

On this point he is corroborated by the fact that the individual who, he alleges, gave him the written question and instructions, independently retained a separate lawyer to approach Laliberte in order to ascertain his attitude. This was done out of concern for how Laliberte would react and whether Laliberte had a “negative posture” just after the scandal broke. This individual later wrote to the same lawyer complaining of his statement of account, and sent a copy of the letter to Froese’s law firm (although the reason for sending the copy is not clear).

This begs the question of why the named official of the Liberal party, who was Laliberte’s superior, did not personally ask the question, instead of giving it to Laliberte to read. Was it an act of mere convenience to have someone else ask the questions, or was it cowardice, or was it something more sinister? It does appear that Laliberte was chosen for the task as a volunteer. His friend had been asked first, but declined because he was too shy. How many others knew of the scheme? Who discussed it beforehand? One of the disturbing aspects of this matter is that whoever orchestrated and planned the asking of the question has not explained. Nor have they shared in the opprobrium which has fallen entirely on Laliberte.

Laliberte’s assertion of shared responsibility appears never to have been before the Court. Other parties could have been joined to the action as part of Laliberte’s defence. When asked about this, Froese indicated that the file was not his at the time of preparing the Statement of Defence. “I was not involved in any decision with respect to joining other parties to the action.”

But if Froese or lawyers in his firm, erred in failing to tell Laliberte’s story, so too did the Plaintiff. A lawyer, as an officer of the Court is obliged to offer full disclosure of facts and not mislead the Court by omission. It is disturbing that the Plaintiff said nothing in his Affidavit (which comprised the entire evidence before the Court) about anyone other than Laliberte being responsible for what was asked. Nevertheless, in a press release dated three weeks after the Judgment, the Plaintiff brushes aside Laliberte and asserts that other officials in the Liberal Party were the true culprits:

“Laliberte did what others asked him to do. There was certainly malice on the part of the puppet masters. Laliberte was a useful tool in the hands of manipulative political operatives who sought to harm [the Conservative candidate], and in so doing, they put Laliberte in harms’ way as well. Those political operatives have never had the courage to come forward and admit their involvement.

This change from the Plaintiff’s initial position in his Statement of Claim referring to Laliberte as the sole perpetrator and later in the Plaintiff’s Affidavit might be seen as misleading the Judge as to the true cause of action as well as to the true facts. The Plaintiff knew Laliberte’s story at least as early as the mediation session. The Plaintiff had the opportunity to pursue others who were responsible, but precluded this by proceeding with an Application for summary judgment. The Chief Justice should have been entitled to hear Laliberte’s version of the facts, which might be true.