

# Communiqué

Number 118

22nd January 1982

A special convocation was held yesterday to deal with discipline matters. The regular convocation took place today.

Peter A Mills of Barrie was elected a Bencher today to fill the vacancy caused by the appointment to the Bench of Mr. Justice John G.M. White.

The Benchers adopted a recommendation of the Professional Conduct Committee that Rule 10.1 be amended. The rule presently states that a solicitor quoting a flat fee plus disbursements is obliged to inform a client as fully as possible of the type and extent of expected disbursements. The amendment makes it clear that the fee quoted in connection with a real estate transaction must include the cost to the lawyer of services rendered by another person such as a free lance title searcher or conveyancer. The fee paid a free lance title searcher, conveyancer, etc. is not to be charged as a disbursement.

The Legal Education Committee's policy respecting articling interviews for positions open the following year has been changed to cure some difficulties. Student applications for interviews are to be made by the end of July and to be treated by lawyers without regard to the date they were submitted. Arrangements for interviews are to be made after the end of July. Students should not be told that an offer of an articling position can be accepted any time but will be too late if available positions are then filled. The policy is to apply only in Metropolitan Toronto, but members elsewhere in the province are asked not to interview prospective students before the end of the second academic year.

The Society's rare book collection is kept in a special room off the Great Library under controlled conditions of temperature, humidity and light. Members are asked to consider increasing the collection by donations of rare books on law.

Leslie Lennart Falk of Aurora was disbarred. He had misappropriated over \$20,000 belonging to clients and failed to comply with the rule respecting borrowing from clients.

Claude Douglas Fitzgibbon was permitted to resign his membership in the Society upon undertaking never to apply for readmission. He had continued a practice begun before the present rule 5 respecting impartiality and conflict of interest had been passed and had not changed his practice to ensure that numerous clients received the required independent legal advice.

Robert Leroy Irwin of Wallaceburg was disbarred. He had improperly borrowed from two clients who had lost more than \$55,000 and then attempted to conceal the borrowings from the Society by giving false information to the Society's auditor.

Allan Judd of Hamilton was reprimanded in Convocation, required to pay the costs of the Society's investigation of over \$2000 and to file audited statements of his practice half-yearly for the next two years. He had billed clients for disbursements in excess of the amounts actually incurred. The abuses in this case had not been flagrant and the excess charges were promptly returned to the clients.

Dennis Dushan Kroul of Toronto was disbarred. He had misappropriated about \$50,000 of clients' trust funds and abandoned his practice without making provision for the protection of his clients' interests.

Kenneth Jarvis  
Secretary.