



DISCIPLINE CASE *DIGEST*

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

Case 98-10

MEMBER A

Particulars of Matter

Application to be Relieved of an Undertaking

Date of Decision

January 27, 1999

Panel

P.J. Brett, (Chair)

L.D. Wasel

D.J. Miller, Q.C.

Disposition

Member to be relieved of the undertaking provided to The Law Society of Manitoba

Counsel

J.R. Gallagher for The Law Society of Manitoba

Member unrepresented

Application to be Relieved of an Undertaking

Facts

In May of 1988, the then Judicial Committee accepted a plea of guilty from the member to two counts of professional misconduct for breaching trust conditions imposed upon the member in a real estate matter. The Judicial Committee resolved that in lieu of any other punishment, the Society would accept from the member a Statutory Declaration and a written undertaking to include that the member would retire from the active practice of law and would not resume the practice of law in the future.

In May of 1998, the member wrote to the Society with a request to be relieved of the

undertaking in order that the member could apply to resume the active practice of law. The matter was referred to the Discipline Committee for adjudication.

Decision and Comments

The Society did not oppose the member's application to be relieved of the undertaking. In the circumstances, the Committee was able to deal with the matter without the need for a formal hearing.

While the Committee was mindful that the matters for which the member was originally charged were quite serious, it also took into consideration the fact that more than ten years had intervened since the offences. The Committee was satisfied that no principle of discipline, including sentencing, would be offended by relieving the member of the undertaking at this relatively late date. It was the decision of the Committee that the member should be relieved of the undertaking.

[Top of page](#)

[Index](#)