

Misappropriation of client trust funds

DOUGLAS VERNON WHITWORTH

Vancouver, B.C.

Called to the Bar: October 1, 1959

Resigned membership: January 31, 1994

Between 1986 and 1993, while a partner in a law firm, Mr. Whitworth misappropriated for personal use approximately \$100,000 from different clients by removing funds held in trust and by charging personal and family expenses to clients as disbursements.

The law firm discovered the misappropriations in 1993 after Mr. Whitworth had requested a \$738.30 personal expense be charged to a client file as expert fees. The firm then retained a forensic accountant to analyze the accounts and ledgers on Mr. Whitworth's files. The law firm reimbursed the clients. Mr. Whitworth resigned from the law firm and as a member of the Law Society.

A citation was authorized against Mr. Whitworth in June, 1995. A hearing set for February 29, 1996 was adjourned when Mr. Whitworth proposed a discipline admission.

On March 5, 1996 Mr. Whitworth admitted to the Discipline Committee that his conduct in misappropriating client funds constituted professional misconduct. On May 9, under Rule 468, the Committee accepted Mr. Whitworth's admission and his undertakings:

1. never to apply for reinstatement to the Law Society of B.C.;
2. not to apply for membership in any other law society without first advising the Law Society of B.C.;
3. not to permit his name to appear on the letterhead of any lawyer or law firm without the written consent of the Law Society of B.C.; and
4. to obtain the written consent of the Law Society of B.C. before working for any other lawyer or law firm in B.C.

The Committee instructed the Secretary to endorse the admission on Mr. Whitworth's professional conduct record.