



DISCIPLINE CASE *DIGEST*

Case 17-02

Member:	Harry Joseph Rosenbaum
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 26, 1973
Particulars of Charge(s):	Professional Misconduct (1 Count): <ul style="list-style-type: none">▪ Breach of Rule 3.3-1 of the <i>Code</i> [breach of confidentiality]
Plea:	Guilty
Date of Hearing:	May 4, 2017
Panel:	<ul style="list-style-type: none">▪ Donald Knight, Q.C. (Chair)▪ Patricia Fraser▪ Jim Wolfe (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Rocky Kravetsky for The Law Society of Manitoba▪ Frank Johnson for the Member
Date of Decision:	Oral Decision: May 4, 2017
Disposition:	<ul style="list-style-type: none">▪ Reprimand▪ Costs of \$3,500.00

Breach of Confidentiality

Facts

In 2012 Mr. Rosenbaum drew a Will for AL. AL was a widow with no children. Under the Will, the entire residue of AL's Estate was to go to a specific charitable trust. AL's nephew and his spouse, who resided in Edmonton, were named as executors.

AL passed away on May 26, 2015 and on June 1, 2015 the executors brought the Will into Mr. Rosenbaum and sought advice from him concerning probate. They provided Mr. Rosenbaum with information concerning the assets of the Estate. Mr. Rosenbaum undertook to act for them. The next day, the executors terminated Mr. Rosenbaum's services and picked up the Will. They told Mr. Rosenbaum that they would be returning home to Edmonton that day.

The day after that, June 3, 2015, Mr. Rosenbaum sent a letter to the beneficiary in which he disclosed information he had received from the executors and advised the beneficiary to "immediately take steps to protect its anticipated assets." The beneficiary forwarded the letter to its lawyer who then called Mr. Rosenbaum. In that conversation, Mr. Rosenbaum told the lawyer

facts that he said he had received from the executors, as a result of which the lawyer took precipitous steps, without notice to the executors, in order to secure the Estate assets.

Plea

Mr. Rosenbaum entered a guilty plea to the charge of professional misconduct.

Decision and Comments

The Panel accepted Mr. Rosenbaum's admission of professional misconduct. They considered a joint recommendation as to penalty and concluded that there was no reason to depart from it. The Panel noted that Mr. Rosenbaum has a discipline record, but that his most recent involvement was 26 years earlier and did not have any bearing on the current matter.

Penalty

The Panel accepted the joint recommendation, pursuant to which Mr. Rosenbaum was reprimanded and ordered to pay \$3,500.00 as a contribution to the costs of the investigation and prosecution of this matter.