



DISCIPLINE CASE *DIGEST*

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Case 94-10

GORDON CHARLES BEAULIEU
Winnipeg, Manitoba

Called to the Bar
June 26, 1980

Particulars of Charges
Professional Misconduct (1 count)

- failure to serve clients

Date of Hearing
October 4, 1994

Panel
Norm Cuddy (Chairperson)
Robert Dewar, Q.C.
Alexandra Morton, Q.C.

Disposition

- fine of \$200.00 plus court reporter fees
- referred to the Competence Committee

Counsel
Daniel Dutchin for The Law Society of Manitoba
Member unrepresented

Failure to Serve Client

Facts

Mr. Beaulieu, who was called to the Bar on June 26, 1980, appeared before the Discipline Committee on October 4, 1994.

Mr. Beaulieu was retained by a client from Alberta in April of 1993 on a domestic matter involving access.

The client forwarded a copy of the file to Mr. Beaulieu for review and it was not until late May of 1993 that the client was able to meet with Mr. Beaulieu. Eventually, a hearing was held on September 24, 1993. Mr. Beaulieu's client was not present at that hearing and Mr. Beaulieu failed to advise his client as to the contents and terms of an interim order which was pronounced on that date. Mr. Beaulieu also failed to provide his client with a copy of the interim order.

Subsequent to the order being obtained, the client attempted to contact Mr. Beaulieu without success. During the month of December, 1993 the client made numerous calls to Mr. Beaulieu which went unanswered. Also, Mr. Beaulieu failed to keep his client apprised as to the status of the proceedings that occurred from the date of the interim order.

Comments of the Discipline Committee

Mr. Beaulieu pled guilty to the count in the Citation that he had failed to serve his client in a conscientious, diligent and efficient manner. Mr. Beaulieu's conduct gave the Committee concern. They noted that he had failed to serve his client by failing to communicate with him and therefore put him through needless aggravation. They also noted that he exposed his client to enforcement proceedings with respect to an order of maintenance which was a term of the interim order of which Mr. Beaulieu's client was not aware.

The Committee was also concerned with respect to the standards of practice which Mr. Beaulieu apparently was following at the time. It had been brought to the attention of the Committee by way of submissions, that Mr. Beaulieu was difficult to contact both by clients, members of the profession and staff of the Law Society.

The Committee was satisfied, however, that Mr. Beaulieu did not deliberately fail to communicate with his client and saw the fact situation in this case as a matter of competence.

Findings and Penalties

The Committee imposed a fine less than what would have been considered if Mr. Beaulieu had been deliberate in his actions. They imposed a fine of \$200.00 and costs of the court reporter. The Committee also recommended that Mr. Beaulieu's matter be referred to the Competence Committee such that the Committee could consider the facts of the matter and disposition of the Discipline Committee in determining what remedial steps could be taken with respect to Mr. Beaulieu's practice.

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