

**IN THE MATTER OF** the *Legal Profession Act*, R.S.N.W.T., 1988, c. L-2

**AND IN THE MATTER OF** an Inquiry into the conduct of Michael Henry Penner, a member of the Law Society of Nunavut

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ORDER OF THE COMMITTEE OF INQUIRY

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**UPON THE ISSUANCE OF** a Notice of Committee of Inquiry by the Law Society of Nunavut (“LSN”) to Mr. Michael Henry Penner (“Mr. Penner”) appointing Ms. Merrilee Rassmussen, Mr. Stephen Mansell, and Ms. Sarah White, members of the Discipline Committee, as a Committee of Inquiry to conduct an Inquiry.

**WHEREAS:**

1. The LSN alleged that Mr. Penner engaged in conduct unbecoming and professional misconduct by failing to perform all legal services undertaken on the client’s behalf to the standard of a competent lawyer, and by failing to provide courteous, thorough, prompt, competent, timely, conscientious, diligent, efficient and civil service to the client as required by Rules 3.1-2 and 3.2-1 of the Nunavut version of the Federation of Law Societies of Canada *Model Code of Professional Conduct* (“the *Model Code*”);
2. The LSN and Mr. Penner jointly submitted an agreed statement of facts in relation to Mr. Penner’s conduct; and,
3. The LSN and Mr. Penner have provided a joint recommendation on penalty;

**AND WHEREAS** the Committee of Inquiry convened a public hearing into the conduct of Mr. Penner on August 27, 2024;

**THE COMMITTEE OF INQUIRY DETERMINED** that the following allegations were established:

- a) Mr. Penner committed conduct unbecoming and professional misconduct within the meaning of subsection 22(2) of the *Legal Profession Act*;

- b) Mr. Penner committed professional misconduct by failing to carry on the practice of law competently, courteously, and thoroughly as required by Rules 3-1.2 and 3-2.1 of the *Model Code*; and,

**THE COMMITTEE OF INQUIRY ORDERS:**

1. Mr. Penner is to be formally reprimanded by the Committee of Inquiry;
2. Mr. Penner shall pay \$1,500.00 to the Law Society of Nunavut as a contribution to the cost of the investigation and prosecution of the charge of professional misconduct.

Dated January 21, 2025.