

Admission of making unfounded allegations

DOUGLAS WARREN WELDER

Kelowna, B.C.

Called to the Bar: May 12, 1981

In 1992 Mr. Welder represented GN in a dispute with a mortgage company as to the amount owing on a mortgage loan. The mortgage company, which had two mortgages on title, also obtained a judgment against the mortgagor's father, RN. The mortgage company filed that judgment against the property based on evidence that GN held the property in trust for RN.

Mr. Welder believed the filing of the judgment was improper and was concerned that it jeopardized new financing. He demanded that the judgment be discharged. This was refused.

Mr. Welder then wrote to the mortgage company's lawyer suggesting the filing of the judgment was improper. He drew the mortgage company lawyer's attention to sections dealing with forgery, and indicated his position that the lawyer's conduct breached those sections.

The father of Mr. Welder's client swore an information alleging criminal forgery and fraud against several directors of the mortgage company and its lawyer. Mr. Welder had no knowledge of this action.

Mr. Welder admitted to the Discipline Committee that he had professionally misconducted himself by making unfounded allegations of misconduct about another lawyer when he knew there was nothing to substantiate such an inference. On December 7, 1994 the Committee accepted the admission and ordered that it be endorsed on his professional conduct record.

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