

Endorsement on Professional Conduct Record

NACHHATTER S. GILL

(Abbotsford)

Called to the Bar: May 20, 1975

The member was solicitor for Mr. S, the respondent in a divorce proceeding; the complainant represented the petitioner, Mrs. S.

Without the complainant's knowledge, Mrs. S contacted the member to discuss a possible reconciliation with her husband. When the complainant learned of this exchange, she advised the member to refrain from further communication with Mrs. S.

On two subsequent occasions, the member telephoned Mrs. S since it was apparent that she desired to discuss the divorce in her native tongue with someone of similar ethnic origin. He told Mrs. S that if she abandoned her claim for corollary relief, Mr. S would not contest the divorce. Mrs. S agreed to this arrangement.

The member admitted that it constituted professional misconduct for him to communicate directly with another lawyer's client without that lawyer's consent, contrary to Ruling D1(a) of the *Professional Conduct Handbook* which states:

“No member shall communicate in any way upon the subject in controversy or attempted to settle a dispute directly, with a person represented by a lawyer. All such communication or negotiations should be made through the lawyer, save with the consent of that lawyer.”

Discipline Digest — 1985: No. 2 May (Gill)