



Canada Court Watch

(A program of the National Association for Public & Private Accountability)
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Sent by Fax to 416-947-5263

June 19, 2006

Law Society of Upper Canada
Osgoode Hall, 130 Queen Street West
Toronto, Ontario
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Tel: 416-947-3310
E-mail: comail@lsuc.on.ca
Attn: Complaints Dept.

Dear Sir or Madame

RE: Complaint against family law lawyer, Ms. [REDACTED] [REDACTED]

We would like to file a formal complaint against one of your lawyer members, a Ms. [REDACTED] [REDACTED] of Toronto Ontario. She has an office located at [REDACTED] [REDACTED] in Toronto, Ontario.

The nature of our complaint is as follows:

- 1) That she made malicious, unfounded and libelous statements against ourselves and other identifiable persons which were untrue and which Ms. [REDACTED] ought to have known were untrue.
- 2) That Ms. [REDACTED], acting with malice in an underhanded and unethical way, attempted to unfairly influence the outcome in an unrelated criminal law trial using false and misleading information. It is believed that Ms. [REDACTED]'s motive behind her attack was to benefit one of her clients as well as herself in an unrelated family law case.
- 3) That Ms. [REDACTED] has stepped outside the bounds of professionalism as a lawyer and has allowed herself to become personally involved in the objectives of her clients without considering her duty as an officer of the Court.
- 4) That Ms. [REDACTED], while acting in the role of a lawyer, has directly and indirectly caused much unnecessary harm the family of her client, especially to the children of the client she represents.
- 5) That on at least one occasion in court, Ms. [REDACTED] argued against the spirit and intent of the Courts of Justice Act by recommending that the Court remove members of the media from the courtroom, knowing well that the media has the lawful right to attend a courtroom and also knowing that the teenage children present in the court

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had specifically requested the media to attend the court to help protect them from the Children's Aid society. One of the media representatives was a reporter from a local high school radio station.

- 6) That the actions of Ms. [REDACTED] as noted above have brought discredit to the administration of justice and have helped to erode the public's confidence in the legal profession.

Background to our complaint

On April 18, 2006, Ms. [REDACTED] [REDACTED] sent a libelous letter to a Ms. Ann Tierney who was the Crown Attorney acting in a criminal trial against a Barrie, Ontario father. This was not just a simple letter but a very comprehensive package containing 26 pages of material which very clearly took a lot of time for Ms. [REDACTED] to assemble. Across the top of her letter Ms. [REDACTED] marked the package as "URGENT", yet she stated later down in her own letter that the material was not admissible as evidence. The letter was sent to the Crown one day before the trial was to commence. In addition, Ms. [REDACTED] had no standing of any kind in this criminal trial.

In her letter to the Crown, Ms. [REDACTED] made some very serious allegations about our organization and about the work we do to help children and families who are involved with the court system. On page two of her letter Ms. [REDACTED] referred to our organization as a "wacko" organization. In the next sentence Ms. [REDACTED] makes specific reference to an individual who is a volunteer with Court Watch as being an accomplice in an abduction of a teenage child in the care of the CAS. Ms. [REDACTED] has accused our organization and at least one person whom she identified by name as committing the criminal act of abduction. For your reference, we have attached a copy of her letter.

It certainly does not seem very professional for a member of the Law Society to be making libelous statements about persons or organizations she has never spoken to or made direct inquiries about. In fact, we have on file a letter from another member of the Law Society, thanking Mr. [REDACTED] for his help in another family law matter. According to another Law Society member, the efforts of Mr. [REDACTED] were highly instrumental in settling court matters at a significant saving of court resources and lawyer's time. This letter from another one of the Society's members clearly contradicts Ms. [REDACTED]'s malicious and unfounded statements. Maybe in the future, Ms. [REDACTED] could act with some professionalism and make a few more inquiries before she makes nasty and unwarranted comments about anyone. Ms. [REDACTED]'s comments to the Crown and the unethical manner in which she delivered her documents to the Crown certainly do not appear coming from someone who would be considered a legal professional.

Regarding the issue of libel, from the Collin's dictionary libel is defined as:

- 1) to make or publish a defamatory statement about a person
- 2) to misrepresent injuriously

In our opinion, Ms. [REDACTED]'s letter to the Crown Attorney was a misrepresentation and was done to harm the credibility and good reputation of at least two individuals besides our

organization. Her letter was especially intended to target the father involved in the criminal trial in the most harmful way possible.

