

“Pro bono files will be subject to the same rigid standards as regular files and will, at all times, be treated with the highest degree of skill and attention.”

FACTS:

During the closing days of the 2006 Canadian General Election campaign, Laliberte, acting as a volunteer worker for the Liberal candidate in a Saskatoon constituency telephoned a live cable television show and asked a question or questions of the guest, who was the Conservative candidate. The media reported that the Conservative candidate was asked, in effect, if he had ever been charged with sexual assault of his secretary at a named Church. On good authority the truthful answer to the question was “no”.

There followed considerable publicity as the Conservative candidate felt that he had been subjected to an unfair personal attack, and that this was an example of “sleazy tactics” and “practicing black arts of politics”. He stated that he was distressed, as was his family. He was concerned that the election results were “put at risk”. He commenced a Queen’s Bench action for defamation against Laliberte in March of 2006, although by then he had been successful in the General Election and had increased his margin of victory or plurality to over 9,000.00 votes. I also note that there has been another Federal Election since then, when he was also successful (May 2011). Accordingly, there were two completed federal elections in which the Plaintiff was a successful candidate, before the decision that gave rise to this complaint was rendered, six years after the fact.

A Statement of Defence denying defamation, but admitting that Laliberte asked the question, was filed in May, 2006. A mediation session was held March 13, 2007 with both parties and their counsel present, where Laliberte apologized to the Plaintiff and the possibility of settlement was explored.

Laliberte states that he as well was distressed by the media attention, and that he became ill, to such an extent that that he suffered first a minor and then a major heart attack.

The case ultimately came before the Chief Justice of the Court of Queen’s Bench. The style of cause of the action indicates that Laliberte, as defendant, was represented by Froese, who spoke on his behalf. The Court decided to proceed summarily as requested by the Plaintiff, and held that defamation was proven. Damages in tort of \$5,000.00 were awarded against Laliberte.

THE COMPLAINT:

In his complaint to the Law Society against his own lawyer of record, Laliberte states that he was surprised to hear of the Judgment: