



# DISCIPLINE CASE *DIGEST*

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Case 15-13

<b>Member:</b>	<b>John David Laurence Soper</b>
<b>Jurisdiction:</b>	Winnipeg, Manitoba
<b>Called to the Bar:</b>	June 25, 1992
<b>Particulars of Charges:</b>	Professional Misconduct (4 Charges): <ul style="list-style-type: none"><li>▪ Failure to Serve (4 Charges)</li><li>▪ Failure to treat the Tribunal with Courtesy and Respect (1 Charge)</li><li>▪ Failure to Respond to communications from The Law Society (1 Charge)</li></ul>
<b>Plea:</b>	Guilty
<b>Date of Hearing:</b>	January 27, 2016
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ James Hedley (Chair)</li><li>▪ Vivian Rachlis</li><li>▪ Suzanne Hrynyk (Public Representative)</li></ul>
<b>Counsel:</b>	<ul style="list-style-type: none"><li>▪ Danny Gunn for The Law Society of Manitoba</li><li>▪ Member Self Represented</li></ul>
<b>Date of Decision:</b>	Oral Decision: January 27, 2016
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Fine of \$2,500.00</li><li>▪ Costs of \$1,050.00</li><li>▪ Member to complete, within a six-month period, a practice management or time management program set by the Society</li></ul>

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## Quality of Service / Breach of Duty to Tribunal / Failure to Respond to the Society

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### Facts

While acting for clients in two separate criminal matters Mr. Soper failed to appear in court as scheduled on six separate occasions in September, October and November 2014, three for each of the two clients. On four of those occasions he was directed to appear by letter from the presiding judge, after having missed a prior appearance. In one matter a letter from the presiding judge

required that he immediately provide his written explanation for his failure to attend on two previous occasions, but he did not respond to that letter.

A complaint was made to the Society in respect of the above matters. On November 24, 2014 the Society's Complaints Resolution Counsel sent to Mr. Soper a letter requiring his response to the complaint within 14 days. Mr. Soper did not respond within 14 days as required but on December 19, 2014 he contacted the Society and said he would respond by December 24, 2014. He did not. A second letter was delivered to Mr. Soper on January 5, 2015 requiring his response within 14 days. He did not respond with 14 days but on January 23, 2015 he contacted the Society and said he would respond by January 26, 2015. He did not. A further letter was delivered to Mr. Soper on February 3, 2015 requiring a response by February 6, 2015. Mr. Soper did provide his response on February 6, 2016.

In his response Mr. Soper admitted that he had missed court dates for the two clients. He said that a close family member had been very ill during the relevant time and he had failed to properly diarize and otherwise keep on top of all of his matters. He then had health problems of his own for a time beginning on December 20, 2014.

### **Plea**

Mr. Soper entered a guilty plea to all charges.

### **Decision and Comments**

The Panel accepted Mr. Soper's plea of guilty to all four charges. They accepted a joint recommendation as to penalty. The Panel considered the joint recommendation reasonable as it balanced the need for general deterrence with the mitigating factor of the member having had to deal with a serious illness in his family and then to deal with his own illness. They noted that Mr. Soper did have a prior record with Society involving two prior convictions for failing to respond to the Society.

### **Penalty**

The panel ordered that Mr. Soper be fined \$2,500.00 and that he pay a contribution to the Society's costs of \$1,050.00. He was also ordered to attend, participate and complete within six months a practice management or time management program set by the Society.