



DISCIPLINE CASE *DIGEST*

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Case 94-07

ALANNA HOLLY FAITH PALMER
Winnipeg, Manitoba

Called to the Bar
June 27, 1985

Particulars of Charges
Professional Misconduct (2 counts)

- breach of undertaking
- failing to serve clients

Date of Hearing
July 28, 1994

Panel
Chrys Pappas, Q.C. (Chairperson)
Doreen Kelly
Alex Morton, Q.C.

Disposition

- count #1 - reprimand
- count #2 - \$500.00 fine and \$300.00 costs

Counsel
Daniel Dutchin for The Law Society of Manitoba
Member unrepresented

Breach of Undertaking to the Law Society

Facts

Ms. Palmer, who was called to the Bar on June 27, 1985, appeared before the Discipline Committee on July 28, 1994.

Clients of Ms. Palmer had retained new counsel, who obtained an appropriate authorization from them to transmit their file. Ms. Palmer failed to transfer the file pursuant to the written request and then failed to respond to numerous follow up letters and telephone calls. It was some four months before the file was finally received by new counsel, which was after the Law Society became involved in the investigation.

Ms. Palmer also had entered into an undertaking given to the then Standards Committee of The Law Society of Manitoba, the terms of which were as follows:

1. allow a fellow practitioner to review and supervise all of the files that she had conduct of;
2. report to that practitioner and meet with her as required, but at least twice a month for the purpose of reviewing the files; and
3. provide her fellow practitioner with a list of client files which she had conduct of on the first and fifteenth day of each month.

Ms. Palmer complied with that undertaking for a period of four months but then failed to comply from that point forward. The practitioner who was to supervise Ms. Palmer then reported the breach to the Law Society and was relieved of her obligations.

Ms. Palmer then withdrew from the practice of law and was non-practising at the time that this matter appeared before the Discipline Committee.

Comments of the Discipline Committee

Ms. Palmer pled guilty to both counts. The Discipline Committee was made aware of the background.

With respect to failing to send the file to new counsel they were satisfied that Ms. Palmer had the primary and sole responsibility to deliver the file on a timely basis to new counsel and she had not done so.

With respect to the second count, the Committee was made aware that Ms. Palmer had previously received a caution from the then Discipline Committee of The Law Society of Manitoba for a breach of an undertaking. The Committee was of the view that with respect to her past experience and given the importance of undertakings made to the Law Society, Ms. Palmer clearly should have understood and read the terms of the undertaking. They did not accept Ms. Palmer's explanation that the terms of the undertaking were not clear.

Findings and Penalties

The Committee therefore reprimanded Ms. Palmer with respect to count number one, but with respect to count number two, fined her \$500.00. Total costs of \$300.00 were imposed.

The Committee was also of the view and ordered that if Ms. Palmer applied for reinstatement to the active practice of law, she would be obliged to provide a practice plan to the Competence Committee, which would be acceptable in its terms to that Committee.

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