



DISCIPLINE CASE *DIGEST*

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Case 02-02

RONALD ALAN LAXER
Winnipeg, Manitoba

Called to the Bar
June 28, 1984

Particulars of Charges
Professional Misconduct

- Misappropriation

Date of Hearing
April 8, 2002

Panel
H. Leonoff, Q.C., (Chair)
D. A. Bedford
W. G. Haight

Disposition

- Three month suspension
- Costs of \$1,500.00

Counsel
J. R. Gallagher for The Law Society of Manitoba
G. M. Wood for the Member

Misappropriation

Facts

In the latter part of 2000 Mr. Laxer made a decision that he would pursue a career outside the practice of law. In discussion with the senior member with whom he practiced it was decided that they would continue practicing together on a month to month basis and that the senior member would be closing his trust account at some point.

Between January 2 and 22, 2001, the senior member issued four trust cheques totalling \$2,987.90, all made payable to Mr. Laxer, concerning trust funds in four client matters. The senior member insisted that Mr. Laxer deal with the cheques which would have involved his opening a new trust account and depositing the cheques.

At the time Mr. Laxer received the four trust cheques he had not yet opened a trust bank account; however, he maintained a current account which at the time was in an overdraft position close to the line of credit limit. Between January 3 and March 1, 2001, Mr. Laxer negotiated the four trust cheques at his bank. In one case the cheque, in the amount of \$1,223.76, was deposited to his current account and served to cover other cheques written by Mr. Laxer. In another case Mr. Laxer negotiated the trust cheque in the amount of \$978.19 by depositing \$228.19 into his current account and receiving the balance of \$750.00 in cash. In the third case Mr. Laxer negotiated the trust cheque, in the amount of \$630.00, and received the full amount in cash. The fourth trust cheque in the amount of \$155.95 was negotiated by Mr. Laxer and the full amount was received in cash.

It was later determined that of the \$2,987.90 Mr. Laxer had used only \$120.00 on behalf of one of the clients. The remaining funds in the amount of \$2,867.90 were used by Mr. Laxer for his own or other purposes and were not used on behalf of or with the authorization or at the direction of the four clients.

The misappropriation of the \$2,867.90 of client funds was discovered through a spot audit by an auditor from the Law Society. The funds were immediately repaid by Mr. Laxer.

Decision and Comments

Mr. Laxer entered a plea of guilty to a charge of professional misconduct. Two members of the Committee accepted the joint recommendation submitted by both counsel while the third member dissented and would have imposed a more serious penalty in the matter.

Penalty

By a majority, the Committee ordered that Mr. Laxer be suspended from practice for a period of three months and ordered that he pay costs of \$1,500.00 to the Society with the costs payable by way of monthly payments of \$100.00.

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