



The Law Society of Newfoundland and Labrador

P.O. Box 1028 St. John's, NL A1C 5M3

DISCIPLINARY NOTICE

TAKE NOTICE THAT an Adjudication Tribunal of the Disciplinary Panel of the Law Society of Newfoundland and Labrador, pursuant to the *Law Society Act, 1999*, found Robert Regular of Conception Bay South, NL guilty of conduct deserving of sanction. The Adjudication Tribunal determined that Mr. Regular breached a trust condition. The breach of trust condition in this matter was an advance of \$3,000.00 to Mr. Regular's client, from a balance of purchase funds of \$76,164.35 being held in trust.

An excerpt from the Decision follows.

Any uncertainty as to when or how trust conditions will be observed would not serve the best interests of the profession or of the public, as the ability to rely on trust conditions facilitates the advancement and completion of legal transactions without undue delay and in an efficacious manner. In these circumstances, a significant sanction is warranted, as a specific and general deterrent.

The Adjudication Tribunal, having considered the circumstances of this matter, is of the view that the joint submission on sanction would impose a significant sanction that would serve the purposes of a specific and general deterrent. In particular, notice to the profession, with sufficient particulars of the charge, would serve as a salutary reminder to the profession of the need to scrupulously observe trust conditions.

The Complaint involved two separate allegations, one of which was dismissed by the Adjudication Tribunal and a not guilty finding was entered. Mr. Regular appealed the Adjudication Tribunal's finding and sanction in the other matter. The Supreme Court Trial Division dismissed the appeal against the finding of misconduct and held that the decision of the Adjudication Tribunal was not unreasonable. The appeal against sanction was allowed and that issue was remitted to the Adjudication Tribunal for reconsideration.

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The Adjudication Tribunal ordered, pursuant to subsection 50(3) of the *Law Society Act, 1999* that:

- (1) the Respondent be reprimanded;
- (2) the Respondent pay one-third of the costs incurred by the Law Society in the investigation and hearing of the Complaint;
- (3) the Respondent pay a \$2,500 fine to the Law Society;
- (4) subject to s. 51 of the Act, in accordance with Rule 9.28 the Law Society give notice of the Adjudication Tribunal's Decisions and Order to the members of the Law Society, to the complainant, and to any other governing body of a legal profession in Canada of which the Respondent is a member, which notice shall include: (a) his name; (b) the nature of the charge(s) of which he was found guilty, including brief particulars; and (c) the sanction imposed; the brief particulars of the charge to include reference to the finding that an amount of \$3000.00, out of a balance of \$76,164.35 in purchase funds imposed with the trust condition, was disbursed by the Respondent to his client contrary to the trust condition; and
- (5) this Decision and Order shall take effect upon service in accordance with Law Society Rule 9.14.