

Admission of misappropriation by former lawyer

ROBERT GORDON HARRIS

Nanaimo, B.C.

Called to the bar: May 14, 1969

Voluntarily ceased membership: January 1, 1995

In 1994, Mr. Harris misappropriated a total of \$8,099.46, which were trust funds relating to staledated cheques that he had held in his trust account for 15 years or more. He misappropriated the funds by making four transfers to his general account over a two-week period. The transfers were unsupported by billings and did not appear related to any work done on files.

Prior to making these transfers, Mr. Harris had been advised by the accountant preparing his Form 47 Accountant's Report that funds in trust in such circumstances should eventually be reported to the Law Society under section 95 of the *Legal Profession Act* and Law Society Rule 961 (now section 34 and Rule 3-82 respectively).

At the time he made the transfers, Mr. Harris suffered from chronic depression. His psychiatric condition, family situation, finances and practice had been deteriorating for an extensive period of time.

Mr. Harris voluntarily ceased membership in the Law Society in January, 1995 as he could not afford to pay his fees. The misappropriation of funds was discovered after the Law Society ordered a review of Mr. Harris's books and records.

Mr. Harris admitted that his conduct constituted professional misconduct. Several of his colleagues in the profession and a member of the judiciary submitted letters to the Discipline Committee attesting to Mr. Harris's integrity and abilities as a lawyer. On November 5, 1998 the Discipline Committee accepted Mr. Harris's admission and his undertaking:

- not to apply for reinstatement in the Law Society for three years;
- not to apply for membership in any other law society without first advising the Law Society of B.C.;
- 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 other lawyer or law firm in B.C.

Discipline Digest — 1999: No. 1 April (Harris)