

Threatening Criminal Proceedings

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Called to the bar: January 4, 1971

On January 24, 1989, while representing a consultant firm, the member wrote to one of the firm's former commission salesmen demanding payment of sales money that the salesman was alleged to be improperly withholding.

In his letter, the member stated that if the money were not returned within seven days, he would recommend that his client file evidence with the R.C.M.P. in support of a fraud or theft charge against the salesman. When writing the letter the member was oblivious to Ruling E/5 of the *Professional Conduct Handbook*.

The member admitted that he had breached Ruling E/5 in demanding money on threat of a criminal prosecution and that his conduct constituted professional misconduct.

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