

The Art of Writing Reasons (Webinar) – Case Study

Presented by Richard Steinecke on June 4, 2020

Laurence Olivier, a practitioner, manages an office of practitioners including Vivien Leigh. Laurence and Vivien developed a romantic relationship. Laurence, who handed out the assignments at the office, allegedly favoured Vivien with the interesting ones. He is also alleged to have not intervened when Vivien, who has a bit of a temper, acted inappropriately.

In one instance, Vivien and Rosalind Russell, another practitioner, were working together on an assignment. When Rosalind had to leave early one afternoon for a family emergency involving her daughter, Vivien allegedly kicked Rosalind on the backside as she left. Rosalind reported the incident to Laurence who, allegedly, directed her not to call the police, saying he would take care of it. Nothing happened.

The main incident involved Joan Fontaine, another practitioner. Vivien recommended that the office stop serving a client, Clark Gable, who was a bit obnoxious. Joan said that they had a duty to serve the client even if he was obnoxious. Vivien allegedly lost her temper and started screaming obscenities at Joan. This went on for 3 minutes according to the security tape. The tape provided a visual record of the events showing Vivien appearing upset, opening her mouth excitedly and waving her arms and Joan distancing herself from Vivien. The tape has no record of the sound. Laurence, who was next door at time, heard the noise, entered the room and calmed Vivien down. Allegedly nothing else was done by Laurence about the incident other than he called the client to advise him that the office was discontinuing service to him because it was too busy to meet his needs.

At the discipline hearing, Rosalind, Joan and Clark testified as set out above. Vivien acknowledged playfully kicking Rosalind's behind. Vivien denies swearing at Joan and says that she was upset because Joan had accused Vivien of "sleeping her way to the top". Joan denies saying this or making any comments about Vivien's relationship with Laurence. Vivien admitted to a romantic relationship but said that it did not affect their professional performance.

Laurence, who is the only one facing discipline, denies treating Vivien specially. He says Rosalind recounted the kicking story as a humorous anecdote, not a report of wrongdoing. Nothing was put in writing. He says he interviewed both Vivien and Joan about the second incident and determined that it was simply an interpersonal disagreement. He says he called Clark in order to remove the irritant from the office. Laurence says that both Rosalind and Joan

applied for the manager position when it opened up two years ago and are resentful that he was selected.

The applicable definitions of professional misconduct are as follows:

1. Failing to supervise another person appropriately.
2. Conduct relevant to the practice of the profession that is disgraceful, dishonourable or unprofessional.