



DISCIPLINE CASE *DIGEST*

Case 15-14

Member:	Jamie Lee Turner
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 22, 1995
Particulars of Charges:	Professional Misconduct (2 Charges): <ul style="list-style-type: none">▪ Failure to Serve▪ Failure to Respond to Communications from opposing counsel
Plea:	Guilty
Date of Hearing:	February 5, 2016
Panel:	<ul style="list-style-type: none">▪ Douglas A. Bedford (Chair)▪ Catherine Finnbogason▪ Jim Wolfe (Public Representative)
Date of Decision:	Oral Decision: February 5, 2016
Counsel:	<ul style="list-style-type: none">▪ Danny Gunn for The Law Society of Manitoba▪ Gavin Wood for the Member
Disposition:	<ul style="list-style-type: none">▪ Fine of \$1,500.00▪ Costs of \$2,550.00▪ Member to attend at his own cost a practice management course offered by the Society with one year

Quality of Service / Duty to other Counsel

Facts

Mr. Turner acted for a client in a domestic litigation matter in which Mr. Turner's client had been ordered to make certain child support payments. At a case conference held on December 9, 2009 the parties agreed to a variation of that child support order to terminate the client's obligation to pay support for one child, thereby reducing his total monthly child support obligation. The terms of the Order were set out in a case conference memorandum dated December 10, 2009. Mr. Turner was to draw the Order. He did not immediately take out the Order and as a result the client's wages continued to be attached by the Maintenance Enforcement Program (MEP) in the original amount. Despite being pressed by the client to have the order signed, by November 2012 it had still not been prepared and the client complained to the Society. Beginning in December 2012 Complaints Resolution Counsel was in communication with Mr. Turner seeking his explanation for the delay

and information as to his progress in having the Order signed. Despite communications from his client and from the Society the Order was not finally signed until October 1, 2014. It provided for termination of support for the one child as of June 30, 2009 but until a stay of garnishment was obtained in June 2013 the client had been forced to pay the full previously ordered amount to MEP. Mr. Turner's file contained records of 7 communications from opposing counsel in 2010 and 2011 requesting a draft Order and further communication in May 2013 seeking a draft Order for his consent. Mr. Turner did not respond to these communications. Mr. Turner explained the delay by reference to difficulties in his personal life and personnel challenges within his firm. He did not have any formal discipline record.

Plea

Mr. Turner entered a guilty plea to all charges.

Decision and Comments

The Panel accepted Mr. Turner's plea of guilty to both charges. They accepted a joint recommendation as to penalty. The Panel considered the joint recommendation appropriate in the circumstances.

Penalty

The Panel ordered that Mr. Turner be fined \$1,500.00 and that he pay a contribution to the Society's costs of \$2,550.00. He was also ordered to attend, within one year and at his own cost, a remedial practice management program offered by the Society.