



# DISCIPLINE CASE *DIGEST*

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Case 13-10

<b>Member:</b>	Jeff Andrew Salmon
<b>Jurisdiction:</b>	Winnipeg, Manitoba
<b>Called to the Bar:</b>	June 18, 2009
<b>Particulars of Charges:</b>	Professional Misconduct (4 Counts): <ul style="list-style-type: none"><li>▪ Breach of Rule 1.01(1) of the <i>Code of Professional Conduct</i> [integrity - misappropriation of client trust funds and alteration of bank records] [x4]</li></ul>
<b>Plea:</b>	Guilty
<b>Date of Hearing:</b>	December 11, 2013
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ Heather Leonoff, Q.C. (Chair)</li><li>▪ Victor Bellay</li><li>▪ Neil Cohen (Public Representative)</li></ul>
<b>Counsel:</b>	<ul style="list-style-type: none"><li>▪ C. Kristin Dangerfield for The Law Society of Manitoba</li><li>▪ Member Self Represented (not in attendance)</li></ul>
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Disbarment</li><li>▪ Costs of \$20,000.00</li></ul>

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## Misappropriation / Breach of Trust Accounting Rules

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### Facts

Mr. Salmon commenced practice in March 2011 as a sole practitioner and in October 2011 went into partnership with another lawyer. In June 2012 Mr. Salmon misappropriated client trust funds totalling \$27,655.95 from six clients, on seven separate occasions. In each case, Mr. Salmon falsified trust records by altering firm trust cheques to change the names of payees from clients or third parties to either J.S. Law or J.S. Law LLP. The cheques were then deposited into either the general account that Mr. Salmon had maintained as a sole practitioner but had not yet closed, or to his personal account. Mr. Salmon also misled the Law Society when he altered his deposit records, by recording in his Book of Original Entry deposits that were less than the amounts actually deposited in order to hide shortfalls in individual client ledgers in the firm's pooled trust account.

### Plea

Mr. Salmon entered a plea of guilty to the charges.

## **Decision and Comments**

The Panel noted Mr. Salmon's admission to all of the charges and found that his conduct amounted to professional misconduct.

The Panel referenced both the need to protect the public and the reputation of the profession and observed that the only way that the Society can ensure that the public is protected is to disbar a lawyer who misappropriates client funds.

## **Penalty**

The Panel accepted the joint recommendation made by Mr. Salmon and counsel for the Law Society and ordered the Mr. Salmon be disbarred and struck from the Rolls of the Society. The Panel also ordered that Mr. Salmon be required to pay \$20,000.00 as a contribution to the costs incurred by the Society in the investigation and prosecution of the matter, with payment terms to be set by the Chief Executive Officer of the Law Society.