

**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 DEVINN CONNOLLY
A MEMBER OF THE LAW SOCIETY OF ALBERTA**

Hearing Committee

Edward Feehan, KC – Chair
Kene Ilochonwu, KC – Bencher
Mary Ellen Neilson – Lay Bencher

Appearances

Shanna Hunka – Counsel for the Law Society of Alberta
Brett Code, KC – Counsel for Devinn Connolly

Hearing Date

September 29, 2025

Hearing Location

Virtual Hearing

HEARING COMMITTEE REPORT

Overview

1. The following five citations were directed to hearing by the Conduct Committee Panel on July 16, 2024:

Complaint 1 (citation 1)

- 1) It is alleged that Devinn Connolly failed to provide competent, conscientious and diligent services to her clients, and that such conduct is deserving of sanction.

Complaint 2 (citations 2-5)

- 2) It is alleged that Devinn Connolly failed to provide competent, conscientious and diligent services to her client, and that such conduct is deserving of sanction.
- 3) It is alleged that Devinn Connolly failed to be candid with her client and that such conduct is deserving of sanction.

- 4) It is alleged that Devinn Connolly failed to obtain instructions from her client and that such conduct is deserving of sanction.
 - 5) It is alleged that Devinn Connolly failed to promptly disclose a material error to her client and that such conduct is deserving of sanction.
2. Ms. Connolly was admitted as a member of the Law Society of Alberta (LSA) in 2015. At all relevant times, she was employed, or an independent contractor, with [MSA] (Firm) as litigation counsel for clients pursuing personal injury claims.
 3. On September 29, 2025, the Hearing Committee (Committee) convened a hearing into the conduct of Ms. Connolly, based on the above citations.
 4. After reviewing all of the evidence and exhibits, and hearing the arguments of the LSA and counsel for Ms. Connolly, the Committee accepted the Statement of Admitted Facts, Exhibits and Admissions of Guilt (Statement of Admitted Facts) signed by Ms. Connolly and thereby found her guilty of conduct deserving of sanctions on all five citations, pursuant to section 71 of the *Legal Profession Act (Act)*.
 5. In accordance with section 72 of the *Act*, the Committee also accepted the joint submissions on sanction and costs and ordered the following:
 - a) A reprimand;
 - b) Payment of a \$2,000.00 fine, and;
 - c) Payment of costs in the amount of \$6,000.00.

Preliminary Matters

6. There were no objections to the constitution of the Committee or its jurisdiction, and a private hearing was not requested

Agreed Statement of Admitted Facts/Background

Complaint 1 (citation 1)

Admitted Facts

7. A summary of the relevant facts in relation to citation 1 are as follows:
 - On November 8, 2016, three clients retained Ms. Connolly relating to a motor vehicle accident that occurred on October 22, 2016;
 - On December 5, 2016 Ms. Connolly requested a copy of the Alberta Collision Report from the Edmonton Police Service (EPS);
 - On January 16, 2017, EPS provided Ms. Connolly with the Collision Report which included a Witness Statement dated October 27, 2016 but contained no other information about the driver of the other vehicle or the witness to the accident;

- On November 4, 2016 a Supplemental Collision Report was completed by EPS which identified the name of the other driver and referenced the name of the witness (Supplemental Collision Report). The Supplemental Collision Report was not provided to Ms. Connolly by EPS;
- On October 18, 2018, almost two years after she had been retained, Ms. Connolly filed a Statement of Claim. Prior to filing the claim, Ms. Connolly took no steps to determine the name of the witness to the collision, or the name of the other driver involved in the collision. She did not request any supplemental or amended collision reports;
- The Statement of Claim identified the Defendants as the Motor Vehicle Accident Claims Fund (MVAC), John Doe and John Doe 2;
- On July 22, 2019, MVAC notified Ms. Connolly that the identity of the driver of the other vehicle was TL and requested that she amend her Statement of Claim accordingly. *At that time, the limitation period had not expired;*
- Over one year later, on August 5, 2020, after the expiry of the limitation period, Ms. Connolly filed an Amended Statement of Claim replacing John Doe 2 with the name of the driver of the other vehicle;
- On March 5, 2021, a Statement of Defence and Third Party Claim was filed by defence counsel;
- Ms. Connolly left the firm in April 2021 and conduct of the file was transferred to another lawyer;
- On September 15, 2021, an application for summary dismissal was filed on the grounds that the name of the other driver of the vehicle was not identified and named within the limitation period;
- Subsequent to receiving the application for summary dismissal, the Firm contacted the client who advised that Ms. Connolly had indicated that no information was required from them and that she would be gathering all information relating to the accident;
- On October 27, 2021, the application for summary dismissal was granted. The client's claim was dismissed with costs. An appeal was unsuccessful; and
- Ms. Connolly is unable to provide any explanation for her delay in amending the Statement of Claim to add the name of the new driver other than a health issue which required hospitalization from July 2019 for a period of three months.

Admission of Guilt

8. Based on the above facts, Ms. Connolly admits that she failed to provide competent, conscientious and diligent service to her clients and that such conduct deserving of sanction.

