



# DISCIPLINE CASE *DIGEST*

---

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

## **Case 97-07 (Amended)**

**THOMAS ANDREW BUNN**  
Winnipeg, Manitoba

**Called to the Bar**  
June 25, 1976

**Particulars of Charges**  
Professional Misconduct

- failure to meet financial obligations incurred or assumed in course of practice (x2)
- failure to file written answer to letter from The Law Society requiring response (x8)
- misappropriation of monies paid in trust as retainers for legal services to be provided (x6 counts, 14 incidents)
- failure to deposit monies received in trust into a pooled trust account (x5 counts, 12 incidents)
- misleading the Complaints Investigation Committee (x1)

**Date of Hearing**  
October 27, 1997

**Panel**  
A.A. Rich, Q.C. (Chair)  
D.F. Plett, Q.C.  
D.J. Miller, Q.C.

## **Disposition**

- Disbarment
- Costs of \$10,000.00

**Counsel**  
E.R. Dawson, T.R. Bock and J.R. Gallagher for The Law Society of Manitoba  
Member unrepresented

---

## Misappropriation

---

### Facts

Mr. Bunn appeared before the Discipline Committee on Monday, October 27, 1997. Mr. Bunn entered a plea of guilty to the counts.

On one occasion, Mr. Bunn, acting for a client in a personal injury action, failed to attend to payment of three accounts payable to his client's chiropractor, which accounts Mr. Bunn had incurred or assumed in the course of his practice

On eight occasions over the period May, 1996 to January, 1997, Mr. Bunn received letters from The Law Society of Manitoba which requested that he file a written response within 14 days of receipt. In every case, Mr. Bunn failed to do so.

On fourteen occasions, Mr. Bunn appropriated monies paid to him as a retainer for legal services to be performed, without the authority of his client. On twelve of those occasions, Mr. Bunn failed to deposit monies paid to him as a retainer for legal services to be performed into a pooled trust account in accordance with Rule 129(1)(a). On each such occasion, he appropriated such monies on account of fees without the authority of his client and without preparing and sending a bill for fees and disbursements, in breach of Rule 129(1)(c). On one occasion, Mr. Bunn provided a letter to the Complaints Investigation Committee in response to a complaint in which he stated that he had attended to payment of a sum of money owing to a law firm in British Columbia which he had retained, when in fact he had not attended to payment of that sum at all.

### Decision and Comments

The Discipline Committee found Mr. Bunn guilty of professional misconduct based on his admission to the charges.

The Discipline Committee found that in this case there was an easily discernible pattern of conduct in which Mr. Bunn had appropriated monies paid to him as a retainer for legal services to be performed without providing such legal services.

The Discipline Committee rejected Mr. Bunn's submission that his conduct with respect to the counts of misappropriation was mitigated by the fact that the monies which had been paid to him had always been intended by the clients to be used on account of fees. The Discipline Committee stated that there was no such distinction, nor should there be. All monies received in trust ought to be paid into a trust account.

The Discipline Committee expressed great sympathy with the personal and professional circumstances of the member. Nevertheless, the Discipline Committee concluded, all

members of The Law Society must be held to the same fixed and inviolate standards, regardless of the unique and personal difficulties which each member must face in his or her practice.

### **Penalty**

In the circumstances, a penalty of disbarment was held to be appropriate. Costs in the sum of \$10,000.00 were also ordered to be paid.

### **Note**

Mr. Bunn filed an appeal of the Discipline Committee decision to the Manitoba Court of Appeal on December 11, 1997.

On September 1, 1998 Mr. Bunn's appeal was deemed to be abandoned as he had failed to perfect his appeal in accordance with the Court Rules.

[Top of page](#)

[Index](#)