



# DISCIPLINE CASE *DIGEST*

---

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

## **Case 96-05**

**MANLY WILFRED ISRAEL**  
Winnipeg, Manitoba

**Called to the Bar**  
November 9, 1953

**Particulars of Charges**  
Professional Misconduct (3 counts)

- misappropriation (2 counts)
- abandoning law practice

**Date of Hearing**  
January 29, 1996

**Panel**  
Rocky Pollack, Q.C. (Chairperson)  
Richard Deeley, Q.C.  
Darcia Kohuch

### **Disposition**

- Disbarment
- Costs of \$7,500.00

**Counsel**  
Daniel Dutchin for the Law Society  
Robert Tapper, Q.C. for the member

---

## **Misappropriation**

---

## **Facts**

Mr. Israel, who was called to the Bar on November 9, 1953, did not appear before the Discipline Committee on January 29, 1996.

Mr. Israel maintained his law practice at his residence in Winnipeg. During the summer of 1995, a number of Mr. Israel's clients contacted the Law Society to advise that they were having difficulty contacting Mr. Israel. Staff of the Law Society were also unable to contact Mr. Israel. Through investigation by the Law Society, it was determined that Mr. Israel had absconded and abandoned his practice. A client, who was the beneficiary of an estate, contacted the Law Society to advise that Mr. Israel, the executor of the estate, had transferred the estate funds to his personal account and had proceeded to withdraw funds. The Law Society was also contacted by the bank and advised that Mr. Israel had deposited the estate monies into his personal account, contrary to the objections of bank personnel, and had then made numerous withdrawals from the account by using automatic teller machines. The bank decided to freeze the account and transferred the monies into a trust account, but not until Mr. Israel had withdrawn \$7,514.00 from the account. These monies were withdrawn without the knowledge and/or authorization of the beneficiary.

Mr. Israel also represented Client T with respect to the sale of her property. In February of 1995 he received the sale proceeds and paid some of the funds to T. He also withdrew his fees. However, he retained approximately \$13,600.00 of the sale proceeds and then proceeded to misappropriate those funds.

## **Comments of the Discipline Committee**

Mr. Israel admitted the charges of professional misconduct through counsel who appeared on his behalf.

The Committee noted that Mr. Israel had misappropriated over \$20,000.00 from clients who had a right to expect that their funds were safe with him. The Committee also noted that it appeared the Mr. Israel was suffering financial difficulties at the time of these incidents and later absconded from his practice.

## **Findings and Penalties**

The Committee found Mr. Israel guilty of professional misconduct on three counts as a result of his counsel's admissions on his behalf.

The Committee determined that as a result of Mr. Israel's prior record with the Law Society, he was disentitled to leniency. Mr. Israel was therefore disbarred and his name struck from the Rolls of the Law Society as a barrister and solicitor. The Committee also ordered that costs be paid in the amount of \$7,500.00.

[Top of page](#)

[Index](#)