



DISCIPLINE CASE *DIGEST*

[Discipline Case Digest Index](#) ❖ [Law Society Home Page](#)

Case 96-29

PAUL VICTOR WALSH, Q.C.
Winnipeg, Manitoba

Called to the Bar
June 26, 1968

Particulars of Charges
Professional Misconduct

- failure to server clients in a conscientious, diligent and efficient manner (2 counts)

Date of Hearing
January 23, 1997

Panel
Douglas G. Ward (Chair)
Renate C. Krause
George E. Chapman, Q.C.

Disposition

- Fine of \$6,000.00
- Costs of \$5,000.00

Counsel
Randy B. McNicol, Q.C. and Joe R. Gallagher for the Law Society
Richard J. Wolson, Q.C. for the member

Failure to Serve Clients

Facts

Mr. Walsh entered a guilty plea to two counts of failing to serve his clients in a conscientious, diligent and efficient manner.

Client A retained Mr. Walsh to oppose an application brought by the client's wife to vary an order of joint custody of the child of the marriage.

On two separate occasions, Mr. Walsh undertook in writing to provide the wife's solicitor with an affidavit from Mr. Walsh's client in opposition to the wife's application. He failed to comply with those undertakings.

Thereafter, because Mr. Walsh had noted an incorrect date in his diary, he failed to attend court to represent his client when the wife's application to vary the order of joint custody came on for hearing. In the absence of Mr. Walsh and his client, the court made an order granting the wife sole custody of the child of the marriage.

Mr. Walsh then failed to proceed with an application to set aside that variation order on a timely basis and he was ultimately discharged by his client.

In respect to Client B, Mr. Walsh was retained to represent that client in connection with divorce proceedings and a concurrent application for interim maintenance that had been brought by the client's wife.

After accepting the client's retainer, Mr. Walsh failed to attend court on behalf of the client when the wife's application for interim relief was heard.

Mr. Walsh also failed to file an answer to the divorce petition or take any other steps to protect the interests of his client.

Finally, Mr. Walsh failed to attend court on behalf of his client when the divorce petition came on for hearing.

In both instances, orders were made against Mr. Walsh's client in his absence.

Decision and Comments

Mr. Walsh admitted the allegations in the citation and conceded that they constituted professional misconduct.

While the Committee noted that lawyers are not and cannot be expected to be perfect, and that diarizing systems are not infallible, the Committee was of the view that Mr. Walsh's failure to take action on a timely basis to redress the harm caused by his omissions was not understandable or excusable.

Penalty

The Committee imposed a fine of \$6,000.00 and further ordered Mr. Walsh to pay costs of

\$5,000.00.

The fine and costs are to be paid at a rate of \$1,000.00 per month, without interest, commencing April 1, 1997.

[Top of page](#)
[Index](#)