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Small Claims Court Case Study

The E-Mail

Just before his Small Claims Court trial began, Paul Singh reviewed the evidence brief prepared by Rhonda Milburn, the opposing side's former paralegal. Paul discovered a printout of a confidential e-mail that Rhonda had sent to her client, accusing him of fraud and withdrawing from representation. Paul didn't know how to proceed.

Paul Singh

Over the last year, Paul Singh spent the majority of his time representing clients before the Small Claims Court and the Landlord and Tenant Board. Joan Klopko the Defendant hired Paul to act for her in the Small Claims Court action brought against her by Tony Cameron.

The Small Claims Court Action

The Defendant, Joan Klopko, hired Tony Cameron as a contractor to renovate her house. She agreed to pay him a deposit of \$5,000 and two \$5,000 installments for the work, which was to be completed by the end of July 2014. She gave him a \$5,000 deposit. When only half the work had been completed by December 2014, she fired Tony and paid another contractor to finish the job. Tony sued Joan for \$10,000, the amount that he claimed she owed him for the work he did.

The E-Mail

Rhonda Milburn practised as a paralegal for over ten years and was licensed by the Law Society in 2009. She represented clients on a wide variety of matters before the Small Claims Court. Tony retained her to act for him in a number of lawsuits he brought against homeowners for non-payment, including the action against Joan.

Sometime after Rhonda was retained, she withdrew from representing Tony. At the same time, Rhonda sent to Paul the joint evidence brief she had prepared as agreed, in anticipation of the trial. The brief contained a printed copy of an e-mail that Rhonda had sent to Tony when she withdrew. In the e-mail, she accused Tony of being a con man who manipulated homeowners into hiring him just to get their deposit, started the work but didn't complete it, and then sued them for the balance of the contract.

Conclusion

Paul was surprised to find the printout of the e-mail in the brief. He had to find an ethical way to deal with the note that wouldn't compromise his duty to his client or to the tribunal.