



# DISCIPLINE CASE *DIGEST*

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Case 11-04

<b>Member:</b>	Gordon Walter Katelnikoff
<b>Jurisdiction:</b>	Winnipeg, Manitoba
<b>Called to the Bar:</b>	June 24, 1975
<b>Particulars of Charges:</b>	Professional Misconduct (1 Count): <ul style="list-style-type: none"><li>▪ Breach of Rules 5-64(3) and (4) of the <i>Rules of the Law Society of Manitoba</i> [failing to respond to the Society]</li></ul>
<b>Plea:</b>	Guilty
<b>Date of Hearing:</b>	October 5, 2011
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ Roger B. King, Q.C. (Chair)</li><li>▪ James Shaw</li><li>▪ Marla Garinger Niekamp (Public Representative)</li></ul>
<b>Counsel:</b>	<ul style="list-style-type: none"><li>▪ Darcia A.C. Senft for The Law Society of Manitoba</li><li>▪ Unrepresented</li></ul>
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Fine of \$1,000.00</li><li>▪ Costs of \$1,000.00</li></ul>

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## Failure to Respond

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### Facts

Mr. Katelnikoff received a letter dated May 20, 2011 from the Society and was directed to respond on or before June 9, 2011. On June 3, 2011, Mr. Katelnikoff responded but he did not respond to the substance of the correspondence and requested that the Society elaborate on the circumstances that warranted the request for his response.

Mr. Katelnikoff received a subsequent letter dated June 8, 2011, requesting a response by June 27, 2011 to the substance of the letter of May 20, 2011. Mr. Katelnikoff responded on June 27, 2011, but did not provide a complete response to the May 20, 2011 letter. In particular, Mr. Katelnikoff failed to provide his client file for an estate matter by June 27, 2011 as required.

### Plea

Mr. Katelnikoff entered a plea of guilty to Breach of Rules 5-64(3) and (4) of the *Rules of the Law Society of Manitoba* for failing to respond to the Society.

**Decision and Comments**

The panel considered the submission and authorities presented and found Mr. Katelnikoff guilty of professional misconduct.

**Penalty**

The panel accepted the joint recommendation made by counsel for the Law Society and Mr. Katelnikoff and ordered that he be required to pay a fine in the amount of \$1,000.00 and that he pay costs to the Society in the amount of \$1,000.00 towards the investigation and prosecution of the matter.