



DISCIPLINE CASE *DIGEST*

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Case 96-24

STEPHEN SAMUEL BONDAR
Winnipeg, Manitoba

Called to the Bar
June 20, 1991

Particulars of Charges
Professional Misconduct (4 counts)

- breach of undertaking to the Law Society
- failure to reply to the Law Society (x3)

Date of Hearing
October 1, 1996

Panel
Douglas Abra, Q.C. (Chair)
David Frayer, Q.C.
James Hedley

Disposition

- Fine of \$750.00
- Costs of \$750.00
- Referral to the Competence Committee

Counsel
Ted Bock for the Law Society
Member not represented

Failure to Reply

Facts

Mr. Bondar appeared before the Discipline Committee on October 1, 1996.

In April, 1994 Mr. Bondar provided an undertaking to the Discipline Committee (as it then was) to provide his monthly trust account reconciliations for review by the Law Society Auditor. Mr. Bondar breached his undertaking in that he failed to submit his trust account reconciliations for the months June, July, August and September 1995.

A letter was sent to Mr. Bondar inquiring as to why he had not provided his trust account reconciliations as required by his undertaking. Mr. Bondar failed to respond to the letter as required by the Rules of the Law Society.

The Law Society noted in the Business Digest that a judgment had been entered against Mr. Bondar. Mr. Bondar had failed to notify the Law Society of this occurrence as required by Rule 145(1). In consequence, the Law Society wrote to Mr. Bondar requesting his advice as to whether the judgment had been satisfied and if not, what arrangements Mr. Bondar intended to make in that regard. Mr. Bondar failed to respond to the letter within the time stipulated by the Rules of the Law Society.

The Law Society subsequently noted in the Business Digest that a second judgment had been entered against Mr. Bondar and that he had again failed to bring this to the attention of the Law Society as required by the Rules. A letter was sent to Mr. Bondar requesting his advice as to whether this second judgment had been satisfied and if not, what arrangements Mr. Bondar intended to make in that regard. Mr. Bondar did not respond to the letter as required by the Rules of the Law Society.

Decision and Comments

The Discipline Committee found Mr. Bondar guilty of professional misconduct on the basis of his admission to all charges. The Committee observed that the Law Society's ability to protect the public is hampered when its members neglect or refuse to fulfil the basic obligations owed by them to the Law Society. The Committee concluded that Mr. Bondar's conduct in these matters demonstrated both a failure to understand those basic obligations to the Law Society, as well as failure to administer his practice in a competent fashion.

Penalty

The Discipline Committee imposed a fine of \$750.00 and ordered that costs be paid in the amount of \$750.00. The Discipline Committee also directed that Mr. Bondar be referred to the Competence Committee to make such inquiries or investigations as it considers appropriate.

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