



DISCIPLINE CASE *DIGEST*

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Case 96-28

JERRY GEORGE ROSS
Winnipeg, Manitoba

Called to the Bar
June 26, 1973

Particulars of Charges
Professional Misconduct

- payment of fees and disbursements from trust account without rendering account to clients (6 counts)
- payment of fees and disbursements from trust account prior to performing significant legal services (3 counts)
- breach of accounting rules (1 count)
- taking fees without authorization (1 count)

Date of Hearing
January 17, 1997

Panel
Douglas G. Ward (Chair)
Renate Krause
Leonard Lucas

Disposition

- Fine of \$6,500.00
- Costs of \$10,000.00
- Member required to take a remedial accounting course

Counsel
C. Kristin Dangerfield for the Law Society
Alain Hogue for the member

Breach of Trust Accounting Rules

Facts

Mr. Ross appeared before the Discipline Committee on January 17, 1997.

On six occasions Mr. Ross withdrew monies from his trust account for the payment of his fees and disbursements without bills for such fees and disbursements being prepared and sent to the client at the time the money was withdrawn.

On three occasions Mr. Ross withdrew monies from his trust account for the payment of his fees and disbursements prior to performing significant legal services.

On two occasions Mr. Ross appropriated monies held in trust on account of his fees and disbursements without the authority of his client.

For a period of 6 months Mr. Ross failed to conform to the requirements of the Rules respecting accounts.

Decision and Comments

Mr. Ross entered a guilty plea to each of the counts alleged.

The Committee noted that in January, 1995 a previous panel of the Discipline Committee had found Mr. Ross guilty of withdrawing fees from his trust account without bills being prepared and sent to the client, and appropriating monies held in trust on account of fees without the authority of his clients. In view of that prior conviction the Committee strongly recommended that if the member's existing billing practices and procedures continue unabated any future Panel ought to impose severe and harsh penalties.

Penalty

The Committee accepted the joint recommendation of counsel for the Law Society and for Mr. Ross and imposed a fine of \$6,500.00 and costs of \$10,000.00. Mr. Ross will also be required to attend the first available remedial accounting course to be conducted by The Law Society of Manitoba.

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