Complaint 2 (citations 2-5)

Admitted Facts

9. In relation to citations 2 – 5, a summary of the relevant facts are as follows:
 - On September 30, 2014, an associate with the Firm filed a Statement of Claim on behalf of JH relating to a slip and fall that occurred on November 1, 2012;
 - On August 17, 2017, JH was questioned at a Questioning for Discovery. During the questioning, JH agreed to provide answers and/or information relating to 26 undertakings requested by counsel for the defendant (Undertakings);
 - On October 6, 2017, Ms. Connolly assumed conduct of the ongoing file;
 - On November 9, 2017, Ms. Connolly sent correspondence to medical providers to request information so that she could respond to the Undertakings given by her client;
 - On February 9 and 28, 2018, Ms. Connolly provided partial responses to the Undertakings;
 - Throughout 2018 and 2019, Ms. Connolly received requests from her client to provide an update on the status of the action. Ms. Connolly responded to three of the four requests with an update;
 - On April 25, 2019, Ms. Connolly was served with an application by opposing counsel to compel answers to the outstanding Undertakings;
 - Ms. Connolly did not advise the client of the application;
 - Ms. Connolly did not attend Court on May 2, 2019. Consequently, an Order was granted to compel a response to the Undertakings within 90 days (May 2019 Order);
 - Ms. Connolly did not advise the client of the May 2019 Order;
 - On June 9, 2019, in response to a request from her client, Ms. Connolly advised her client that there were a few Undertakings she was having difficulty obtaining. Ms. Connolly did not mention the application to compel or the resulting May 2019 Order;

- Ms. Connolly did not respond to her client's request for an update on August 2, 2019;
- On August 2, 2019, Ms. Connolly was served with an application by the Defendant for Civil Contempt for failure to provide responses to the Undertakings in accordance with the May 2019 Order;
- Ms. Connolly did not advise her client of the application for contempt;
- On August 7, 2019, Ms. Connolly proposed a consent order to provide the Undertakings by August 23, 2019. A consent order was prepared which indicated that the Plaintiff's claim would be automatically struck without further application if all outstanding Undertakings were not provided on or before August 23, 2019 (August 2019 Consent Order);
- Ms. Connolly did not seek instructions from her client prior to agreeing to the terms of the August 2019 Consent Order;
- On September 9, 2019 Ms. Connolly received a letter from opposing counsel acknowledging receipt of *some* undertaking responses but stated that the majority of them were "grossly inadequate";
- On September 13, 2019, Ms. Connolly provided partial responses to Undertakings;
- On September 24, 2019, Ms. Connolly provided opposing counsel with an offer to settle the action in the amount of \$295,500.00 plus costs and disbursements (September 2019 Settlement Offer);
- Ms. Connolly did not obtain instructions from her client prior to sending the September 2019 Settlement Offer;
- On October 4, 2019, Ms. Connolly advised her client that "all Undertakings were provided to previous Counsel" and that she was "waiting for a reply regarding settlement";
- On October 29, 2019, Ms. Connolly was served with an application by the Defendant to strike the action for breach of the August 2019 Consent Order;
- Ms. Connolly did not advise her client of the application to dismiss;
- The application to dismiss was successful and an order striking Ms. Connolly's client's claim was granted on November 22, 2019 (November 2019 Order);
- On February 25, 2020, the client wrote to Ms. Connolly requesting an update. Ms. Connolly did not advise her client that the claim had been struck, which was presently under appeal;

- On September 8, 2021, Mr. Schulz appeared before the Court, which dismissed the Appeal;
- On November 5, 2021, Mr. Schulz signed a consent order directing the client pay costs to the Defendant in the sum of \$16,880.91.

Admission of Guilt

10. In relation to citations 2-5, Ms. Connolly admitted that:

- She only provided partial responses to the outstanding undertakings;
- Her delay in moving the matter forward resulted in both the May 2019 Order and the August 2019 Consent Order (collectively, the “Orders”);
- She failed to meet the deadline set out in both of the above Orders, and as a result, the claim was struck;
- She failed to keep JH reasonably informed, particularly in relation to the various applications and Orders;
- She was not candid with JH and did not tell her that a key step in the action had occurred;
- She did not obtain instructions from JH prior to signing the August 2019 Consent Order;
- She did not obtain instructions from JH prior to advancing the September 2019 Settlement Offer;
- The action was struck as a result of her failure to comply to the August 2019 Consent Order, which she consented to without instructions;
- She did not communicate that the matter had been struck and was subject to appeal;
- She failed to promptly disclose material errors to JH;
- She failed to be candid with JH;
- She failed to obtain instructions from JH;
- She failed to provide competent, conscientious and diligent services to JH; and
- She admitted that her conduct in relation to all of the citations was deserving of sanction.

Joint Submissions of Counsel

11. As stated at the outset, counsel for Ms. Connolly and counsel for the LSA jointly submitted a Statement of Admitted Facts, Exhibits and Admissions of Guilt. The facts and admissions contained within that document were accepted by the Committee.
12. Counsel also made a joint submission in relation to sanction. Those submissions were also accepted by the Committee.

