



DISCIPLINE CASE *DIGEST*

Case 13-09

Member:	John David Laurence Soper
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 25, 1992
Particulars of Charges:	Professional Misconduct (2 Counts): <ul style="list-style-type: none">▪ Breach of Rules 5-64(3) and (4) of the <i>Rules of the Law Society of Manitoba</i> [failing to respond to the Society] [x2]
Plea:	Guilty
Date of Hearing:	December 3, 2013
Panel:	<ul style="list-style-type: none">▪ Garth Smorang, Q.C. (Chair)▪ Dean Lorna Turnbull▪ Kenneth Molloy (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ C. Kristin Dangerfield for The Law Society of Manitoba▪ Gene Zazelenchuk for the Member
Disposition:	<ul style="list-style-type: none">▪ Fine of \$1,000.00▪ Costs of \$1,000.00

Failure to Respond

Facts

An Auditor Inspector wrote to Mr. Soper on February 5, 2013 requesting information relating to his trust account. He was asked to respond by February 28, 2013 and failed to do so. The matter was referred to the Complaints Resolution Department and Legal Counsel wrote to Mr. Soper again on March 26, 2013 requesting a response by April 10, 2013. Mr. Soper contacted the Society on April 11, 2013 and advised that he was in the process of securing the requested information.

Legal Counsel for the Complaints Resolution Department wrote to Mr. Soper on April 11, 2013 to advise that he had not provided a substantive response to the Society and requested a response within 14 days. Mr. Soper failed to respond within 14 days.

Legal Counsel again wrote to Mr. Soper on May 24, 2013 and advised that he had until June 7, 2013 to respond. Mr. Soper did not respond and accordingly, on June 13, 2013 charges of professional misconduct were authorized for failing to respond to the Law Society.

Plea

Mr. Soper entered a plea of guilty to the charges.

Decision and Comments

The Panel of the Discipline Committee found Mr. Soper guilty of the charges based on his admissions and made a finding that he was guilty of professional misconduct. The Panel noted that the Law Society of Manitoba's mandate is to protect the public and to ensure that lawyers who are licensed to practice law will comply with The Society's Rules and the *Code of Professional Conduct*. Integral to such compliance is a demonstrated willingness by lawyers to be governed by their regulating body. It is expected and required that a member respond to correspondence sent by the Law Society within the time frame set out in the correspondence.

Penalty

The Panel accepted the joint recommendation made by Counsel for the Society and Counsel for Mr. Soper in respect of an appropriate penalty. The Panel made an order that Mr. Soper:

- (a) pay a fine in the amount of \$1,000.00;
- (b) pay the sum of \$1,000.00 to the Society as a contribution toward the costs associated with the investigation, prosecution and hearing of this matter; and
- (c) pay the costs and fine at the rate of \$200.00 per month, commencing on a date agreeable to Mr. Soper and to The Society.