

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF: ***THE LEGAL PROFESSION ACT, CCSM c. L107***

BETWEEN:

THE LAW SOCIETY OF MANITOBA

- and -

ADELINE LORRAINE DEGNER

REASONS FOR DECISION

Counsel for The Law Society of Manitoba (the "Society" and for Adeline Lorraine Degner (the "Member") filed a Statement of Agreed Facts and Joint Submission, which was accepted by the Discipline Panel (the "Panel").

Briefly stated, and without intending to modify the substance of the Statement and Submission, in each of the five charges, the facts giving rise to the charges were similar:

1. Charge 1 – G.F. Matter - the Member acted for G.F. in reaching settlement of family property matters with her estranged spouse, A.F. As part of the settlement, Mr. F. was to transfer his interest in the marital home to Ms. F. and she was to arrange financing to release him from any obligations under the existing mortgage on the property. Ms. F.'s lender provided mortgage instructions to the Member. After several months of apparent inaction on the part of the Member, and notwithstanding repeated inquiries from counsel for Mr. F., the Member advised said counsel that she would not be completing the matter.
2. Charge 2 – R.D. Matter - the Member acted for R.D. in a matter concerning separation, child support and access. The Member met with Ms. D. and discussed information for a Financial Statement and advised her that she would contact her the following week to arrange for review and signing. After several months of apparent inaction on the part of the Member, and notwithstanding repeated inquiries from Ms. D., after intervention by the Society, Ms. D. was able to retrieve her file materials from the Member so she could retain other counsel.

3. Charge 3 – P.D. Estate - the executor of the Will of the late P.D. retained the Member to act for her in the administration of the estate. After some months of apparent inactivity on the part of the Member, she took the necessary steps to obtain the Grant of Probate and met with the executor to discuss steps necessary to complete administration of the estate. Thereafter, after several months of apparent inaction on the part of the Member, and notwithstanding repeated inquiries from the executor, the executor picked up her file from the Member.

4. Charges 4 and 5 – W.P. Estate – T.M. retained the Member to apply for Letters of Administration of the estate of her late husband, W.P. Ms. M. was Mr. P.'s second wife, the first wife and her children having retained George Ulyatt to represent their interests with respect to the estate. For approximately one month, the Member communicated with Ms. M. and Mr. Ulyatt but thereafter ceased communications notwithstanding repeated inquiries from Ms. M. and Mr. Ulyatt. After approximately four months, Ms. M. retained the services of Caroline Cramer to replace the Member. Ms. Cramer attempted to obtain the file for a period of about 7 weeks and contacted the Member's office on several occasions but to no avail. Ms. Cramer complained to the Society, following which the Member delivered the file to her.

Counsel for the Society and the Member made a joint submission in respect of an appropriate submission and penalty, which the Panel accepted. Accordingly, the Panel finds that the conduct of the Member as set out in the Statement of Agreed Facts constitutes professional misconduct as alleged in the Citation. The Panel makes the following Order:

- (a) the Member shall pay a fine of \$1,000;
- (b) the Member shall pay the sum of \$6,500 as a contribution to the Society's costs;
- (c) the Member shall, within one year, take and successfully complete a Time Management Course acceptable to the Society;
- (d) the Member shall immediately consult with the Society's Practice Management Advisor, Mr. Bjorn Christianson QC, for the purpose of seeking advice as to the management of her practice. Mr. Christianson is to be asked to provide written recommendations and the Member shall follow those recommendations.

In accepting the joint submission, the Panel was cognizant of the decision of the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC 43. The Panel also took favourably into consideration the submissions of counsel and, in particular, the submission of counsel for the Member who described the extraordinarily difficult working circumstances with which the Member was faced during the time that gave rise to the Citation. Finally, the Panel accepted the substance of the submission made by the Member herself during which she credibly expressed remorse for her conduct.

Dated at the City of Winnipeg, in Manitoba this 14th day of July, 2017



Donald G. Douglas, Chair



Richard I. Good



Susan Boulter