

## Conduct Reviews 2025-13 to 2025-18

Publication of conduct review summaries is intended to assist lawyers by providing information about ethical and conduct issues that may result in complaints and discipline.

### Respectful workplace

A lawyer failed to be courteous and civil with their employee and junior associate at their firm, contrary to rules 2.2-1, 5.1, 6.3-1 and 7.2 of the *Code of Professional Conduct for British Columbia*. The lawyer entered the associate's office to discuss progress on a client file. The associate alleged that the lawyer's demeanor was angry, aggressive and grew increasingly agitated during the discussions based on the perceived lack of progress on the file. The associate tried to defuse the situation and assert boundaries by telling the lawyer their conduct was inappropriate and asking them to leave their office. The associate felt threatened and attempted to leave their office at which time the lawyer placed their arm across the doorframe to block their ability to exit. The associate moved the lawyer out of their way to leave their office. The lawyer intended to have a brief conversation about the client's file with the associate, but found the associate to be dismissive and unwilling to address the lawyer's concerns. The conduct review subcommittee advised the lawyer that their conduct was inappropriate because of the power imbalance that existed as a result of the parties' respective positions at the law firm. The perception of being threatened was avoidable had the lawyer acted to de-escalate the situation. The lawyer has committed to ensuring that, should a similar situation arise again in the future, they will behave in a courteous and appropriate manner. **CR 2025-13**

### Failure to meet financial obligations

A compliance audit revealed that a lawyer was not meeting their financial obligations contrary to rule 7.1-2 of *Code of Professional Conduct for British Columbia*. The lawyer collected GST from their clients but did not file and pay GST for the annual reporting periods ending December 31, 2019 to December 31, 2023 resulting in the Canada Revenue Agency ("CRA") garnishing the firm's general account to satisfy a CRA legal demand payment. The lawyer also failed to report the monetary judgment to the Executive Director. The lawyer advised that they had a savings account for the GST funds but the funds had been drawn from time to time and used for the firm's operating expenses. The lawyer now works with a bookkeeper to make regular GST payments and taken steps to ensure their firm pays GST in a timely manner. **CR 2025-14**

### **Inappropriate conduct / sexual harassment**

While representing their client in a family law matter, a lawyer made statements to their client that they knew or ought to have known were offensive, discourteous and/or unwelcome, having regard to their obligations under rules 2.2-1, 6.3-3, 6.3-5, or 7.2-4 of the *Code of Professional Conduct for British Columbia* (the “Code”) then in force, and rules 6.3-1 and 6.3-3 of the Code, as amended in July 2023. The lawyer admitted they were in breach of the rules in the comments they made to their client about their appearance and clothing were inappropriate and acknowledged the harm this caused their client. The lawyer has created firmer boundaries with clients and changed their communication style. The lawyer agreed to complete course work in sexual harassment, bullying and communication. The conduct review subcommittee emphasized the client’s vulnerability, the power imbalance in the lawyer-client relationship and the need for the public to have trust in lawyers. The lawyer has moved to an office where they share space with a senior lawyer and has staff who can sit in on meetings with them when necessary and appropriate. The lawyer advised that they are open to taking courses recommended by the subcommittee including *Trauma Informed Practice Foundations Curriculum* at the Justice Institute of British Columbia and *Communication Skills & Connect with People* by Legal Education by learnFormula. **CR2025-15**

### **Duty to courts**

A lawyer failed to maintain a courteous and respectful attitude toward the Court during a video hearing in a family law matter, including their conduct in interrupting and speaking over the Provincial Court Judge, and using inappropriate language while expressing their frustration at the end of the proceeding while still on the record, having regard to a lawyer’s obligations under rules 2.1-2, 2.2-1, 5.1-1, 5.1-5, 7.2-1 and 7.2-4 of the *Code of Professional Conduct for British Columbia*. The lawyer acknowledged that their outburst was inappropriate and they regret their behaviour. The lawyer said that while they agreed that it is inappropriate for counsel to speak over a judge, it is also their job to advocate for their client. The conduct review subcommittee provided suggestions on how to better handle such situations in the future, including how to present their position clearly while maintaining their composure. Among other things, the lawyer reviewed the transcript of the Family Management Conference in question and reached out to a Practice Advisor for support recommendations. The lawyer has taken courses and transitioned their practice to significantly reduce the amount of litigation and increase their mediation practice. **CR 2025-16**

### **Quality of service**

While acting for lenders in a private loan transaction, a lawyer failed to provide the quality of service expected of a lawyer in a similar situation having regard to a lawyer’s obligations under rules 2.2-1 and 3.2-1 of the *Code of Professional Conduct for British Columbia* and the *Land Title Act*. The lawyer acted for the lender in a private loan, secured by a mortgage against a

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property that the borrower was holding in trust. The lawyer was aware that the borrower held the property in trust but they did not obtain a copy of the trust instrument before submitting the Form B mortgage to the Land Title Office (“LTO”). The LTO required evidence that the trustee had the necessary authority to encumber the property. The lawyer then obtained a copy of the trust agreement, which indicated the borrower was not permitted to encumber the property without first obtaining written consent from both the settlor and beneficiary or court approval. The borrower’s lawyer sent the lawyer copies of executed consent forms purportedly from the settlor and beneficiary. The lawyer then filed a copy of these consents with the LTO, along with a Corrective Declaration. By affixing their Juricert digital signature to the Form B mortgage and Corrective Declaration, the lawyer represented to the LTO that they had the original consents in their possession when this was not true. The borrower defaulted on the loan and the lender commenced foreclosure proceedings. The beneficiary then became aware of the mortgage and challenged its validity. The court determined that the borrower’s signatures on the consent forms were forgeries. The lawyer failed to consider the potential for fraud and communicate the risks of the lending transaction to their clients. The lawyer has since changed their practice to ensure all files are handled in an appropriate way. **CR 2025-17**

### **Quality of service / contempt of court**

While acting for their client in a family law hearing, a lawyer agreed to various terms in a Consent Order without obtaining the explicit instruction of their client who was not in attendance. In addition, the lawyer subsequently failed to inform their client of the consequences of not complying with the terms of the Consent Order. The lawyer failed to provide the quality of service required of a lawyer contrary to rule 3.2-1 of the *Code of Professional Conduct for British Columbia* (the “Code”). The lawyer attended the court to argue an adjournment and ended up agreeing to a Consent Order. Prior to the hearing, the client told the lawyer that she wanted the matter resolved but would not accept the offer of settlement. At the hearing, the Justice suggested that the lawyer and opposing counsel see if there were some issues that could be agreed upon. As a result, the lawyer and opposing counsel came to an agreement on ten issues that were entered in a Consent Order. The lawyer should have called their client to obtain instructions on each of the terms of the Consent Order before agreeing. The client did not agree to the terms of the Consent Order. Opposing counsel filed an application for a second hearing for the non-compliance of the Consent Order resulting in a finding of contempt and a significant penalty and special costs being issued against the client. The lawyer assured the subcommittee that if this were to happen again, they would get explicit instructions from their client. The subcommittee emphasized to the lawyer that in highly emotional family law matters, particular care and attention must be given to properly inform clients of the consequences of non-compliance of court orders, including the possibility of a contempt application and what a client faces in that regard. **CR 2025-18**