



DISCIPLINE CASE *DIGEST*

Case 17-05

Member:	Bonnie Lynne Gembey
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 15, 2000
Particulars of Charges:	Professional Misconduct (1 Count): <ul style="list-style-type: none">▪ Breach of Rules 5-64(3) and 5-64(4) of the <i>Rules</i> and Rule 7.1-1 of the <i>Code</i> [failure to respond to the Law Society]
Plea:	Guilty
Date of Hearing:	September 5, 2017
Panel:	<ul style="list-style-type: none">▪ Jacob Janzen (Chair)▪ Ellen Leibl, Q.C.▪ Maureen Morrison (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Rocky Kravetsky for The Law Society of Manitoba▪ Member Self Represented
Date of Decision:	Written Decision: September 26, 2017
Disposition:	<ul style="list-style-type: none">▪ Suspension (15 days)▪ Costs of \$2,500.00

Failure to Respond to the Law Society

Facts

In the course of the investigation of a complaint that Ms Gembey had failed to respond to requests from the Law Society's Audit Department for information, Ms Gembey received a letter from Complaints Resolution Counsel seeking her comments and explanations. Ms Gembey did not respond to the first letter within 14 days as required. She was then sent a follow up letter. Ms Gembey did not respond to the follow up letter within the time required. At the time, Ms Gembey was practising under a condition that another lawyer would receive copies of correspondence from the Law Society and would monitor her response to the communications.

Plea

Ms Gembey entered a guilty plea to the charge of professional misconduct.

Decision and Comments

The Panel noted that Ms Gembey had a recent record of discipline for failing to respond to the Law Society, including guilty pleas to three charges in September 2016 and to a fourth charge in December 2016. The Panel noted, also, that at the time of the present offences, she was practising under conditions meant to assist her in responding to the Law Society but that these had evidently not had the necessary effect. By the time of the hearing, Ms Gembey had still not responded to the Law Society. She displayed a deep misunderstanding of the nature of her responsibilities and of her jeopardy by her breach. In mitigation, the Panel noted that she had since entered into an enhanced undertaking by which another lawyer undertook to actively assist her in responding to communications from the Law Society. The Panel expressed the hope that a short suspension will accomplish the purpose of impressing on Ms Gembey the necessity of compliance with the requirement to respond to the Law Society.

Penalty

The Panel ordered that Ms Gembey be suspended for a period of 15 days and that she pay the sum of \$2,500.00 to the Law Society towards costs associated with the investigation and prosecution of this matter.