



DISCIPLINE CASE *DIGEST*

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Case 96-06

DONALD SIGURD FJELDSTED
Brandon, Manitoba

Called to the Bar
June 29, 1971

Particulars of Charges
Professional Misconduct

- failure to serve client

Date of Hearing
January 22, 1996

Panel
Donald Knight, Q.C. (Chairperson)
Alexandra Morton, Q.C.
George Chapman, Q.C.

Disposition

- Fine of \$2,000.00
- Costs of \$750.00

Counsel
Daniel Dutchin for the Law Society
Eleanor Dawson, Q.C. for the member

Failure to Serve Client

Facts

Mr. Fjeldsted, who was called to the Bar on June 29, 1971, appeared before the Discipline Committee on January 2, 1996.

Mr. Fjeldsted represented an estate for which he received Grant of Probate in April of 1986. He had not completed the administration of the estate by December of 1994 when a complaint was received by the Law Society from one of the beneficiaries. Between 1988 and 1995, in the course of administering the estate, Mr. Fjeldsted received 85 cheques payable to the estate for oil leases, but failed to negotiate those cheques so that the majority of them became stale dated.

Comments of the Discipline Committee

Mr. Fjeldsted admitted the charge of professional misconduct but did not provide excuses for his failure to complete the administration of the estate, or negotiate the substantial number of cheques.

The Committee noted that Mr. Fjeldsted had candidly and readily admitted his fault in not serving the estate in a conscientious and diligent fashion. The Committee also noted that Mr. Fjeldsted had acknowledged, from the outset, that he would be admitting the charge and had arranged for outside counsel to assist him on other estate matters.

The Committee commented on the fact that this was the second time that Mr. Fjeldsted had appeared before the Committee for failing to serve an estate in a conscientious, diligent, and efficient manner and found that to be an aggravating factor.

Findings and Penalties

The Committee found Mr. Fjeldsted guilty of professional misconduct based on his admission to the charge, imposed a fine of \$2,000.00 and ordered that costs be paid in the amount of \$750.00.

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