



DISCIPLINE CASE *DIGEST*

Case 07-03

Member:	Glenn Robert Lockhart
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	January 25, 2002
Particulars of Charges:	Professional Misconduct (5 counts) <ul style="list-style-type: none">▪ Breach of Chapter 1 of the Code (failure to act with integrity by breaching an undertaking given to the Complaints Investigation Committee)▪ Breach of Chapter 1 of the Code (failure to act with integrity by misleading the Law Society) [x2]▪ Breach of c. 1 of the Code (failure to act with integrity by misleading his client)▪ Breach of Rule 2-83 (engaging in the practice of law without a valid annual practising certificate)
Date of Hearing:	May 2, 2007
Panel:	<ul style="list-style-type: none">▪ Douglas E. Finkbeiner, Q.C. (Chair)▪ Donald G. Douglas▪ Lori Ferguson Sain
Disposition:	<ul style="list-style-type: none">▪ Reprimand▪ Costs of \$1,200.00
Counsel:	<ul style="list-style-type: none">▪ Joe R. Gallagher for The Law Society of Manitoba▪ Member Unrepresented

Breach of Integrity

Facts

Prior to receiving his call to the Bar in January, 2002, Mr. Lockhart gave the Law Society (“the Society”) a written undertaking agreeing *inter alia* that he would not practice as a sole practitioner without permission from the Society. In February, 2005, Mr. Lockhart left the law firm he had been practicing with and, without notification to or permission from the Society, commenced practicing as a sole practitioner. Following an investigation by the Society, Mr. Lockhart advised the Society that he would change his status to non-practicing effective July 25, 2005.

In August, 2005, new concerns arose as to Mr. Lockhart’s conduct while his status was non-practicing, as a result of which he provided the Complaints Investigation Committee (“the C.I.C.”) with his verbal undertaking not to engage in the practice of law while his status was non-practicing.

In about September, 2003, Mr. Lockhart had been retained by a client to represent her in divorce proceedings. After changing his status to non-practicing in July, 2005 and providing his undertaking to the C.I.C. in August, 2005, Mr. Lockhart failed to refer his client to new counsel and continued to provide legal services to the client. He was therefore in breach of his undertaking to the C.I.C..

In April, 2006 Mr. Lockhart's client wrote to the Society complaining of delay on the part of Mr. Lockhart in the handling of her matter. In response to the complaint, Mr. Lockhart misled the Society when he advised that he had merely filed a Certificate of Marriage and an Amended Petition for Divorce, when in fact, he had drafted the Amended Petition for Divorce after changing his status to non-practicing.

Mr. Lockhart misled his client when he failed to inform her that he was no longer able to practice law and that he could not perform any further legal services on her behalf. In response to a request for information about his client files, Mr. Lockhart misled the Society by providing a list of files in his possession which did not reference the above-noted client's file, notwithstanding that it was still in Mr. Lockhart's possession.

During the period July 25, 2005 to April 7, 2006, when Mr. Lockhart had been providing legal services to his client, he had not paid a practicing fee and contributions to the education and reimbursement funds and he had not paid a contribution to the professional liability claims fund. As such, during this period, he did not hold a valid practicing certificate issued by the Society.

Plea

Mr. Lockhart entered a plea of guilty to the charges.

Decision and Comments

The Panel found Mr. Lockhart guilty of professional misconduct based on his admission to the charges.

Penalty

The panel accepted a joint recommendation made by the Society and Mr. Lockhart and ordered that:

- (a) Mr. Lockhart be reprimanded for his conduct; and
- (b) Mr. Lockhart pay \$1,200.00 to the Society as a contribution towards the costs associated with the investigation, prosecution and hearing of the matter.