



# DISCIPLINE CASE *DIGEST*

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## **Case 05-02**

**VICTOR STEVEN SAVINO**

Winnipeg, Manitoba

### **Called to the Bar**

June 30, 1977

### **Particulars of Charges**

Professional Misconduct (7 counts):

- Failure to comply with undertakings given to the Complaints Investigation Committee
- Breach of Chapter 16 of the Code (breach of trust condition)
- Breach of Chapter 16 of the Code (failure to respond to correspondence from another lawyer)
- Breach of Rule 5-43(1)(a) (failure to deposit trust funds to a pooled trust account)
- Breach of Chapter 2 of the Code (failure to serve client in a conscientious, diligent and efficient manner)
- Breach of Rule 2-79(1) (failure to report to the Society a Judgment obtained against the member)
- Breach of Rule 5-64(4) (failure to respond to correspondence from the Society)

Conduct Unbecoming (1 count):

- Breach of Chapter 1 of the Code (criminal convictions)

### **Date of Hearing**

April 6, 2005

### **Panel**

B. Christianson, Q.C. (Chair)

G. Hoeschen

D. Douglas

### **Disposition**

- Disbarment

- Costs of \$14,713.60

#### **Counsel**

D. Senft for The Law Society of Manitoba  
Member/Counsel for the Member did not appear

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### **Ungovernable Member**

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#### **Facts**

The Society determined that Mr. Savino had been charged with a number of criminal offences and initiated an investigation into his conduct. Around the same time, the Society received a complaint from counsel opposite on a real estate transaction who complained of Mr. Savino's failure to respond to correspondence and to comply with a trust condition to provide a Transfer of Land. In the same matter, Mr. Savino allowed a deposit cheque to remain on his file for approximately six months without depositing the funds into his pooled trust account and he also failed to deposit the cash to mortgage proceeds into his pooled trust account. As counsel for the vendor, Mr. Savino failed to take any steps to provide his clients with the legal services for which he had been retained.

During the course of the Society's investigation into his conduct, Mr. Savino made a series of undertakings to the Complaints Investigation Committee of the Society. Mr. Savino failed to comply with 4 of these undertakings. In addition, Mr. Savino failed to report to the Society the existence of a judgment obtained against him which had remained outstanding for longer than 30 days. Mr. Savino also failed to respond to a 14 day letter that had been sent to him by the Society.

Ultimately, Mr. Savino was convicted of a number of drug related offences and breaching the terms of his recognizance.

#### **Plea**

The member chose not to attend the proceedings and no plea was entered.

#### **Decision and Comments**

The panel was satisfied that the Committee was properly convened, had the appropriate quorum, had the jurisdiction to hear the Citation against Mr. Savino, and that Mr. Savino had proper notice of the proceedings.

The panel found Mr. Savino guilty of the offences with which he was charged.

With respect to Mr. Savino's criminal convictions, the panel determined that Mr. Savino's conduct was inconsistent with his role as a lawyer and must cause both the other members of the profession and the public to seriously doubt that he has the integrity to act as a lawyer in accordance with his duties. The panel was satisfied that Mr. Savino had failed to discharge with integrity the duties owed to the client, the court and the profession in regard to the matters in question and found him guilty of conduct unbecoming.

### **Penalty**

The panel ordered that Mr. Savino be disbarred and struck from the Rolls of the Society. In addition, it ordered that Mr. Savino be required to pay costs in the amount of \$14,713.60. The panel regarded this as a cumulative, ongoing set of behaviours and patterns which demonstrated that the member refused to be governed.

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