

1 THE LAW SOCIETY OF MANITOBA and

2 BONNIE LYNNE GEMBEY

3 REASONS

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6 PANEL MEMBERS: Ms. A. Southall (Chair)

7 D. Knight, Q.C.

8 Ms. M. Browne

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11 COUNSEL FOR THE LAW SOCIETY OF MANITOBA:

12 R. Kravetsky, Esq.

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14 MEMBER SELF-REPRESENTED

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17 Hearing held at The Law Society of Manitoba,

18 219 Kennedy Street, Winnipeg, Manitoba, September 6, 2016.

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22 **FOUR SEASONS REPORTING**

23 **91 Ashford Drive**

24 **Winnipeg, Manitoba R2N 1K7**

25 **(204) 256-2343**

**ORIGINAL**

1           THE CHAIRPERSON: So we are resuming the  
2 hearing now, and I will present the panel's findings.

3           We have considered the joint submission as set  
4 out in the Agreed Statement of Facts filed as Exhibit 3  
5 herein. The panel accepts the plea of guilty to the single  
6 charge in the April 25, 2016 citation, and charges 1 and 2  
7 in the July 5, 2016 citation.

8           The panel finds that there was professional  
9 misconduct demonstrated by Ms. Gembey. The panel wishes  
10 to once again emphasize the importance of the members'  
11 cooperation in the investigation of matters, and the  
12 critical nature of members' compliance with governance  
13 obligations of The Law Society of Manitoba.

14           The confidence of the public in lawyers is  
15 undermined, and the ability of The Law Society to protect  
16 the public interest is compromised when a member fails to  
17 cooperate. The member herself acknowledged to the panel  
18 the importance of the Society's governance structure, and  
19 the need for compliance.

20           The panel is satisfied that the joint  
21 submission both meets the proper application of the  
22 sentencing factors enunciated by former panels in like  
23 circumstances, and the particular circumstances facing this  
24 member as to disposition.

25           As a result, the panel finds that there is no

1 reason to depart from the provisions of the joint  
2 recommendation. Accordingly, the panel orders with respect  
3 to the guilty pleas for citations 1 and 2, and referring to  
4 pages 8 and 9 in the Statement of Facts as Exhibit 3,

5 (a) Ms. Gembey be reprimanded for the charge  
6 set out in the April citation and;

7 (b) Ms. Gembey be fined \$1,000 for charges 1  
8 and 2 in the July citation;

9 (c) Ms. Gembey pay \$2,500 as a contribution to  
10 The Society's costs;

11 (d) Ms. Gembey's practicing certificate be  
12 cancelled, and a new one issued subject to the condition  
13 that for a period of two years, commencing no later than  
14 September 13, 2016 she may only practice law so long as  
15 there is in place an undertaking to the Society from a  
16 lawyer acceptable to the Society to,

17 (1) accept copies of all written communications  
18 from The Law Society to Ms. Gembey;

19 (2) confirm with Ms. Gembey that she has  
20 received and read each communication from The Law Society;

21 (3) communicate each such confirmation to the  
22 Society;

23 (4) monitor Ms. Gembey's response to each such  
24 communication;

25 (5) not withdraw from the undertaking except

1 upon 30 days notice to the Society and Ms. Gembey.

2 (e) of the order, the said fine and costs may  
3 be paid by instalments of not less than \$100, payable on  
4 the 15th of each month beginning October 15, 2016, and  
5 continuing until paid in full;

6 (f) in the event any such minimum instalment  
7 is not paid, and if any cheque given in payment is not  
8 honoured, and the default is not remedied within seven days  
9 of the notice sent to Ms. Gembey at the last email address  
10 provided by her to the Society, the entire remaining  
11 balance shall become immediately due.

12 In the event any instrument tendered in payment  
13 shall be dishonoured, Ms. Gembey shall, in addition, pay  
14 such reasonable processing fee as the Society shall impose  
15 in addition to the amount otherwise due.

16 The panel directs that the transcript shall  
17 serve as the written decision in this matter.

18 Ms. Gembey, any questions?

19 MS. GEMBEY: No.

20 THE CHAIRPERSON: Mr. Kravetsky?

21 MR. KRAVETSKY: Nothing from me, thank you,  
22 Madam Chair.

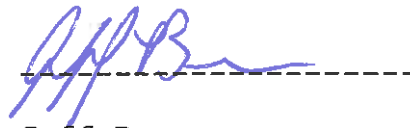
23 THE CHAIRPERSON: Thank you. That concludes  
24 the hearing today.

25 (REASONS CONCLUDE AT 11:30 A.M.)

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CERTIFICATE OF REPORTER

I, JEFF BRUCE, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 4, are a true and accurate transcript of the proceedings herein as recorded by me to the best of my skill and ability.

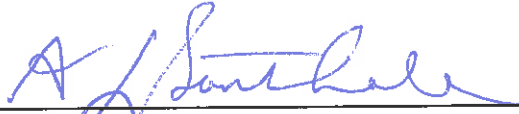


Jeff Bruce

Court Reporter

THE PRECEDING 5 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 6<sup>th</sup> DAY OF SEPTEMBER,  
2016, IN THE MATTER OF:

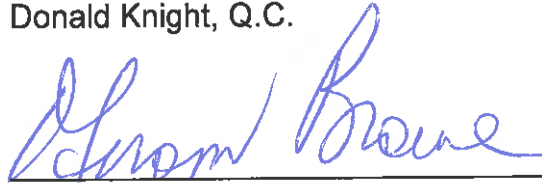
**BONNIE LYNNE GEMBEY**



Anita Southall, Chair



Donald Knight, Q.C.



Miriam Browne