



DISCIPLINE CASE *DIGEST*

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Case 97-06

JANICE MAE DEWAR
Winnipeg, Manitoba

Called to the Bar
June 27, 1985

Particulars of Charges
Professional Misconduct

- Failure to notify insurer of potential professional liability claim

Date of Hearing
December 4, 1997

Panel
R.K. Deeley, Q.C. (Chair)
R.D. Haynes
V.E. Rachlis

Disposition

- Reprimand
- Costs of \$250.00

Counsel
J.R. Gallagher for The Law Society of Manitoba
G.M. Wood for the Member

Failure to Notify Insurer

Facts

The Society became aware of a potential professional liability claim against Ms. Dewar resulting from the failure to file an order in the Court of Queen's Bench. On December 18, 1996, Discipline Counsel wrote to Ms. Dewar and advised that she should report the potential claim to her insurer and that she was to notify the Society within fourteen days of receipt of the letter that the potential claim had been reported. A second letter was sent by courier to Ms. Dewar on January 16, 1997 informing her that a response had not been received by the Society to the earlier letter. Ms. Dewar was reminded of her obligation to report the potential claim to the insurer and that she was required to respond within fourteen days to the second letter. The insurer was not notified by Ms. Dewar of the potential claim.

Decision and Comments

Ms. Dewar entered a plea of guilty to the charge of professional misconduct. The Committee considered the fact that Ms. Dewar had contacted the Society upon receipt of the second letter and apparently misunderstood that she was still obligated to report the potential claim to the insurer.

Penalty

The Committee found Ms. Dewar guilty of professional misconduct and imposed a reprimand and also ordered that she pay costs in the amount of \$250.00 within thirty days.

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