



2008

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<b>To:</b> <b>Law Society of Upper Canada</b>	<b>Tel.:</b>	<b>Fax:</b> 604-669-5232
<b>From:</b> <b>G. Stephen Alsace</b> <i>Assistant General Counsel</i> CIBC Legal Department Commerce Court West - 11th Floor Toronto, Ontario M5L 1A2	<b>Tel.:</b> 416-980-7376	<b>Fax:</b> 416-980-7151
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**Pages: 6 (including cover page)** **Date: November 12, 2008**

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**Subject: Retired member Anthony J. Jasich**

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Please see attached correspondence.

**If you have any concerns regarding this transmission,  
please call (416) 980-8670**

**CONFIDENTIALITY NOTE**

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November 7, 2008

**By fax: 604-669-5232**

Law Society of British Columbia  
845 Cambie Street  
Vancouver, BC V6B 4Z9

Dear Sirs:

**Re: Retired Member – Anthony J. Jasich**

We attach correspondence dated September 29, 2008 apparently authored by Mr. Jasich which raises concern as may warrant your further review.

We are concerned that Mr. Jasich appears to be providing questionable legal advice to his client, Mr. Harold Gaffney to continue to remit funds to CIBC on a mortgage even though CIBC has expressly confirmed to Mr. Jasich that the mortgage has been paid out and discharged from title on the property. The advice appears intertwined with allegations of impropriety directed by Mr. Jasich against lawyer Keith Oliver. Mr. Oliver is not acting for CIBC on this matter.

We are aware of a decision by the Court of Appeal of British Columbia in **Gaffney v. Gaffney**, 2007 BCCA 595 as provides some context to these matters. We note therein that the Court of Appeal declared Mr. Gaffney a vexatious litigant. CIBC was not a party to those proceedings nor does it have any ongoing litigation or dealings with Mr. Gaffney or Mr. Jasich.

Yours truly,

G. Stephen Alsace  
Assistant General Counsel

GSA/rs

Please also advise whether in representing Mr. Gaffney you do so “in the expectation of a fee, gain, or reward, direct or indirect, from Mr. Gaffney.

I would appreciate receiving your response within three weeks of the date of this letter. If you anticipate a problem meeting this deadline, please let me know, so we can arrange another date by which I may expect to have your response.

I note that the complainant is not your client. When preparing your response, please refer to Chapter 5 of the *Professional Conduct Handbook* entitled “Confidential Information.” Chapter 5, Rule 1 reads:

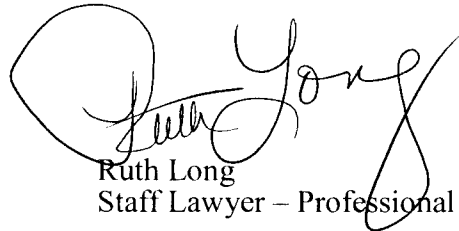
**“Duty of confidentiality**

A lawyer shall hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship, regardless of the nature or source of the information or of the fact that others may share the knowledge, and shall not divulge any such information unless disclosure is expressly or impliedly authorized by the client or is required by law or by a court.”

In accordance with our practice and pursuant to Rule 3-5(8) of the *Law Society Rules*, **we will send a copy of your letter of explanation and any enclosures to the complainant once the letter has been received.** Please keep this in mind when preparing your response. Please also note that the Law Society is subject to the *Freedom of Information and Protection of Privacy Act*.

Please note that this letter and other documents relating to this complaint are not admissible as evidence in any proceedings without the consent of the author of the material or the Executive Director required pursuant to section 87 of the *Legal Profession Act*.

Yours very truly,



Ruth Long  
Staff Lawyer – Professional Conduct

RL/sb  
20081027\3-jan2209  
Encls.

c. Mr. G. Stephen Alsace