

LAW SOCIETY OF ALBERTA
IN THE MATTER OF THE *LEGAL PROFESSION ACT*
AND
IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF GENEVIEVE MAGNAN
A MEMBER OF THE LAW SOCIETY OF ALBERTA

Hearing Committee:

Donald R. Cranston, Q.C., Chair (Bencher)
Arman Chak, (Bencher)
Miriam Carey, PhD (Lay Bencher)

Appearances:

Counsel for the Law Society of Alberta (LSA) – Nicholas Maggisano
Genevieve Magnan did not appear in person or by counsel

Hearing Dates:

September 9, 10, 11 and 14, 2015

Hearing Location:

Law Society of Alberta at 500, 919 – 11th Avenue, S.W. Calgary, Alberta

HEARING COMMITTEE REPORT

Introduction

1. Genevieve Magnan (referred to as either the "Member" or "Ms. Magnan") was the subject of conduct proceedings under the *Legal Profession Act* (the "Act") on the following 14 citations, arising from four complaints:

CO[•] (SA):

1. It is alleged that you failed to serve your client thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;
2. It is alleged you failed to respond to the Law Society thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;

CO[•] (Dr. F):

3. It is alleged that you failed to respond to the Law Society thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;
4. It is alleged that you failed to promptly meet a financial obligation in relation to your practice thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;

CO[•]:

5. It is alleged that you failed to serve your clients thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;
6. It is alleged that you misled or attempted to mislead the Court thereby breaching the *Code of Conduct* and such conduct is deserving sanction;
7. It is alleged that you were less than candid with your clients and counsel thereby breaching the *Code of Conduct* and such conduct is deserving of sanction [amended to delete: "and counsel"];
8. It is alleged that you failed to respond promptly and completely to the Law Society thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;
9. It is alleged that you failed to cooperate with the Custodian and comply with the Custodianship Order thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;

10. It is alleged that you failed to secure and maintain your client files and business records thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;
11. It is alleged that you misled or attempted to mislead Legal Aid of Alberta thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;
12. It is alleged that you conducted yourself in a manner so as to bring disrepute to the profession thereby breaching the *Code of Conduct* and such conduct is deserving of sanction;

CO[•] (CS):

13. It is alleged that you failed to serve your client and such conduct is deserving of sanction;
 14. It is alleged that you failed to respond to the Law Society and such conduct is deserving of sanction;
2. The jurisdictional requirements were established and the Hearing Committee determined that it had jurisdiction to hear this matter.
 3. As there was no application for a private hearing, the hearing proceeded in public.

Notice to the Member

4. The Member did not attend the hearing. The Member was personally served with notice of this hearing. We were informed that, at two pre-hearing conferences, the Member asked that the hearing be adjourned, but the requests for an adjournment were denied as there was no reasonable basis for the requests. The Member was told on those occasions that she would have the right to apply again for an adjournment if she wished, at the commencement of this hearing.
5. There was no application for an adjournment made to this Hearing Committee. The Committee was advised by LSA counsel that, on the morning of the first day of the hearing, he received an email from the Member indicating she was sick and going to the emergency room. LSA counsel advised the Member by email that he would attend before this Hearing Committee, advise the Hearing Committee of her email, and take the

position that the hearing should proceed. Arrangements were made for the Member to attend or call in by person or by agent. At the request of the Hearing Committee, another effort was made to contact the Member, and there was no reply. Indeed, on several occasions throughout the hearing, the Hearing Committee requested that LSA counsel cause an inquiry to be made of the Member as to whether or not she intended to call in or make representations. No replies were received.

6. We were advised that there were other occasions when Ms. Magnan had been brought before a Committee of the LSA and had failed to attend: see paragraph 79 of this report. There has been a pattern of failing to co-operate with the LSA. LSA counsel described her as "obstructionist". LSA counsel submitted that, ordinarily, advice from a member that she was sick and could not attend would be accepted on its face and the LSA would agree to an adjournment. This was not such a case. The conduct of the Member in failing to respond to the LSA and failing to attend points to obstructionist behaviour.
7. After considering the submissions and the surrounding circumstances, the Hearing Committee decided that the hearing would proceed. The Hearing Committee noted that the LSA had made every reasonable effort to accommodate the Member's attendance and to make arrangements for telephone attendance if necessary. No application was made for an adjournment, and indeed, no replies were received from Ms. Magnan. Ample advance notice of the hearing was provided.

