

have been disagreement. Laliberte would have reiterated his position and then Froese might have withdrawn and perhaps referred Laliberte elsewhere. Froese felt that any additional facts would have been irrelevant and therefore he was in profound disagreement with Laliberte. It might also have become apparent that there was, or could be, a conflict of interest. Even the possibility or appearance of a conflict, should have been avoided. In the absence of this imagined meeting it seems perilous in retrospect for Froese to have appeared and told the Chief Justice that he represented Laliberte.

Also disturbing is the position of the Plaintiff, particularly as he knew at an early date that Laliberte claimed others were involved, and, as became apparent later, this was the Plaintiff's own belief. The Chief Justice was never informed. This is not a trivial matter and was pertinent to the application for summary judgment. Also, why did the Plaintiff never mention the apology or explain the delay? The Plaintiff is an official of state and as such has an extra responsibility to put aside politics and to ensure that the legal system operates with the information necessary for a just decision. Some Judges would be annoyed if they found that they were not given all of the facts.

The complaint being investigated here is against Froese, so I refer only to him by name. Nevertheless the odd combination of circumstances and consequently the result, were not entirely of his doing, as explained above. In the end, others failed in their duty to Laliberte and to the Court. There were omissions and doubtful behaviour elsewhere. The fault of failing to represent and protect Laliberte lies also with the more senior lawyers in Froese's firm who passed the file on to him, on short notice after years of inaction. There is fault as well with the Plaintiff and his lawyers, whose silence before the Court was questionable indeed.

There is evidence here raising a question of Quality of Service on the part of Froese. Accordingly, on the basis of the foregoing analysis, I consider the complaint valid and I would direct that it be referred to the Discipline Committee for further attention and consideration pursuant to the Rules.

Yours truly,



JOHN H.B. McINTOSH, Q.C.
Designated Complaints Officer
JM/dwl