

Campbell River, B.C.

Called to the Bar: October 1, 1969

Discipline hearing panel: September 17, 1993

G. Burnyeat, Q.C., Chair, K. Nordlinger, Q.C. and B. Trevino, Q.C.

Counsel for the Law Society: G. McKinnon

Counsel for the member: P. Freeman, Q.C.

Summary

In a telephone conversation with an ICBC adjuster to negotiate settlement of a personal injury claim, the member used foul and abusive language.

Facts

The member used foul and abusive language several times in a telephone conversation with an ICBC adjuster in May, 1992 while negotiating settlement of a client's personal injury claim.

A few weeks later the member called the adjuster to apologize for his part in the conversation, and on October 9 he sent a letter of apology which read:

On May 27 last in a telephone conversation I made remarks to yourself for which I wish to sincerely apologize. Please believe they were neither premeditated nor deliberate.

Again, I sincerely apologize for any hurt that they may have caused you.

The Discipline Committee reviewed the circumstances of the case and considered that the member had previously been warned during a conduct review against using offensive language. The Committee ordered a citation against the member on February 8, 1993.

Decision

The member's conduct constitutes professional misconduct.

Penalty

The member submitted a conditional admission of a discipline violation, pursuant to Law Society Rule 469.

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

1. be reprimanded;
2. pay a fine of \$400; and
3. pay \$500 toward costs of the discipline proceedings.