

**IN THE MATTER OF PART 3 OF THE
LEGAL PROFESSION ACT, RSA 2000, c. L-8**

AND

**IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF AMANDA OVAICI
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Kelsey Meyer – Chair
Mandy Kinzel – Adjudicator
Jamie Tiessen – Adjudicator

Appearances

Will Cascadden, KC – Counsel for the Law Society of Alberta
Alain Hepner, KC – Counsel for Amanda Ovaici

Hearing Date

January 24, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. The following citations were directed to hearing by the Conduct Committee Panel on April 16, 2024:
 - 1) It is alleged that Amanda Ovaici brought the administration of justice into disrepute by submitting an explicit video, recorded without the knowledge of the subjects, to the Court and that such conduct is deserving of sanction (Citation 1).
 - 2) It is alleged that Amanda Ovaici was not candid with the Law Society in her response to the Complaint (Citation 2).
2. Ms. Ovaici was admitted to the Law Society of Alberta (LSA) on August 11, 2020.
3. On or about July 14, 2022, Ms. Ovaici submitted to the Court of King's Bench of Alberta (Court) and to other parties in a family law proceeding a video recording of the complainant in these proceedings and the husband of Ms. Ovaici's client engaging in

sexual activity. Neither the complainant nor the husband knew that they were being video recorded.

4. On or about October 18, 2022, the complainant (Complainant) submitted a complaint about the conduct of Ms. Ovaici (Complaint) to the LSA.
5. In response to the Complaint, Ms. Ovaici provided a letter to the LSA dated November 22, 2022 stating that the Court ordered her to submit the video recording.
6. In fact, Ms. Ovaici asked the Court during the Court Proceeding for leave to submit the Video Recording.
7. On or about January 23, 2025, the LSA and Ms. Ovaici entered into a Statement of Admitted Facts and Exhibits and Admissions of Guilt (Agreed Statement).
8. On January 24, 2025, the Hearing Committee (Committee) convened a hearing into the conduct of Ms. Ovaici, based on the above citations.
9. After reviewing all of the evidence and exhibits, and hearing the submissions of the LSA and counsel for Ms. Ovaici, for the reasons set out below, the Committee found Ms. Ovaici guilty of conduct deserving sanction on Citation 1, and not guilty on Citation 2, pursuant to section 71 of the *Legal Profession Act (Act)*.
10. The Committee also found that, based on the facts of this case, the appropriate sanction is a reprimand. In accordance with section 72 of the *Act*, the Committee ordered that Ms. Ovaici be reprimanded in relation to her conduct as referenced in Citation 1.
11. In addition, pursuant to section 72(2) of the *Act*, the Committee ordered Ms. Ovaici to pay \$3,000.00 in costs. Ms. Ovaici has six months from the date of this decision to pay the costs.

Preliminary Matters

12. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested, so a public hearing into Ms. Ovaici's conduct proceeded.

Agreed Statement of Facts/Background

13. On or about January 23, 2025, the LSA and Ms. Ovaici entered into the Agreed Statement, pursuant to which Ms. Ovaici admitted guilt to Citation 1. The Agreed Statement is summarized in the following paragraphs.

Background

14. Ms. Ovaici was admitted as a member of the LSA on August 11, 2020.
15. Ms. Ovaici's present status with the LSA is Active/Practicing. She does not have a discipline record with the LSA.
16. The LSA received the Complaint about Ms. Ovaici from the Complainant on or about October 18, 2022.
17. The LSA subsequently investigated the Complaint, and, on April 16, 2024, a panel of the Conduct Committee directed that the citations be dealt with by a Hearing Committee.

