

*Rule 4-21 admissions to the Discipline Committee:  
Misappropriation of funds*

**MARK EDWARD MACDONALD**

Vancouver, B.C.

Called to the Bar: September 2, 1994

Suspended pending hearing: January 25, 2000

Ceased membership: January 1, 2001

In December, 1998 Mr. MacDonald left private practice to join the Legal Services Society in Vancouver. He retained some files remaining from his practice, one of which was an estate file for which he was the administrator by attorney and the solicitor. The beneficiary of the estate was the deceased's sister, who resided in Germany.

On January 18, 2000 Mr. Macdonald, in a state of emotional crisis, wrote a note indicating that he would steal funds from the estate, leave the country and commit suicide. That same day, he collapsed the estate bank account, took a bank draft for \$191,933.67 and deposited the funds to his trust account. He withdrew \$50,000 of these funds from the trust account and deposited them to his personal bank account. On January 19, he left Canada and went to the United States.

On January 21, the Law Society was contacted by the friends and family of Mr. MacDonald who had discovered his note on January 20 and were concerned for his welfare. They advised the Law Society that Mr. MacDonald was in a state of emotional crisis and had indicated an intention to steal estate funds.

The Society commenced an investigation of Mr. MacDonald's practice and discovered the \$50,000 misappropriation. A hearing panel cited and temporarily suspended Mr. MacDonald from practice on January 25, 2000 pending his hearing.

Mr. MacDonald returned to Vancouver on January 27. He deposited \$50,000 to his trust account to the credit of the estate and thereby made restitution for the misappropriation.

Mr. MacDonald admitted to the Discipline Committee that his conduct in misappropriating estate funds constituted professional misconduct. On June 7, 2001 the Discipline Committee accepted Mr. MacDonald's admission, on his undertaking:

- not to apply for reinstatement to the Law Society for three years;
- not to apply for membership in any other law society without first advising the Law Society in writing;
- not to permit his name to appear on the letterhead of any lawyer or law firm without the written consent of the Law Society; and

- to obtain the written consent of the Law Society before working for any lawyer or law firm in British Columbia.

*Discipline Digest — 2001: No. 1 July (MacDonald)*