

The Liberal Party

Laliberte asserts that Froese was not representing him, but rather the Liberal Party. By this he would be referring to only a handful of individuals, probably volunteers and other local workers of limited authority, and not to the national Party as a whole. If party supporters or the candidate decided that Laliberte should be given legal representation by virtue of being one of their own, this is to be commended. Laliberte alleges that the Liberal candidate “told me not worry about anything and that the party will take care of everything...”

Arguably there was an inherent conflict of interest in attempting to both represent Laliberte and protect the anonymity of other Party officials if in fact that was done deliberately and was not just a fortuitous result, (from the officials’ point of view). Laliberte feels that there was such a conflict. Was it intentional that others were never named by those claiming to represent Laliberte and that he became the scapegoat? Laliberte stated: “My grievance from the very beginning has been that I was set up.”

Froese confirmed a connection with the Liberal Party in his letter to the Law Society, when he named a specific lawyer in his own firm as the person who will decide whether damages are paid by the Party. Presumably this lawyer is an official with authority to make such a decision, or he speaks for those who do. According to internal firm memoranda, he was also the “originating”, “billing” and “responsible” lawyer in charge of the file from the outset. Others reported to him. Froese stated:

I advised [Laliberte] that I was confident that the Liberal Party would agree to indemnify him and that such agreement would entail fewer costs than litigation. I advised him that if he took action against the Liberal Party, McKercher may have to withdraw. I deferred [sic] the matter of the agreement with the Liberal party to ... another lawyer at McKercher.”

Froese asserts that he acted for Laliberte. “I did not take the interest of ...any member of the Liberal Party into account when opposing the Plaintiff’s application.” Accepting that this was how he saw his duty and that it is true that he only handled the file in the later stages, nevertheless his statement that the firm would decide whether the Liberal party would pay, seems to run counter to his assertion. Moreover he indicates that his firm would withdraw if Laliberte pursued the Liberal Party. This could be evidence of at least a divided loyalty resulting in a conflict of interest. If there were a conflict, the originating lawyer, who was apparently a Party official, as well as the lawyer who drafted the Statement of Defence without joining other parties to the action and who appeared at the mediation, have some responsibility for failing to fully represent and protect Laliberte. Someone should have helped Laliberte, at least by letting him be heard.