



DISCIPLINE CASE *DIGEST*

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Case 95-18

LAWRENCE CHARLES GREENBERG, Q.C.
Winnipeg, Manitoba

Called to the Bar
September 23, 1963

Particulars of Charges
Professional Misconduct (1 count)

- lack of courtesy towards another lawyer

Date of Hearing
July 27, 1995

Panel
Gary Gilmour (Chairperson)
Hymie Weinstein, Q.C.
Ron Toews

Disposition

- fine of \$900.00
- costs of \$300.00

Counsel
Daniel Dutchin for the Law Society
Jack Chapman, Q.C. and Alvin MacGregor, Q.C. for the Member

Lack of Courtesy

Facts

Mr. Greenberg, who was called to the Bar on September 23, 1963, appeared before the Discipline Committee on July 27, 1995.

Mr. Greenberg acted on a commercial transaction in which another lawyer imposed trust conditions upon Mr. Greenberg by way of a letter dated October 29, 1993. Mr. Greenberg's office met those trust conditions on a timely basis, but no response was made to the other lawyer confirming that the trust conditions had been met. Three follow up letters were sent to Mr. Greenberg and then a telephone message was left for him.

In a further final letter sent to Mr. Greenberg, the other lawyer advised that the matter would be referred to the Law Society if no response was received. A response was received from Mr. Greenberg only after the complaint was made to the Law Society.

Evidence was submitted to the Discipline Committee that during this period of time, the firm where Mr. Greenberg practised was in considerable turmoil as a result of disputes between the partners and Mr. Greenberg's failure to respond to the correspondence from the other lawyer was effected by this turmoil.

Comments of the Discipline Committee

The Committee determined that no adequate explanation had been provided by Mr. Greenberg for his failure to respond to the letters from opposing counsel. It was noted by the Committee that all of the trust conditions had been met and there was no purpose or advantage of Mr. Greenberg or his client in not responding to those communications.

The Committee also noted that even after opposing counsel warned Mr. Greenberg that he would report the matter to the Law Society no response was provided by Mr. Greenberg.

Findings and Penalties

The Committee found that Mr. Greenberg was guilty of professional misconduct on the basis of his admission to the charge and imposed a fine of \$900.00 and ordered that costs be paid in the amount of \$300.00.

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