



DISCIPLINE CASE *DIGEST*

Case 10-13

Member:	Jack Anthony Stewart King
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 26, 1980
Particulars of Charges:	Professional Misconduct (3 Counts): <ul style="list-style-type: none">▪ Breach of Chapter 20 of the <i>Code of Professional Conduct</i> [sexual harassment]▪ Breach of Chapter 6 of the <i>Code of Professional Conduct</i> [conflicting interests]▪ Breach of Chapter 1 of the <i>Code of Professional Conduct</i> [integrity]
Plea:	Guilty
Date of Hearing:	March 28, 2011
Panel:	<ul style="list-style-type: none">▪ Heather Leonoff, Q.C. (Chair)▪ Jon van der Krabben▪ Linda Brazier Lamoureux (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Lindsay MacDonald, Q.C. for The Law Society of Manitoba▪ William Gange for the Member
Disposition:	<ul style="list-style-type: none">▪ Reprimand▪ Costs of \$13,650.00

Sexual Harassment

Facts

Between April and June 2003 Mr. King was retained by A.C. on a family matter. During this period, Mr. King made a number of unwanted sexual advances towards A.C., specifically asking A.C. to enter into a sexual relationship with Mr. King's wife. Mr. King also invited A.C. to view sexually explicit pictures of Mr. King's wife that had been posted on an internet website.

A.C. found new counsel in June 2003 and reported Mr. King's conduct to Mr. King's law firm. Mr. King voluntarily withdrew from practice for a period of nine months and sought medical assessment and treatment. A.C. did not file a complaint with the Law Society.

The Law Society became aware of the incidents in 2005 and requested medical evidence with respect to Mr. King's condition and treatment. A report was provided by Mr. King's psychiatrist who concluded that Mr. King's behaviour was consistent with the symptoms of major depression, and that episodes of similar conduct were unlikely. The Society also learned that the client involved had received a financial settlement from Mr. King and had accepted Mr. King's apology.

and considered the matter resolved to his satisfaction. The Society therefore took no formal action at that point, but advised Mr. King's counsel that if the client changed his mind and filed a complaint, the Law Society would then have to consider the client's new position in deciding how to proceed.

A.C. contacted the Law Society in July 2010 to make a formal complaint against Mr. King. Following an investigation into the complaint, the Law Society charged Mr. King with three counts of professional misconduct.

Plea

Mr. King entered a plea of guilty to all three charges.

Decision and Comments

The panel accepted the guilty pleas and that the actions admitted did constitute professional misconduct.

A.C. submitted a written statement that was intended to be a "victim impact statement". Counsel for the Law Society and for Mr. King both expressed concerns that the statement contained additional information that fell outside the scope of victim impact statements, which ought to be restricted to the impact on a victim caused by the offence. The panel acknowledged that it was restricted to considering the facts as agreed to by counsel. The panel members read the victim impact statement in full, but considered only the content that was within the proper scope of a victim impact statement, including those portions detailing the financial and emotional toll that Mr. King's conduct had on A.C.

Penalty

The panel weighed the negative effects of Mr. King's conduct and the Law Society's mandate to protect the public against the mitigating factors submitted by counsel, namely, Mr. King's prior temporary mental health issues and voluntary withdrawal to seek treatment. The panel was satisfied that Mr. King's conduct was an aberration. Based on the past seven years passing without new complaints, and given the report from Mr. King's psychiatrist, the panel found that Mr. King was not likely to engage in a similar course of conduct.

The panel ordered that Mr. King be reprimanded for his conduct.

The panel ordered that Mr. King pay to the Law Society the amount of \$13,650 as a contribution towards the costs associated with the investigation, prosecution and hearing of this matter.