

*Delay in Complying with Court Order*

**ROSEMARY LOUISE NASH**

(Vancouver)

Called to the Bar: September 10, 1980

The member represented the petitioner in a matrimonial dispute. As part of the resolution of that dispute, the matrimonial home was sold and the proceeds of the sale were held in trust by the member.

On February 20, 1985 the court ordered the member to pay \$5,000 from the proceeds of sale to the respondent forthwith. The petitioner then contemplated (but ultimately decided against) launching an appeal.

Together with a letter dated February 22, 1985, the respondent's solicitor sent the member the draft order. In that letter the member was asked to approve and return the draft order. The respondent's solicitor also stated that he looked forward to immediate payment of the \$5,000 to his law firm. On February 27 the member wrote back that she would provide the \$5,000 to the respondent's solicitor upon receipt of an entered copy of the order and written authorization from the respondent. On February 28 the respondent's solicitor couriered to the member a letter demanding payment of the \$5,000 by March 1 and stating that the order did not first have to be entered. That same day the member wrote back to say that the order was not enforceable until it was entered. Ms. Nash left the country the following day for an 18-day vacation. Upon her return, she immediately paid the \$5,000 to the respondent's solicitor.

While the member honestly believed the position she took in this matter was correct, she was inappropriately careless in deciding to refrain from pay the money prior to leaving on vacation without having researched the law or obtained advice from a senior member of the Bar.

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