



DISCIPLINE CASE *DIGEST*

[Discipline Case Digest Index](#) ❖ [Law Society Home Page](#)

Case 94-13

WASYL TROSZKO
Winnipeg, Manitoba

Called to the Bar
June 24, 1982

Particulars of Charges
Professional Misconduct (5 counts)

- breach of accounting rules
- failure to comply with instructions (x2)
- failure in duty of courtesy to fellow lawyer
- failure in duty of candour

Date of Hearing
July 6, 1994

Panel
Barbara Hamilton, Q.C. (Chairperson)
Len Lucas
Bruce Miller, Q.C.

Disposition

- reprimand
- \$500.00

Counsel
Daniel Dutchin for The Law Society of Manitoba
D. Hill for the member

Breach of Accounting Rules

Facts

Mr. Troszko, who was called to the Bar on June 24, 1982, appeared before the Discipline Committee on July 6, 1994.

A spot audit was conducted on Mr. Troszko's trust account records and it was determined that he had failed to comply with the Rules of The Law Society of Manitoba. It was noted that he failed to keep and maintain up-to-date books, trust ledger balances, and bank reconciliations each month.

Mr. Troszko had also failed to comply with instructions received from a bank in regard to the securing of mortgages in regard to two files. Although mortgage proceeds had been advanced, Mr. Troszko failed to provide the final solicitor's report with respect to title and other matters.

In another matter, Mr. Troszko had been retained by counsel from another province to assist him on a domestic matter. He failed to respond to the request of the other lawyer to provide an affidavit from the client. He then misled the lawyer by advising her by telephone on three occasions that the affidavit had been prepared and mailed to her., when he had not prepared the affidavit.

Comments of the Discipline Committee

Mr. Troszko pled guilty to all five counts contained in the Citation.

Findings and Penalties

The Committee accepted the admission to the five counts of professional misconduct contained in the Citation. The panel noted that Mr. Troszko's inability to practise law was recognized by him after a number of complaints had been received by the Law Society. This had led to his voluntary withdrawal from practice.

The Committee considered the fact that for ten years prior to these incidents, Mr. Troszko had a clear record and that he pled guilty to the counts set out in the Citation and had cooperated with the Law Society.

The Committee noted that in November, 1993, Mr. Troszko had voluntarily surrendered his practising certificate and undertaken to not resume practice without obtaining the consent of the Complaints Investigation Committee which might impose such terms and conditions on his right to practise as that Committee felt appropriate.

As a result of the undertaking, the Committee decided that the public was being appropriately protected and imposed a reprimand. Costs of \$500.00 were also imposed, the Committee taking into account the admissions by Mr. Troszko which alleviated a lengthy

hearing.

[Top of page](#)

[Index](#)