

1 THE LAW SOCIETY OF MANITOBA and

2 MICHAEL JAMES STIENSTRA

3 REASONS

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PANEL MEMBERS: D. A. Bedford, Esq. (Chair)

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R. I. Good, Esq.

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N. Cohen

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COUNSEL FOR THE LAW SOCIETY OF MANITOBA:

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R. Kravetsky, Esq.

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COUNSEL FOR MR. STIENSTRA

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G. Wood, Esq.

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Hearing held at The Law Society of Manitoba,

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219 Kennedy Street, Winnipeg, Manitoba, September 7, 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 CHAIRPERSON: Thank you, Mr. Kravetsky
2 and Mr. Wood. I can tell you that each of us did, before
3 we came this morning, read through the Agreed Statement
4 of Facts, the citation and the other material, which I
5 conclude Mr. Kravetsky was largely responsible for in
6 drafting.

7 We concur that the charges to which you,
8 Mr. Stienstra, are pleading guilty this morning, which
9 specifically for the record are the charges in the citation
10 number 3 and number 4, the essence of which I understand to
11 be that in the summer of 2014 for a period of about four
12 months you, Mr. Stienstra, failed repeatedly to respond to
13 ordinary and reasonable communications from opposing
14 counsel enquiring about the provision of some material that
15 would have originated with your client.

16 And charge number 3, because I have summarized
17 charge number 4, but charge number 3 that you,
18 Mr. Stienstra, following a family law case conference on
19 November 26, 2014, failed for a period of about four months
20 to take proactive steps, if I can put it that way, to move
21 your client's case along, particularly in circumstances
22 where it was obviously important to your client that a
23 separation agreement be drafted and signed, and that
24 correspondence be prepared to go to the Canada Revenue
25 Agency, and we are in agreement that those failures on your

1 part amount to professional misconduct.

2 Turning to the disposition of this matter, all
3 three of us are certainly cognizant of the importance of
4 respecting a resolution that is brought to us jointly by
5 able and experienced counsel.

6 I can tell you that I believe all three of us
7 do find that the disposition which is recommended to us
8 today is an appropriate one, that it is certainly
9 consistent, Mr. Stienstra, with the fines that have been
10 handed out over the years to other members of The Law
11 Society whose conduct was more or less of the same degree
12 of seriousness as yours is in this case.

13 So I confirm, for the record, that we are in
14 agreement, and hereby order that you, Mr. Stienstra, pay a
15 fine to The Law Society of Manitoba of \$1,500. That you
16 pay to The Law Society of Manitoba as a contribution to its
17 costs of investigating this complaint, costs in the amount
18 of \$3,500.

19 We further order that the fine, plus the costs,
20 be paid in instalments by you to The Law Society of
21 Manitoba in amounts of not less than \$200 per month,
22 payable on the 20th day of each month, commencing this
23 month on September 20, 2016, and continuing until the total
24 amount has been paid.

25 Further, that if you do not pay at least the

1 minimum amount each month, or, alternatively, if any cheque
2 that you may give The Law Society is not honoured by your
3 bank, and the default is not cured by you within 15 days of
4 notice to you of the default, the entire remaining balance
5 is to become immediately due.

6 Finally, if the Society incurs any costs on
7 account of one of your cheques not being honoured, that
8 you will, in addition, pay the costs the Society incurs as
9 a consequence of the dishonouring of that particular
10 cheque.

11 I think, gentlemen, that concludes the matter
12 for today, and we do not plan to write any further reasons
13 for decision in this matter. Mr. Kravetsky, the normal
14 course is for the transcript to be sent to me and I can
15 sign it and share it with my colleagues.

16 MR. KRAVETSKY: Very good.

17 THE CHAIRPERSON: Is there anything else?

18 MR. KRAVETSKY: Nothing from me, thank you.

19 THE CHAIRPERSON: Mr. Stienstra, I certainly
20 hope, and I know you certainly do, that this will be a one
21 and only experience in your life.

22 On rare occasions in the past I am asked to
23 deliver some sort of remarks to articling students or
24 students at the Faculty of Law, and I always choose to
25 include in my remarks generally about my experiences in the

1 practice of law that it inevitably seems to be that even
2 very good lawyers, you appear to have a good practice, will
3 occasionally slip, occasionally make a mistake.

4 So, do not treat this, please, as the ruination
5 of your career, I do not think you do, but to repeat, we
6 certainly hope that this is a one and only experience in
7 your life.

8 MR. STIENSTRA: Thank you.

9 MR. WOOD: Thank you.

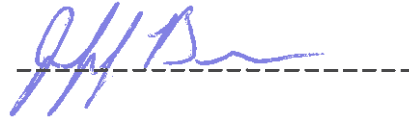
10 MR. KRAVETSKY: Thank you.

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12 (REASONS CONCLUDE AT 10:30 A.M.)
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CERTIFICATE OF REPORTER

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

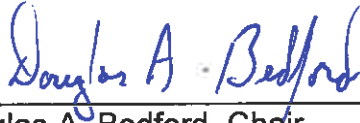


Jeff Bruce

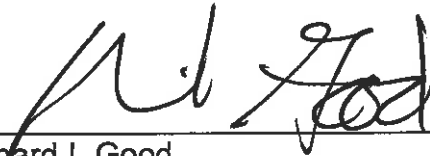
Court Reporter

THE PRECEDING 6 PAGES CONSTITUTE
THE DECISION AND REASONS FOR
DECISION OF THE DISCIPLINE COMMITTEE
OF THE LAW SOCIETY OF MANITOBA
RENDERED THE 7th DAY OF SEPTEMBER,
2016, IN THE MATTER OF:

MICHAEL JAMES STIENSTRA



Douglas A. Bedford, Chair



Richard I. Good



Neil Cohen