

Nanaimo, B.C.

Called to the Bar May 11, 1982

**Discipline hearing panel:** May 30 and June 30, 1996

T.L. Brown, Q.C., Chair, P.D. Warner and R. Diebolt, Q.C.

J. Whittow, for the Law Society

R. Sugden, Q.C., for Mr. Jordan

### **Summary**

Mr. Jordan practised with MC law firm until February, 1990 when it split into two firms: M firm (located in Victoria) and C firm (located in Nanaimo and Qualicum). Mr. Jordan began working for C firm. Two months later, he was approached by a partner in M firm who raised the possibility of his future employment with C firm and without communicating that decision to C firm, Mr. Jordan joining M firm and opening an office in Nanaimo. Without first deciding he contacted several clients of C firm and had them sign authorizations to transfer their files to M firm. When asked by C firm of his plans, Mr. Jordan failed to disclose the steps that he had taken or the authorizations he had received from clients when he knew that the information was material to C firm. His conduct constituted professional misconduct.

### **Facts**

Mr. Jordan practised with MC law firm from 1984 until February, 1990 when the firm split into two firms: M firm (located in Victoria) and C firm (located in Nanaimo and Qualicum). At that time, Mr. Jordan began working for C firm.

In April, 1990 Mr. Jordan was approached by a partner of M firm who raised the possibility of Mr. Jordan joining M firm and opening a Nanaimo office.

Another lawyer from C firm encountered Mr. Jordan having lunch with a partner of M firm in a Nanaimo restaurant on April 25, 1990. Mr. Jordan said that the meeting was a coincidence, but this was not so. He had in fact met to discuss the prospect of employment with M firm.

On May 2 and 8 Mr. Jordan met with a partner of C firm. Mr. Jordan told him that he had been approached by M firm, although no offer had been made.

On May 11 Mr. Jordan visited five clients of C firm. All five clients had personal injury files with C firm, three of which concerned substantial injuries and were expected to generate substantial fees. Mr. Jordan was the lawyer responsible for the files. The clients signed authorizations for their files to be transferred from C firm to M firm.

On May 12 Mr. Jordan was offered employment with M firm.

On May 16 the lawyers in C firm heard rumours that Mr. Jordan and another staff member were going to join M firm. Several C firm lawyers and the firm's administrator met with Mr. Jordan to ask if the rumours of his departure were true. Mr. Jordan said he did not know his plans, but that he had received an offer and had looked for office space. He failed to disclose the fact that he had already contacted five clients and received file transfer authorizations from them. Mr. Jordan admitted that his April 25 meeting at a restaurant with a partner of M firm had not been merely by chance.

The partners of C firm told Mr. Jordan to take time off to consider his decision. Mr. Jordan promised to give them a decision on May 22.

The next day the firm learned that a client had signed a file transfer authorization. Believing that Mr. Jordan had deceived them, the partners of C firm couriered him a letter to terminate his employment.

After receiving the letter, Mr. Jordan contacted more clients of C firm.

C firm and M firm subsequently entered into litigation.

**Admission and penalty**

Mr. Jordan admitted that he was guilty of professional misconduct:

- in contacting clients of C firm and having them sign authorizations to transfer their files from C firm to M firm, without having first decided on his future employment and without having communicated that decision to C firm; and
- in failing, when asked by C firm of his plans, to fully disclose the steps that he had taken. In particular, he failed to disclose to C firm that he had had the authorizations signed when he knew the materiality of such information.

Pursuant to Law Society Rule 469, the Discipline Committee and the discipline hearing panel accepted Mr. Jordan's admission and his proposed disciplinary action, and ordered that he:

1. pay a fine of \$7,500 within 30 days; and
2. pay \$1,000 toward costs of the discipline proceedings within 30 days.

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