

## **THE LAW SOCIETY OF MANITOBA**

IN THE MATTER OF:

**TROY HARWOOD-JONES**

- and -

IN THE MATTER OF:

**THE LEGAL PROFESSION ACT**

Hearing: April 27, 2023

Panel: Donald R. Knight, K.C. (Chair)  
Wendy A. Stewart  
Neil Cohen (Public Representative)

Counsel: Ayli Klein for the Law Society of Manitoba  
Saul Simmonds, K.C. for the Member

### **REASONS FOR DECISION**

Mr. Harwood-Jones is a member of the Law Society of Manitoba, having been called to the bar on June 20, 2002. Mr. Harwood-Jones was served on June 27, 2022 with a Citation dated the 27<sup>th</sup> day of June, 2022. The charge in the Citation was that he failed to treat the Court with courtesy and respect and thereby acted dishonourably such as to being a discredit to the legal profession.

Counsel for the Law Society and Counsel for Mr. Harwood-Jones submitted a joint Statement of Agreed Facts and a joint submission for disposition. In accordance with the Statement of Agreed Facts, Mr. Harwood-Jones entered a plea admitting to the charge of professional misconduct.

### **ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

In the sole count of the Citation, Mr. Harwood-Jones was charged with attempting to deceive the Court or influence the course of justice by encouraging a potential witness to offer false or misleading evidence.

**AGREED FACTS**

In the submission to the Panel from both Counsel and pursuant to a Statement of Agreed Facts tendered at the hearing, Mr. Harwood-Jones was involved in a Family Court divorce matter and the main issue related to custody of the child of the marriage. During the divorce proceedings, Mr. Harwood-Jones talked to a potential witness who advised that Mr. Harwood-Jones asked the witness to lie to the Court. Although Mr. Harwood-Jones admits that there were discussions with the witness, he does not specifically recall making any representations to be made to the Court. He acknowledged that it would be unacceptable for him to have caused the witness to think that if they had been called that they were to lie to the Court.

The potential witness was never called, and the Court proceedings were concluded by way of settlement.

**COMMENTS**

The Panel of the Discipline Committee acknowledges the co-operation of Mr. Harwood-Jones and his Legal Counsel in the process of the hearing and having it dealt with in a timely manner. The Statement of Agreed Facts and joint submission were very helpful in reaching a conclusion.

Both Counsel stated that this was a clear case of “quid pro quo” when speaking to this matter. Rather than have a hearing, the parties negotiated a settlement that was satisfactory to the Law Society as well as to Mr. Harwood-Jones.

Counsel for the Law Society advised that Mr. Harwood-Jones has been practising for 21 years and has no prior record and showed remorse for what had occurred.

Counsel for Mr. Harwood-Jones pointed out that his client was going through a difficult divorce proceeding and had little memory of the alleged events. He stated that his client's memory of the matter was blurred by the very emotional circumstances that he was involved in, but that he was prepared to accept the witness's version of events.

Mr. Harwood-Jones also spoke on his own behalf. He confirmed that he had no recollection of telling the witness to lie to the Court but accepts that he may have left the impression that he wanted her to lie. He expressed his deep regret and appeared genuinely remorseful for what had happened.

**FINDINGS AND DISPOSITION**

Having entered a plea of guilty to the charge and based on the facts, we have no issue

with finding Mr. Harwood-Jones guilty of professional misconduct.

The Panel is also cognizant of the law relating to joint submissions. (*R. v. Anthony-Cook*, 2016 SCC 43), so long as the proposed disposition passes the public interest test (*The Law Society of Manitoba v Sullivan*, 2018 MBL 9). We see no reason to interfere with the joint submission.

The Panel of the Discipline Committee considered the joint submission of Counsel and are of the view that it is within the range for this type of matter.

Therefore, the Panel of the Discipline Committee accordingly orders that:

- 1) Mr. Harwood-Jones be fined \$5,000.00; and
- 2) Mr. Harwood-Jones pay \$3,000.00 as a contribution to the costs of the investigation and prosecution of the charge.

Mr. Harwood-Jones and his Counsel can make arrangements with the CEO of the Law Society regarding payment of the fine and costs.

Dated this 28<sup>th</sup> day of July, 2023.



Donald R. Knight, K.C. (Chair)



Wendy A. Stewart



Neil Cohen