



DISCIPLINE CASE *DIGEST*

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Case 96-11

DEVERYN DONALD ALEXANDER ROSS
Winnipeg, Manitoba

Called to the Bar
June 25, 1987

Particulars of Charges
Conduct Unbecoming

- conviction on two charges of fraud

Date of Hearing
April 17, 1996

Panel
D. Knight, Q.C. (Chair)
R. Pollack, Q.C.
A. Braid, Q.C.

Disposition

- Disbarment
- Costs of \$1,500.00

Counsel
Garth H. Smorang, Q.C. for the Law Society
Member did not appear

Conviction Under the Criminal Code

Facts

Mr. Ross was convicted on May 26, 1995, in the Queen's Bench, Brandon Centre, of two counts of fraud pursuant to Section 380(1)(a) of The Criminal Code of Canada.

The nature of the fraud arose out of the construction, completion and ultimate collapse of a restaurant in Brandon in 1990 and 1991. Mr. Ross was convicted of defrauding one of his partners, and a number of the investors in the project.

Mr. Ross was sentenced to eighteen months incarceration. The conviction and sentence were upheld in the Manitoba Court of Appeal.

Decision and Comments

After hearing a lengthy review of the facts, the Discipline Committee was satisfied that Mr. Ross had engaged in conduct unbecoming a barrister and solicitor.

The Committee found that the facts disclosed a course of planned and deliberate conduct by Mr. Ross which was fraudulent over an extended period of time. The Committee was of the view that the facts showed dishonesty, a lack of integrity, and a complete lack of ethics by Mr. Ross in dealing with members of the general public.

Penalty

The Committee resolved that Mr. Ross be disbarred and his name struck from the Rolls of the Law Society as a barrister and solicitor. An order for costs in the amount of \$1,500.00 was assessed.

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