



# DISCIPLINE CASE *DIGEST*

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## **Case 01-06**

### **GISELE RITA CHAMPAGNE**

Winnipeg, Manitoba

### **Called to the Bar**

June 25, 1992

### **Particulars of Charges**

Professional Misconduct (2 counts)

- breach of integrity
- failure to serve client in a diligent and efficient manner

### **Date of Hearing**

September 13, 2001

### **Panel**

R.K. Deeley, Q.C. (Chair)

C.W. Martin Dr. C. Wright

### **Disposition**

Breach of integrity:

- fine of \$1,000.00
  - costs of \$1,000.00
- Failure to serve client in a diligent and efficient manner
- reprimand
  - practice under supervision of another member approved by the Society for a period of one year

### **Counsel**

J.R. Gallagher for The Law Society of Manitoba

J.R. Wolson, Q.C. for the Member

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## Breach of Integrity

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### Facts

In June, 1991, Ms. Champagne completed an application for admission as a student in the bar admission course. She signed the application and declared before a commissioner for oaths that the statements contained in the application were true in every respect. In fact, Ms. Champagne gave false answers to three questions in the application. This was discovered by the Society through inquiries made in 1999.

While acting for the parents in an application brought by a child welfare agency for an order of permanent guardianship, Ms. Champagne subpoenaed a physician who had treated the mother of the child in the recent past. On the day of the hearing, Ms. Champagne and counsel for the child welfare agency interviewed the physician and received information that was damaging to the mother in that it was evidence of recent psychiatric treatment, of serious psychiatric concerns and of a refusal on the part of the mother to follow medical advice or to take necessary medications. Notwithstanding that the physician's evidence was detrimental to her case, Ms. Champagne called the physician as a witness on the parents' behalf with the result in part that the damaging information came out. At the conclusion of the trial, the presiding judge pronounced a permanent order in favour of the agency without requiring the agency's counsel to make any submission. In his remarks, the presiding judge made reference to the damaging evidence given by the physician. In calling the physician as a witness when she knew that the physician's evidence would be prejudicial to her clients, Ms. Champagne failed to discharge the duty she owed to her clients to serve them in a diligent and efficient manner.

### Decision and Comments

The Committee accepted her admission to the two charges and on the basis of the information provided, found Ms. Champagne guilty of professional misconduct.

The panel noted that as a result of the seriousness of the misconduct it had reservations in dealing with the matter on the basis of the joint recommendation submitted by both counsel, but came to the conclusion that the recommendation should be followed in principle. The Committee noted that the offence of giving false answers in her bar admission application involved a serious breach of integrity on the part of Ms. Champagne. It was further noted by the Committee that integrity is fundamental to the legal profession and the panel was concerned that this was a continuing offence in that it did not come to light until discovered by the Society in 1999.

### Penalty

The Committee imposed the following penalty regarding the two charges:

Breach of integrity:

- fine of \$1,000.00;
- costs of \$1,000.00;

Failure to serve client in a diligent and efficient manner:

- reprimand;
- practice under supervision of another member approved by the Society for a period of one year.

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