) must not identify the applicant.

(2) A publication under Rule 2-103 (1) (a) or (b) may identify the applicant if

(a) the applicant consents in writing, or

(b) the subject matter of the application, including the identity of the applicant, is known to the public.

(3) to (7) [rescinded]

(8) A publication under Rule 2-103 (1) (a) or (b) must identify the applicant if the applicant is a disbarred lawyer applying for reinstatement.

(9) A summary circulated under Rule 2-103 (1.1) may identify an applicant who is identified by the court.

[83] The Panel grants the Non-Disclosure Order to prevent the disclosure of the identity of the Applicant and third parties who provided evidence at the hearing.

[84] The parties did not address costs. The Panel directs that if the parties cannot agree on costs, the Law Society provide its written submission on costs within 14 days of the date these reasons are issued and the Applicant respond in writing within seven days following receipt of the Law Society's submissions. Reply, if necessary, is to be provided in writing seven days later.