



DISCIPLINE CASE *DIGEST*

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

Case 96-01

ROBERT D. WARD
Winnipeg, Manitoba

Called to the Bar
June 20, 1991

Particulars of Charges
Professional Misconduct (4 counts)

- failure to respond to the Law Society (2 counts)
- failure to pay penalties for late filing of Form D
- sending a threatening letter to a client

Date of Hearing
November 29, 1995

Panel
Colin MacArthur, Q.C. (Chairperson)
Douglas Abra, Q.C.
Samuel Wilder, Q.C.

Disposition

- 3 months consecutive suspension
- condition of practicing certificate
- costs of \$1,000.00

Counsel
Daniel Dutchin for the Law Society
Member did not appear

Failure to Respond to the Law Society

Facts

Mr. Ward, who was called to the Bar on June 20, 1991, did not appear before the Discipline Committee on November 29, 1995.

Mr. Ward filed his Annual Trust Account Report 190 days late, and therefore penalties of \$1,900.00 were imposed. Mr. Ward did not pay those penalties. The Law Society wrote to Mr. Ward inquiring as to why the penalties were not paid, but Mr. Ward failed to respond to that letter.

Mr. Ward was later suspended by the Law Society as a result of the non-payment of his practicing fees. A custodian took custody of his practice and upon reviewing his files, noted a file where Mr. Ward apparently sent a letter to a client threatening a criminal prosecution for the non-payment of the client's account. The Law Society wrote to Mr. Ward inviting a response to this concern, but Mr. Ward failed to respond to that letter.

Comments of the Discipline Committee

The Committee was satisfied that Mr. Ward failed to pay the penalties imposed for the late filing of his Annual Trust Account Report, and also determined that Mr. Ward failed to provide written answers to two letters sent to him by the Law Society.

Concerning the threatening letter, the Committee was satisfied that the letter contained a threat which was improper but was not satisfied that the client had received the letter.

Findings and Penalties

The Committee found Mr. Ward guilty of professional misconduct on three counts. The Committee noted Mr. Ward's consistent failure to respond to the Law Society and was of the view that it demonstrated a clear signal of his refusal to be governed.

The Committee suspended Mr. Ward for a period of three months from the date of the lifting of Mr. Ward's current suspension. The Committee also ordered that the practicing certificate of Mr. Ward be cancelled and a new practicing certificate be issued to him after he satisfied the Competence Committee of his competency to practise law. The Committee also ordered that costs be paid in the amount of \$1,000.00.

[Top of page](#)
[Index](#)