



DISCIPLINE CASE *DIGEST*

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Case 01-03

BOND, JAMES EDWARD
Winnipeg, Manitoba

Called to the Bar
June 2, 1967

Particulars of Charges
Professional Misconduct (5 counts)

- misappropriation
- taking fees without sending a bill to the client
- excessive fees in an estate matter
- failure to show courtesy and good faith towards a fellow lawyer
- failure to respond to correspondence from the governing body

Date of Hearing
September 6, 2001

Panel
D.G. Frayer, Q.C. (Chair)
D.E. Finkbeiner, Q.C.
W.G. Haight

Disposition

- disbarment
- costs of \$10,000.00

Counsel
J.R. Gallagher for The Law Society of Manitoba
Member Unrepresented

Misappropriation

Facts

Over a five month period ending in May, 2000, Mr. Bond misappropriated trust funds totalling \$61,114.50 from his pooled trust account. He issued 34 trust cheques in amounts ranging from \$535.00 to \$3,210.00 and made the cheques payable to his firm. He negotiated these cheques and used the funds for his personal expenses. The withdrawals from the trust account were not posted to any client trust ledgers and the payments were not related to any fees or disbursements owed to Mr. Bond by any clients who had funds in his pooled trust account.

Mr. Bond was retained by the administrator of an estate which had assets of approximately \$95,000.00. Pursuant to Queen's Bench Rule 74.14(4), the fee payable to a lawyer in such an estate was approximately \$2,000.00. Over a five year period ending December, 1999, Mr. Bond charged fees of approximately \$18,620.00, not including disbursements and G.S.T., without first obtaining the consent of the beneficiaries of the estate as required by Queen's Bench Rule 74.14(12). On nine occasions, Mr. Bond transferred funds totalling \$7,998.24 from his pooled trust account to pay his fees, disbursements and G.S.T. without preparing and sending a bill to the client at the time of making the withdrawals from trust.

In the same estate matter, an out-of-province lawyer sent a letter and documents to Mr. Bond concerning beneficiaries of the estate and requested a response. When Mr. Bond did not respond to this letter, the lawyer sent a further six letters to Mr. Bond over a four month period requesting a response as to the status of the estate matter. Mr. Bond failed to respond to any of the letters.

On three occasions, Mr. Bond received letters sent to him by his governing body by way of either process server, registered mail or courier. Each of the letters requested a response within 14 days of receipt as required by the rules of the governing body. Mr. Bond failed to respond to any of the three letters.

Decision and Comments

Mr. Bond entered a guilty plea to the five charges and on the basis of the information provided, the Committee found Mr. Bond guilty of professional misconduct.

Penalty

The Committee accepted the joint recommendation made by Mr. Bond and counsel for the Law Society and ordered that Mr. Bond be disbarred and his name struck from the Rolls of the Society and that he pay costs in the amount of \$10,000.00.

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