Summary of Substance of the Complaint: Citation 1

18. Ms. Ovaici acted for the wife (Wife) in a family law dispute that progressed to formal Court proceedings (Proceedings).
19. On May 10, 2022, Ms. Ovaici and counsel for the husband in the Proceedings (Husband) appeared in Family Docket Court before a Justice of the Court of King's Bench of Alberta (Court Appearance). During the Court Appearance, Ms. Ovaici represented to the Court that she had video evidence of the Husband's abuse, that he was doing drugs in the home, and that he was bringing prostitutes into the matrimonial home, which she wished to submit to the Court for use in an Early Intervention Case Conference (EEIC – a 'without prejudice' proceeding). Neither the Justice nor counsel for the Husband had seen the video evidence. The Justice acceded to Ms. Ovaici's request that she be permitted to submit her video evidence. A transcript of the Court Appearance was provided with the Agreed Statement.
20. The video evidence referred to by Ms. Ovaici during the Court Appearance had been recorded by the Wife, who had surreptitiously installed a video camera in the bedroom, under the parties' matrimonial bed, facing the hallway, for the purpose of capturing the Husband's abuse and drug abuse, as at the time, her client had no knowledge that he was bringing women to the family home. The recording was made in the parties' matrimonial home. The video camera recorded the Complainant and the Husband engaging in sexual activity (Video Recording). Neither the Husband nor the Complainant were aware of the camera or that they were being video recorded. The Video Recording was provided to Ms. Ovaici by the Wife.
21. The Complainant is not a prostitute and, at the time that the Video Recording was recorded, the Complainant was in a relationship with the Husband.
22. On or about July 14, 2022, Ms. Ovaici submitted the Video Recording, along with the required EICC Summary Form, via email to the Case Conference Coordinator at the

Court, counsel for the children of the Wife and the Husband, counsel for the Husband, and to Ms. Ovaici's colleague (Video Submission).

23. As a result of the Video Submission, the Complainant issued the Complaint. The Husband also issued a complaint to the LSA arising from the same actions. The LSA did not proceed with the Husband's complaint as the issues raised therein were addressed by the investigation and subsequent LSA proceedings arising from the Complaint.

Summary of Substance of the Complaint: Citation 2

24. In response to the Complaint, Ms. Ovaici provided a letter to the LSA dated November 22, 2022, a copy of which was included with the Agreed Statement, in which Ms. Ovaici stated that "it was court ordered that the video footage be provided" and that "Our office had no intention of supplying the footage of [the Complainant and the Husband] unless ordered by the court."
25. In fact, the transcript of the Court Proceeding reflects that Ms. Ovaici asked the Court during the Court Proceeding for leave to submit the Video Recording.
26. Counsel for Ms. Ovaici agreed with LSA counsel that there was no intent to mislead the LSA and that Ms. Ovaici understood the seriousness of the matter. It was also stated that Ms. Ovaici's response was given to the LSA before she sought guidance from more senior counsel on how to deal with this matter.
27. Counsel for the LSA and counsel for Ms. Ovaici made a joint submission that Citation 2 be dismissed.

Admissions of Fact, Guilt and Acknowledgements

28. Ms. Ovaici admits as facts the statements in the Agreed Statement.
29. Ms. Ovaici admits that she brought the administration of justice into disrepute by submitting an explicit video, recorded without the knowledge of the subjects, to the Court and that such conduct is deserving of sanction.
30. Ms. Ovaici unequivocally admits guilt to the essential elements of Citation 1 above, as stated in the Agreed Statement, describing the conduct deserving of sanction.
31. Ms. Ovaici signed the Agreed Statement freely and voluntarily, without compulsion or duress.
32. Ms. Ovaici understands the nature and consequences of the admissions in the Agreed Statement.

33. Ms. Ovaici understands that if there is a joint submission on sanction or any other matters, the Committee will show deference to it but is not bound by it.
34. Ms. Ovaici has had the opportunity to consult with legal counsel.
35. Ms. Ovaici acknowledges that pursuant to Rule 92(4) of the Rules of the LSA, the Agreed Statement will be published, and the hearing for which the Agreed Statement has been endorsed will be heard in public before a panel constituted by the Benchers.

Additional Information Provided During the Hearing Before the Committee

36. Counsel for the LSA and counsel for Ms. Ovaici provided submissions in response to questions from the Committee.

Citation 1

37. Through submissions to the Committee in response to questions, counsel for the LSA submitted that Ms. Ovaici did not do any due diligence regarding the contents of the Video Recording, and that she was reckless in submitting the Video Recording without conducting any due diligence.
38. The Committee noted that there was a period of approximately two months between the Court Appearance and the Video Submission, during which time Ms. Ovaici could have done due diligence regarding the contents of the Video Recording.

