



DISCIPLINE CASE *DIGEST*

Case 12-09

Member:	Harley Jerome Greenberg
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 23, 1983
Particulars of Charges:	Professional Misconduct (1 Count): <ul style="list-style-type: none">▪ 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]
Plea:	Guilty
Date of Hearing:	October 11, 2012
Panel:	<ul style="list-style-type: none">▪ Helga Van Iderstine (Chair)▪ James McLandress▪ Kenneth Molloy (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Darcia A.C. Senft for The Law Society of Manitoba▪ Member Self Represented
Disposition:	<ul style="list-style-type: none">▪ Fine of \$1,000.00▪ Costs of \$1,000.00

Failure to Respond

Facts

After failing to respond to a 14 day letter sent to him by Law Society Discipline Counsel in May 2012, Mr. Greenberg received a letter dated June 8, 2012 from Discipline Counsel and was directed to provide a response within 14 days. He was also advised that if he did not respond within the time required, his failure to respond would be brought to the attention of the Chief Executive Officer of the Society. Mr. Greenberg did not respond to the said letter within 14 days. He ultimately provided a response on June 28, 2012 after the Chief Executive Officer had directed that a charge be authorized for failing to respond.

Plea

Mr. Greenberg entered a guilty plea.

Decision and Comments

After considering the Statement of Agreed Facts, the panel considered Mr. Greenberg's history of involvement with the Society and, particularly, a previous conviction for failing to respond to the Society. The panel expressed concerns about this pattern of behaviour. While being sensitive to the pressures of work, the panel noted that compliance with the Rules is an essential element of practise. The panel determined that the facts were proven to its satisfaction and therefore, Mr. Greenberg was found guilty of professional misconduct. The panel also accepted the proposed sanction but added that it was at the low end of the range of penalties which might be expected in similar circumstances.

Penalty

The panel ordered that Mr. Greenberg be required to pay a fine of \$1,000.00 and costs in the amount of \$1,000.00 as a contribution towards the costs associated with the investigation, prosecution and hearing of the matter.