



DISCIPLINE CASE *DIGEST*

Case 10-07

Member:	Member A
Called to the Bar:	June 23, 1983
Nature of Hearing:	Pardon Application
Date of Hearing:	July 13, 2010
Panel:	<ul style="list-style-type: none">▪ Richard K. Deeley, Q.C.▪ Roger B. King, Q.C.▪ Marla Garinger Niekamp
Counsel:	<ul style="list-style-type: none">▪ C. Kristin Dangerfield for The Law Society of Manitoba▪ E. William Olson, Q.C. for the Member
Disposition:	Pardon Granted

Pardon Application

Facts

Member A was convicted in 1998 of professional misconduct in relation to seven counts of professional misconduct arising from his representation as the lawyer in two estate matters. The member had charged excessive legal fees on two occasions on the two matters, assisted the administrators of one of the estates to charge excessive fees, failed to notify the charitable beneficiary of one of the estates of its rights in a timely fashion, failed to cooperate with legal counsel for the charity, and failed to provide relevant information in a timely fashion. The member was fined \$1,750 and was required to pay the costs of the proceedings.

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

Decision and Comments

Member A met all of the criteria under Law Society Rule 5-101.1, and therefore, the Discipline Panel was required to determine whether, in all of the circumstances, a pardon was appropriate. The Panel considered that the member had been practising for 27 years and that it had been 11.5 years since the conviction. It noted that there had been no further complaints about the member's conduct, that this was his first and last discipline matter, he had not been the subject of a practice review and that the Law Society did not oppose his request for a pardon. In all of the circumstances, the Panel concluded that it was appropriate to grant the member's request for a pardon.