



# DISCIPLINE CASE *DIGEST*

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## **Case 96-12**

**ROBERT D. WARD**  
Winnipeg, Manitoba

**Called to the Bar**  
June 20, 1991

**Particulars of Charges**  
Professional Misconduct

- failure to file an Accountant's Report (Form D)
- failure to reply to the Law Society

**Date of Hearing**  
April 30, 1996

**Panel**  
D. Yard, Q.C. (Chair)  
G. Chapman, Q.C.  
L. Spivak

### **Disposition**

- Disbarment
- Costs of \$1,175.00

**Counsel**  
Garth H. Smorang, Q.C. for the Law Society  
Member did not appear

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**Ungovernable Member**

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## **Facts**

Mr. Ward did not file his Annual Trust Account Report (Form D) by May 31, 1995, as required under Rule 133 of the Rules of the Law Society. He was subsequently sent a letter to which he did not respond. He was then sent a 14 day letter, and failed to respond to that letter.

Mr. Ward was served with the Citation and requested to appear on January 23, 1996, to set a hearing date. He did not appear then, nor did he appear at the hearing itself.

## **Decision and Comments**

The Committee was satisfied that Mr. Ward had failed to file his Form D and had failed to respond to the 14 day letter, and that this amounted to professional misconduct.

The Committee considered Mr. Ward's prior history of convictions with the Society arising out of similar matters. The Committee also considered that at the time of the hearing, Mr. Ward had been suspended as of May 1, 1995 for non-payment of practising fees, had been suspended on October 19, 1995, for non-payment of fines and costs, and had been suspended for three months as of November 29, 1995, for failing to pay penalties owing for late filing of his Form D and failing to respond to the Law Society. The latter three month suspension was imposed consecutive to the suspension of October 19, 1995. All fines and costs imposed upon Mr. Ward by the previous Discipline Committees remained unpaid.

The Committee reviewed Mr. Ward's pattern of conduct, which it found to be well-established, persistent, inexplicable, and unexplained. The Committee expressed the view that the right to practise law in Manitoba carries with it obligations to the Law Society and to its members. The minimum obligations are compliance with rules and communication with the Law Society as might reasonably be expected. The justification for self-government is at least partly based on the assumption that the Society will in fact govern its members, and that its members will accept governance. The Committee concluded that Mr. Ward had demonstrated to it, through his behaviour, that he did not accept governance and that he was therefor an ungovernable member.

## **Penalty**

The Committee found Mr. Ward guilty of professional misconduct and resolved that he be disbarred and his name struck from the Rolls of the Law Society as a barrister and solicitor. The Committee also imposed costs in the amount of \$1,175.00

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