



DISCIPLINE CASE *DIGEST*

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Case 95-19

RICHARD ANTHONY WARD
Winnipeg, Manitoba

Called to the Bar
June 25, 1976

Particulars of Charges
Professional Misconduct (1 count)

- failure to keep proper books and accounts

Date of Hearing
August 29, 1995

Panel
George Dangerfield, Q.C. (Chairperson)
Alexandra Morton, Q.C.
Brenda Keyser

Disposition

- fine of \$1,000.00
- costs of \$300.00

Counsel
Daniel Dutchins for the Law Society
Peter Moss for the Member

Breach of Accounting Rules

Facts

Mr. Ward, who was called to the Bar on June 25, 1976, appeared before the Discipline Committee on August 29, 1995.

The Law Society conducted a spot audit on the accounting practices of Mr. Ward which determined that between November 1992 and October 1993, he failed to keep and maintain monthly trust ledger balances, failed to prepare monthly reconciliations, failed to maintain sufficient balances on deposit in his trust bank account to meet all of his obligations, and caused his trust bank account to be overdrawn on one occasion.

Comments of the Discipline Committee

Mr. Ward admitted to the charge of professional misconduct.

The Committee noted that Mr. Ward was a sole practitioner and was having difficulty in managing the costs of his practice. The Committee expressed the view, however, that the duty to manage clients' monies was paramount and that a sole practitioner should not cut back in the resources utilized for that purpose.

The Committee also noted that Mr. Ward had appeared before the Committee on a prior occasion for the same type of matter and that the Rules Respecting Accounts are important as they are there to protect both the client and the member from improprieties.

Findings and Penalties

The Committee found the Mr. Ward was guilty of professional misconduct on the basis of his admission to the charge and imposed a fine of \$1,000.00 and also ordered that costs be paid in the amount of \$300.00.

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