



# The Law Society of Newfoundland and Labrador

P.O. Box 1028 St. John's, NL A1C 5M3

## DISCIPLINARY NOTICE

**TAKE NOTICE THAT** an Adjudication Tribunal of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, pursuant to the *Law Society Act, 1999*, found Brian D. Wentzell of St. John's, NL guilty of conduct deserving of sanction. The Adjudication Tribunal found that being intoxicated in Court and drinking alcohol in Court violates the Rules relating to competence, encouraging respect for the administration of justice and responsibility to the Law Society and others. The Tribunal found that this conduct does not relate to integrity and dismissed the portion of the complaint dealing with integrity.

The Adjudication Tribunal found that refusing to provide a breath sample to a police officer violates the Rule relating to encouraging respect for the administration of justice and the Rule relating to the Respondent's responsibility to the Law Society and others. The Tribunal found that this matter does not impact on Mr. Wentzell's integrity. Further, the Tribunal concluded that since this was conduct not related to the practice of law, it does not impact upon Mr. Wentzell's competence and does not amount to incompetence. The Tribunal dismissed these portions of the complaint.

The Adjudication Tribunal stated:

*There is no doubt whatsoever that the offensive conduct is clearly regarded as the type of behavior that falls outside the range of permitted conduct. The behavior brings disrepute to the legal profession. It is wholly inappropriate that a lawyer was under the influence of alcohol in court. Likewise, refusing the breathalyzer, a lawful demand made by a police officer, gives the public reason to have its confidence in the legal profession shaken.*

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The Adjudication Tribunal ordered, pursuant to subsection 50(3) of the *Law Society Act, 1999* that:

1. Brian D. Wentzell is hereby reprimanded;
2. Brian D. Wentzell shall abstain from the possession or consumption of alcohol for a period of two years;
3. Brian D. Wentzell shall submit to random alcohol testing, the results of which shall be shared with the Law Society, which testing will occur on two business days in a every four week period for one year at the business premises of the testing agency used previously, the cost of which shall be borne by the Respondent;
4. Brian D. Wentzell shall pay \$5000.00 for costs of the hearing and
5. A summary of this decision will be published (and the decision itself) by the Law Society on the expiration of the appeal period.