

1 THE LAW SOCIETY OF MANITOBA and  
2 JOHN DAVID LAURENCE SOPER

3 REASONS

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6 PANEL MEMBERS: Dean Lorna Turnbull (Chair)  
7 Mark Toews  
8 Marston Grindey  
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11 COUNSEL FOR THE LAW SOCIETY OF MANITOBA:  
12 Darcia A.C. Senft  
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14 COUNSEL FOR MEMBER: Member Self Represented  
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17 Hearing held at The Law Society of Manitoba,  
18 219 Kennedy Street, Winnipeg, Manitoba, April 14, 2015.  
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22 **FOUR SEASONS REPORTING**  
23 **91 Ashford Drive**  
24 **Winnipeg, Manitoba R2N 1K7**  
25 **(204) 256-2343**

1           THE CHAIR: So the panel has had a chance to  
2 consider the submissions of both The Law Society and  
3 Mr. Soper, and are prepared to share our decision here.

4           We note that in the Agreed Statement of Facts  
5 the membership in The Law Society, as well as no membership  
6 in any other Law Society have both been admitted by  
7 Mr. Soper, and that service of the citation was also  
8 admitted, and the citation was entered as Exhibit 1.

9           With reference to the Agreed Statement of Facts  
10 we note that Mr. Soper has reviewed the citation and signed  
11 the Agreed Statement of Facts, and admits that the  
12 witnesses available to the Society would, if called,  
13 testify in accordance with the facts that were set out in  
14 the Agreed Statement of Facts.

15           The facts are that Mr. Soper received a  
16 14-day letter from The Law Society dated November 10, 2014,  
17 did not provide a response, and received a subsequent  
18 14-day letter dated December 8, 2014.

19           Mr. Soper admitted that he failed to comply  
20 with the requirements of, and did act contrary to Rules  
21 5-64(3) and 5-64(4), and as a result we make a finding  
22 that Mr. Soper did commit professional misconduct.

23           It is also the case that Mr. Soper has been a  
24 member of The Law Society for more than two decades, since  
25 he was called in 1992, and that this conviction will be a

1 second conviction for professional misconduct.

2 The parties provided a joint submission with  
3 respect to penalty. That joint submission provides that  
4 Mr. Soper be fined the sum of \$1,500; that Mr. Soper pay to  
5 the Society the sum of \$1,000 as a contribution toward the  
6 costs associated with the investigation, prosecution and  
7 hearing of the matter, and that with respect to the payment  
8 of the fine and the costs to the Society, the payment of  
9 the fine and costs are to be paid on a monthly basis in the  
10 amount of \$200 per month, commencing May 1, 2015, and  
11 monthly thereafter until the fine and the costs are paid in  
12 their entirety.

13 In the event of a default in any one payment,  
14 or if a cheque is dishonoured when tendered and the default  
15 is not rectified or the cheque replaced with cash or money  
16 order the entire amount outstanding will become due and  
17 payable within 30 days of the date when the default in  
18 payment occurred.

19 The Law Society has a statutory obligation to  
20 govern the profession in the public interest, and the  
21 benchers of The Law Society have stated the mission to be a  
22 public well served by a competent, honourable and  
23 independent legal profession.

24 The ability of The Law Society to supervise its  
25 members is a key aspect of its duty to govern in the public

1 interest, and rules 5-64(3) and 5-64(4) are an important  
2 obligation for all members.

3 This primary purpose of maintaining public  
4 confidence, along with the principles of general and  
5 specific deterrence, are what must govern our decision  
6 today.

7 The Law Society and Mr. Soper have made a joint  
8 submission, and we find that it falls within the range of  
9 penalties and the authorities of Katelnikoff, Poole and  
10 Orle that were provided to us.

11 We are also guided by the decisions of the  
12 Manitoba Court of Appeal in R. vs. Thomas in 2000, and the  
13 Saskatchewan Court of Appeal in Rault vs. The Law Society  
14 of Saskatchewan in 2009, that while the panel has the  
15 obligation to determine the penalty, in line with the  
16 principles outlined here, we must not lightly ignore joint  
17 submissions which have been arrived at through ongoing  
18 discussions between the parties, and which have resulted in  
19 a timely resolution where, as in this case Mr. Soper has  
20 readily accepted responsibility for his actions, and saved  
21 time and costs to the Society.

22 We were greatly assisted by the submissions of  
23 Ms. Senft and Mr. Soper. We note that there were personal  
24 circumstances in Mr. Soper's life at the time of the  
25 misconduct, and are assured that with hindsight he would

1 handle such a situation differently.

2 It is therefore ordered that Mr. Soper is  
3 guilty of misconduct; that he be ordered to pay a fine of  
4 \$1,500; that he be ordered to pay the costs of the Society  
5 in the amount of \$1,000; that both of those be paid  
6 according to the terms set out in the joint submission, and  
7 that the outcome of these proceedings be published in the  
8 usual way by The Law Society.

9 Are there any questions?

10 MS. SENFT: Only, I am asking, Madam Chair, are  
11 you asking that the transcript of your oral reasons be  
12 typed up and then circulated to the panel, and become the  
13 written reasons of the panel?

14 THE CHAIR: That is exactly what I am  
15 requesting, thank you. Mr. Soper?

16 MR. SOPER: No questions.

17 THE CHAIR: No? Then I declare this matter  
18 adjourned. Thank you.

19 MS. SENFT: Thank you.

20 MR. SOPER: Thank you.

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22 (HEARING CONCLUDED AT 11:00 A.M.)

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CERTIFICATE OF REPORTER

I, JEFF BRUCE, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 5, are a true and accurate transcript of the proceedings herein as recorded by me to the best of my skill and ability.

A handwritten signature in cursive script, appearing to read "Jeff Bruce", is written over a horizontal dashed line.

Jeff Bruce

Court Reporter

THE PRECEDING 6 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 14<sup>th</sup> DAY OF APRIL, 2015, IN  
THE MATTER OF:

**JOHN DAVID LAURENCE SOPER**



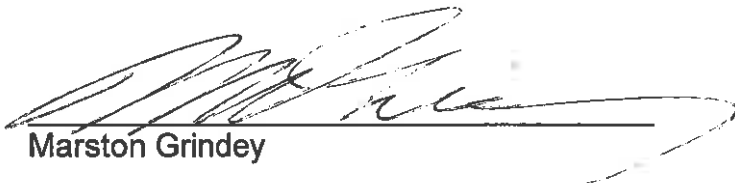
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Dean Lorna Turnbull, Chair



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Mark Toews



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Marston Grindey