

Forging Signatures

GEOFFREY JOHN WINSTON THOMAS

Burnaby, B.C.

Called to the Bar: January 11, 1982

The member was an associate lawyer in a firm that represented a finance company in the preparation of its mortgage loan documentation.

In April, 1989 the branch manager of the company informed the member that he had failed to include certain documents on four mortgage files. Three of the files were missing a warranty by the mortgagor that the mortgaged property was free of urea formaldehyde insulation. Two of the files were also missing an authorization for payment of the mortgage proceeds.

The finance company required completion of these documents, and their execution by the mortgagors.

The member knowingly, wrongfully and without authorization forged the signatures of the mortgagors on these documents and purported to witness the signature. He then provided the documents to the finance company, knowing them to be false and intending that the company would act on them to its prejudice in the belief they were genuine.

Upon receiving the documents, the company questioned the partners in the member's firm as to the authenticity of the signatures. The partners confronted the member, told him of the company's enquiry, and asked him about the signatures. The member denied forging the signatures and said the documents had been properly executed by the mortgagors.

The partners subsequently retained a handwriting expert to compare the signatures on the mortgage documents against known signatures of the mortgagors. The expert concluded that the signatures on the mortgage documents were forgeries. When confronted a second time by the partners, the member again stated that the documents had been signed by the mortgagors and that he had witnessed the signatures.

A citation was issued against the member on April 4, 1990. On September 6 the Standing Discipline Committee accepted the member's admission of a discipline violation, on his undertaking:

1. to immediately resign from membership in the Law Society;
2. to agree not to apply for reinstatement to the Law Society for a period of two years commencing March 1, 1990;
3. to notify the Law Society if he should ever apply to become a member of any other law society or similar governing body;
4. unless reinstated, not to be employed in any capacity by a member of the Law Society without the Society's permission;

5. unless reinstated, not to hold out as practising law;
6. to pay costs of the proceeding totalling \$1,253.40.

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