



DISCIPLINE CASE *DIGEST*

Case 15-07

Member:	Caroline B. Cramer, Q.C.
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 11, 1962
Particulars of Charges:	Professional Misconduct (2 Counts): <ul style="list-style-type: none">▪ Breach of Rule 3.4-39 of the <i>Code of Professional Conduct</i> [conflict of interest]▪ Breach of Rule 3.2-1 of the <i>Code of Professional Conduct</i> [quality of service]
Plea:	Guilty
Date of Hearing:	September 17, 2015
Panel:	<ul style="list-style-type: none">▪ Bjorn Christianson, Q.C. (Chair)▪ Ellen P. Leibl, Q.C.▪ Neil Cohen (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Rocky Kravetsky for The Law Society of Manitoba▪ Charles R. Huband for the Member
Date of Decision:	September 17, 2015
Disposition:	<ul style="list-style-type: none">▪ Reprimand▪ Costs of \$2,500.00

Conflict of Interest / Quality of Service

Facts

Ms Cramer prepared a series of 3 Wills for a client over a period of several years. Each of the Wills gave a testamentary gift of specific personal property to Ms Cramer.

The last of the Wills was dated July 14, 2011. It was witnessed by Ms Cramer and her common-law spouse, even though it included a gift of specific jewelry to Ms Cramer. Ms Cramer did not keep notes and records of her instructions or as to the whereabouts of the original will and did not report to her client with respect to the legal services that were rendered.

Plea

Guilty

Decision and Comments

The panel noted that Ms Cramer had practised for 53 years and had no prior discipline record. No one suffered a loss as a result of Ms Cramer's conduct. The original Will was eventually located. The Will was not challenged. The items left to her in the Will were not found. On the other hand they wondered how so experienced a lawyer, particularly someone who practised in the area of wills and estates could not see the errors in her conduct. They commented that including a gift to the lawyer herself and acting as witness to the Will in spite of being a beneficiary were fundamental departures from competent conduct. They were troubled also that Ms Cramer explained that she included the provision for a gift to herself because she did not believe her client actually owned the jewelry, when, after her client's death, she had inquired as to its whereabouts.

Penalty

The Panel found that in all of the circumstances it had no reason to depart from the joint recommendation of counsel for the Society and for Ms Cramer and they imposed the recommended penalty of a reprimand and costs of \$2,500.00.