



DISCIPLINE CASE *DIGEST*

Case 13-02

Member:	Barry Eugene Krawchuk, Q.C.
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	September 2, 1959
Particulars of Charges:	Professional Misconduct (1 Count): <ul style="list-style-type: none">▪ Breach of Chapter 11 of the <i>Code of Professional Conduct</i> [fees not fully disclosed, fair and reasonable]
Plea:	Guilty
Date of Hearing:	June 20, 2013
Panel:	<ul style="list-style-type: none">▪ Heather Leonoff, Q.C.▪ Brian Pauls▪ Miriam Browne (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Rocky Kravetsky for The Law Society of Manitoba▪ Dave Hill for the Member
Disposition:	<ul style="list-style-type: none">▪ Mr. Krawchuk was granted permission to resign pursuant to s. 72(1)(g) of <i>The Legal Profession Act</i>▪ Costs of \$30,000.00

Excessive Fees

Facts

From 2006 to 2009 Mr. Krawchuk acted as both solicitor and attorney under a power of attorney for an elderly widow, O.S. He provided to her both legal and non legal services, including the legal work associated with the sale of her home and the drafting of two wills, a power of attorney and a healthcare directive. Mr. Krawchuk did not provide a quote or estimate of potential fees to O.S. The total fees charged for the various services came to just over \$173,000.00. Mr. Krawchuk did not provide the client with itemized statement of accounts. Prior to the discipline inquiry, Mr. Krawchuk agreed to pay back \$70,000.00 in excess fees charged to the estate of O.S.

Plea

Mr. Krawchuk entered a guilty plea with respect to one charge of professional misconduct for having charged fees that were not fully disclosed, fair and reasonable.

Decision and Comments

The panel found Mr. Krawchuk guilty of the charges based on his admissions and made a finding that he was guilty of professional misconduct.

Penalty

The panel accepted the joint recommendation made by counsel for the Law Society and Mr. Krawchuk. Accordingly, the panel ordered that Mr. Krawchuk be allowed to resign from the Law Society and therefore struck from the rolls, pursuant to s. 72(1)(g) of *The Legal Profession Act*. The panel also ordered that he pay the costs of the investigation and prosecution of the matter in the amount of \$30,000.00.