



DISCIPLINE CASE *DIGEST*

Case 07-07

Member:	William Douglas Kitchen
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 26, 1973
Particulars of Charges:	Professional Misconduct <ul style="list-style-type: none">▪ Breach of Rule 5-47(2)(a) of the <i>Rules of The Law Society of Manitoba</i> (failure to file Annual Trust Account Report [Form D])
Date of Hearing:	September 26, 2007
Panel:	<ul style="list-style-type: none">▪ J.F. Reeh Taylor, Q.C. (Chair)▪ Paul L. Jensen▪ Victor P. Bellay
Disposition:	<ul style="list-style-type: none">▪ Reprimand▪ Costs of \$1,500.00
Counsel:	<ul style="list-style-type: none">▪ Joan Holmstrom for The Law Society of Manitoba▪ Member Unrepresented

Failure to File Form D

Facts

Mr. Kitchen's Annual Trust Account Report (Form D) for his trust year ending June 30, 2006 was to be filed on or before October 31, 2006 pursuant to Rule 5-47(2)(a) of the *Rules of The Law Society of Manitoba*. Mr. Kitchen requested an extension to November 6, 2006 to file his Form D. Mr. Kitchen's request was denied, but he was advised by the Law Society that in the event he filed his Form D on or before November 6, 2006, the issue of filing his completed Form D late would not be pursued by the Law Society. Mr. Kitchen did not file his Form D by November 6, 2006 and the matter was referred to the Society's Discipline Department for investigation. Mr. Kitchen did not file his Form D with the Law Society until December, 2006.

Plea

Mr. Kitchen entered a plea of guilty to the charge.

Decision and Comments

The panel found Mr. Kitchen guilty of professional misconduct based on his admission to the charges.

Penalty

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

- (a) Mr. Kitchen be reprimanded for his conduct; and
- (b) Mr. Kitchen pay \$1,500.00 to the Society as a contribution towards the costs associated with the investigation, prosecution and hearing of the matter.