The Hearing

8. During the course of the hearing, the LSA called 15 witnesses and the Hearing Committee received a total of 137 exhibits in evidence.
9. The LSA called the following 15 witnesses:
 1. SA
 2. KT
 3. JM#1
 4. JM#2
 5. GJ
 6. IE
 7. SY
 8. WF

9. DS
 10. CD
 11. KW
 12. JD
 13. DK
 14. JM#3
 15. CG
10. At the outset of the hearing, counsel for the LSA advised that Dr. F, with respect to citation 4, and CS, with respect to citation 13, would not be attending the hearing, notwithstanding having received notices to attend. Accordingly, the Committee was invited to dismiss citations 4 and 13. Citation 7 was also amended to delete reference to counsel.
11. We carefully considered the evidence of all of the witnesses and all of the evidence within the exhibits. In this report, we have not summarized all of that evidence, but instead we have identified the general patterns of behavior and outcomes, based on a consideration of the evidence.
12. The 15 witnesses who gave evidence fell into the following categories:
1. Former clients of the Member;
 2. Two family members of the Member, namely her husband and her brother-in-law;
 3. LSA staff;
 4. Legal Aid Alberta staff;
 5. A former landlord of the Member;
 6. A Correctional Peace Officer at the Medicine Hat Remand Centre, and a Constable with the Calgary Police Service; and
 7. The legal assistant of BE, the court-appointed custodian of the Member's practice.

Citations 1 and 2

13. Citations 1 and 2 concern the complainant, SA. It is alleged that the Member failed to serve SA, and that the Member failed to respond to the LSA with respect to SA's complaint.

14. SA gave evidence at the hearing. She does not speak or read English, and the evidence was given through an interpreter. It is alleged that the Member improperly withdrew from representation of SA, and failed to inform SA of a court application. The Member told SA shortly before a court application that she was withdrawing because she had decided to no longer practice family law. The Member had an obligation to continue to serve SA, absent a good reason for withdrawal. Clearly there was no good reason for withdrawal. Further, the Member gave no reasonable notice to SA of her withdrawal. She did not appear in court for SA when still counsel of record. The court ultimately made an order adversely affecting the interests of SA.
15. In our view, the Member is guilty of conduct deserving of sanction with respect to citation 1.
16. The Member failed to provide any response to the LSA with respect to this complaint despite repeated requests. That too was conduct deserving of sanction.

Citations 3 and 4

17. As Dr. F did not appear, LSA counsel had no evidence with respect to citation 4, and accordingly invited us to dismiss that citation. We did so.
18. With respect to citation 3, alleging that the Member failed to respond to the LSA with respect to this complaint, we find the complaint is made out, and the Member is guilty of conduct deserving of sanction. The Member failed to respond to the LSA's request for a response to this complaint, notwithstanding various efforts by the LSA to obtain a response from the Member.

Citations 13 and 14

19. Citations 13 and 14 relate to CS. As CS did not attend the hearing, LSA counsel invited us to dismiss citation 13, and we did so.
20. With respect to citation 14, once again the Member failed to respond to various attempts by the LSA to seek a response to the CS complaint. We find that conduct to be conduct deserving of sanction.