Citation 2

39. Counsel for the LSA submitted that there was no evidence that Ms. Ovaici intentionally misled the LSA; rather, it was a reckless mistake.

Analysis and Decision on Conduct

Legislation, Rules, Guidelines

40. Counsel for the LSA referred the Committee to section 60 of the *Act* and section 47 of the LSA Pre-Hearing and Hearing Guideline (Guideline).
41. Pursuant to section 60 of the *Act* and paragraph 47 of the Guideline, before accepting an admission of guilt, a hearing committee may consider whether:
 - 1) The admission was made voluntarily and free of undue coercion;
 - 2) The lawyer has unequivocally admitted guilt to the essential elements of the citations;

- 3) The lawyer understands the nature and consequences of the admission; and
 - 4) The lawyer understands that the hearing committee is not bound by any submission advanced jointly by the lawyer and the LSA.
42. The Committee considered the above and found the Agreed Statement to be in an acceptable form pursuant to section 60 of the *Act*. The Committee accepted the Agreed Statement into the hearing record.
 43. The Committee finds that Citation 1 has been proven on a balance of probabilities and that Ms. Ovaici's conduct is deserving of sanction.
 44. The Committee finds that Citation 2 has not been proven on a balance of probabilities and Ms. Ovaici's conduct is not deserving of sanction.

Analysis and Decision on Sanction

45. Counsel for the LSA and counsel for Ms. Ovaici made joint submissions that the appropriate sanction in relation to Citation 1 is a reprimand.
46. Counsel for the LSA referred the Committee to *Law Society of Alberta v Herrington*, 2021 ABLS 9, wherein a committee of the LSA accepted a statement of admitted facts and admissions of guilt and reprimanded the member for bringing the administration of justice into disrepute by filing an affidavit containing inappropriate images and for failing to provide legal services to the standard of a competent lawyer, and that such conduct was deserving of sanction.
47. The Committee accepted the joint submissions of counsel for the LSA and counsel for Ms. Ovaici that the appropriate sanction in relation to Citation 1 is a reprimand. The Committee delivered the following reprimand to Ms. Ovaici at the hearing:

The Hearing Guide of the Law Society requires that Hearing Committees take a purposeful approach to sanctioning a member who has been found guilty of conduct deserving of sanction. The fundamental purpose of sanctioning is the protection of the best interests of the public and the protection of the reputation and standing of the legal profession generally.

You have admitted guilt to one citation. Your conduct brought the administration of justice into disrepute. This conduct represents the type of thing that the Law Society expects its members to avoid. The Law Society must ensure that the public has confidence that our members will protect the best interests of the public, and our

members must protect the reputation and standing of the legal profession generally. You failed in this case.

As a Member of this Law Society, you will be expected to look at what you have done to determine whether you can improve on what's happened, learn from this particular matter, and, of course, to move forward.

Ms. Ovaici, we acknowledge your co-operation with the Law Society in resolving this complaint by entering into a Statement of Admitted Facts and Admission of Guilt on one citation. Your admissions have permitted this citation to be resolved on a more efficient basis, which is not just a benefit to you, but is a benefit to the public and to the Law Society. You have also agreed to a Joint Submission on sanction, which is to be given deference by this Committee. Your cooperation in this regard helped to avoid unnecessary time and inconvenience to various parties and witnesses, as well as process costs.

The Committee concludes that, in light of all of these circumstances and considerations, it is in the public interest to accept the Joint Submission.

In concluding, we wish you the best as you move forward from these difficult circumstances and thank you for your attendance today.

Concluding Matters

48. The Committee accepted the joint submissions of counsel for the LSA and counsel for Ms. Ovaici that costs in the amount of \$3,000.00 be paid by Ms. Ovaici. Ms. Ovaici has six months from the date of this decision to pay the costs.
49. No Notice to the Attorney General is required in this case.
50. In the circumstances where the Committee has found that the appropriate sanction is a reprimand, no Notice to the Profession is required.
51. The exhibits, other hearing materials, and this report will be available for public inspection, including the provision of copies of exhibits for a reasonable copy fee, except that identifying information in relation to persons other than Ms. Ovaici will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated February 24, 2025.

Kelsey Meyer

Mandy Kinzel

Jamie Tiessen