

1 THE LAW SOCIETY OF MANITOBA and

2 KELLY RHODEL DUNN FERRISS

3 REASONS

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PANEL MEMBERS:

G. Mitchell, Q.C. (Chair)

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Ms. V. Rachlis

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L. Gibson

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COUNSEL FOR THE LAW SOCIETY OF MANITOBA:

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R. Kravetsky, Esq.

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COUNSEL FOR THE MEMBER:

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G. Wood, Esq.

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Hearing held at The Law Society of Manitoba,

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219 Kennedy Street, Winnipeg, Manitoba, August 19, 2016.

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**FOUR SEASONS REPORTING**

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**91 Ashford Drive**

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**Winnipeg, Manitoba R2N 1K7**

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**(204) 256-2343**

**ORIGINAL**

1 THE CHAIR: On behalf of the panel I want to  
2 thank both counsel and the member for the thorough  
3 preparation you did for this case, and the explanation of  
4 the charges and the proposed disposition of them.

5 We unanimously agree that the recommendation  
6 you have made is certainly within the reasonable range of  
7 dispositions for a charge of this type, and we are  
8 therefore adopting the joint recommendation that there be a  
9 fine of \$1,500 and costs paid to the Society of \$3,500 in  
10 this matter.

11 I just wanted to add a few comments.

12 MR. WOOD: May I just ask, incidentally, that  
13 Ms. Ferriss forgot to bring a cheque with her, so if she  
14 could have a week to pay, and she will just send in a  
15 cheque?

16 THE CHAIR: To be paid by August 26th. Is that  
17 acceptable, Mr. Kravetsky?

18 MR. KRAVETSKY: Yes, certainly.

19 THE CHAIR: Thank you. I guess in terms of the  
20 sentencing principles that you outlined for us,  
21 Mr. Kravetsky, one of the things that had concerned us a  
22 bit when we were reviewing the facts, and I say this on  
23 behalf of all members of the panel, was that the prior  
24 incident that led to the caution had led to Ms. Ferriss  
25 taking a course on conflict of interest about a month or so

1 prior to this situation arising, and that caused us some  
2 concern, because it appeared that the principles were not  
3 clear enough from that course, in her mind. But we balance  
4 that against what we have heard this morning, the  
5 significant remedial steps you have taken, Ms. Ferriss,  
6 that we heard about since then, constructive steps.

7 We are all very cognizant, this is a public  
8 interest process, we are very cognizant of the valuable  
9 service you provide to the community of Swan River by  
10 providing legal services there, where it is not that easy  
11 to get people to locate there to act as a lawyer, and that  
12 clients can sometimes pressure lawyers into taking on both  
13 sides of the matter because they do not want to go outside  
14 the community to look for services.

15 But I suppose all the more reason to be sure  
16 that you do not run afoul of the rules, and it seems that  
17 you have taken appropriate steps to avoid that, and we are  
18 certainly encouraged with the fact that we are told that  
19 you are taking a further course next month on the subject  
20 of conflict of interest.

21 I mentioned during the course of the  
22 proceedings that there are resources at The Law Society, in  
23 terms of Ms. Senft and Mr. Christianson.

24 Sometimes it is as important what the source of  
25 the advice you get is, as, and I am not talking about the

1 talents of the person involved, but the role that they  
2 play, as it is, the quality of the advice you get.

3 And for your own protection you might want to,  
4 in judgment call situations, make that extra call to  
5 Ms. Senft or Mr. Christianson to protect yourself, and your  
6 clients, but no matter how wonderful the advice is you get  
7 from any other source that is not the regulatory body, it  
8 will not protect you to the same extent as contacting the  
9 Society.

10 If you had not got into this situation, it  
11 would not have been as important, but you have got a  
12 successful practice going, and you would not want to  
13 jeopardize it any further, and that would be a great way to  
14 protect yourself. So, we encourage you to avail yourself  
15 of those services.

16 Other than that, we believe this matter has  
17 been disposed of appropriately, and unless my fellow  
18 members have anything they wish to add, that is our  
19 decision.

20 MS. RACHLIS: No.

21 THE CHAIR: Seeing none, I think we are ready  
22 to close the proceedings, unless there is anything counsel  
23 wishes to say?

24 MR. KRAVETSKY: No, thank you, sir. As  
25 discussed earlier, we will have your comments transcribed

1 and circulated for, to constitute your reasons.

2 THE CHAIR: Thank you. The hearing is closed.

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6 (REASONS CONCLUDE AT 10:40 A.M.)

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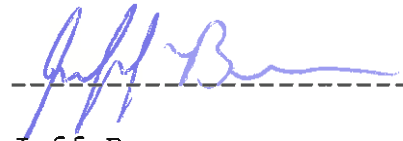
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CERTIFICATE OF REPORTER

I, JEFF BRUCE, Court Reporter, do hereby certify that the foregoing pages, numbered 1 to 5, are a true and accurate transcript of the proceedings herein as recorded by me to the best of my skill and ability.



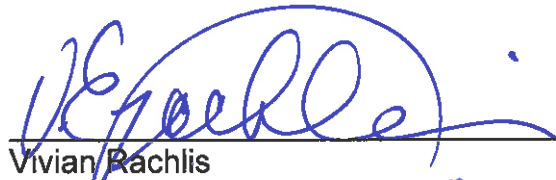
Jeff Bruce

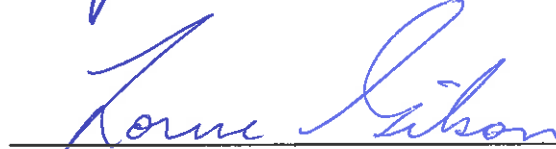
Court Reporter

THE PRECEDING 6 PAGES CONSTITUTE  
THE DECISION AND REASONS FOR  
DECISION OF THE DISCIPLINE COMMITTEE  
OF THE LAW SOCIETY OF MANITOBA  
RENDERED THE 19<sup>th</sup> DAY OF AUGUST, 2016,  
IN THE MATTER OF:

**KELLY RHODEL DUNN FERRISS**

  
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Grant Mitchell, Q.C., Chair

  
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Vivian Rachlis

  
\_\_\_\_\_  
Lorne Gibson