LORI ELLEN STEVENS 01/14

Abbotsford, B.C.
Called to the Bar: September 1, 1989

Discipline hearing:
Date: March 15, 2001
Panel: Peter Keighley, Q.C., Chair, Robert Gourlay, Q.C. and Ralston Alexander, Q.C.
Report: April 17, 2001
Case indexed as [2001] LSBC 12

Counsel:
Jessica Gossen, for the Law Society
G. Jack Harris, Q.C., for Ms. Stevens

Summary

Ms. Stevens and her husband (Mr. R) were co-owners of a dairy farm. By arrangement, Mr. R had primary responsibility for the farm operations, while Ms. Stevens worked as Crown Counsel and raised their children. In a search of the farm property in 1998, the RCMP and SPCA found 62 dead cattle and 50 live cattle in various stages of ill health from neglect. Ms. Stevens was convicted of an offence under the provincial *Prevention of Cruelty to Animals Act* because, as co-owner of the cattle, she was legally responsible for their care but had failed to enquire of her husband as to the health of the animals or to remedy the situation. She was fined. Following a Law Society discipline hearing, the panel found, and Ms. Stevens admitted, that her negligence towards her legal responsibility harmed the standing of the legal profession in the eyes of right-thinking members of the public and constituted conduct unbecoming a member of the Law Society. She was reprimanded and ordered to pay costs of $1,000.

Facts

Ms. Stevens was the joint owner of a dairy farm in partnership with her husband, Mr. R. By arrangement, Mr. R ran the farm, while Ms. Stevens pursued her career as Crown Counsel and raised their children. Although Ms. Stevens was not primarily responsible for the farm operation, she was a partner and performed some tasks, such as signing cheques.

In July, 1997 a police officer came to the farm following a complaint from a passerby who noticed that cattle on the farm were unusually thin. Ms. Stevens gave police her assurance that the cattle would be given appropriate care in the future. She had a veterinarian meet with her husband and with her, and they restructured the cattle feeding

procedures.

The farm's milking operation ceased in November, 1997, and the milking herd was dispersed. Mr. R and Ms. Stevens agreed that Mr. R would sell the remaining cattle when he found it appropriate to do so.

Between October, 1997 and May, 1998, Ms. Stevens did not go to the cattle barn. She believed her husband was responsible to look after the cattle and, as her year-old son had asthma and was allergic to animal dander, the barn would be damaging to his health. Further, in the first several months of 1998, Ms. Stevens had pancreatitis and was hospitalized in May, 1998.

During the period he neglected the cattle, Mr. R was suffering from clinical depression; Ms. Stevens was unaware of the neglect of the cattle or their condition.

In May, 1998 representatives of the Society for the Prevention of Cruelty to Animals (SPCA) and the local RCMP conducted a search of the farm property and found approximately 62 dead cattle in various stages of decomposition, along with 50 live cattle in various states of ill health from neglect. These cattle required veterinary care and two had to be destroyed.

Ms. Stevens was charged with permitting animals to be in distress under section 24(1) of the *Prevention of Cruelty to Animals Act*. Her husband, Mr. R, was charged both under that statute and under section 446(2) of the *Criminal Code*.

Ms. Stevens pleaded not guilty. She was convicted of the offence at trial. The Provincial Court judge found that, as a co-owner, Ms. Stevens was a person responsible for the cattle under the *Prevention of Cruelty to Animals Act* and should have taken steps to find out the animals were in distress and to remedy the situation. In December, 1999 the Provincial Court judge fined Ms. Stevens $1,725, payable by June 1, 2000, and ordered that she not own livestock for two years.

Ms. Stevens was cited by the Law Society on May 3, 2000.

Decision

The hearing panel noted that there was no dishonest conduct on Ms. Stevens' part, nor did she have any drug or alcohol-related problem that could detrimentally affect her ability to practise law. Her conduct did not affect her practice as a lawyer, but was separate and apart from that practice.

In these circumstances, the issue was whether Ms. Stevens' conduct was unbecoming a member of the Law Society. Conduct unbecoming is that not involved in a member's practice, but that which is contrary to the best interests of the legal profession or harms the standing of the legal profession in the eyes of right-thinking members of the public.

Although there was no evidence that Ms. Stevens wilfully neglected the cattle, a judge

found that she had committed an offence under the *Prevention of Cruelty to Animals Act* by neglecting her legal responsibility for the cattle's welfare as co-owner and failing to inquire as to their condition.

The panel found, and Ms. Stevens admitted, that this neglect of her legal responsibility harmed the standing of the legal profession in the eyes of right-thinking members of the public and constituted conduct unbecoming a member of the Law Society.

The Provincial Court proceedings, the resulting media coverage and some false media reports caused Ms. Stevens significant personal difficulty and substantial costs and had a detrimental effect on her family. She received threats, such that she and her husband had to relocate.

Penalty

The hearing panel noted that Ms. Stevens' responsibility for the cattle was secondary to that of her husband. After reviewing the range of available penalties, the panel concluded that a suspension or disbarment was not warranted by the evidence. Neither was a fine appropriate, given her financial situation and the fact that a judge had already imposed a fine on her. Ms. Stevens' conduct did not involve her professional practice and, given that the Crown Counsel office and she had agreed she should not prosecute cases of animal abuse, the panel declined to impose any conditions on her practice.

In the circumstances, the panel found the appropriate penalty was a reprimand, which was the penalty jointly proposed by counsel.

The panel ordered that Ms. Stevens:

1. be reprimanded; and

2. pay $1,000 as costs of the discipline proceedings.

The panel noted that the payment of costs was warranted, despite the fact Ms. Stevens had faced substantial legal fees as a result of the court proceedings.

The panel rejected Ms. Stevens' application for non-publication of the decision.