



DISCIPLINE CASE *DIGEST*

Case 10-08

Member:	Gary Philip Dolovich
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 20, 1991
Particulars of Charges:	Conduct Unbecoming (1 count): <ul style="list-style-type: none">▪ Breach of Chapter 1 of the <i>Code of Professional Conduct</i> [breach of Sections 163.1(3) and (4) of the <i>Criminal Code of Canada</i> – possession and distribution of child pornography]
Plea:	Not Guilty
Date of Hearing:	October 7, 2010
Panel:	<ul style="list-style-type: none">▪ D. Bedford (Chair)▪ E. Leibl, Q.C.▪ M. Browne
Counsel:	<ul style="list-style-type: none">▪ K. Dangerfield for The Law Society of Manitoba▪ Member/Counsel for the Member did not appear
Disposition:	<ul style="list-style-type: none">▪ Disbarment▪ Costs of \$2,086.56

Conduct Unbecoming

Facts

On March 31, 2009 Mr. Dolovich was convicted of possession and distribution of child pornography contrary to sections 163.1(4) and 163.1(3), respectively, of the *Criminal Code of Canada*. The criminal convictions did not relate directly to any contact or conduct with clients. Mr. Dolovich was charged with conduct unbecoming for failing to discharge with integrity his duties to clients, the court, the profession and the public.

Plea

The member chose not to attend the proceedings and no plea was entered by him. Accordingly, the panel proceeded as if a plea of not guilty had been entered.

Decision and Comments

The panel was satisfied that the Committee was properly convened, had the appropriate quorum, had the jurisdiction to hear the Citation against Mr. Dolovich, and that Mr. Dolovich had proper notice of the proceedings. The hearing proceeded in his absence.

With respect to Mr. Dolovich's criminal convictions, the panel determined that Mr. Dolovich's conduct was inconsistent with his role as a lawyer and would cause both the other members of the profession and the public to seriously doubt whether he had the integrity to act as a lawyer in accordance with his duties. Though Mr. Dolovich's convictions were not related to any client matters, they represented private conduct of such an egregious nature that they risked undermining public trust in the legal community as a whole. The panel was satisfied that Mr. Dolovich had failed to discharge with integrity the duties owed to clients, the court and the profession in regard to the matters in question. The panel found that the Law Society had met the onus upon it and found Mr. Dolovich guilty of conduct unbecoming.

Penalty

The panel considered Mr. Dolovich's plea of guilty at the criminal trial, and that he had sought and responded positively to treatment by the time of his criminal sentencing. While these factors were construed generally in Mr. Dolovich's favour, the nature of the offences was such that they did not mitigate conduct which was in violation of the criminal laws Mr. Dolovich was required as a member of the profession to uphold.

The panel ordered that Mr. Dolovich be disbarred and struck from the Rolls of the Society. In addition, it ordered that Mr. Dolovich be required to pay costs in the amount of \$2,086.56.