



DISCIPLINE CASE *DIGEST*

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Case 97-08

REMI CECIL SMITH
Winnipeg, Manitoba

Called to the Bar
June 28, 1979

Particulars of Charges
Professional Misconduct

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

Date of Hearing
August 12, 1997

Panel
L.P. Allen, Q.C. (Chair)
B.A. Pauls
G.D. Bates

Disposition

- Reprimand
- Costs of \$800.00

Counsel
J.R. Gallagher for The Law Society of Manitoba
A.J. Hogue for the Member

Failure to File Form D

Facts

Mr. Smith 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. Smith by that day but was filed on December 23, 1996, which was 205 days late. As a result and pursuant to Law Society Rule 133(7), penalties were assessed in the amount of \$2,050.00 at a rate of \$10.00 per day.

Decision and Comments

Mr. Smith entered a guilty plea to the charge of professional misconduct for failing to file the Form D. The Committee considered the fact that Mr. Smith had commenced paying the \$2,050.00 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. Smith was guilty of professional misconduct and imposed a reprimand and also ordered that he pay costs in the amount of \$800.00 payable at the rate of \$50.00 per month.

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