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THE LAW SOCIETY OF MANITOBA and  
HARRY JOSEPH ROSENBAUM  
REASONS

PANEL MEMBERS:                     D. Knight Q.C. (Chair)  
                                          P. Fraser  
                                          J. Wolfe

COUNSEL FOR THE LAW SOCIETY OF MANITOBA:  
                                          R. Kravetsky

COUNSEL FOR THE MEMBER:  
                                          F. Johnson

Hearing held at The Law Society of Manitoba,  
219 Kennedy Street, Winnipeg, Manitoba, May 4, 2017.

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

**ORIGINAL**

1                   THE CHAIRPERSON: This is our decision.  
2 Mr. Rosenbaum has pled guilty to Count 1 in the citation,  
3 which was filed as Exhibit 1 in these proceedings.

4                   The facts of this case basically are in January  
5 of 2012 Mr. Rosenbaum prepared a will for a client naming  
6 certain individuals as executors, and there was one  
7 beneficiary named in the will.

8                   The testatrix passed away on or about May 26,  
9 2015, and on June 1, 2015 the executors named in the will  
10 met with Mr. Rosenbaum for advice concerning the will and  
11 concerning probate.

12                   Mr. Rosenbaum provided them with advice,  
13 received information from them relevant to the  
14 administration of the estate, and undertook to act in  
15 relation to the probate of the will, and retained the will  
16 for that purpose. On June 2nd the executors terminated the  
17 service and retrieved the will from Mr. Rosenbaum.

18                   On June 3rd Mr. Rosenbaum transmitted a letter  
19 to the beneficiary, sole beneficiary, in which he disclosed  
20 information that he had received from the executors  
21 regarding the death of the testatrix, the assets of the  
22 estate, and the travel plans of the executors. That letter  
23 was documented as 7 in Exhibit 2 in these proceedings.

24                   In a telephone conversation with the lawyer for  
25 the sole beneficiary on June 3rd, Mr. Rosenbaum told the

1 lawyer his impression as to the reactions to his advice  
2 concerning the content and effect of the will.

3 As a result of the plea, and based on these  
4 facts, we find that Mr. Rosenbaum did commit professional  
5 misconduct.

6 With respect to sentence, there is a joint  
7 recommendation, and the joint recommendation is that  
8 Mr. Rosenbaum be reprimanded, and that he pay costs to  
9 The Law Society in the amount of \$3,500.

10 We were given a number of cases with respect to  
11 following joint recommendations. We have reviewed those  
12 cases, and we are in agreement there is no reason to stray  
13 from those cases, or to stray from the recommendation for a  
14 reprimand.

15 We were also pointed to cases that show that  
16 the joint recommendation certainly is within the range, and  
17 we concur with that as well.

18 We looked at Mr. Rosenbaum's past record. We  
19 are of the view that this past record has no bearing on  
20 today's matter, his last involvement being in 1991, which  
21 is some 26 years ago, so we do not see any reason to  
22 derogate from the joint recommendation and, therefore, it  
23 is this committee's finding that Mr. Rosenbaum is guilty of  
24 professional misconduct, he will be reprimanded, and that  
25 he will pay costs to The Law Society in the amount of

1           \$3,500.

2                           Is there anything with respect to timing or  
3 anything on the payment of that fine?

4                           MR. JOHNSON: There is no issue in that regard,  
5 it will be paid.

6                           THE CHAIRPERSON: All right. So, within 30  
7 days?

8                           MR. KRAVETSKY: Certainly that is acceptable  
9 here, within 30 days.

10                           MR. JOHNSON: Is that enough? Thirty days is  
11 sufficient?

12                           MR. ROSENBAUM: Thirty years is fine, too, yes.

13                           MR. JOHNSON: Yes, that's fine.

14                           THE CHAIRPERSON: All right. Then the fine is  
15 to be paid within 30 days from today's date, and the  
16 transcript of our decision will form the reasons for our  
17 decision. Any questions or points?

18                           MR. KRAVETSKY: Nothing from me, sir.

19                           MR. JOHNSON: Nothing from me.

20                           THE CHAIRPERSON: All right. Well, then that  
21 concludes the matters. Thank you.

22

23                           (REASONS CONCLUDED AT 11:15 P.M.)

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CERTIFICATE OF REPORTER

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

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Jeff Bruce

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Court Reporter

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THE PRECEDING 5 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 4<sup>th</sup> DAY OF MAY, 2017, IN  
THE MATTER OF:

**HARRY JOSEPH ROSENBAUM**



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Donald Knight, Q.C., Chair



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Patricia Fraser



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Jim Wolfe