Analysis and Decision

13. In deciding whether to accept the Statement of Admitted Facts, the Committee reviewed the entire hearing exhibit binder including the exhibits referred to in the Statement of Admitted Facts.
14. In the opinion of the Committee, the facts articulated in the Statement of Admitted Facts, were consistent with the documentation provided to the Committee in support of the facts stated therein. Accordingly, the Committee had no difficulty accepting the Statement of Admitted Facts, which was prepared jointly by counsel representing both the LSA as well as Ms. Connolly. There was nothing contained within the Hearing Record which caused the Committee concern with the facts admitted to by Ms. Connolly.

Submissions on Sanction

15. At the Hearing conducted September 29, 2025, counsel for the LSA and counsel for Ms. Connolly made a joint submission in relation to sanction.
16. In the decision of *R. v. Anthony-Cook*, the Supreme Court of Canada acknowledged that joint submissions are not only commonplace in the criminal justice system, but they are essential. Properly conducted, joint submissions permit the system to function smoothly and efficiently.¹
17. According to the Supreme Court of Canada, the proper test to be applied in assessing joint submissions on sanction is the public interest test. In other words, a trial judge should not be reject joint submissions on sentence “unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest”.²
18. According to the Supreme Court of Canada, a joint submission will only bring the administration of justice into disrepute or contrary to the public interest if “it is so markedly out of line with the expectations of a reasonable person aware of the circumstances of the case that they review it as a breakdown of the proper functioning of the criminal justice system”. In addition, the Court stated that judges should “avoid rendering a decision that caused an informed reasonable public to lose confidence in the institution of the Courts”.³

¹ *R. v. Anthony-Cook*, 2016 SCC 43 at paragraph 1

² *Anthony-Cook* at paragraph 32

³ *Anthony-Cook* at paragraphs 32 - 34

19. Based upon the joint submissions, and the law enunciated by the Supreme Court of Canada in the *Anthony-Cook* decision, the Committee has no concerns that accepting the joint submissions on sanction and costs would bring the administration of justice into disrepute or otherwise be contrary to the public interest.
20. The Committee indicated to counsel that they would accept the joint submissions and impose the following sanction and costs:
 - a) A reprimand, which is attached to this decision as Appendix “A”;
 - b) Payment of a \$2,000.00 fine; and
 - c) Payment of costs in the amount of \$6,000.00.
21. The fine and costs are ordered payable by Sept 28, 2026.

Concluding Matters

25. There shall be no referral to the Attorney General.
26. There shall be no Notice to the Profession.
27. 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. Connolly will be redacted and further redactions will be made to preserve client confidentiality and solicitor-client privilege (Rule 98(3)).

Dated April 13, 2026.

Ted Feehan, KC

Kene Ilochonwu, KC

Mary Ellen Neilson

APPENDIX “A” – Written Reprimand

It is acknowledged that the practice of law is very demanding. Counsel is expected to address a myriad of issues on a daily basis, including, but not limited to:

- Communications with clients;
- Communications with opposing counsel;
- Communications with the court;
- Keeping abreast of statutory changes;
- Keeping abreast of recent common law decisions and changes;
- Prosecuting or defending claims on an expeditious basis;
- Advancing the claims or defences of client;
- Facilitating oral and written argument and communications in a persuasive, rational and reasonable manner;
- Maintaining large file loads for multiple clients; and
- Ensuring compliance with all ethical, moral and legal obligations and standards expected by and imposed upon the profession by its regulatory body, the public, and the courts.

Notwithstanding the numerous and complex demands placed upon counsel, it is always important for lawyers to recognize that their clients are very vulnerable to their acts or omissions. To become a member of the Law Society, lawyers must take an oath to represent their clients ethically, honestly and to the best of their abilities. The law also imposes an obligation on counsel to practice within the standard of care reasonably expected of a legal practitioner practicing in complex times in which communications are instantaneous, and expectations are high.

One of the most difficult obligations imposed upon counsel is the requirement to seek help where a lawyer feels that they cannot meet their legal and ethical obligations owing to their client. As a collective group, lawyers are reticent to admit that they are too busy, the task is too daunting or complex, the demands are too excessive, or the expectations of a reasonable client are too high.

These citations and admitted facts clearly indicate that you, Ms. Connolly, were likely aware that you required assistance, but that you refused to obtain the same. As a consequence, you continued to conceal your inaction and thereby attempted to remedy your mistakes before your client could discover the same. In fact, your inaction resulted in you compounding your mistakes to the point that the claims which you undertook to advance on behalf of your client became completely compromised.

You failed to serve your client well. You failed to prosecute your client’s claims in an expeditious, reasonable and competent manner. You must recognize that your failure to serve your clients well has brought them financial harm and, concurrently, has brought the profession into disrepute.

Notwithstanding your failures to represent your clients well, there is opportunity for you to successfully represent future clients with litigation disputes relating to your chosen focus on personal injury litigation. However, you will have no ability for future success unless you first and foremost acknowledge and learn from the failures which occurred while practicing at your former Firm.

The Committee sincerely hopes that you can turn these failures into learning experiences and benefit from the lessons clearly evident in your mishandling of the two cases which relate to the citations.