

1 THE CHAIR: Counsel, we wish to note
2 essentially for purposes of the record that it came out
3 during Mr. Wood's submission to us that Mr. Turner had
4 had occasion to meet with Ms. Leah Kosokowsky, who is an
5 officer of course of The Law Society of Manitoba, and my
6 colleague, Ms. Finnbogason, we wish to note on the record,
7 is a sister of Ms. Kosokowsky's, but we had no idea, in
8 reading any of the material that you provided to us, that
9 there had been any involvement by Ms. Kosokowsky with
10 Mr. Turner's practice or situation.

11 However, we do not see that as a problem this
12 morning, and Ms. Finnbogason assures myself and Mr. Wolfe
13 that she has never discussed with Ms. Kosokowsky Mr. Turner
14 or Mr. Turner's practice.

15 So, to repeat, we are easily persuaded that
16 that ought not to be a concern to either party this
17 morning, but we thought we had better note it, for purposes
18 of the record.

19 Turning to the joint submission that counsel
20 have made with respect to sentence and costs in this
21 matter, I wish to say that we are all persuaded that the
22 recommendation as to penalty and costs is, we find,
23 appropriate in the circumstances and, accordingly, we
24 hereby order that Mr. Turner be fined the sum of \$1,500,
25 to be allocated \$750 to the first count in the citation,

1 which count addresses the lack of timely and efficient
2 performance of services for his client, Mr. S.C., and
3 the remaining \$750 to be allocated with respect to
4 Count 2 in the citation, which addresses Mr. Turner's
5 failure to follow through with undertakings and commitments
6 he made to opposing counsel in representing his client,
7 Mr. S.C.

8 Further, we direct that Mr. Turner, within the
9 next calendar year, attend a remedial practice management
10 course as offered by The Law Society of Manitoba.

11 Further, we order that Mr. Turner pay to The
12 Law Society of Manitoba the sum of \$2,550 as a contribution
13 toward the costs of The Law Society with respect to its
14 investigation of this particular matter.

15 With respect to Mr. Turner's obligation now to
16 pay both the \$1,500 fine and the contribution to costs, we
17 direct that the total amount be paid on a monthly basis in
18 the amount of \$200 per month, which payments are to
19 commence on March 1, 2016, and to continue monthly
20 thereafter until the fine and costs have been paid in their
21 entirety.

22 In the event that Mr. Turner makes default in
23 any of those monthly payments, we direct that the total
24 amount then outstanding will become due and will be payable
25 in full within 30 days from the date of default.

1 And in saying that we found the penalty and
2 costs as recommended by counsel to be appropriate in the
3 circumstances, I note that we have been mindful of the
4 materials that have been provided by Mr. Gunn and Mr. Wood,
5 that due respect necessarily should be accorded to joint
6 submissions, and they are negotiated and presented by
7 experienced counsel, as they have been here.

8 Unless the panel has very good reasons not
9 to accept them, but to repeat, we found that the
10 recommended penalty in this case was appropriate to the
11 circumstances.

12 Mr. Turner, it is often my want, as Mr. Wood
13 has experienced, to try and say something to members who
14 come before us. We appreciate the efforts you have made to
15 speak to us directly. I think we had a very firm grasp of
16 what occurred in your professional practice that led to you
17 being here today.

18 Sometimes I believe that in the case of a
19 practicing lawyer the best incentive, never to have to
20 return to a discipline panel is the endurance of the
21 embarrassment that these situations lead to in one's
22 life.

23 So, on behalf of my colleagues I wish you
24 well going forward. I personally am left today with
25 some confidence that you never will be back before a

1 discipline panel. Thank you.

2 Mr. Gunn, we will rely on the transcript,
3 rather than to prepare any further reasons for decision.

4 MR. GUNN: Very good.

5 THE CHAIR: And sent to me, and I will go
6 through it and share it with my colleagues. Thank you.

7 MR. GUNN: Thank you.

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10 (HEARING CONCLUDES AT 10:45 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.

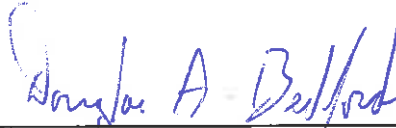


Jeff Bruce

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 5th DAY OF FEBRUARY,
2016, IN THE MATTER OF:

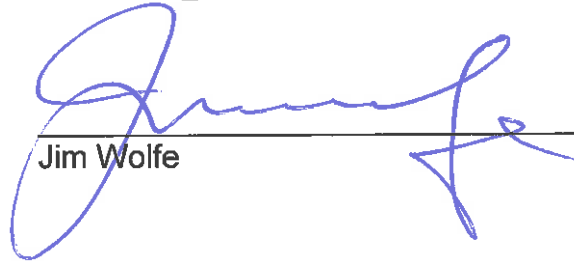
JAMIE LEE TURNER



Douglas A. Bedford, Chair



Catherine Finnbogason



Jim Wolfe