

THE LAW SOCIETY OF MANITOBA and
JONATHAN ANDREW RICHERT

REASONS

PANEL MEMBERS: D. Knight, Q.C. (Chair)
Ms. C. Finnbogason
Mr. N. Cohen

COUNSEL FOR THE LAW SOCIETY OF MANITOBA:
R. Kravetsky, Esq.

COUNSEL FOR THE MEMBER:
Self Represented

Hearing held at The Law Society of Manitoba,
200-260 St. Mary Avenue, Winnipeg, Manitoba, September 6,
2018

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

ORIGINAL

1 THE CHAIRPERSON: These are our reasons.

2 Mr. Richert has admitted to the citation and pled guilty to
3 a charge of professional misconduct contrary to
4 Rule 5-64(5) of The Law Society of Manitoba, and Rule 7-1-1
5 of the Code of Professional Conduct, and he failed to
6 respond to two 14-day letters and other communications from
7 The Law Society legal counsel in respect of a complaint
8 from another lawyer. Accordingly, there will be a finding
9 of guilty with respect to the charge.

10 There is a request by way of a joint submission
11 that Mr. Richert be reprimanded and pay the sum of \$2,000
12 as a contribution to the Society's cost.

13 There is one additional term as well, and that
14 is, within 30 days Mr. Richert is to attend upon a duly
15 qualified medical practitioner licenced to practice
16 medicine in Manitoba, and, A, describe to the medical
17 practitioner the symptoms that he says have caused him to
18 be unable from time to time to attend to his practice, or
19 to respond to communications that appear to relate to those
20 symptoms; and, B, request the medical practitioner to
21 provide to the Society a narrative report of his or her
22 diagnosis, the treatment prescribed or administered, and
23 prognosis.

24 We are advised that Mr. Richert has no prior
25 discipline record with The Law Society, and in his

1 submission he readily acknowledged the importance of
2 responding to The Law Society when requested to do so, and
3 he readily accepted his responsibility for not doing so.
4 He expressed his determination not to repeat his error in
5 the future.

6 Considering the dicta of the Supreme Court of
7 Canada in the case of R. v. Anthony-Cook, reported at 2016
8 SCC 43, we see no reason not to accept the joint
9 recommendation, and are in agreement with it.

10 We note that there have been a number of cases
11 involving lawyers who have not responded to letters from
12 The Law Society requiring a response in a timely fashion.
13 Lawyers have an ethical duty, and are required to respond.

14 If lawyers ^{were D.K.} ~~who are~~ diligent in responding to
15 these 14-day letters, they would not be facing charges of
16 professional misconduct. The response by lawyers is not
17 only in their best interest, but is also in the best
18 interest of the public and the profession.

19 The only issue we have at this point is what
20 are the terms for repayment of the \$2,000 in costs?

21 MR. KRAVETSKY: Mr. Richert and I have
22 discussed that, and we are, as between ourselves, content
23 to leave that to the discretion of the CEO, as allowed by
24 the rules.

25 So, he and I have come to an agreement as to

1 how the costs will be paid, and it need not form part of
2 your decision unless you require it.

3 THE CHAIRPERSON: No, that's fine. And the
4 reasons can be transcribed. All right, thank you. Good
5 morning.

6 MR. KRAVETSKY: Thank you.

7 THE MEMBER: Thank you.

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10 (HEARING CONCLUDES AT 11:10 A.M.)

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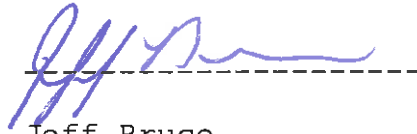
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CERTIFICATE OF REPORTER

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 PANEL OF THE
DISCIPLINE COMMITTEE OF THE LAW
SOCIETY OF MANITOBA RENDERED THE 6th
DAY OF SEPTEMBER, 2018, IN THE MATTER
OF:

JONATHAN ANDREW RICHERT



Donald Knight, Q.C., Chair



Catherine Finnbogason



Neil Cohen