

**THE LAW SOCIETY OF MANITOBA**

**IN THE MATTER OF:**

**STEVEN MARK KEESIC**

**- and -**

**IN THE MATTER OF:**

**THE LEGAL PROFESSION ACT**

**Hearing Date:** August 29, 2019

**Panel:** Irene A. Hamilton, Q.C. (Chair)  
William S. Gange  
Brian McLeod (Public Representative)

**Counsel:** Rocky Kravetsky, Counsel for the Law Society of Manitoba  
Steven Keesic, Self Represented

**REASONS FOR DECISION**

1. Steven Mark Keesic was called to the Bar of the Province of Manitoba on June 20, 2013. He is not a member of the governing body of the legal profession in any other Canadian jurisdiction. On July 2, 2017, Mr. Keesic gave an undertaking to the Law Society of Manitoba that among other things, he would not practise law in Manitoba or any other Canadian jurisdiction. He was administratively suspended for non-payment of fees on November 2, 2017, and remains suspended.
2. The Law Society issued two citations to Mr. Keesic dated December 28, 2018 and March 6, 2019. The December citation was in relation to a conviction for impaired driving and a missed court appearance as a result of an accident caused while he was driving impaired; and the misappropriation of retainer funds. The second was in relation to misappropriations of retainer funds. Mr. Keesic entered guilty pleas to the charges contained in the citations.

3. Mr. Keesic entered into an agreed statement of facts with counsel for the Law Society, and a joint submission was made in respect of an appropriate disposition of his case. The joint recommendation was that Mr. Keesic be allowed to resign his membership in the Law Society and that his name would be struck from the rolls.
4. The Panel finds that the conduct of Mr. Keesic, as set out in the agreed statement of facts, constitutes professional misconduct as alleged in the December 2018 and March 2019 citations, accepts the joint recommendation and Pursuant to Rule 72(2)(d) orders that:
  - a. Mr. Keesic be permitted to resign his membership in the Law Society and that upon such resignation his name be struck from the rolls;
  - b. Should Mr. Keesic fail to submit his resignation within 15 days from the date of the hearing, he be disbarred; and
  - c. Mr. Keesic pay \$3,000.00 as a contribution to the costs of the investigation and prosecution of these charges.

#### **Statement of Facts**

1. Prior to these charges, Mr. Keesic had no formal discipline history with the Law Society.
2. Mr. Keesic had lived in Thunder Bay ON and while there, became involved with criminal organizations. He became addicted to cocaine and opiates.
3. While he was a student in an under-graduate program at Lakehead University in Thunder Bay, he enrolled in a detox program at Teen Challenge. He was able to complete his degree and remained connected with Teen Challenge for a time thereafter.
4. He enrolled in law school at the University of Manitoba in 2009 and graduated with a J.D. in 2012. At the time he was admitted to the Law Society as an articling student he described himself as fully recovered and felt that he had "set up safeguards to ensure that my former life is buried, forever."
5. However after he began to practise, he reconnected with some of the people from his former life and by 2016 was taking drugs. By 2017, he was again using cocaine.

6. He was impaired as a result of consumption of opioids, cocaine and Xanax when he caused an accident. No-one was injured and he was charged with impaired driving. He was convicted of that offence.
7. Mr. Keesic admitted to misappropriating funds and breaching an undertaking to the Law Society that he would not access any trust account, or personally conduct any transactions on any trust account.

### Joint Recommendation

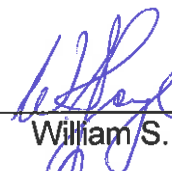
1. The question for the Panel is whether or not it is appropriate to permit Mr. Keesic to resign his membership in the Law Society, as proposed in the joint recommendation, as opposed to imposing a penalty of disbarment.
2. The Panel is bound by *R. v. Anthony-Cook, 2016 SCC 43* to accept a joint recommendation on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest. It is only in situations where a reasonable and informed person would believe that the proper functioning of the regulatory system had broken down that a joint recommendation can be rejected.
3. Counsel for the Law Society provided the Panel with cases dealing with discipline for misappropriation that found that disbarment will be imposed unless there are exceptional extenuating circumstances. Counsel also provided cases where a penalty other than disbarment was imposed for misappropriation.
4. Counsel for the Law Society noted that Mr. Keesic's addiction to cocaine was an extenuating circumstance in the misappropriation charges. He also noted that Mr. Keesic went back into treatment and reconnected with the associations that he needs to help him.
5. Counsel for the Law Society pointed out that in this case there may have been a different outcome if Mr. Keesic had contested the charges, and referred to the Law case where a period of suspension with conditions was ordered for misappropriation of funds from Mr. Law's firm.
6. Mr. Keesic spoke of the circumstances that led him to again become addicted to cocaine. He spoke of the pressures of his practice and the issues he has faced throughout his life.
7. He then spoke in detail about the steps he has taken to recovery, the Teen Challenge program that has assisted him and the position he now has with that organization.

8. Although disbarment is the presumptive penalty in cases of misappropriation, the Panel finds that there are exceptional circumstances that warrant accepting the joint recommendation to allow Mr. Keesic to resign his membership in the Law Society, as set out above. The Panel finds that accepting the joint recommendation is not contrary to the public interest and will not bring the administration of justice into disrepute.

DATED this 25<sup>th</sup> day of September, 2019.



Irene A. Hamilton, Q.C.



William S. Gange



Brian McLeod