



DISCIPLINE CASE *DIGEST*

Case 18-04

Member:	Gisele Rita Champagne
Jurisdiction:	Winnipeg, Manitoba
Called to the Bar:	June 25, 1992
Particulars of Charge:	Professional Misconduct (1 Charge): <ul style="list-style-type: none">▪ Breach of Rule 3.1-2 of the <i>Code</i> [quality of service]
Plea:	Guilty
Date of Hearing:	October 26, 2018
Panel:	<ul style="list-style-type: none">▪ Heather Leonoff, Q.C. (Chair)▪ Richard Buchwald▪ Carmen Nedohin (Public Representative)
Counsel:	<ul style="list-style-type: none">▪ Rocky Kravetsky for The Law Society of Manitoba▪ Allan Fineblit, Q.C. for the Member
Date of Decision(s):	Oral Decision: October 26, 2018 Written Reasons for Decision: November 5, 2018
Disposition:	<ul style="list-style-type: none">▪ Fine of \$1,500.00▪ Costs of \$2,500.00
Undertaking:	<p>Effective October 18, 2018, Gisele Rita Champagne has undertaken to not represent any “young person”, as that term is defined in the <i>Youth Criminal Justice Act</i>, SC 2002, c. 1, on any criminal defence matter, including the defence of charges authorized under any Federal or Provincial statute.</p> <p>The undertaking will remain in effect unless and until it is varied or Gisele Rita Champagne is relieved of it by the Chief Executive Officer of the Law Society of Manitoba.</p>

Quality of Service

Facts

On the morning of Monday, May 29, 2017, Ms Champagne was asked by Legal Aid to act for a youth client who was charged with Robbery and Wearing a Disguise with Intent to Commit an Indictable Offence. The young person was 17 years old and had asked for Ms Champagne who had represented him in the past. The young person's first appearance before a Youth Court Judge was to be that afternoon. The young person was a ward of a CFS Agency and was known to Ms Champagne to have extremely low verbal comprehension skills and other cognitive deficits. On an earlier occasion, Ms Champagne had suggested to the Agency that he be tested for Fetal Alcohol Syndrome Disorder.

Ms Champagne received from the Crown all of the particulars then available and on meeting with the young person before court, sought and took instructions from him to enter a guilty plea to the Robbery charge on the first appearance that afternoon and to seek a pre-sentence report. The Crown agreed to stay the Disguise charge. Ms Champagne took these instructions without any involvement of the Agency's Social Worker in charge of the young person's case.

When the matter appeared on the docket, Ms Champagne entered the guilty plea. The Judge required that the facts be read in and it soon became apparent that there was no clear agreement between Ms Champagne and the Crown Attorney as to all of the facts. The matter was stood down and the Social Worker then arrived. After discussions involving the Social Worker, Ms Champagne was instructed to seek to withdraw the guilty plea and to apply for bail. The Judge allowed the plea to be withdrawn and a bail application proceeded on May 30, 2017 and was successful.

The young person then changed counsel and eventually did enter a guilty plea to the Robbery charge and a stay was entered of the Disguise charge. After a pre-sentence report, the young person was sentenced.

Plea

Ms Champagne entered a guilty plea to the charge of professional misconduct.

Decision and Comments

The Panel accepted Ms Champagne's guilty plea. They were presented with a joint recommendation by counsel for the Law Society and counsel for Ms Champagne which they found appropriate. The Panel commented that given the client's deficits, Ms Champagne needed to take time to ensure that he understood the ramifications of the plea and to be clear as to the facts to which he was pleading. In proceeding too hastily, she failed to provide proper service to the client.

As to disposition, the Panel took into account Ms Champagne's discipline record that included a similar matter involving failing to serve a young person in 2012. They also took into account that Ms Champagne appeared to have benefitted from past supervision and from steps she had taken to improve her practice. Of importance was that she had undertaken, as part of the joint recommendation, not to practise youth criminal justice work in the future. This provided protection for the public.

Penalty

The Panel imposed a fine of \$1,500.00 and ordered Ms Champagne to pay \$2,500.00 as a contribution to the costs of the investigation and prosecution of this matter.

Undertaking

Effective October 18, 2018, **Gisele Rita Champagne** has undertaken to not represent any “young person”, as that term is defined in the *Youth Criminal Justice Act*, SC 2002, c. 1, on any criminal defence matter, including the defence of charges authorized under any Federal or Provincial statute.

The undertaking will remain in effect unless and until it is varied or **Gisele Rita Champagne** is relieved of it by the Chief Executive Officer of the Law Society of Manitoba.