



# DISCIPLINE CASE *DIGEST*

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Case 09-08

<b>Member:</b>	Richard Grant Poole
<b>Jurisdiction:</b>	The Pas, Manitoba
<b>Called to the Bar:</b>	June 22, 1995
<b>Particulars of Charges:</b>	Professional Misconduct (2 counts) <ul style="list-style-type: none"><li>▪ Breach of Rules 5-64(3) and 5-64(4) [failure to provide written response to correspondence from the Law Society]</li></ul>
<b>Date of Hearing:</b>	June 5, 2009
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ Paul L. Jensen (Chair)</li><li>▪ Roger B. King, Q.C.</li><li>▪ Jon van der Krabben</li></ul>
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Fine of \$1,500.00</li><li>▪ Costs of \$1,500.00</li></ul>
<b>Counsel:</b>	<ul style="list-style-type: none"><li>▪ C. Kristin Dangerfield and Darcia A.C. Senft for The Law Society of Manitoba</li><li>▪ Member Unrepresented</li></ul>

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## Failure to Respond to the Law Society

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### Facts

Mr. Poole's Annual Trust Account Report with Accountant's Review (Form D) for the period January 1, 2007 to December 31, 2007 was received by the Law Society on May 1, 2008. Some concerns were identified by the Audit Department, as a result of which Discipline Counsel wrote to Mr. Poole on June 25, 2008 requesting his written response to those concerns within 14 days. Mr. Poole failed to respond within the time required as a result of which he was advised by letter dated August 12, 2008 that he was directed by the Complaints Investigation Committee to respond to the letter within 14 days.

In respect of another matter, the Law Society had received a complaint from opposing counsel with respect to Mr. Poole's failure to respond to inquiries. By letter dated August 29, 2008, Discipline Counsel wrote to Mr. Poole requesting his explanation within 14 days as to why he had failed to respond to the letter from opposing counsel. Mr. Poole failed to respond to the letter from Discipline Counsel.

Mr. Poole was charged with breaching Rules 5-64(3) and 5-64(4) as a result of his failure to provide written responses to the Society.

**Plea**

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

**Decision and Comments**

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

**Penalty**

The Panel accepted a joint recommendation made by the Society and Mr. Poole. The Panel ordered that Mr. Poole pay a fine of \$1,500.00 for his conduct. The Panel expressed concern that the member was building a record of non-compliance that would result in more serious sanctions in the future if he were to appear on another discipline matter. The Panel further ordered that he pay the sum of \$1,500.00 to the Society as a contribution towards the costs associated with the investigation, prosecution and hearing of the matter.