



# DISCIPLINE CASE *DIGEST*

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Case 19-03

<b>Member:</b>	<b>Steven Mark Keesic</b>
<b>Jurisdiction:</b>	Winnipeg, Manitoba
<b>Called to the Bar:</b>	June 20, 2013
<b>Particulars of Charges:</b>	Professional Misconduct (6 Charges): <ul style="list-style-type: none"><li>▪ Breach of Rule 2.1-1 of the <i>Code</i> [breach of integrity – criminal conviction]</li><li>▪ Breach of Rule 2.1-1 of the <i>Code</i> [breach of integrity – misappropriation] [x3]</li><li>▪ Breach of Rule 2.1-1 of the <i>Code</i> [breach of integrity – misappropriation and misleading clients]</li><li>▪ Breach of Rule 7.2-11 of the <i>Code</i> and Rule 5-79(2) of the <i>Rules</i> [breach of undertaking]</li></ul>
<b>Plea:</b>	Guilty
<b>Date of Hearing:</b>	August 29, 2019
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ Irene A. Hamilton, Q.C. (Chair)</li><li>▪ William S. Gange</li><li>▪ Brian McLeod (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>Dates of Decisions:</b>	Oral Decision: August 29, 2019 Written Reasons for Decision: September 25, 2019
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Permission to Resign Granted</li><li>▪ Costs of \$3,000.00</li></ul>

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## **Breach of Duty of Integrity / Misappropriation / Misleading Clients / Breach of Undertaking**

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### **Facts**

Mr. Keesic was called to the Bar in Manitoba in 2013. Prior to his call to the Bar, Mr. Keesic lived in Thunder Bay, Ontario, where he became involved with criminal organizations and became addicted to cocaine and opiates. Mr. Keesic received support for his addiction from the Teen Challenge program, and he was able to complete his undergraduate degree in 2009. Mr. Keesic graduated with his J.D. in 2012. In his application to the Law Society as an articling student, Mr. Keesic indicated that he was "fully recovered" and that he had "set up safeguards to ensure that [his] former life is buried, forever."

However, after becoming a lawyer, Mr. Keesic reconnected with some of the people from his "former life" through his criminal law practice. By 2016, Mr. Keesic was no longer in contact with his Teen Challenge counsellor and had begun taking drugs. He was again using cocaine by May 2017.

In November 2016, Mr. Keesic received a cheque from his client A.R. for \$1,000.00 as a retainer, which he deposited into his general account instead of his pooled trust account. Mr. Keesic appropriated these funds for his own use.

In January 2017, Mr. Keesic received \$5,000.00 from his client D.K. as a retainer. Mr. Keesic deposited these funds into his firm's trust account, however, he later withdrew the \$5,000.00 over the course of two transactions and converted the funds for his own use. Mr. Keesic had not rendered a bill, had not performed services of that value, and was not entitled to the funds. Mr. Keesic received an additional \$10,000.00 from D.K. in February 2017. Mr. Keesic did not deposit these funds into his firm's trust account and instead converted them for his own use. Mr. Keesic later misled D.K. after the client inquired about the retainer funds in November 2017.

In February 2017 and March 2017, Mr. Keesic received \$2,000.00 and \$500.00, respectively, from his client A.B. as retainer funds. Mr. Keesic did not deposit these funds into his firm's trust account but rather converted them for his own use.

In June 2017, Mr. Keesic was charged with impaired driving after he consumed opioids, cocaine, and Xanax, and attempted to drive to court for a morning appearance. He caused a series of crashes and was ultimately arrested. As a result, Mr. Keesic was unable to represent his client at the scheduled court appearance. Mr. Keesic pled guilty to the charge of impaired driving and was convicted in December 2017.

On September 1, 2017, Mr. Keesic withdrew \$5,000.00 from his pooled trust account without authorization or entitlement and converted the monies to his own use. He withdrew a further \$4,805.00 on September 25, 2017, without authorization or entitlement to any amount over \$1,900.00, and converted the monies to his own use. In so doing, Mr. Keesic misappropriated trust funds and breached an Undertaking he had given to the Law Society in July 2017, not to access or personally conduct any transactions on any trust bank account.

## **Plea**

Mr. Keesic entered a guilty plea to six charges of professional misconduct.

## **Decision and Comments**

In considering the joint recommendation put forward by Mr. Keesic and the Law Society, the Panel accepted that as per *R v. Anthony-Cook*, 2016 SCC 43, they were bound to accept a joint recommendation on sentence unless the proposed sentence would bring the administration of justice into disrepute or be otherwise contrary to the public interest. A joint recommendation may only be rejected in situations where a reasonable and informed person would believe that the proper functioning of the regulatory system had broken down.

While the Panel noted that the presumptive penalty for misappropriation is disbarment, it accepted that Mr. Keesic's drug addiction at the time of his misconduct was a sufficient exceptional circumstance to warrant permitting his resignation. As the joint recommendation was not found to be contrary to the public interest or such that would not bring the administration of justice into disrepute, it was accepted. The Panel found that Mr. Keesic's conduct constituted professional misconduct.

## **Penalty**

The Panel accepted the joint recommendation and directed that:

1. Mr. Keesic be permitted to resign his membership in the Law Society and that upon such resignation his name be struck from the rolls;
2. Should Mr. Keesic fail to submit his resignation within 15 days from the date of the hearing, he be disbarred; and
3. Mr. Keesic pay \$3,000.00 as contribution to the costs of the investigation and prosecution of these charges.