

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

JOSEPH GEORGE FIORINO

- and -

IN THE MATTER OF:

THE LEGAL PROFESSION ACT

Date of Hearing: August 17, 2022

Panel: Roberta Campbell, K.C. (Chair)
Maureen Morrison (Public Representative)

Appearances: Ayli Klein, Counsel for the Law Society of Manitoba
Joseph Fiorino, Member Self Represented

REASONS FOR DECISION (POST DECISION MOTION)

Introduction

1. Joseph Fiorino is a member of the Law Society of Manitoba ("the Society"), having been called to the Manitoba bar on December 7, 2017. He has been practising as a sole practitioner since April 22, 2018. He is also a member, albeit inactive, of the State Bar of California where he has been a member since April 22, 2009, and where he practised before his call to the Manitoba bar. He had no discipline conviction record prior to this matter.


2. Mr. Fiorino was charged with three counts of professional misconduct. Count one alleged a failure to respond promptly and completely to inquiries from the Society. Count two, that he had engaged in sharp practice. The third count, that he had failed to be courteous, civil and act in good faith to persons with whom he had dealings in the course of litigation.
3. On March 30, 2022, Mr. Fiorino entered guilty pleas to the three counts of professional misconduct. The Hearing proceeded by way of an agreed statement of facts and a joint recommendation with respect to disposition.
4. On April 19, 2022, the Panel released its Decision and Reasons for Decision, confirming the acceptance of the joint proposal.
5. On July 6, 2022, Mr. Fiorino wrote to Chair Jacob Janzen and The Honourable Richard Scott, Independent Chair of the Discipline Committee, requesting that a portion of subparagraph 5 in the Reasons be deleted. Specifically, the finding that "he provided information he knew to be inaccurate to the Court when out-of-province counsel was not in attendance and improperly sought Court orders based on that inaccurate information..."
6. Mr. Fiorino takes the position that the impugned sentence was recorded in error and the Panel, having made a clerical error, could simply publish a correction.

7. The Society takes the position that the finding was fully supported by the Statement of Agreed Facts and if not made in error, would render the Panel functus officio.
8. Chair Jacob Janzen was no longer available to review this matter and the remaining two members of the Panel considered the issues pursuant to Rule 5-93(8).
9. On August 17, 2022, Mr. Fiorino along with Ms. Klein from the Society appeared before the Panel via Zoom and made further oral submissions.

Decision

10. The Panel has reviewed the matter and has determined that there was no “clerical error or errors arising from an accidental slip or omission.”
11. The Panel is therefore functus officio.

Dated this 14th day of October, 2022.



Roberta Campbell, K.C. (Chair)



Maureen Morrison (PR)