

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

JASON PATRICK BEYETTE

AND IN THE MATTER OF:

THE LEGAL PROFESSION ACT.

Decision delivered orally on Monday, April 3, 2017, at
 The Law Society of Manitoba, 219 Kennedy Street, in the City
 of Winnipeg, Province of Manitoba at 9:30 a.m.

APPEARANCES:

Chairperson: T. Bock, Esq.

Panel Members: Ms. C. Finnbogason
Ms. C. Nedohin

R. Kravetsky, Esq. appearing for Law Society of Manitoba

S. Vincent, Esq. appearing for the member.

FOUR SEASONS REPORTING
 91 Ashford Drive
 Winnipeg, Manitoba R2N 1K7
 (204) 256-2343

ORIGINAL

1 THE CHAIRPERSON: Thank you, counsel.
2 The panel is ready to deliver its decision.

3 At the outset, the panel wishes to thank
4 counsel for their very helpful submissions.

5 This matter concerns six charges of
6 professional misconduct against Mr. Beyette contained in
7 a citation dated July 11, 2016. It came on for hearing
8 before this panel of the Discipline Committee on Monday,
9 April 3, 2017.

10 Mr. Beyette and the Law Society submitted
11 an agreed statement of facts. Mr. Beyette admitted
12 charges 1, 2 and 5 in the citation, and the panel finds
13 him guilty of professional misconduct in respect of
14 those three charges.

15 In summary, as regards charge 1, in
16 February 2013 Mr. Beyette prepared a power of attorney
17 for E.O. and attended upon her to have it signed, but he
18 didn't take her instructions. Instead he acted on the
19 instructions of L.S., her long-time common-law spouse.

20 When he met with his client to have her
21 sign the power of attorney, L.S. was present.

22 Mr. Beyette didn't then assess whether
23 E.O. was capable to instruct him, nor whether she had
24 the capacity to execute the power of attorney. When he
25 completed the assignment, he did not make any notes or

1 any other record to document his observations of her
2 relevant to her capacity.

3 In June of 2013, Mr. Beyette amended the
4 power of attorney and had E.O. sign it on June 27, 2013.
5 He again acted on instructions from L.S. instead of
6 E.O. and, in completing that assignment, he made the
7 same mistakes that he had made when the first power of
8 attorney was executed.

9 As regards charge 2, when Mr. Beyette
10 took the steps he did with respect to the June 27, 2013
11 power of attorney, he failed to identify the conflict of
12 interest between his client, E.O., and the person who
13 was instructing him, L.S. He didn't, in fact, give
14 E.O. any advice about her interests in the matter.

15 And as regards charge 5, Mr. Beyette
16 endorsed a consent order declaring the June 2013 power
17 of attorney void and declaring a power of attorney that
18 had been signed by E.O. on May 14, 2007 to be valid, but
19 he knew that E.O. had executed another power of attorney
20 on February 26, 2013, which he had prepared, and which
21 explicitly revoked all prior powers of attorney.

22 He did not reveal this to the court or to
23 the other parties, thus giving preference to expediency
24 over his duty of candour and honesty.

25 The panel accepts the joint

1 recommendation on penalty and hereby orders that
2 Mr. Beyette pay a fine of \$2,500 and that he pay the
3 sum of \$4,000 as a contribution to the Law Society's
4 costs.

5 The panel acknowledges that this outcome
6 is supported by the decisions submitted by counsel in
7 their joint book of authorities, in which fines ranged
8 from \$1,000 to \$5,000. And in every one of those cases,
9 we note a contribution to costs was also ordered,
10 ranging from \$750 in 1996 to \$10,000 in 2013.

11 We acknowledge the submissions of
12 Mr. Vincent and Mr. Beyette. Mr. Beyette has no prior
13 record in the almost 17 years that he has practised law.
14 He fully acknowledged his responsibility in the matter.
15 He cooperated with the Law Society in its investigation,
16 and he expedited this process with his plea of guilty to
17 the three charges.

18 We also acknowledge and commend
19 Mr. Beyette for his apology to E.O. and her family and
20 to the Law Society of Manitoba. We accept that his
21 expression of remorse is heartfelt and sincere.

22 He has told us about the steps that he
23 has taken to improve his practice as a result of these
24 events, and we acknowledge that too.

25 Finally though, we accept Mr. Kravetsky's

1 submissions on the point. Care must be taken by lawyers
2 in these circumstances. The public expects nothing
3 less.

4 This penalty we believe supports that
5 principle.

6 That concludes the reasons for decision.
7 Is there any final comments that either of you need to
8 make with respect to the order?

9 MR. VINCENT: I don't think so. I think
10 maybe the only thing I would like to say is that
11 Mr. Beyette is not asking for time to pay. He's going
12 to pay the fine and costs within the next 30 days by
13 delivering a cheque to Ms. Harrison.

14 So just so that's on the record.

15 THE CHAIRPERSON: Thank you.

16 MR. KRAVETSKY: Nothing from me, sir.

17 THE CHAIRPERSON: Thank you. We are then
18 adjourned.

19 Yes, and I take it the practice is, and
20 we will just note on the record, that the transcript of
21 the reasons will be circulated, confirmed and ultimately
22 signed and that they will constitute the decision of the
23 panel.

24 MR. KRAVETSKY: Yes.

25 THE CHAIRPERSON: Thank you.

1

MR. VINCENT: Thank you.

2

3

(DECISION CONCLUDES AT 10:45 A.M.)

CERTIFICATE OF REPORTER

1
2
3
4
5
6
7
8
9
10


I, JEFF BRUCE, Court Reporter, do hereby
certify that the foregoing pages of typewritten matter,
numbered 1 to 6, are a true and accurate transcript 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 3rd DAY OF APRIL, 2017, IN
THE MATTER OF:

JASON PATRICK BEYETTE



Ted Bock, Chair



Catherine Finnbogason



Carmen Nedohin