



DISCIPLINE CASE *DIGEST*

[Discipline Case Digest Index](#) ❖ [Law Society Home Page](#)

Case 95-14

GRANT EDWARD GOLIGHTLY
Winnipeg, Manitoba

Called to the Bar
June 24, 1975

Particulars of Charges
Professional misconduct and conduct unbecoming a barrister and solicitor (4 counts)

- attending a professional meeting while intoxicated
- appearing in Court while intoxicated
- failure to serve client (x2)

Date of Hearing
June 29, 1995

Panel
Donald Knight, Q.C. (Chairperson)
Donald Little, Q.C.
John Menzies

Disposition

- reprimand
- 15 day suspension
- conditions on Practising Certificate
- costs of \$1,500.00

Counsel
Daniel Dutchin for the Law Society
Fredrick Bortoluzzi for the Member

Representing Clients While Intoxicated

Facts

Mr. Golightly, who was called to the Bar on June 24, 1975, appeared before the Discipline Committee on June 29, 1995.

Mr. Golightly represented Client L in an enforcement hearing. In March of 1994, Mr. Golightly attended at the Family Law Branch of the Department of Justice to meet with one of the lawyers involved in the enforcement process. When Mr. Golightly attended the meeting he was in an intoxicated condition, and the lawyer determined that Mr. Golightly was not sufficiently sober to deal with the case in a constructive manner.

The following day, Mr. Golightly appeared in Enforcement Court on behalf of L. The Crown Attorney representing the Department of Justice determined that Mr. Golightly was intoxicated.

Mr. Golightly also represented Client A on a domestic proceeding. A alleged that Mr. Golightly failed to answer his telephone calls and A alleged that a demand was made of him to pay money immediately to Mr. Golightly to cover fees and disbursements before Mr. Golightly would appear in Court on his behalf. A also alleged that Mr. Golightly failed to advise him that he should appear in court at the hearing, and that Mr. Golightly did not advise him of the outcome of the hearing.

Mr. Golightly also acted for Client D with respect to a civil action arising from the sale of property. Mr. Golightly failed to advise D of a scheduled Examination for Discovery, and failed to respond to a Notice of Discovery of Documents served upon him by opposing counsel. Mr. Golightly also failed to appear at the hearing of the motion to strike the defence and enter Default Judgment.

Comments of the Discipline Committee

The Committee was satisfied from the evidence that Mr. Golightly had met with another lawyer while in an intoxicated condition and that this amounted to professional misconduct. The Committee was also satisfied from the evidence that Mr. Golightly had appeared at an enforcement hearing while in an intoxicated condition and that this also amounted to professional misconduct. The evidence of the Crown Attorney was uncontradicted and supported by the monitor tape of the proceedings.

The Committee determined that the charge involving A should be dismissed. Although the Committee was satisfied that some of the allegations had been proven, the Committee was of the opinion that in the totality of the circumstances, it did not amount to professional misconduct or conduct unbecoming.

With respect to D, the Committee determined that the inaction by Mr. Golightly in dealing with his client amounted to gross negligence. The evidence supported a finding that Mr.

Golightly had not advised his client of a scheduled Examination for Discovery and had failed to respond to the Notice of Discovery of Documents served upon him. It was also clear from the evidence that Mr. Golightly had failed to appear at the hearing of a motion to strike the defence of his client and the Committee also determined that following default, Mr. Golightly did nothing to ascertain what happened in Court and did nothing further to advise D as to the status of his case.

The Committee determined that as Mr. Golightly's inaction constituted gross negligence, he was guilty of professional misconduct by failing to serve his client in a conscientious, diligent and efficient manner.

Findings and Penalties

The Committee was of the view that when a lawyer appears in Court on behalf of a client in an intoxicated state, that in itself amounts to professional misconduct.

The Committee noted that Mr. Golightly had no prior record and had withdrawn from the practice of law of a period of nine months prior to the hearing. The Committee imposed a reprimand with respect to the handling of client D's file but imposed a 15 day suspension on the two counts of being intoxicated.

The Committee also imposed conditions on Mr. Golightly's Practising Certificate should he decide to return to the practice of law. At that time, Mr. Golightly will be required to attend for an assessment with The Addiction Foundation of Manitoba and he will have to comply with the recommendations imposed by the Foundation for a period of two years. He will also have to provide satisfactory evidence to the Law Society every six months that he is complying with the Foundation's recommendations and he will have to practise in association with another lawyer or lawyers for a period of 18 months.

Costs were ordered to be paid in the amount of \$1,500.00.

[Top of page](#)

[Index](#)