

Vancouver, B.C.

Called to the Bar: November 15, 1985 (Alberta); March 16, 1988 (B.C.)

**Discipline hearing panel:** October 31, 1994

W.M. Trotter, Q.C., chair, W.T. Wilson, Q.C. and J. Shackell

J. Whittow, for the Law Society

R. Sugden, Q.C., for the member

### **Summary**

While representing a client on a child maintenance application, the member signed the jurat of a financial statement, purporting that the client had appeared before him to swear an oath of full disclosure and to sign the document. The client had, in fact, signed the financial statement earlier, before it was finalized. She subsequently discussed the statement with the member and approved revisions.

### **Facts**

In 1993 the member began representing L on an application for child maintenance. He prepared a financial statement in support of the application.

L obtained employment and needed to revise the financial statement to reflect that fact. On August 9, 1993, she dropped off to the member a revised, and partially completed, financial statement, which she signed before the member. She also signed a blank form on the understanding that the member would complete it in accordance with her notes and any further information. She agreed to provide the member with further information to finalize the document.

In a telephone conversation with the member, L discussed and approved final revisions to her financial statement.

The member signed the jurat of the financial statement on October 25, 1993, purporting that L had appeared before him to swear the oath and to sign the document. He filed the financial statement on November 3, 1993.

In revising the financial statement and taking the oath in this manner, the member hoped to accommodate L, who lived in the B.C. Interior and could not afford to travel often to the Lower Mainland; he also knew the client would be testifying in court as to the information in her statement.

### **Decision**

The member admitted that his conduct constitutes professional misconduct.

### **Penalty**

The Discipline Committee and the discipline hearing panel accepted the member's admission and proposed disciplinary action, and ordered that he:

1. pay a \$3,000 fine within six months;
2. pay \$1,000 within six months as costs of the discipline proceedings.