Neither Ms. [REDACTED] or her client had anything to do with the criminal trial. They were not witnesses. Even though both knew about the trial well in advance, neither had offered to provide evidence for the trial. Instead, Ms. [REDACTED] delivered this letter to the Crown immediately before the trial in what would appear to be an attempt to undermine the course of Justice.

As to motive, both Ms. [REDACTED] and her client from Barrie, did have a vested interest in having the husband found guilty in criminal court. A finding of guilt would benefit them in their separate family court matter. We believe that it was for this reason that Ms. [REDACTED] was motivated to become personally involved and to write this most inappropriate letter to the Crown. Ms. [REDACTED]'s actions were unconscionable under the circumstances in which she wrote her letter to the Crown.

What is also so disgusting and unprofessional about Ms. [REDACTED]'s letter is that it is full of unfounded accusations. In one part of her letter she blames the father for having the children write letters and in another part of her letter she accuses the children of vandalizing their own mother's property. Her lies, deception and mud slinging is absolutely disgusting.

Overall, Ms. [REDACTED]'s actions lack professionalism and certainly not the type of conduct that members of the public would expect from someone who is a member of the Law Society. Few, if any, would disagree with the premise that Ms. [REDACTED]'s actions were done with the intent to interfere with a criminal trial and to tarnish the reputation of others. We have circulated Ms. [REDACTED]'s letter to some members of the public and all who have reviewed the letter say that Ms. [REDACTED]'s letter reeks of underhanded legal shenanigans.

In reference to Ms. [REDACTED]'s lack of respect for the Courts of Justice Act, in January of 2005, at the Newmarket, Ontario Court, she argued to have the media removed from the court and also argued to have the two older children of the family removed from the court. The older siblings were 15 and 17 years of age and clearly expressed their wishes to remain in the court to support their younger sister who was 13 years of age. At another court hearing on June 30, 2005, armed officers stood guard outside of the courtroom at the Collingwood, Ontario court with specific instructions to keep the media out and to prevent the media from presenting any arguments to the court. The courtroom doors were sealed with lock and key by officers. Ms. [REDACTED] was inside this court at the time of this incident and we believe that in light of her actions to support this sort of unlawful activity back in January of 2005, that she had something to do with this later incident where members of the media were physically blocked from entering the court and threatened with arrest if they attempted to enter.

It would appear from our perspective that Ms. [REDACTED] is what many would refer to as a "loose cannon" within your organization. Her actions are surely not helping the Law Society to maintain its integrity or helping to promote respect for the profession. Even the teenage children of the family involved in this matter referred to Ms. [REDACTED] as a "monster" who was helping their mother destroy their father and their family.

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The actions of Ms. [REDACTED] fly in the face fairness and justice in the court system and clearly reflect an agenda to hide her actions from the watchful eye of the press and from the view of other family members. Generally, only those with something to hide want to resort to such drastic measures.

At this time all that we would ask from the Law Society would be to instruct Ms. [REDACTED] to provide a simple written apology to our organization and a separate apology to the individual she named in her letter.

If Ms. [REDACTED] is not willing to apologize in writing for the libelous statements made in her letter, then our organization will launch this issue more comprehensively into the public light through our own hearing in which we will have the actions of Ms. [REDACTED] brought before a 12 member randomly selected tribunal. This forum will also engage members of the public into an open discussion for the purpose of protecting the public's interest from lawyers who act in an unethical manner to the detriment of children and families in the community.

Your assistance in bringing Ms. [REDACTED] back into line with the good practices and ethical conduct of the profession would be greatly appreciated. Perhaps a temporary suspension of her license or placing her under the temporary supervision of another more ethical lawyer might be a good start to make her realize that she cannot continue to bring the administration of justice and the reputation of the legal profession into such disrepute.

Yours truly
CANADA COURT WATCH

A handwritten signature in black ink that reads "Dorian A. Baxter". The signature is stylized with a large, sweeping "D" and a long, horizontal stroke at the end.

The Archbishop Dorian A. Baxter, National Chairman
DorianBaxter@canadacourtwatch.com

Attachments:

Letter dated April 18, 2006 from Ms. [REDACTED] [REDACTED] to Crown Attorney, Ann Tierney (26 pages)