



DISCIPLINE CASE *DIGEST*

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Case 96-18

LANCE ALEXANDER NORMAN

Winnipeg, Manitoba

Called to the Bar

June 29, 1989

Particulars of Charges

Professional Misconduct (1 count)

- conflict of interest

Date of Hearing

August 7, 1996

Panel

Reeh Taylor, Q.C. (Chair)

Chrys Pappas, Q.C.

Patrick Riley

Disposition

- \$1,000.00 fine
- \$1,166.01 costs

Counsel

S.F. Vincent for the Law Society

Member unrepresented

Conflict of Interest

Mr. Norman appeared before the Discipline Committee on August 7, 1996. In December, 1992, Mr. Norman was retained by Mrs. G. in connection with the sale of a residential

property at auction. The auction was unsuccessful. Subsequent to the auction, Mr. P expressed an interest in purchasing the property. Mr. Norman accepted a retainer from Mr. P. without the consent of Mrs. G. and failed to adequately disclose to Mrs. G. that he would be representing both parties.

Mr. Norman drew an agreement of purchase and sale which was signed by both Mrs. G. and Mr. P. Mr. P. subsequently failed to complete the transaction.

Mr. Norman failed to refer Mrs. G. to another lawyer when Mr. P. did not complete the transaction.

A numbered company then expressed interest in purchasing the property. Mr. Norman accepted a retainer from the numbered company without the consent of Mrs. G. and failed to adequately disclose to Mrs. G. that he would be representing both parties.

Mr. Norman drew an agreement of purchase and sale which was signed by both Mrs. G. and the numbered company. The numbered company subsequently failed to complete the transaction.

Mr. Norman failed to refer Mrs. G. to another lawyer when the numbered company did not complete the transaction.

Decision and Comments

Mr. Norman pled guilty to the count in the Citation

The Committee did not accept that Mr. Norman's conflict was inadvertent and stated that it should have been apparent to him that he was in a position of potential conflict in accepting the retainers from Mr. P. and the numbered company. Full disclosure should have been made at that time and consent from Mrs. G. should have been obtained. The conflict of interest became real when Mr. G. and the numbered company defaulted under their respective agreements.

Penalty

The Committee found Mr. Norman guilty of professional misconduct and imposed a fine of \$1,000.00 and assessed costs of \$1,166.01.

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