



DISCIPLINE CASE *DIGEST*

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Case 04-03

JOHN CHARLES BROWN
Winnipeg, Manitoba

Called to the Bar
September 23, 1963

Particulars of Charges
Professional Misconduct (2 counts)

- Failure to serve client in a conscientious, diligent and efficient manner (x2)

Date of Hearing
August 18, 2004

Panel
Douglas G. Ward, Q.C. (Chair)
Gordon J. Hoeschen
Sandra L. Chapman

Disposition

- Fine of \$2,500.00
- Costs of \$1,500.00

Counsel
C. Kristin Dangerfield for The Law Society of Manitoba
Member Unrepresented

Failure to Serve

Facts

Mr. Brown was retained by a client in May, 1998 to complete an uncontested divorce and to transfer title to the marital home. He prepared and filed the petition for divorce in the Court of Queen's Bench and initially took steps to effect service on the client's spouse and to have an affidavit for uncontested divorce executed. The transfer of land effecting the transfer of the marital home was registered in March, 1999. Between March 5, 1999 and December, 2002, Mr. Brown took no steps to advance the divorce action, notwithstanding telephone messages and personal visits from the client requesting information as to the status of the matter.

In another matter, Mr. Brown was retained in March, 2000 by the Executor of an Estate. During the period from May, 2000 to May, 2003, there were significant delays in the redemption of two types of assets of the estate, specifically, bonds and corporate shares. For significant periods of time, Mr. Brown either failed to take steps to process the redemption of the assets, or his efforts to do so were sporadic. Mr. Brown failed to respond to a letter sent to him by his client in June, 2002, and to a series of telephone messages left for him in the fall of 2002.

Plea

The member entered a plea of guilty to two counts of breaching Chapter 2 of the Code of Professional Conduct.

Decision and Comments

The Committee found the member guilty of professional misconduct based on his admission to the charges.

Penalty

The panel accepted a joint recommendation made by Mr. Brown and the Law Society and resolved that Mr. Brown be fined \$2,500.00 and ordered to pay costs in the amount of \$1,500.00.

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