

Vancouver, B.C.

Called to the B.C. bar: May 12, 1980

**Discipline hearing panel:** September 16, 1997

H.R. Berge, Chair, D.W. Gibbons, Q.C. and R.S. Margetts

H.C. Wood, for the Law Society

E.D. Crossin, Q.C., for Mr. Morrison

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### **Summary**

Mr. Morrison failed to account to his partner for over \$8,000 in payments received from a client. He misled the partner on two separate occasions as to the status of these payments and breached Law Society rules by failing to record them properly.

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### **Facts**

In June 1995, Mr. Morrison was appointed to chair a number of three-member CPP review panels and was to receive a per diem payment and reimbursement of expenses.

Mr. Morrison contracted with the federal government to perform these services on a personal basis. As he was in partnership with another lawyer, Mr. Morrison had a duty to account to the partnership for the payments, and he understood his obligation to remit the funds to the firm on receipt.

To obtain payment for services, Mr. Morrison was required to fill out and submit government forms; he submitted these forms rather than law firm invoices. On receiving payments beginning in October, 1995, Mr. Morrison deposited the money to his personal account. He prepared accounts in his firm's accounting system to record and track the funds in question as accounts receivable.

Mr. Morrison's partner did not know that Mr. Morrison would receive payments directly from the federal government. On two occasions, Mr. Morrison misled his partner by stating that the federal government payments were in arrears, although he knew this was untrue. Mr. Morrison had billed the federal government \$14,793.60 and deposited \$8,885.67 into his personal account by the time his partner discovered the payments in February, 1996.

At the time of these events, Mr. Morrison was experiencing financial difficulties, and he used the money to reduce his personal debt.

Mr. Morrison and his partner had for some time discussed dissolving their partnership, and Mr. Morrison intended to reimburse the partnership for the payments he had received through adjustments in the final accounting.

## **Decision**

Mr. Morrison admitted that his conduct constituted professional misconduct.

## **Penalty**

The discipline hearing panel ordered that Mr. Morrison:

1. be reprimanded;
2. pay a \$7,500 fine; and
3. pay \$2,500 in hearing costs.

In determining penalty, the panel ordered that a fine would be more appropriate than a suspension, given Mr. Morrison's stated financial situation, his admission of professional misconduct, the unlikelihood of future misconduct, the potentially ruinous effect of a suspension on a sole practitioner and the favourable character references submitted on his behalf.

*Discipline Case Digest — 1998: No. 10 October (Morrison)*