



DISCIPLINE CASE *DIGEST*

Case 13-08

Member:	Member A
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 30, 1988
Particulars of Charges:	Professional Misconduct (1 Count): <ul style="list-style-type: none">▪ Breach of Rules 5-64(3) and (4) of the <i>Rules of the Law Society</i> and Rule 6.01(1) of the <i>Code of Professional Conduct</i>
Plea:	Not Guilty
Date of Hearing:	September 11, 2013 and October 22, 2013
Panel:	<ul style="list-style-type: none">▪ Ellen Leibl, Q.C. (Chair)▪ Joelle Robinson▪ Kenneth Molloy (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ C. Kristin Dangerfield for The Law Society of Manitoba▪ Gavin Wood for the Member
Disposition:	<ul style="list-style-type: none">▪ Acquitted

Failure to Respond

Facts

In the course of the Law Society's investigation into a complaint Member A was asked by letter dated February 12, 2013 to respond by February 19, 2013 and to provide specific information including all open and closed original client files by February 26, 2013. Member A responded on February 19, 2013 and provided a client file as requested by February 26, 2013. The investigator wrote to Member A on March 19, 2013, March 21, 2013 and April 2, 2013 requesting further information including a second original client file. Member A failed to produce the second file until April 10, 2013. Member A was charged with failing to provide a complete response to the Law Society's letter of February 12, 2013 contrary to Rules 5-64(3) and 5-64(4) of the *Rules of the Law Society of Manitoba*.

Plea

Member A entered a plea of not guilty.

Decision and Comments

Member A testified that he did not produce the requested file until April 10, 2013 because he believed that the file had previously been sent to the client's new lawyer.

The Panel concluded that Member A had provided a reasonable excuse for failing to provide a complete response to the Law Society.