



DISCIPLINE CASE *DIGEST*

[Discipline Case Digest Index](#) ❖ [Law Society Home Page](#)

Case 02-04

JAMES FREDRICK CHARLES ROSE
Winnipeg, Manitoba

Called to the Bar
June 28, 1979

Particulars of Charges
Professional Misconduct

- Failure to observe a proper standard of conduct

Date of Hearing
April 10, 2002

Panel
N. A. Cuddy, (Chair)
D. E. Finkbeiner, Q.C.
D. R. Knight, Q.C.

Disposition

- Reprimand
- Costs of \$500.00

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

Failure to Observe a Proper Standard of Conduct

Facts

Mr. Rose filed a statement of claim in the Queen's Bench, Winnipeg Centre and served the claim on counsel for the defendant. He did not disclose in the statement of claim or thereafter that sometime before the statement of claim was filed the plaintiff had assigned her interest in the claim to him. During the course of the proceedings costs totalling about \$4,065.00 were ordered against the plaintiff. Despite requests from the plaintiff Mr. Rose refused to take responsibility for payment of the costs. The plaintiff was forced to bring an action and obtain a judgment against Mr. Rose. He then paid the costs.

Decision and Comments

Mr. Rose entered a plea of guilty to the charge of professional misconduct. The Committee noted that they were particularly concerned about the fact that Mr. Rose had received an assignment of the claim and yet he had refused to accept responsibility for the payment of the awards of costs made against the plaintiff in the matter.

Penalty

The Committee imposed a reprimand and ordered that Mr. Rose pay costs to the Society in the amount of \$500.00 to be paid at the rate of \$100.00 per month.

[Top of page](#)

[Index](#)