Citation 5

21. Citation 5 alleges that the Member failed to serve her clients. This citation is separate and apart from the citations concerning SA, Dr. F and CS. A large number of clients had terrible experiences with the legal system, at the hands of Ms. Magnan.
22. February 11, 2014, is a date of some importance in the evidence before us. Ms. Magnan had arranged to have a number of clients' sentencing matters scheduled for that day as she felt the presiding judge was favourable. The day before, on February 10, 2014, the Member contacted a lawyer, FC, to attend. He was not asked in any way to deal with the clients' interests, but rather to attempt to have Ms. Magnan removed from the record. That was a serious disservice to her various clients and resulted in considerable stress being placed on the local bar, as Legal Aid Alberta was obliged to try to find counsel for a number of clients on very short notice.
23. Exhibit 135 was a time-line provided to us by LSA counsel. It is appended to this report as Appendix "A", and was a useful reference to track relevant events between December 2013 and February 2014.
24. On February 1, 2014, the Member sent a text to a client, advising that she was ceasing to act and closing her office. On February 2, 2014, she found an apartment in Calgary. She told her husband that she could not move her business and she would be more able to find a job in Calgary. It was clear that she had decided to close her law practice in Medicine Hat and leave her clients by February 2, starting anew in Calgary.
25. The Member was then assaulted on February 4, 2014, by her criminal law client, GM, with whom she had become involved in a personal intimate relationship.
26. Ms. Magnan or her assistant sent a text message to another client, stating that Ms. Magnan would not be in court for that client's imminent court appearance on February 13, 2014. The client did not receive effective or timely notice of the fact that Ms. Magnan did not intend to appear.
27. With respect to DK, a court date was set for February 12, 2014. On February 7, 2014, the Member simply sent an email to DK advising that she would have to find a new lawyer and get an adjournment. She wrote, "I'm gone forever".

28. JM#3 had a court date on February 11, 2014. The Member sent a text to him on February 9 and indicated to him that she was badly beaten, had to close her office and would never return to Medicine Hat.
29. In Exhibit 72, there is yet another text from the Member to a client, on the morning of his court date. She advised the client that she was beaten up and under police protection, and could not be in court that day. She told him to simply appear and ask for an adjournment.
30. CG's court date was set for February 13, 2014. On February 12, the Member sent a text to CG (Exhibit 74), advising her that she was closing her office and that she needed a break for a while. She explained she had been badly beaten.
31. Yet another client, SY, had a court date on February 11, 2014. Ms. Magnan sent her a text on February 10, 2014 (Exhibit 79). Ms. Magnan told SY that she had been badly beaten and was hiding under police protection.
32. We reviewed Exhibit 85, concerning yet another client in a criminal matter. There were five court dates, and on the first four court dates the Member did not attend. On April 9, 2014, the court was obliged to order that she appear in person on April 16. She did comply with that direction.
33. Not only did Ms. Magnan provide inadequate notice to these clients of her intent to withdraw, but her explanations to those clients, as will be considered later in this report, were misleading or untruthful.
34. Ms. Magnan was clearly telling clients that she was under police protection and would never return to Medicine Hat. Yet, on February 13, she left Calgary and went to Medicine Hat without any police protection.
35. It is important to comment on some of the circumstances with respect to these clients. SY was a single mother who had been charged with a criminal offence. She was afraid of losing her job and going to jail, and feared what would happen to her children. Her matter was continually adjourned by the Member, notwithstanding that SY wished to have it brought to an end as quickly as possible. The Member told her to plead guilty on the basis that her sentence would be house arrest or a conditional sentence. She did not advise her client of Charter issues available to her. The court transcript shows that

the prosecutor felt that the Charter issues were triable. SY was convicted and sentenced to 90 days in jail, to be served on weekends.

36. We next turn to another client, CG. She received a call from someone on behalf of the Member indicating that the Member was out of town and she would have to go to Court on her own. She was unable to do so. She contacted the Member's office and was told that her sentencing date was February 13. She then heard nothing and texted the Member on February 12. She was told that the Member had been hurt and was not coming back to Medicine Hat. She was told she should attend Court on her own.
37. Another client, JM#3, tried to meet with the Member to prepare for his sentencing on February 11. The meeting had been scheduled, but was then cancelled. He received a message on February 9, two days before his court date, saying that the Member was withdrawing as his counsel. He called her immediately and was told by the Member to represent himself. He felt abandoned. In addition, he remained in court on February 11 until about 7:00 pm. The court docket was very long, as many of the matters involved the Member's other clients.
38. Finally, DK was a Legal Aid client, charged with a criminal matter. She met with the Member and advised that she wished to plead guilty and have the matter finalized as soon as possible. Notwithstanding those instructions, Ms. Magnan repeatedly adjourned the matter over the course of almost a year. The client was upset at the prospect of possible jail time hanging over her head for that time. Her court date was scheduled for February 12 and, on February 7, the Member contacted her and told her that she would have to find a new lawyer and get an adjournment. The Member told her she was gone forever. DK attended the court date and obtained new counsel. New counsel was then able to quickly finalize the matter.
39. There can be no doubt that the Member was guilty of failing to serve her clients and therefore is guilty of conduct deserving of sanction.

