



DISCIPLINE CASE *DIGEST*

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Case 96-14

CORNELIUS NEIL ENNS
Winnipeg, Manitoba

Called to the Bar
June 25, 1974

Particulars of Charges
Professional Misconduct

- failure to show courtesy and good faith toward another lawyer
- failure to serve client

Date of Hearing
June 24, 1996

Panel
Lewis Wasel (Chair)
Bjorn Christianson, Q.C.
Brian Pauls

Disposition

- Reprimand
- Member referred to the Competence Committee
- \$1,500.00 costs

Counsel
Jeff Hirsch for the Law Society
Member unrepresented

Failure to Serve Client

Facts

In the course of acting on a residential real estate transaction, Mr. Enns failed to show courtesy and good faith to counsel acting on the other side by failing to respond to communications from that counsel's secretary from September 5 through September 12, 1995 and failed to respond to communications from counsel on three separate occasions on September 12 and 13, 1995.

Mr. Enns was also charged with professional misconduct in that he failed to serve his client, who was the purchaser in a residential real estate transaction, by failing to keep his client informed of the status of the transaction from December 9, 1994 (the date of his retainer) through March 1995, despite numerous enquiries from his client.

Decision and Comments

Mr. Enns plead guilty to the two counts of professional misconduct contained in the Citation. Both counts related to a failure to communicate; in one instance, with his fellow lawyer and that lawyer's secretary and in the second instance, with his own client. The Committee was concerned about Mr. Enns' apparent inability to meet the demands of practice on a timely basis. Mr. Enns' explanation that he was busy with other matters and did not have sufficient secretarial assistance was not a mitigating factor.

Having regard to Mr. Enns' acknowledgment for a need for assistance in practice management and his agreement to plead guilty to both counts, the Committee was prepared to accept the recommendation of counsel in respect of disposition.

Penalty

The Committee imposed a reprimand on both counts. In addition, Mr. Enns was referred to the Competence Committee for the Committee to make or authorize such enquiries or investigations it considers appropriate. The Committee also imposed an order for costs in the amount to \$1,500.00.

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