



DISCIPLINE CASE *DIGEST*

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Case 06-07

JOHN (JACK) ROBERT FRYATT
Winnipeg, Manitoba

Called to the Bar
June 29, 1989

Particulars of Charges
Professional Misconduct

- Breach of Chapter 1 of the Code of Professional Conduct by failing in his duty to conduct himself with integrity [practising law while suspended; causing a letter to be sent out in respect of a client matter under the name of another lawyer, without that lawyer's knowledge and while his ability to practice law was suspended]

Date of Hearing
November 24 and 25, 2005
August 10, 2006 (sentencing)

Panel
Brian A. Pauls (Chair)
Todd A. Rambow
Brock G. Lee, Q.C.

Disposition

- Suspension (15 days)
- Costs of \$9,603.26

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

Conduct While Suspended

Facts

On December 14, 2004, Mr. Fryatt was convicted of 16 counts of professional misconduct. The Discipline Committee ordered that Mr. Fryatt's ability to practice law be suspended for a period of six months and that he pay costs to the Society in the amount of \$5,000.00.

During his period of suspension, Mr. Fryatt attended at his office and prepared a letter, under the name of an associate lawyer at his firm and without that associate's knowledge. The letter was sent to the attention of another lawyer. After preparing the said letter, Mr. Fryatt asked an office assistant in his law firm to sign it. After the office assistant signed the said letter, Mr. Fryatt faxed the letter to the other lawyer.

Plea

Mr. Fryatt entered a plea of not guilty to the charge and the matter proceeded to a contested hearing.

Decisions and Comments

The panel heard submissions from counsel for the Society and for Mr. Fryatt at a hearing conducted on November 24 and 25, 2006. By Reasons for Decision issued on February 27, 2006, the majority of the panel members found Mr. Fryatt guilty of professional misconduct for having breached both components of the charge. The other panel member did not agree that Mr. Fryatt had been practising law, as alleged. However, he further noted that Mr. Fryatt, in essence, admitted to the allegation that he did write the letter in question, without the knowledge of his associate and, therefore, he was guilty of professional misconduct.

Penalty

The parties convened on August 10, 2006 to argue the issue of penalty. After hearing submissions from both counsel for the Law Society and counsel for Mr. Fryatt, the Discipline Committee unanimously ordered that Mr. Fryatt be suspended from the practice of law for a period of 15 days and that he be required to pay full costs to the Law Society in the amount of \$9,603.26.

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