

2005: No. 03 September - October

Marianne Walters

Abbotsford, BC

Called to the bar: August 1, 1985

Discipline hearing: July 7, 2005

Panel: Anna K. Fung, QC, Chair, Michael J. Falkins and G. Glen Ridgway, QC

Report issued: September 16, 2005 (indexed as 2005 LSBC 39)

Counsel: Todd Follett, for the Law Society, and Michael Ranspot, for Ms. Walters

Facts

In January 2002, while acting for a client in a family case, Ms. Walters administered oaths to the client on an affidavit and child support fact sheet. She signed those documents as having been sworn before her as a commissioner for taking affidavits, but left blank the date on the jurat.

At the time, Ms. Walters was waiting to receive an entered copy of a consent order, referred to as Exhibit B in the affidavit. She left the date blank on the jurat of the affidavit so that she could insert a date other than the date the affidavit was actually sworn and signed, if it turned out the consent order was filed on a later date.

(In fact the date of March 4 was later inserted in the jurat, but not by Ms. Walters.)

Verdict

The hearing panel found, and Ms. Walters admitted, that she was guilty of professional misconduct in signing an affidavit sworn before her while leaving blank the date in the jurat so that a date could be inserted later.

Penalty

In considering penalty, the panel took into account various circumstances, including the range of penalties in other cases, the difficult family circumstances Ms. Walters faced at the time and various letters of support and character references. The panel expressed sympathy for her family difficulties, but noted that the conduct must be censured in order to uphold the sanctity and integrity of sworn documents in the judicial process. The panel ordered that she:

1. pay a \$3,000 fine, payable within six months; and
2. pay \$3,500 as costs within one year thereafter.