Citation 6

40. Citation 6 concerns an allegation that Ms. Magnan misled, or attempted to mislead, the court. This citation relates to a court date on February 4, 2014. Ms. Magnan was assaulted on February 4, 2014, before the court date and was unable to attend. Ms. Magnan contacted her assistant and directed her assistant to advise the court she could

not attend the trial that day because she had been in a car accident. She admitted in her interviews with the LSA that was not true.

41. In directing her assistant to provide information to the court that she had been in a car accident, Ms. Magnan is guilty of misleading the court, and her conduct is deserving of sanction.

Citation 7

42. Citation 7 alleges that the Member was less than candid with her clients. The original citation alleged that she was less than candid with her clients and counsel, but the citation was amended on the direction of this Committee to delete the words "and counsel".
43. As noted above, in February the Member was telling various clients, including DK, JM#3, and others, that she was "gone forever" and never coming back to Medicine Hat. She told them she was under police protection and could not be there. Exhibit 76 was a text sent February 18, 2014, by the Member to another client saying "Calgary cops believe my life is in danger ...". The evidence before us was that the Calgary police did not have that belief.
44. Exhibit 79 demonstrated that she told her client, SY, on February 10, 2014, that she was badly beaten and was hiding under police protection.
45. Ms. Magnan alleged that GM, one of her clients, had assaulted her. He was convicted of assault shortly thereafter. He was arrested on February 6, and was held in custody. On February 10, 2014, he pleaded guilty and was sentenced to three years in jail.
46. On February 10, Ms. Magnan attended in Calgary at her apartment with police. On the same day, she told her assistant that she thought she was probably fine. She also told her husband that day that the police believed it was safe for her to return to her home in Medicine Hat. On February 11, 2014, she went to the impound lot without any police escort to obtain her car. She told her then landlord that she really didn't think she was in danger any more.
47. On February 12, 2014, she asked AH, another client in a criminal matter, if he was going "take her out on a date".

48. Ms. Magnan in fact did return to Medicine Hat and met with AH. She stayed there until approximately February 21, 2014.
49. It is clear from all of the evidence that the Member was not candid with her clients. She was not under police protection and she did return to Medicine Hat on her own accord.
50. We have no doubt in concluding that the Member was less than candid with her clients on numerous occasions, and is guilty of conduct deserving of sanction.

Citation 8

51. Citation 8 alleges that the Member failed to respond promptly and completely to the LSA. This citation is separate and distinct from citations 2, 3 and 14.
52. The LSA investigators attempted on numerous occasions to obtain Ms. Magnan's cell phone. They offered her a replacement so that she would have access to a cell phone while they reviewed the data within her cell phone. At one point she told the LSA that she would provide her cell phone to them if she was provided with a replacement. She was coming to Calgary for an interim suspension application in June 2014, and it was decided that the cell phone data would be copied then. She did not attend. She was then given a final deadline, but told the investigators she could not part with her cell phone even though she was offered a replacement. She then advised the investigator she was going to resign, so there was no reason to provide her cell phone in any event. Her cell phone was never provided to the LSA.
53. The LSA sought to obtain the Member's computers. While they were ultimately obtained, it was only after considerable difficulty. She was also asked for access to her gmail account and that was never received. She was asked for certain client files, and those too were never received. She was asked by the LSA for a final interview and she did not attend.
54. Further, she refused to provide any response to the Complaints Director, Ms. Whitburn. Ms. Whitburn sent the Member a section 53 demand, asking for a response from the Member. A response was never received.
55. The Committee found that the Member was guilty of failing to respond promptly and completely to the LSA, and such conduct is deserving of sanction.

