

Using fictitious identity and telephone number in answering machine message

Carole Elizabeth Hickey

New Westminster, B.C.

Called to the Bar: July 10, 1984

In July, 2000 Ms. Hickey acted for the Insurance Corporation of British Columbia, the subrogated defendant in a motor vehicle case. The plaintiff was represented by counsel.

On July 24, 2000 Ms. Hickey placed a telephone call to the plaintiff's home telephone number. It was Ms. Hickey's understanding that a witness in the case (M), whom Ms. Hickey was attempting to reach, resided at the plaintiff's home. Ms. Hickey's call was taken by an answering machine.

Ms. Hickey left the following message: "*M, this is Mrs. B from Immigration, please call me at [a telephone number.]*" The telephone number left by Ms. Hickey did not exist. Ms. Hickey explained that she left the fictitious name and number because she was concerned that the plaintiff would otherwise assume Ms. Hickey was attempting to contact her, rather than the witness.

Ms. Hickey was cited in July, 2001.

On March 7, 2002 the Discipline Committee accepted, pursuant to Rule 4-21, Ms. Hickey's admission of professional conduct for falsely purporting to be "Mrs. B from Immigration" and for leaving a fictitious telephone number on an answering machine, contrary to Chapter 1, Rule 5(6) and Chapter 2, Rule 1 of the *Professional Conduct Handbook*. These *Handbook* Rules provide:

Chapter 1, Rule 5(6)

5 (6) All lawyers should bear in mind that they can maintain the high traditions of the profession by steadfastly adhering to the time-honoured virtues of probity, integrity, honesty and dignity.

Chapter 2, Rule 1 Dishonourable conduct

A lawyer must not, in private life, extra-professional activities or professional practice, engage in dishonourable or questionable conduct that casts doubt on the lawyer's professional integrity or competence, or reflects adversely on the integrity of the legal profession or the administration of justice.¹