



# DISCIPLINE CASE *DIGEST*

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Case 09-02 (AMENDED)

<b>Member</b>	<b>Sherry Denise Ritchot</b>
<b>Jurisdiction</b>	Winnipeg, Manitoba
<b>Called to the Bar:</b>	June 15, 2000
<b>Particulars of Charges:</b>	Professional Misconduct: <ul style="list-style-type: none"><li>▪ Breach of Chapters 1 and 9 of the Code of Professional Conduct [failing to conduct self with integrity and failing in duty to treat the court with courtesy and respect when appearing before a Master of the Court of Queen's Bench]</li></ul>
<b>Dates of Hearing:</b>	<ul style="list-style-type: none"><li>▪ November 27, 2007</li><li>▪ November 25, 2008</li><li>▪ December 12, 2008</li><li>▪ January 14, 2009 (sentencing)</li></ul>
<b>Panel:</b>	<ul style="list-style-type: none"><li>▪ Douglas E. Finkbeiner, Q.C., Chair</li><li>▪ Heather S. Leonoff, Q.C.</li><li>▪ Linda Brazier-Lamoureux</li></ul>
<b>Counsel:</b>	<ul style="list-style-type: none"><li>▪ C. Kristin Dangerfield for The Law Society of Manitoba</li><li>▪ Member Unrepresented</li></ul>
<b>Disposition:</b>	<ul style="list-style-type: none"><li>▪ Fine of \$1,500.00</li><li>▪ Costs of \$3,500.00, payable within two years from the date practising certificate is re-issued.</li></ul>

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## **Breach of Integrity / Failing to Treat Court with Courtesy and Respect**

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### **Facts**

On March 14, 2007 Ms Ritchot appeared before a Master of the Court of Queen's Bench on a motion for leave to withdraw as counsel on a client matter. The motion was not contested and the Order being sought was granted by the Master. Ms Ritchot then presented to the Master a form of Order to be signed. She was advised by the Master that the Order was not in proper form as it appeared to be a faxed copy or a photocopy of the Order rather than an original Order as required by the court rules. A verbal exchange followed in which Ms Ritchot became progressively more belligerent and contemptuous. The Master explained that she had granted the Order but was not prepared to sign the form of Order presented by Ms Ritchot. She

requested that Ms Ritchot return to her office and prepare an original Order and submit it to the court. Ms Ritchot advised the Master that she would not leave the courtroom until the Order was signed. The Master requested that she leave the Order with her and leave the courtroom. Again, Ms Ritchot advised the Master that she was not leaving the court until the Order was signed, and that she intended to report the Master to the Law Society for accusing her of falsifying documents. Her demeanour was described by the Master as being extremely disrespectful, antagonistic and irrational, and by another lawyer who was present as being aggressive and pointed. In due course, the Master summoned a Sheriff's Officer, who escorted Ms Ritchot out of the courtroom.

### **Plea**

Ms Ritchot entered a plea of not guilty.

### **Decision and Comments**

The Panel concluded that Ms Ritchot failed to conduct herself with courtesy and respect before the court in her appearance before the Master and found her guilty of professional misconduct.

### **Penalty**

At the time of sentencing, Ms Ritchot had been suspended from practice by another panel of the Discipline Committee. That suspension was subsequently overturned by the Manitoba Court of Appeal on February 5, 2010 when it ordered that the medical restriction imposed by the previous Panel be removed. (See Discipline Case Digest 09-01 (Amended)).

The Panel therefore ordered that within two years from the date that Ms Ritchot's practising certificate is re-issued she be required to pay to the Law Society:

- (a) A fine of \$1,500.00; and
- (b) \$3,500.00 as a contribution towards the costs associated with the investigation, prosecution and hearing of the matter.

Ms Ritchot filed an appeal to the Manitoba Court of Appeal which was dismissed on June 5, 2009. The reasons for Decision of the Manitoba Court of Appeal are reported at *Ritchot v The Law Society of Manitoba*, 2009 MBCA 65.