Citation 9

56. Citation 9 alleges that the Member failed to co-operate with a custodian appointed under Court order. The custodian's assistant, CD, provided evidence of the Member's behaviour. The custodian made arrangements with the Member to attend at the Member's practice, which was located in her home garage, to obtain custody of the files pursuant to the custodianship order. The Member refused to give the files to the custodian, at one point sat on a stack of files and refused to move, and blew cigarette smoke in the custodian's face. Eventually, police had to be called by the custodian and stayed while the custodian and her assistant obtained possession of the file material. Not only was that improper and egregious behaviour, but it was a failure on the Member's part to comply with the court order.
57. The citation is proven and the Member is guilty of conduct deserving of sanction.

Citation 10

58. Citation 10 concerns an alleged failure to secure and maintain client files and business records.
59. The Member left some of her client files and her law firm bank records with AH, a Legal Aid client she was defending with respect to criminal charges. The evidence indicates that the Member asked AH to arrange to have GM, assaulted once in the Remand Centre. AH's criminal record, which would have been known to the Member, included assault with a weapon, uttering threats, pointing a firearm, and possession of a weapon for a dangerous purpose.
60. AH eventually contacted the police and the police contacted the LSA to advise that he had possession of a number of the Member's client files and business records. A LSA investigator went to Medicine Hat and met with AH, taking possession of the files and records.
61. When confronted with this information, the Member told the investigator that AH allegedly broke into her residence to obtain possession of that material (see Exhibit 109). That explanation is not credible or truthful.
62. We find the Member's conduct is deserving of sanction.

Citation 11

63. Citation 11 concerns an allegation that the Member misled or attempted to mislead Legal Aid Alberta. Legal Aid Alberta was contacted by a number of clients, indicating that they had been abandoned by the Member. Ms. Magnan's conduct caused considerable disruption for Legal Aid Alberta in trying to respond to these complaints and find out what happened.
64. The Member told Legal Aid Alberta she was under police protection. The evidence indicates that the police never told her she was under police protection, the police never told her she could not return to Medicine Hat, and the police never told her that in their view her life was in danger.
65. The citation is proven, and the conduct is deserving of sanction.

Citation 12

66. Citation 12 alleges that the Member brought disrepute to the profession by her conduct. In addition to the conduct already described, there were three main areas of concern brought before us by the LSA. The first is the Member's conduct at the Medicine Hat Remand Centre in visiting GM, a client facing criminal charges. The Medicine Hat Remand Centre is a relatively small facility and historically enjoyed a good relationship with the criminal defence bar. That relationship has been negatively impacted by the Member's conduct. It has put a strain on the facility and created restrictions that negatively affect clients at the Remand Centre and lawyers visiting the Remand Centre.
67. Over time, the Member was observed conducting herself in an entirely unprofessional way in meetings with GM. She was observed embracing GM in an interview room. At times, she and GM would try to position themselves in the room so that they could not be seen on the video cameras. At other times, she was observed with the lights off and with her head down on the table, apparently sleeping. GM was observed caressing her head and arms and rubbing her legs. She visited GM at odd hours during the day and night. Her conduct required the Remand Centre to put in place rules for visitation times. Lawyers could not attend the Remand Centre to visit clients after 11:00 pm, no matter what the circumstances. The Remand Centre removed the blinds from the interview rooms.

