



# DISCIPLINE CASE *DIGEST*

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

## **Case 05-03**

**DOUGLAS MELVIN GRIFFIN**  
Winnipeg, Manitoba

**Called to the Bar**  
June 25, 1981

**Particulars of Charges**  
Conduct Unbecoming (2 counts)

- Breach of Chapter 1 of the Code of Professional Conduct by failing to conduct himself with integrity (misappropriation and subsequent attempt to recharacterize as a loan) (x2)

**Date of Hearing**  
May 31, 2005

**Panel**  
Bjorn Christianson, Q.C. (Chair)  
Ellen P. Leibl, Q.C.  
Robert M. Kozak

## **Disposition**

- Disbarment
- Costs of \$4,349.08

**Counsel**  
Darcia A.C. Senft for The Law Society of Manitoba  
David G. Hill for the Member

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**Misappropriation**

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## **Facts**

While acting as an officer and director for a non-profit corporation ("the Foundation"), Mr. Griffin wrote himself a series of cheques totalling \$4,200.00 from funds belonging to the Foundation. Between the first and last misappropriation, Mr. Griffin made 3 repayments totalling \$1,200.00. The thefts were uncovered when the Foundation's accountant asked for an explanation regarding the cheques. Mr. Griffin advised the president of the Foundation that he had "embezzled" the money. However, he then immediately prepared and submitted to the Board for its consideration a set of documents which, if they had been signed, would have characterized these transactions as a loan to Mr. Griffin. The Board of the Foundation declined to proceed as suggested by Mr. Griffin and a complaint regarding Mr. Griffin's conduct was made to the Law Society.

## **Plea**

The member entered a plea of guilty to each of the charges.

## **Decisions and Comments**

The panel found Mr. Griffin guilty of two counts of conduct unbecoming based on his admission to the charges. The panel found that acts of theft are completely inconsistent with the obligation to act with integrity, which is the cornerstone of the legal profession. The panel considered whether there were exceptional, extenuating circumstances that should lead the panel to consider a penalty other than disbarment. Mr. Griffin asked the panel to consider two such circumstances: his health and his letters of reference. The panel did not accept Mr. Griffin's health concerns as the type of exceptional, extenuating circumstance that would exempt him from the penalty of disbarment. The panel considered the letters of reference and determined that none of them individually, nor the sum of them collectively, constituted exceptional, extenuating circumstances.

## **Penalty**

The panel ordered that Mr. Griffin be disbarred and struck from the Rolls of the Society. In addition, it ordered that Mr. Griffin be required to pay costs in the amount of \$4,349.08.

[Top of page](#)

[Index](#)