



1 THE CHAIRPERSON: I am going to bring us back  
2 into session.

3 We have decided that we do not need to reserve  
4 for the purpose of written reasons, subject only to review  
5 of the transcript for the purpose of clarity, or if we have  
6 missed some point that needs to be put into the record, or  
7 for grammatical errors, but nothing that we would do in  
8 that course would change the result.

9 I can tell you at the outset that the panel  
10 unanimously has agreed to accept the joint recommendation.  
11 The law, as stated by Mr. Kravetsky is clear, that unless  
12 there is some issue that we feel has not been canvassed, or  
13 that the recommendation is so far outside the realm of what  
14 is reasonable, that it would be unreasonable to accept it,  
15 and then only on a very defined process would we not accept  
16 that.

17 In this case we of course have two  
18 extraordinary senior and experienced counsel who have a  
19 great deal of experience in these matters, and have  
20 tremendous credit with, certainly me, and I think with each  
21 of the members of the panel.

22 Today's date is August 26, 2016. The panel  
23 members were previously set out, and are in the record.  
24 Jurisdiction has been agreed, and this of course was an  
25 open hearing.

1           With respect to each charge, there was an  
2 admission, a plea of guilty by the member, and we accept  
3 the agreed statement of facts as set out, except to the  
4 extent as moderated by any of the submissions.

5           It is agreed by the panel that there were no  
6 aggravating circumstances that were advanced by counsel on  
7 behalf of the Society, other than those set out in the  
8 agreed statement of facts.

9           And there were some moderately mitigating  
10 circumstances contained in the remarks of counsel for the  
11 member, and the member. We accept those representations as  
12 well. We have only two exhibits, and so there is not much  
13 to add to that.

14           So, given the plea of guilty, we find the  
15 member guilty on each of the counts set out in the  
16 citation, and I am not going to read each of the counts and  
17 say that he is guilty; it is sufficient to say that each of  
18 the counts are set out in the citation, and with each, that  
19 there should be a guilty finding attached to each of those.

20           In this particular case, I am not going to go  
21 through the totality of the submissions, other than to say  
22 that Mr. Kravetsky went through a fairly careful review of  
23 why this fell within the range of acceptable punishment,  
24 and we accept that that is the case.

25           By far there were, in this case, three

1 groupings, essentially, of behaviours, the first being  
2 those items which Mr. Kravetsky characterized as  
3 incompetence, or a lack of competence, for failing to do  
4 certain things on behalf of his client. Those were of  
5 course by far the least serious.

6 The second, were those issues where the member  
7 failed to act with integrity with respect to his client,  
8 and another member of the profession. Those are somewhat  
9 serious.

10 By far more serious are the situations where,  
11 when confronted with that, the member exacerbates the  
12 situation, and misrepresents the facts to the Society,  
13 which is akin in many ways to misrepresentation to a court,  
14 and one of the more serious matters that a member can face.

15 I can say that at the initial reading of this I  
16 was taken aback by those circumstances, and I think I speak  
17 for all members of the panel in saying that they felt  
18 similarly.

19 Having said that, having heard the members'  
20 comment, we expect, and agree, and find that he, for lack  
21 of a better word, to use the vernacular, gets it, that he  
22 understands how serious that is, that that kind of breach  
23 of an ethical duty, that serious ethical fault, is one that  
24 is hard to come back from, and that reflects a serious  
25 damage to the profession and to his own integrity, and that

1 he understands that this will not be an easy path going  
2 forward.

3 I think that helps us come to the agreement  
4 that this was an appropriate and reasonable disposition,  
5 and undoubtedly Mr. Kravetsky would have had access to that  
6 information when he made that determination.

7 As was mentioned in one of the cases, these are  
8 the kind of things that come perilously close from time to  
9 time to being the kind of thing that a panel might well  
10 look at a far more serious disposition.

11 But in this particular case, we believe the  
12 disposition to both be fair, reasonable and appropriate.  
13 So, not only is it within the range, but it is the sentence  
14 that is reasonable for this member, and on these facts.

15 The penalty, therefore, that we are imposing,  
16 is as set out in the agreed statement of facts, but in  
17 particular, is a fine of \$2,500, a restriction on the  
18 practice of the member should he come back into practice,  
19 as follows:

20 If and when he should ever apply for resumption  
21 of an active practicing status in his membership he shall  
22 be restricted in the practice of family law, which shall  
23 include acting in any manner that would, if litigated, be a  
24 family proceeding as defined by section 41 of the *Court of*  
25 *Queen's Bench Act*, except if he has:

1                   1. Notify the Society of the date upon which  
2 he intends to begin to practice family law;

3                   2. Practices family law under the supervision  
4 of a lawyer approved by the Society for a period of one  
5 year from the date of such notification;

6                   3. Continues to practice family law under  
7 supervision after the completion of one year, until the  
8 supervisor has advised the Society in writing that he or  
9 she is of the opinion that Mr. Wagner has demonstrated  
10 competency to practice family law;

11                   4. The supervisor has given his or her  
12 undertaking to meet regularly with Mr. Wagner while he  
13 remains under supervision to review the conduct of family  
14 law matters, and to evaluate Mr. Wagner's practice of  
15 family law, and report his or her evaluation of  
16 Mr. Wagner's competency to the Society monthly, and at the  
17 end of the one year;

18                   5. Within one year from such notification  
19 shall participate in three hours of continuing professional  
20 development activities approved by the Society as relevant  
21 to the practice of family law.

22                   I am going to come back to that momentarily.  
23 And, lastly;

24                   6. That Mr. Wagner will be ordered to pay  
25 costs, or a contribution of the costs to the Society in the

1 amount of \$3,500. We are not ordering any publication,  
2 other than the publication that is required statutorily,  
3 and we are not deciding on what the payment regiment will  
4 be, we will leave that to the member and the Society to  
5 determine.

6 There had been a concern, I can tell you, that  
7 we should expand that from the area of family law, but we  
8 take the representations of Mr. Kravetsky and Mr. Wood, and  
9 your comments, Mr. Wagner, to heart. We accept that this  
10 was a one-off situation, and that it related to this  
11 particular area of practice.

12 Mr. Kravetsky has set that out very adequately  
13 in his materials and his response to our questions, and we  
14 are satisfied that this will adequately protect the public.

15 Subject to any questions or comment by either  
16 of my colleagues, that is our ruling. Anything I have  
17 missed? Anything, Mr. Kravetsky?

18 MR. KRAVETSKY: No, sir, thank you.

19 THE CHAIRPERSON: Anything, Mr. Wood?

20 MR. WOOD: None, sir.

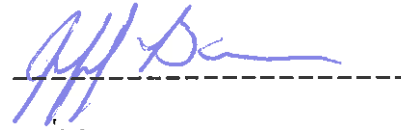
21 THE CHAIRPERSON: Then I think we are  
22 adjourned. Thank you, gentlemen.

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24 (REASONS CONCLUDED AT 11:50 A.M.)  
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CERTIFICATE OF REPORTER

I, JEFF BRUCE, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 7, 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



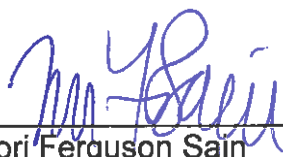
THE PRECEDING 8 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 26<sup>th</sup> DAY OF AUGUST, 2016,  
IN THE MATTER OF:

**CAMERON PETER WAGNER**



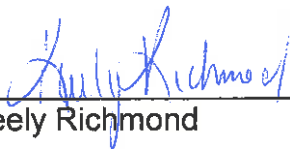
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David Gray, Chair



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Lori Ferguson Sain



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Keely Richmond