

2008 : No. 5 December

Harry Djorgee

Victoria, BC

Called to the bar: February 21, 2001

Discipline hearing : July 25, 2008

Panel : G. Glen Ridgway, QC, Chair, Bruce A. LeRose, QC, William Jackson

Report issued : September 4, 2008 (2008 LSBC 27)

Counsel : Maureen Boyd for the Law Society and Peter Firestone for Harry Djorgee

Facts

Harry Djorgee was retained by client SL in July 2006 to obtain a divorce from her husband and custody of her two sons.

In December 2006, Djorgee prepared and filed in the Registry a Writ of Summons and Statement of Claim that bore SL's signature, however, SL did not sign either of these documents. In March 2007, Djorgee affixed SL's signature wrongfully, and without her authorization, on a Requisition and filed this Requisition in the Registry.

In March 2007 Djorgee prepared two affidavits on behalf of SL and affixed her signature when she was not present before him and did not sign the affidavits. Djorgee filed the affidavits at the Registry, knowing that the documents were falsely sworn.

In January 2007, Djorgee prepared an affidavit of service of GO in which it falsely stated that GO had served a copy of the Writ of Summons and Statement of Claim on the husband. Djorgee affixed GO's signature and filed the Service Affidavit at the Registry, knowing that it was falsely sworn and contained false statements.

In June 2007, new counsel for SL made a complaint to the Law Society with respect to Djorgee. On October 23, 2007 a citation was issued against Djorgee, alleging professional misconduct for wrongfully affixing signatures on documents and filing falsely sworn documents in the Victoria Registry of the British Columbia Supreme Court.

Admission and Penalty

It should be noted that the false Affidavits in this matter were not used in a court application, Djorgee received no financial benefit from his conduct, and as soon as the matter was detected and called to the attention of Djorgee, he acknowledged his misconduct, ceased practice until this citation was dealt with, and gave a full acknowledgment of his wrongdoing. As Djorgee agreed to cease practice on October 2007, the six-month suspension resulted in Djorgee being out of practice for approximately 11 months. This provides a specific and general deterrent with respect to this conduct.

Pursuant to Law Society Rule 4-22, the hearing panel accepted Djorgee's admission and ordered that Djorgee:

1. be suspended for six months, of which four months will be deemed to have been served prior to the hearing date and the last two months will be served commencing from the hearing date;
2. only practise in a capacity approved by the Practice Standards Committee; and
3. pay costs in the amount of \$1,000.

