



DISCIPLINE CASE *DIGEST*

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Case 95-13

ROBERT D. WARD
Winnipeg, Manitoba

Called to the Bar
June 20, 1991

Particulars of Charges
Professional Misconduct (2 counts)

- failure to file an Accountant's Report (Form D)
- failure to appear before the Complaints Investigation Committee when requested to do so

Date of Hearing
March 7, 1995

Panel
Douglas G. Ward (Chairperson)
M. Alexandra Morton, Q.C.
Samuel Wilder, Q.C.

Disposition

- \$500.00 fine (\$250.00 per count)
- \$1,400.00 costs

Counsel
Louise Lamb, Q.C. for the Law Society
Member not represented

Failure to File an Accountant's Report (Form D)

Facts

Mr. Ward, who was called to the Bar on June 20, 1991, appeared before the Discipline Committee on March 7, 1995.

Mr. Ward did not file his Form D (Annual Trust Account Report) by the date required under Rule 133 of *The Rules of the Law Society of Manitoba*. Notwithstanding a number of written reminders from the Society, to which Mr. Ward failed to respond, and notwithstanding Mr. Ward's response to a fourteen-day letter from the Society, wherein he indicated that his failure to file to that date was due to his lack of funds and that he anticipated being in receipt of funds to allow him to retain an accountant and file his report prior to the end of September 1994, he failed to do so. Mr. Ward was summoned to appear before the Complaints Investigation Committee and did so on November 16, 1994 at which time he was directed to have his Form D filed in the Law Society offices no later than 8:30 a.m. on December 8, 1994, failing which he would be required to appear before the Committee that same morning at 9:30 a.m. Mr. Ward failed to file his report and did not appear before the Committee as ordered. His Form D arrived at the Law Society offices later that same afternoon. His failure to appear before the Committee that morning was the basis for a second count in the Citation.

Comments of the Discipline Committee

Mr. Ward pled guilty to the charges and the panel was satisfied that there was professional misconduct. The Committee expressed extreme concern about Mr. Ward's past pattern of conduct, in that he had consistently failed to respond to the Law Society and delayed beyond reason the decision to hire an accountant to file his Form D. In the Committee's view, Mr. Ward had responded to the Law Society at the last possible moment and only when absolutely compelled to do so. The Committee felt that this type of behaviour could not be condoned in a member of the Society and that behaviour became even more reprehensible when the member involved happened, as Mr. Ward was at that time, to be an elected Bencher of the Law Society of Manitoba.

The Committee emphasized their concern to Mr. Ward by stating that they believed the he could be in trouble professionally, financially and emotionally if he continued in this vein and referred the matter to the Competence Committee for an investigation of his competence to practise.

The Committee also urged Mr. Ward to avail himself of the self-help groups and lawyers' assistance committees available through the Bar Association and the Law Society.

Findings and Penalties

Mr. Ward had no prior record of misconduct. A fine of \$500.00 and costs of \$1,400.00 were assessed.

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