



DISCIPLINE CASE *DIGEST*

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Case 98-11

THEODORE LEE KASLOFF
Winnipeg, Manitoba

Called to the Bar
June 25, 1976

Particulars of Charges
Professional Misconduct (17 counts)

- Charging and accepting a disbursement which was not fully disclosed, fair and reasonable contrary to Rule 155(b) and Chapter 11 of the Code of Professional Conduct (9 counts)
- Failing to deposit funds into trust contrary to Rule 129(1)(a) (8 counts)

Date of Hearing
January 13, 1999

Panel
D.G. Frayer, Q.C. (Chair)
D.F. Plett, Q.C.
J.M. Holmstrom

Disposition

- Fine of \$1,230.00
- Costs of \$2,500.00

Counsel
C.K. Dangerfield for The Law Society of Manitoba
Member not represented

Breach of Accounting Rules

Facts

Mr. Kasloff prepared Statements of Account for nine corporate clients. In each instance he charged the client with a disbursement or disbursements purportedly on account of documents filed with the Corporations Branch, when in fact the documents had not yet been filed.

Eight of the nine clients billed by Mr. Kasloff paid their accounts for disbursements. In each instance Mr. Kasloff deposited those funds into his general account, notwithstanding that he had not yet incurred the expense for which the client was charged.

Mr. Kasloff was charged with nine counts of charging fees which were not fully disclosed, fair and reasonable contrary to Chapter 11 of the Code of Professional Conduct and Rule 155 (b) of the Rules of The Law Society of Manitoba. He was charged with eight counts of failing to deposit trust monies received from his client into his trust account contrary to Rule 129(1) (a) of the Law Society Rules.

Mr. Kasloff appeared before the Discipline Committee on January 9, 1999 at which time he entered a guilty plea to each of the seventeen counts of professional misconduct.

Decision and Comments

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

Penalty

The Committee accepted the joint recommendation of counsel for the Society and Mr. Kasloff and ordered that he pay a fine of \$1,230.00 and costs in the amount of \$2,500.00, all of which is to be payable within 24 months.

In the event that Mr. Kasloff applies to resume the practice of law the Committee ordered that he do so under the supervision of a member satisfactory to the Law Society for a period of one year. The Committee further ordered that the Committee considering an application by Mr. Kasloff to resume practice be provided with copies of the reasons for decision and the Citation.

In assessing the penalty the Committee considered that Mr. Kasloff was currently suspended from the practice of law for failure to pay his annual practising fees, that he had never been disciplined during his twenty years of practice and that he had fully cooperated with the Law Society and had entered a plea of guilty.