



DISCIPLINE CASE *DIGEST*

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Case 99-03

GEORGE BERNARD SCHMIDT

Winnipeg, Manitoba

Called to the Bar

June 26, 1968

Particulars of Charges

Professional Misconduct (1 count)

- breach of trust condition

Date of Hearing

July 13, 1999

Panel

B.A. Pauls (Chair)

J.F.R. Taylor, Q.C.

R.H.G. Adams

Disposition

- Reprimand
- Costs of \$2,750.00

Counsel

C. Kristin Dangerfield for The Law Society of Manitoba

Gavin M. Wood for the Member

Breach of Trust Condition

Facts

Mr. Schmidt was retained to act on the sale of the marital home of two individuals who were engaged in a marital dispute. Each was represented by separate counsel with respect to the marital property settlement. Counsel for the wife forwarded a Transfer of Land to Mr. Schmidt on the trust condition that fifty percent of the net proceeds were to be provided to the wife's counsel. The net proceeds were defined to mean that the wife would not be responsible for any tax arrears or adjustments.

The trust condition was not complied with in that Mr. Schmidt paid the outstanding taxes and then remitted one half of the balance to counsel for each of the husband and wife.

Mr. Schmidt acknowledged his responsibility for non-compliance with the trust condition and entered a plea of guilty to the Citation.

Decision and Comments

The Committee accepted Mr. Schmidt's admission and found that his actions constituted professional misconduct.

Penalty

The Committee accepted the joint submission of counsel, and imposed a reprimand and ordered that Mr. Schmidt pay the costs of the investigation and prosecution in the amount of \$2,750.00.

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