



DISCIPLINE CASE *DIGEST*

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Case 95-04 (Amended)

JOSEPH JULES ALAIN HOGUE
Winnipeg, Manitoba

Called to the Bar
June 28, 1972

Particulars of Charges
Conduct Unbecoming (1 count)

- lack of courtesy towards witness

Date of Hearing
February 28, 1995

Panel
Doreen Kelly (Chairperson)
Douglas Abra, Q.C.
Garry Rainnie

Disposition

- reprimand
- costs of \$1000.00

Counsel
Daniel Dutchin for the Law Society
D. McCaffrey, Q.C. for the Member

Lack of Courtesy Towards Witness

Facts

Mr. Hogue, who was called to the Bar on June 28, 1972, appeared before the Discipline Committee on February 28, 1995.

Mr. Hogue represented a client on a personal injury action and dealt with a doctor who was to be a witness for his client. It was alleged that Mr. Hogue acted in an unprofessional manner in his dealings with the doctor in that:

- he identified himself as a pharmacist in an effort to obtain a home telephone number of the doctor;
- in a telephone conversation with the doctor, he used a tone that was inconsistent with the tone expected from a lawyer and was discourteous to the doctor; and
- he told the doctor not to bring her patient's file to court when she was to testify, notwithstanding that she was subpoenaed to produce her file.

Comments of the Discipline Committee

After hearing testimony from the doctor, the receptionist and Mr. Hogue, the Committee found that the allegations that Mr. Hogue had identified himself as a pharmacist had not been proven. The Committee also determined that as Mr. Hogue had subpoenaed the doctor to attend and testify in court, the doctor was his witness and therefore he could make a decision as to what material she should produce in court.

However, the Committee did find that during the telephone conversation with the doctor, Mr. Hogue behaved in a rude and abusive way towards her and the Committee was satisfied that this conduct was unbecoming a barrister and solicitor.

Findings and Penalties

The Committee noted that Mr. Hogue had been acquitted on two of the three particulars contained in the Citation and that an unsuccessful effort had been made by Mr. Hogue to mediate the complaint. The Committee imposed a reprimand and costs of \$1,000.00.

Note

Mr. Hogue filed an appeal from his conviction to the Manitoba Court of Appeal on June 13, 1995. Mr. Hogue abandoned his appeal on February 22, 1996.

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