

To the Jamaan Inquiry Commission
Counsel.

These are the names of 2
potential witnesses that were
not on the initial witness list.

① Robert Gramley (or Tromby) unsure of
Spelling.

He is a retired R.C.M.P. Officer
who conducted or had a part in
one of the investigations into the
E. St. Paul Police. He was quoted
in the media several times as
stating that they saw a lot evidence
that could have proved the guilt
of Mr. Harvey-Zenk over and above
anything that may have been messed
up by those police.

② (Arzillia) - again spelling unknown -

SHRUTWA - lives in Beausejour area.

We were informed by her husband
that she was a witness to the
so-called accident that killed our
daughter.

U. & S. Swinson



The Law Society of Manitoba

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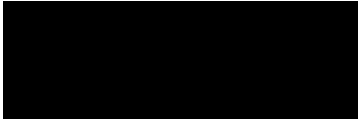
GRACE PAGE
Paralegal

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November 5, 2007

Mr. Sveinn and Mrs. Victoria Sveinson



Dear Mr. and Mrs. Sveinson:

**Re: Martin Minuk
Complaint of Sveinn and Victoria Sveinson
File No. 07-161-CPL-LK**

I have now had an opportunity to review the decision rendered by Chief Judge Wyant on October 29, 2007. In my earlier letter dated September 25th, 2007 I told you that I would make a decision regarding your complaint about the conduct Martin Minuk after I received and reviewed that decision.

The Law Society has a Code of Professional Conduct that establishes the ethical rules and practice standards that lawyers must follow. As I advised you in my letter of September 25, 2007, the Law Society can investigate a complaint if the facts that are set out in that complaint allege there has been a breach of the Code of Conduct. There are three things we look for: Has the lawyer committed professional misconduct; has the lawyer acted incompetently or has the lawyer behaved in a way that is unbecoming a lawyer? We look at the facts set out in each complaint to see if they support an investigation into any of those three areas of misconduct.

*Copy of
a letter
missed
from
our
previous
submissions
U. & L. Sveinson*

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As I understand your complaint, you believe that Mr. Minuk was in a conflict of interest as the Special Crown Prosecutor on this matter because during the 2 ½ years between the offence and the hearing, Mr. Minuk and Richard Wolson (Derek Harvey-Zenk's lawyer) acted as counsel to two co-accused in a manslaughter trial. You believe that Mr. Minuk's conflict of interest affected his judgment and coloured his approach, resulting in an inappropriate plea bargain and a joint recommendation for a conditional sentence.

The term "conflict of interest" is used in many different ways, but for lawyers conflicts of interest are dealt with in Chapters 5 and 6 of our Code of Professional Conduct. Those rules, among other things, prevent a lawyer from acting on a matter where the lawyer (through a lawyer-client relationship) has come into possession of confidential information which he/she would be prevented from using against that client in a subsequent proceeding.

The situation that you have described is not a conflict of interest in a legal sense (as defined in our Code of Conduct) which would have prevented either Mr. Minuk or Mr. Wolson from acting on this matter. Neither of them had confidential information relating to any of the parties who were involved in the Harvey-Zenk prosecution nor did they have a prior solicitor-client relationship with any of them.

Similarly there have been concerns expressed that because in the past, Mr. Minuk has acted for police officers, he should not now prosecute one. Unless Mr. Minuk had acted for Mr. Harvey-Zenk previously (which is not alleged) he would not be in a conflict under our rules, simply because in the past he acted for people doing the same job.

It appears that you are primarily concerned that a conflict of interest in this matter arose from the collegial relationship that Mr. Minuk and Mr. Wolson developed while acting for the co-accused on the manslaughter trial. Under our rules, such a relationship does not give rise to a conflict of interest.

It is not unusual for lawyers to act on the same side of a dispute in one matter and shortly thereafter (or even at the same time), be acting on opposite sides of a dispute in another matter. That is the nature of the work of lawyers. Lawyers represent the interests of their clients and in doing so the Law Society encourages lawyers to maintain a collegial relationship.

I did review the reasons for decision given by Chief Judge Wyant at the sentencing hearing of October 29th to see if there was anything in those reasons that suggested a conflict of interest or some other type of professional misconduct. There is no question that the Chief Judge made some comments that were critical of the way the case was conducted. He made reference to a serious but inadvertent omission on Mr. Minuk's part and he commented on the poor impression that could be left with your family (and the public) regarding the

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administration of justice. Having said that, Chief Judge Wyant also rejected any notion of misconduct on the part of Mr. Minuk and accepted that there were difficulties with the evidence available in the case.

In the circumstances, while Judge Wyant indicated that Mr. Minuk may have more effectively addressed the Court in relation to the circumstances surrounding the entering into of the plea bargain, there is nothing in Chief Judge Wyant's decision which would lead the Law Society to conclude that Mr. Minuk was motivated by improper purposes or that he conducted himself in a fashion which would give rise to concerns of conduct unbecoming a lawyer, professional misconduct or incompetence in the practice of law.

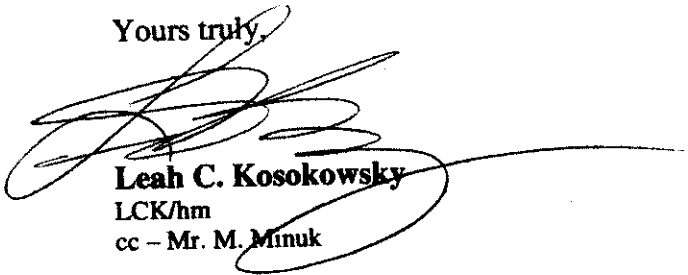
We have determined that your complaint will not be investigated further because neither it nor the reasons for decision of Judge Wyant identify conduct that falls into the categories of unbecoming a lawyer, professional misconduct or incompetence in Mr. Minuk's practice of law.

However, a Judicial Inquiry has been ordered which we will monitor. If information comes out of that Inquiry which supports further investigation, we can re-open this matter at that time. As required by our rules, we will provide Mr. Minuk with a copy of your complaint along with this letter.

You should also be aware that you have the right to have this decision not to investigate your complaint reviewed by the Complaints Commissioner, a non-lawyer who has the power to review my decision and either confirm it or direct that your complaint be investigated if he is of the view that such action would be appropriate. **Please be aware that you only have 90 days from the date of this letter to request a review by the Complaints Commissioner.** If you would like to request that your letter of complaint be reviewed by the Complaints Commissioner you should forward your request to **Complaints Commissioner, P.O. Box 2234, Winnipeg, Manitoba, R3C 3R5.** Once you write to the Complaints Commissioner he will contact us in order to obtain the material you have submitted. The Complaints Commissioner will then contact you directly to advise of his decision.

I am truly sorry for your loss and for the ordeal which your family has endured.

Yours truly,



Leah C. Kosokowsky
LCK/hm
cc - Mr. M. Minuk