



DISCIPLINE CASE *DIGEST*

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Case 99-06

KENNETH EDWARD ANDREWS
Portage la Prairie, Manitoba

Called to the Bar
June 28, 1990

Particulars of Charges
Professional Misconduct

- failure to serve client in a conscientious, diligent and efficient manner

Date of Hearing
January 12, 2000

Panel
D. R. Knight, Q.C. (Chair)
D. J. Miller, Q.C.
V. E. Rachlis

Disposition

- reprimand
- costs of \$750.00

Counsel
C. K. Dangerfield for The Law Society of Manitoba
Member unrepresented

Failure to Serve Client

Facts

Mr. Andrews was retained in 1995 to represent a client seeking a divorce and child support. He delayed in proceeding with her matter during the period from April, 1995 through to July 1998 in a number of respects.

Mr. Andrews failed to seek instructions from, or advise his client to immediately seek an interim order for financial disclosure and child support. Following his initial meeting with her, Mr. Andrews did not meet with his client until seventeen months later.

During the course of his retainer, Mr. Andrews received an offer of settlement from counsel for his client's husband. He failed to disclose the offer to his client until his second meeting with her, at which time seven months had passed since the receipt of the settlement offer.

Mr. Andrews did not serve the Petition for Divorce until thirteen months after his second meeting with his client. Although Mr. Andrews was in a position to note the husband in default within forty days of the service of the Petition for Divorce, he failed to do so until approximately ninety days had passed.

Mr. Andrews failed to seek an order for financial disclosure from the husband until nearly three years had passed since his initial retainer. The order was served upon the husband, however, Mr. Andrews failed to obtain and file an affidavit of service confirming that the order had been served.

Decision and Comments

Based on his admission to the charge, the Committee found Mr. Andrews guilty of professional misconduct resulting from his failure to serve his client in a conscientious, diligent and efficient manner.

Penalty

The Committee accepted the joint recommendation of counsel for the Law Society and Mr. Andrews. The Committee imposed a reprimand and ordered that Mr. Andrews pay costs in the amount of \$750.00.

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