



DISCIPLINE CASE *DIGEST*

[Discipline Case Digest Index](#) ❖ [Law Society Home Page](#)

Case 06-02

BARRY ALLAN ROY
Winnipeg, Manitoba

Called to the Bar
June 25, 1974

Particulars of Charges
Professional Misconduct (2 counts)

- Breach of Rule 5-64(3) and (4) [failure to provide written response to the Society]
- Breach of Rule 5-79(2) [failure to comply with undertaking given to the Complaints Investigation Committee]

Date of Hearing
April 7, 2006

Panel
John E. Neufeld, Q.C. (Chair)
Douglas E. Finkbeiner, Q.C.
J. F. Reeh Taylor, Q.C.

Disposition

- Reprimand
- Costs of \$1,500.00

Counsel
Darcia A.C. Senft for The Law Society of Manitoba
Member Unrepresented

Failure to Respond / Breach of Undertaking

Facts

As a result of concerns brought to the attention of the Law Society relating to the quality of service that Mr. Roy was providing with respect to two estate matters, investigations were commenced by the Society. During the course of the Society's investigation, the Complaints Investigation Committee determined to seek Mr. Roy's undertaking, including a specific undertaking to take the Society's Remedial Practice and Management Course. Mr. Roy agreed to provide the undertaking as requested.

Subsequently, Mr. Roy was contacted by Education Counsel of the Law Society regarding his undertaking to take the remedial program, and he ultimately provided the Society with a further undertaking and acknowledgement in that regard.

Mr. Roy failed to submit his first assignment by the due date and also failed to do so after extensions were given to him. Subsequently, the Society wrote to Mr. Roy and provided him with a new deadline for submitting his first assignment. Mr. Roy did not submit his first assignment to the Society within the time prescribed and the matter was referred to the Discipline Department.

Discipline Counsel wrote to Mr. Roy seeking his written response within 14 days as to the concerns that were identified. Mr. Roy did not provide his written response to the Society within the time prescribed.

Mr. Roy failed to comply with his undertaking to the Society to complete the Remedial Practice and Management Course offered by the Society within 6 months of the date on which he executed the said undertaking.

Plea

Mr. Roy entered a plea of guilty to both charges.

Decisions and Comments

The panel found Mr. Roy guilty of professional misconduct based on his admission to the charges.

Penalty

The panel accepted a joint recommendation made by the Society and Mr. Roy and ordered that Mr. Roy be reprimanded for his conduct in this matter and that he pay costs to the Society in the amount of \$1,500.00 as a contribution towards the costs associated with the investigation, prosecution and hearing of the matter.

[Top of page](#)
[Index](#)

