



# DISCIPLINE CASE *DIGEST*

---

Case 18-02

<b>Member:</b>	<b>Jonathan Andrew Richert</b>
<b>Jurisdiction:</b>	Brandon, Manitoba
<b>Called to the Bar:</b>	December 13, 2005
<b>Particulars of Charge:</b>	Professional Misconduct (1 Charge): <ul style="list-style-type: none"><li>▪ Breach of Rule 7.1-1 of the <i>Code</i> and Rule 5-64(5) of the <i>Rules</i> [failure to respond promptly and completely to the Law Society]</li></ul>
<b>Plea:</b>	Guilty
<b>Date of Hearing:</b>	September 6, 2018
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ Donald Knight, Q.C. (Chair)</li><li>▪ Catherine Finnbogason</li><li>▪ Neil Cohen (Public Representative)</li></ul>
<b>Counsel:</b>	<ul style="list-style-type: none"><li>▪ Rocky Kravetsky for The Law Society of Manitoba</li><li>▪ Member Self Represented</li></ul>
<b>Date of Decision:</b>	Oral Decision: September 6, 2018
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Reprimand</li><li>▪ Costs of \$2,000.00</li><li>▪ Within 30 days Mr. Richert attend upon a duly qualified medical practitioner licenced to practice medicine in Manitoba, and, A, describe to the medical practitioner the symptoms that he says have caused him to be unable from time to time to attend to his practice, or to respond to communications that appear to relate to those symptoms; and, B, request the medical practitioner to provide to the Society a narrative report of his or her diagnosis, the treatment prescribed or administered, and prognosis.</li></ul>

---

## Failure to Respond to the Law Society

---

### Facts

In the course of an investigation by the Law Society into a complaint against Mr. Richert, on May 24, 2018, Complaints Resolution Counsel sent a letter to Mr. Richert requiring that he produce

the relevant file within 14 days (the “May Letter”). Mr. Richert did not respond to the May Letter and on June 19, 2018 he received a further letter from the Law Society (the “June Letter”), again requiring that he produce the file within 14 days and requiring a response as to why he had not responded to the May Letter. Despite a series of reminders thereafter, Mr. Richert did not produce the required file to the Law Society until August 27, 2018, after the present charge was directed and while this hearing was pending.

### **Plea**

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

### **Decision and Comments**

The Panel accepted Mr. Richert’s guilty plea. They remarked on the importance of responding to 14 day letters, both in the public interest and the interest of the public, the profession and the individual lawyer. In considering a joint recommendation made by Mr. Richert and counsel for the Law Society, the Panel took into account that Mr. Richert had no discipline record after 13 years of practising and that he readily acknowledged before them the importance of responding to communications from the Law Society, accepted his responsibility in not responding and expressed determination not to repeat his misconduct. The Panel noted, also, that Mr. Richert stated that he had been experiencing physical symptoms of undiagnosed origin that contributed to his failures to respond.

### **Penalty**

The Panel accepted the joint recommendation and ordered that:

- a. Mr. Richert be reprimanded;
- b. Mr. Richert pay the sum of \$2,000.00 as a contribution to the Law Society’s costs; and
- c. Within 30 days, Mr. Richert attend upon a duly qualified medical practitioner licenced to practice medicine in Manitoba, and: (i) describe to the medical practitioner the symptoms that he says have caused him to be unable from time to time to attend to his practice, or to respond to communications that appear to relate to those symptoms; and, (ii) request the medical practitioner to provide to the Society a narrative report of his or her diagnosis, the treatment prescribed or administered, and prognosis.