



DISCIPLINE CASE *DIGEST*

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Case 97-05

JOHN CHARLES BROWN
Winnipeg, Manitoba

Called to the Bar
September 23, 1963

Particulars of Charges
Professional Misconduct

- Failure to file Annual Trust Account Report (Form D)

Date of Hearing
July 29, 1997

Panel
L.D. Wasel (Chair)
A.A. Rich, Q.C.
J.W. Hedley

Disposition

- Reprimand
- Costs of \$500.00

Counsel
J.R. Gallagher for The Law Society of Manitoba
Member unrepresented

Failure to File Form D

Facts

Mr. Brown had a trust year end of January 31, 1996 and under Rule 133 of the Rules of the Law Society, he was required to file his Annual Trust Account Report (Form D) by May 31, 1996. The report was not filed by Mr. Brown by that date but was filed on August 19, 1996, which was 80 days late. As a result and pursuant to Law Society Rule 133(7), penalties were assessed in the amount of \$1,600.00 at a rate of \$10.00 per day for both Mr. Brown and the other member of his firm who utilized the account.

Decision and Comments

Mr. Brown entered a guilty plea to the charge of professional misconduct for failing to file the Form D. The Committee considered the fact that Mr. Brown had already paid \$1,600.00 in penalties to the Society and that he had fully cooperated and entered a plea of guilty to the charge.

Penalty

The Committee found that Mr. Brown was guilty of professional misconduct and imposed a reprimand and also ordered that he pay costs in the amount of \$500.00 within 60 days.

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