



DISCIPLINE CASE *DIGEST*

Case 09-16

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| Member: | Member B |
| Called to the Bar: | June 29, 1971 |
| Nature of Hearing: | Pardon Application |
| Date of Hearing: | March 4, 2010 |
| Panel: | <ul style="list-style-type: none">▪ Heather S. Leonoff, Q.C.▪ Vivian E. Rachlis▪ William S. Gange |
| Counsel: | <ul style="list-style-type: none">▪ C. Kristin Dangerfield for The Law Society of Manitoba▪ Member Unrepresented |
| Disposition: | Pardon Granted |

Pardon Application

Facts

The member was convicted in 1985 of two counts of professional misconduct arising from his representation of two accused and also a material witness on pending criminal charges, when he knew, or ought to have known that there was a conflict between the interests of his three clients. In the course of representing the material witness, a student in his office had signed trial slips on behalf of all three clients, and the material witness was advised in a letter from Member B of the trial date. Notwithstanding that, six months later when the material witness did not attend at trial, the member advised the court that the witness had not been advised of the trial date. The member pled guilty to one charge of acting where there was a conflicting interest between his clients, and one charge of failing in his duty to treat the court with candour, fairness, courtesy and respect. In its reasons, the panel indicated it was satisfied that the charges resulted from errors which were not deliberate. The member was reprimanded and ordered to pay costs of \$300.00.

The member applied for a pardon from that conviction pursuant to Law Society Rule 5-101.1.

Decision and Comments

The Discipline Committee granted the member's application for a pardon. In doing so, it took into account that the member met all of the criteria under Law Society Rule 5-101.1, and that twenty-five years had passed in which the member had provided great service to the profession.