



DISCIPLINE CASE *DIGEST*

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

Case 95-07

MEMBER C
Manitoba

Particulars of Charges

Professional Misconduct (2 counts)

- lack of courtesy
- abusive language

Date of Hearing

April 12, 1995

Panel

Arthur Rich, Q.C. (Chairperson)
Doreen Kelly
Garry Rainnie

Disposition

- Acquitted

Counsel

Daniel Dutchin for the Law Society
Eleanor Dawson, Q.C. for the Member

Writing a Letter that is Unprofessional

Facts

Member C appeared before the Discipline Committee on April 12, 1995.

Member C had testified in a domestic hearing against the complainant. The complainant

subsequently filed a complaint with the Law Society, alleging that Member C had committed perjury.

The Law Society wrote to Member C enclosing a copy of the letter of complaint and requesting that Member C provide her comments and explanations with respect to the complaint.

Member C wrote a letter addressed to the complainant in which she stated that the complaint was of a criminal nature and the appropriate action was to forward the complaint to the Attorney General's Office. Member C gave the complainant seven days from the date of her letter to either pursue the matter with the Attorney General's Office or to withdraw the complaint with the Law Society. She further advised the complainant that failing to comply with the demand would result in a defamation action being brought against the complainant, with resulting legal costs. A copy of the letter was sent to the Law Society.

The Law Society of Manitoba charged Member C with professional misconduct on the basis that her letter addressed to the complainant made or implied improper threats to the complainant and also was unprofessional and inconsistent with the proper tone of communication from a lawyer.

Comments of the Discipline Committee

Member C testified before the Committee in response to an Agreed Statement of Facts that was filed by the counsel. The Committee found that the letter was ill-advised but did not constitute professional misconduct in the circumstances of this situation.

Findings and Penalties

The Committee acquitted Member C.

[Top of page](#)

[Index](#)