



DISCIPLINE CASE *DIGEST*

Case 09-01 (AMENDED)

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| Member | Sherry Denise Ritchot |
| Jurisdiction | Winnipeg, Manitoba |
| Called to the Bar: | June 15, 2000 |
| Particulars of Charges: | Conduct Unbecoming: <ul style="list-style-type: none">▪ Breach of Chapters 1 and 9 of the <i>Code of Professional Conduct</i> [failing to act with integrity and to treat the tribunal with courtesy and respect when appearing on her own behalf before a tribunal] |
| Plea: | Not Guilty |
| Dates of Hearing: | September 18 and 28, 2007, February 6, March 17, August 27, September 23 and 29, October 16, 2008 |
| Date of Sentencing Decision: | December 18, 2008 |
| Panel: | <ul style="list-style-type: none">▪ Donald R. Knight, Q.C., Chair▪ James W. Hedley▪ Robert Gabor, Q.C. |
| Counsel: | <ul style="list-style-type: none">▪ C. Kristin Dangerfield for The Law Society of Manitoba▪ Member Unrepresented |
| Disposition: | <ul style="list-style-type: none">▪ Reprimand▪ Suspension of practising certificate until the member provides a medical report as to her fitness to practice law, satisfactory to a Discipline Panel of The Law Society of Manitoba▪ Costs of \$8,500.00, payable within two years from the date the certificate is re-issued in the event of a finding that she may return to practice. |
| Appeal: | The Panel's decision to suspend the member's practising certificate pending the receipt of a medical report was overturned by the Manitoba Court of Appeal on February 5, 2010. |

Breach of Integrity / Failing to Treat Tribunal with Courtesy and Respect

Facts

Ms Ritchot represented herself at a Pre-Hearing Conference on November 24, 2006 before an administrative tribunal. There was discussion about the evidence and witnesses to be called at the hearing and the amount of time required to complete the matter. There was a verbal confrontation with the Chairperson of the tribunal during which Ms Ritchot swore at the Chairperson.

Plea

Ms Ritchot entered a plea of not guilty.

Decision and Comments

The Panel concluded that Ms Ritchot used language that was disrespectful and inappropriate at the Pre-Hearing Conference and failed to conduct herself with integrity and to treat the tribunal with courtesy and respect, contrary to Chapters 1 and 9 of the *Code of Professional Conduct*. The Panel found her guilty of conduct unbecoming a lawyer.

Penalty

The Panel received psychological evidence at Ms Ritchot's sentencing and concluded that a further assessment of her fitness to practice was required prior to determining whether her practising certificate ought to be re-issued. The Panel ordered that Ms Ritchot's practising certificate would be suspended until she provided a detailed medical report at a hearing before a Discipline Panel to consider the issue of her fitness to practise law. The Panel declined to order that Ms Ritchot be required to practice under supervision. Ms Ritchot was ordered to pay costs in the amount of \$8,500.00.

Appeal

Ms Ritchot filed an appeal to the Manitoba Court of Appeal from both the Panel's finding that she was guilty of conduct unbecoming and the disposition. On February 5, 2010, the Court of Appeal dismissed Ms Ritchot's conviction appeal, and allowed her sentence appeal in part, by removing the medical restriction imposed by the panel.

The reasons for decision of the Manitoba Court of Appeal are reported at *Ritchot v. The Law Society of Manitoba*, 2010 MBCA 13 (CanLII).