

1 THE LAW SOCIETY OF MANITOBA and

2 JOHN DAVID LAURENCE SOPER

3 REASONS

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PANEL MEMBERS: James Hedley (Chair)

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Vivian Rachlis

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Suzanne Hrynyk

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COUNSEL FOR THE LAW SOCIETY OF MANITOBA:

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Daniel Gunn

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COUNSEL FOR MEMBER: Self Represented

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Hearing held at The Law Society of Manitoba,

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219 Kennedy Street, Winnipeg, Manitoba, January 27, 2016.

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**FOUR SEASONS REPORTING**

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**91 Ashford Drive**

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**Winnipeg, Manitoba R2N 1K7**

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**(204) 256-2343**

**ORIGINAL**

1           THE CHAIR: We have had an opportunity to  
2 review your submissions, and I am going to read some brief  
3 reasons into the record, and would indicate that unless  
4 some serious revisions are required, the transcript of what  
5 I am about to read will constitute our decision and reasons  
6 for decision.

7           I would like to get clarification on one thing  
8 before I do that, and that is, we just wanted to confirm  
9 that it is jointly agreed that we may include some  
10 specificity about the practice management or time  
11 management program. In other words, the timelines you  
12 suggested, and the suggestion that the program is set by  
13 the Society. Is that satisfactory for you, Mr. Soper?

14          MR. SOPER: I would agree that, I think six  
15 months is better than three, just especially how this is  
16 going to be set up. I don't want to run afoul of the  
17 timeline.

18          THE CHAIR: Yes.

19          MR. SOPER: But if you were to specify six  
20 rather than three, since I don't know where one starts to  
21 organize that sort of thing, I am quite happy to have them  
22 do it for me.

23          THE CHAIR: Six? And that is fine for you,  
24 Mr. Gunn?

25          MR. GUNN: Yes, absolutely.

1           THE CHAIR: The reason we say that is because  
2 we are proceeding by way of joint submission, and we didn't  
3 really want to get away from that if we could avoid it.

4           All right, then. Mr. Soper has been charged  
5 with four counts of professional misconduct. We have a  
6 joint recommendation before us for the disposition of all  
7 four counts.

8           The joint submission before us included a  
9 statement of agreed facts which, briefly stated, involved  
10 the mishandling of court matters on behalf of two clients  
11 of Mr. Soper's, and out of which also arose failures to  
12 treat the court with courtesy and respect, and failures to  
13 respond appropriately to communications from The Law  
14 Society.

15           We had an opportunity to review the joint  
16 submissions prior to today's hearing, and also have had the  
17 benefit of oral submissions from counsel for The Law  
18 Society and from Mr. Soper.

19           We have already advised the parties that we  
20 agree that the conduct described in the citation, conduct  
21 which has been acknowledged by Mr. Soper, does constitute  
22 professional misconduct.

23           As mentioned, the parties have also reached an  
24 agreement for our consideration on disposition. Again,  
25 briefly stated, this panel agrees with the joint submission

1 of The Law Society counsel and Mr. Soper.

2 We agree that in view of Mr. Soper's failure to  
3 meet the required standard of representation which the two  
4 clients, or any clients, for that matter, are entitled to  
5 expect, the issues of general and specific deterrence must  
6 be addressed.

7 Mr. Soper does also have a previous  
8 disciplinary history with The Law Society, which aggravates  
9 the matter further.

10 We are, on the other hand, receptive to  
11 observations made by both Mr. Gunn and Mr. Soper relating  
12 to mitigating facts raised by Mr. Soper, that of a serious  
13 illness in his family, and Mr. Soper's own serious illness  
14 during the period of time described in the citation.

15 As well, we acknowledge that a sole  
16 practitioner such as Mr. Soper can, as eloquently stated by  
17 Mr. Gunn, have a difficult job being on top of practice and  
18 life.

19 We do appreciate the balancing act involved in  
20 affecting a disposition which addresses to a sufficient  
21 degree the need to deter improper and unacceptable  
22 behaviour, and the function of mitigating factors in  
23 matters of this nature.

24 Following our own deliberations we agree that  
25 the outcome proposed in the joint submission is fair and

1 reasonable and, therefore, formally find Mr. Soper guilty  
2 of professional misconduct in respect of all four counts  
3 contained in the citation dated August 5, 2015.

4 We therefore order the following: That  
5 Mr. Soper be fined the sum of \$2,500, broken down as  
6 follows:

7 With respect to Count 1 -- and I am going to  
8 read this quickly because I am going to follow word for  
9 word the joint submission.

10 With respect to Count 1 in the citation, for  
11 failing to serve TH, a fine in the amount of \$500.

12 With respect to Count 2 in the citation, for  
13 failing to serve SDR, a fine in the amount of \$500.

14 With respect to Count 3 in the citation, for  
15 failing to treat the court with courtesy and respect, a  
16 fine in the amount of \$1,000.

17 With respect to Count 4 in the citation, for  
18 failing to respond to The Law Society, a fine in the amount  
19 of \$500.

20 Next, Mr. Soper, within a six-month period from  
21 today attend, participate and complete a practice  
22 management or time management program set by the Society.

23 Next, that Mr. Soper pay to the Society the sum  
24 of \$1,050 as a contribution toward the costs associated  
25 with the investigation, prosecution and hearing of the

1 matter.

2 And that with respect to the payment of fine  
3 and costs to the Society, the payment of the fine and costs  
4 are to be paid on a monthly basis in the amount of \$200 per  
5 month, commencing February 1, 2016 and monthly thereafter  
6 until the fine and costs are paid in their entirety.

7 In the event of a default in any one payment,  
8 or if a cheque is dishonoured when tendered, and the  
9 default is not rectified or the cheque replaced with cash  
10 or money order, the entire amount outstanding will become  
11 due and payable within 30 days of the date when the default  
12 in payment occurred.

13 That is our order. Are there any questions  
14 arising?

15 MR. GUNN: None. Thank you very much.

16 MR. SOPER: No.

17 THE CHAIR: Thank you very much.

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19 (REASONS CONCLUDED)

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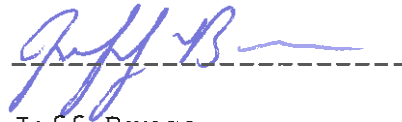
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CERTIFICATE OF REPORTER

I, JEFF BRUCE, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 6, are a true and accurate transcript of the proceedings herein as recorded by me to the best of my skill and ability.

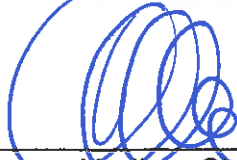


Jeff Bruce

Court Reporter

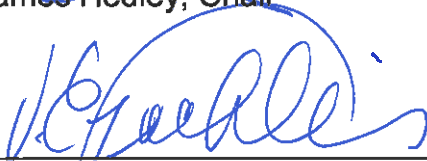
THE PRECEDING 7 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 27<sup>th</sup> DAY OF JANUARY,  
2016, IN THE MATTER OF:

**JOHN DAVID LAURENCE SOPER**



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James Hedley, Chair



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Vivian Rachlis



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Suzanne Hrynyk