68. Ms. Magnan's behaviour compromised the good working relationship between defence counsel and staff at the Remand Centre, the ability of defence counsel to serve their clients staying at the Remand Centre, and the convenience and work requirements of other members of the bar.
69. Second, the Member participated in the breach of court-ordered conditions of release for GM. GM was under condition to stay only at his mother's house in Medicine Hat. He was to refrain from the purchase, possession or use of alcohol and drugs.
70. The evidence indicated that the Member and GM stayed in Calgary together after the court order was issued, and in fact on one occasion they stayed in a hotel room paid for by Legal Aid Alberta. On December 23, 2013, one of the witnesses observed the Member going to GM's mother's home, ordering and buying alcohol, and drinking the alcohol with GM, in contravention of the court order. Further, JM#2 gave evidence that the Member admitted that GM slept at her home in Medicine Hat, in breach of the curfew, and they had been drinking together.
71. It is clear, from the evidence presented, that the Member was actively involved in breaching court-imposed conditions which governed GM's release.
72. Last, but certainly not least, the evidence indicated that the Member was in contact with other persons in an attempt to have GM assaulted while he was in the Remand Centre. There are exchanges of text messages in Exhibits 62, 63 and 65 which confirm that conduct.
73. The risk and potential consequences of the Member's actions must be assessed at the date the events occurred. There was a serious potential of harm to GM, and possibly others. GM was not killed, but he was assaulted in the Remand Centre.
74. We have no doubt that the Member's conduct brought disrepute to the profession and is conduct deserving of sanction.

Conduct Deserving of Sanction

75. Conduct deserving of sanction, as described in section 49(1) of the Act, is conduct which:

- (a) is incompatible with the best interests of the public or of the members of the Society, or
 - (b) tends to harm the standing of the legal profession generally
76. The Member's conduct was harmful to the reputation of the profession and is incompatible with the best interests of the public. The conduct was disgraceful, dishonourable and reprehensible. Further, the Member has shown no interest in responding to these serious charges, in not only failing to provide responses to a number of the citations, but also in failing to attend the hearing itself.

Sanction

77. Pursuant to section 72 of the Act, if a Hearing Committee finds that a member is guilty of conduct deserving of sanction, the Hearing Committee has three options:
- (a) order that the member be disbarred,
 - (b) order that the membership of the member be suspended during the period prescribed by the order, or
 - (c) order that the member be reprimanded.
78. In this case, Ms. Magnan does have a hearing record with the LSA. In 2014, she was found guilty of conduct deserving of sanction, in relation to two citations in which it was alleged that she had misled or attempted to mislead another lawyer and the Court. The earlier Hearing Committee Report appears on the CanLII website: *Law Society of Alberta v. Magnan*, 2014 ABLIS 24 (CanLII).
79. LSA counsel advised us that Ms. Magnan did not appear at the hearing in 2014. The day prior to that hearing, counsel for the LSA received an email from Ms. Magnan indicating that Medicine Hat was likely to declare a state of emergency and she was preparing to evacuate and would be helping friends affected by flooding. She indicated she would be unable to attend the hearing. Further information was provided to the Hearing Panel at the time of the earlier hearing, confirming that no state of emergency was declared in Medicine Hat and, in fact, the LSA's sole witness had travelled from Medicine Hat to attend the hearing. On the morning of the hearing, Ms. Magnan communicated with LSA counsel indicating "I just want out of the LSA. Conducting hearings is just a waste of time and money." She did not request an adjournment. The

2014 hearing proceeded in Ms. Magnan's absence and, as noted, she was found guilty of conduct deserving of sanction.

80. The purpose of sanctioning is not to punish the lawyer but to ensure the public is protected, and to ensure the public maintains a high degree of confidence in the legal profession. LSA counsel submitted to us the only way to meet those goals in this case is to disbar the Member.
81. At the conclusion of this hearing on September 14, 2015, we delivered our decision that the appropriate sanction was disbarment. In doing so, we had careful regard to the various factors and principles that should be taken into account in determining an appropriate sanction. In our view, there is no doubt that Ms. Magnan is not governable. She repeatedly failed to respond to the LSA, failed to co-operate with the custodian of her practice, and did not attend the hearing. There is no doubt that the need to maintain the public's confidence in the legal profession can only be served by Ms. Magnan's removal from the profession. The Member's conduct severely compromised the ability of the legal system to function properly, and harmed the interests of her clients. She also actively participated in assisting someone to breach conditions of a court order.
82. The impact or injury to her clients is of the utmost concern. Many people suffered at the hands of Ms. Magnan as a member of the legal profession, and that cannot be tolerated.
83. There is no evidence before us that there are any health issues or concerns that might in some fashion explain or help us to understand the conduct of the Member. Perhaps there are such health concerns, but we have no evidence that would allow us to take that into consideration. Indeed, we do have some evidence from a health care provider for Ms. Magnan in March of 2014 that there was no reason why she could not continue a normal life and continue in her profession.
84. We have no hesitation in concluding that the Member has displayed no professional integrity and no governability. The only proper result must be disbarment.

