



DISCIPLINE CASE *DIGEST*

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Case 94-03

JOHN RICHARD SIMPSON
Winnipeg, Manitoba

Called to the Bar
September 9, 1971

Particulars of Charges

Professional misconduct and conduct unbecoming of a barrister and solicitor (5 counts)

- misappropriation
- misleading the Law Society
- failure to respond to the Law Society (x2)

Date of Hearing
April 12, 1994

Panel

Gavin Wood (Chairperson)
Douglas Ward
Alan Sweatman, Q.C.
George Bass, Q.C.
Arthur Rich, Q.C.

Disposition

- disbarred
- costs of \$5,000

Counsel

Daniel Dutchin for the Law Society
Member did not appear

Misappropriation

Facts

Mr. Simpson, who was called to the Bar on September 9, 1971, did not appear before the Judicial Committee on April 19, 1994 and the matter proceeded in his absence.

Mr. Simpson was the executor of an estate and also performed legal services for the estate. Mr. Simpson was unduly dilatory in completing the estate and failed to account to the beneficiaries within a reasonable time as to the distribution of the estate assets. He also failed to respond to inquiries from the beneficiaries as to the administration of the estate. By the time the hearing was held, the estate was still not completed.

In the course of administration of the estate, Mr. Simpson made a request for Canadian Pension Plan benefits and when he received those benefits, he did not pay the monies to the estate, but misappropriated the funds for his own use.

In an appearance before the Discipline Committee of the Law Society of Manitoba, he advised the Committee that he had requested the death benefits from the Canadian Pension Plan, but had not received the funds and would undertake to obtain them. At the time that he made his appearance before the Discipline Committee, he had already received the funds and misappropriated those funds and as a result misled the Discipline Committee as to that fact.

Mr. Simpson also failed to respond to two fourteen-day letters from The Law Society of Manitoba requiring a response.

Comments of the Judicial Committee

Mr. Simpson did not appear at the Judicial Committee proceedings although he had been properly served with notice of the proceedings. As a result, the hearing took place in his absence with witnesses being called and evidence produced by the Law Society.

Upon completion of the hearing, the Judicial Committee found that all five charges had been proved and that Mr. Simpson had therefore committed professional misconduct and conduct unbecoming a barrister and solicitor in the circumstances.

Findings and Penalties

The Committee considered Mr. Simpson's prior record and the circumstances of the present case. They found that the misappropriation count was of a serious nature and in light of Mr. Simpson's prior record, they ordered that Mr. Simpson be disbarred. They also ordered costs in the amount of \$5,000.00 which were to be payable forthwith.

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