



# DISCIPLINE CASE *DIGEST*

---

Case 08-08 (AMENDED)

<b>Member:</b>	<b>Member A</b>
<b>Jurisdiction:</b>	Manitoba
<b>Called to the Bar:</b>	June 24, 1982
<b>Particulars of Charges:</b>	Professional Misconduct (2 counts) <ul style="list-style-type: none"><li>▪ Breach of Chapter 16 of the <i>Code of Professional Conduct</i> [failing to comply with trust condition imposed by another lawyer in a real estate matter]</li><li>▪ Breach of Chapter 1 of the <i>Code of Professional Conduct</i> [failing to act with integrity by misleading another lawyer]</li></ul>
<b>Date of Hearing:</b>	November 4, 2008
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ Heather S. Leonoff, Q.C. (Chair)</li><li>▪ Celia E. Gorlick, Q.C.</li><li>▪ Christopher W. Martin</li></ul>
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Reprimand</li><li>▪ Costs of \$2,000.00</li></ul>
<b>Counsel:</b>	<ul style="list-style-type: none"><li>▪ C. Kristin Dangerfield for The Law Society of Manitoba</li><li>▪ Member Unrepresented</li></ul>

---

## Failure to Comply with Trust Condition / Misleading Another Lawyer

---

### Facts

Member A represented himself on the sale of real property with a possession date of July 24, 2006. The solicitor for the purchaser imposed a trust condition whereby upon being advised that title had issued into the purchaser's name, Member A was obliged to immediately attend to the payment of an existing mortgage and to provide to the solicitor a registerable Discharge of Mortgage. Member A was advised on July 18, 2006 that title had issued into the purchaser's names. Member A failed to discharge the mortgage until March 23, 2007, notwithstanding numerous requests from the purchaser's solicitor that he do so.

In the same matter, the purchaser's solicitor advised on March 7, 2007 that unless Member A immediately provided a satisfactory response as to when he would receive a Discharge of Mortgage, the matter would be reported to the Law Society. In response, on that same day,

Member A advised that the mortgage on the property had been paid out but not discharged. In fact, the mortgage was not paid out until March 23, 2007.

**Plea**

Member A entered a plea of guilty to the charges.

**Decision and Comments**

The Panel found Member A guilty of professional misconduct based on his admissions to the charges.

**Penalty**

The Panel accepted the joint submission of Member A and counsel for the Law Society and ordered that:

- (a) Member A be reprimanded for his conduct; and
- (b) Member A pay \$2,000.00 to the Law Society as a contribution towards the costs associated with the investigation, prosecution and hearing of the matter.

**Pardon**

Member was granted a Pardon on May 9, 2019.