Other Matters

85. On September 14, 2015, we directed that the Member shall pay the costs of the hearing within 60 days from September 14, 2015.

86. The LSA shall issue a notice to the profession pursuant to section 85 of the Act.
87. There shall be a referral to the Attorney General of Alberta.
88. These proceedings and exhibits shall be made public, subject to redaction to protect the privacy of third parties and solicitor-client privilege. Identifying information, third party names and client names shall be redacted from the Hearing Committee Report, the transcript of proceedings and exhibits filed in the proceedings, prior to any publication or public access to those documents.

Dated at the City of Calgary, in the Province of Alberta this 30th day of November, 2016.

Donald R. Cranston, QC, Chair

Arman Chak

Miriam Carey, PhD

APPENDIX “A”

TIMELINE

May 21, 2013	Magnan was retained to act on behalf of [GM] [EXHIBIT 123, pg. 29]
August 19, 2013	Magnan brings food to [GM] in the MHRC [EXHIBIT 124, pg. 1)
Fall 2013	Magnan develops a relationship with [GM] [EXHIBIT 87, pg. 33). Magnan states just a friendship but with flirting [EXHIBIT 87, pg. 36] and that [GM] tells her he loves her in November 2013 [EXHIBIT 87, pg. 44]
Nov 24, 2013	[S] notices that the visit between [GM] and Magnan at the MHRC was unprofessional [EXHIBIT 124, pg. 4]
Nov 28, 2013	Magnan and [GM] turn off the lights in the meeting room at the MHRC [Ex 124, pg. 6]
Dec 13, 2013	[GM] released from custody [EXHIBIT 87, pg. 13] but remained under conditions [EXHIBIT 92, pg. 6]. Those conditions included that he reside at his Medicine Hat address, that he abide by a curfew 9:00 pm to 6:00 am except when working and that he refrain from the purchase, possession or use of alcohol and drugs [EXHIBIT 44]
Dec 16-19, 2013	[GM] stayed with Magnan in Calgary while she was in Calgary for another legal aid client, with hotel room paid for by legal aid [EXHIBIT 53, [JM]’s testimony]
Dec 23, 2013	Magnan attends [GM]’s residence, orders and purchases alcohol for him, and then drinks it with him [[JM and JM’s] testimony]
Jan 2, 2014	Magnan withdraws from one of [GM]’s matters (R v. [M]/[M]) at a pre-trial conference [EXHIBIT 123, pg. 34/35]
Jan 6, 2014	[GM] doesn’t attend Court in R. v. [M]/[M] matter and a warrant is issued for his arrest [EXHIBIT 131]
Jan 7/8, 2014	Magnan is driving [GM] around Calgary [[JM] and [JM]’s testimony]
Mid-Jan, 2014	Magnan provides [GM] with her law office tablet so they could communicate [[JM]’s testimony]

Jan 24, 2014 [JM] flees to Montreal with [●] [EXHIBIT 47, pg. 2]

Jan 27, 2014 Magnan goes to Montreal and then returns to Alberta [EXHIBIT 49, para 30]

Jan 28, 2014 Magnan obtains an ex parte order for [●] [EXHIBIT 118, pg. 12]

Jan 31, 2014 Jan 28th Order set aside and the time for [●] extended to Feb 6, 2014. Judge directs Magnan to [●] on or before Feb 6th [EXHIBIT 118, pg. 14]

Feb 1, 2014 Magnan texts her client advising that she is ceasing to act as she is closing her office [EXHIBIT 69]

Feb 2, 2014 Magnan starts moving into apartment in Calgary with [GM] [EXHIBIT 64, pg. 68, EXHIBIT 97, [IE]'s testimony]. She advises [JM] that she can't move her business "so will find job and more firms in Calgary" [EXHIBIT 64, pg. 69]

Feb 4, 2014 [GM] assaults Magnan in her apartment [EXHIBIT 45]

Feb 4, 2014 Magnan does not appear for trial in Brooks, AB [EXHIBIT 116]

Feb 6, 2014 [GM] assaults Magnan in her apartment [EXHIBIT 45]

Feb 6, 2014 [GM] arrested

Feb 6, 2014 [JM] obtains order that [●] until further order of the Court [EXHIBIT 118, pg. 26]

Feb 6-10, 2014 Magnan seeks to have [GM] assaulted while he is incarcerated and communicates with him on three occasions [EXHIBIT 92, pg. 73, EXHIBIT 76, pg. 5, EXHIBIT 81, pg. 48]

Feb 9, 2014 Suggests [JM] and [●] come to Alberta to stay at [●] [EXHIBIT 64, pg. 125]

Feb 10, 2014 [GM] pleads guilty to assault on Magnan and breaches of conditions and is sentenced to three years incarceration [EXHIBIT 45]

Feb 10, 2014 Magnan attends her apartment with police escort to pick up personal belongings [EXHIBIT 81, pg. 49]

Feb 10, 2014 Magnan tells her assistant "I think I'm probably fine cause all his friends are against him now." [EXHIBIT 62, pg. 15]

Feb 10, 2014 Magnan tells [JM] police believe its safe for him to go to [●] [EXHIBIT 64, pg. 130]

Feb 10, 2014 Magnan tells client she is hiding under police protection so that she doesn't get murdered [EXHIBIT 79, pg. 6]

Feb 10, 2014 Magnan obtains agent to attend on Feb 11th Court date to get off her client files [EXHIBIT 115]

Feb 11, 2014 Magnan attends impound lot without police escort to try to locate her vehicle [EXHIBIT 81, pg. 50]

Feb 11, 2014 Magnan asks [AH] to stops [sic] assaults on [GM] [EXHIBIT 65, pg. 5]

Feb 11, 2014 Magnan does not attend for many of her client's court dates [EXHIBIT 87, pg. 25]

Feb 11, 2014 Magnan states she really does not think she was in danger anymore [EXHIBIT 67, pg. 9]

Feb 12, 2014 Magnan asks [AH] whether he is going to take her out [EXHIBIT 65, pg. 7]

Feb 12, 2014 Magnan tells client she is under police protection and can't ever go back to Medicine Hat [EXHIBIT 74]

Feb 13, 2014 Magnan goes to Medicine Hat without police escort, and meets with [AH] [EXHIBIT 81, pg. 52, EXHIBIT 65, pg. 12/13]

Feb 13, 2014 Magnan tells client she got beat up and under police protection so the client should ask for an adjournment to find a new lawyer [EXHIBIT 72]

Feb 15, 2014 Magnan is in [●] in Medicine Hat [EXHIBIT 64, pg. 165]

Feb 18, 2014 Magnan appears in Court for first time since assault [EXHIBIT 87, pg. 29]

Feb 20, 2014 Magnan withdraws as [GM]'s lawyer in relation to one of his criminal matters [EXHIBIT 59]

Feb 21, 2014 Magnan returns to [●] to empty her room [EXHIBIT 62, pg. 43, EXHIBIT 81, pg. 57]

Mar 6, 2014	Magnan withdraws as [GM]'s lawyer in relation to another of his criminal matters [EXHIBIT 37]
Mar/Apr, 2014	Fails to appear for client [MC] on four separate occasions [EXHIBIT 85]
May 13, 2014	Magnan gives undertaking not to practice law
May 14, 2014	Interim suspension application (adjourned)
May 26, 2014	Custodian appointed [EXHIBIT 84]
June 2, 2014	Interim suspension granted
July 9, 2014	[JD] [LSA investigator] picks up client files from [AH] [EXHIBIT 128]