



Canadian
Judicial Council
Conseil canadien
de la magistrature

File No.: 08-0319
22 January 2009

Ottawa, Ontario K1A 0W8

Mr Harold Gaffney
Mrs Tina Zanetti
908 - 1395 Beach Avenue
Vancouver British Columbia
V6E 1V7

Dear Mr Gaffney:

I am writing further to your letter dated 15 December 2008, in which you make a complaint against the Honourable Lance Bernard of the Supreme Court of British Columbia.

In accordance with the *Complaints Procedures* of the Council, I referred your complaint to the Honourable Richard Scott, Chief Justice of Manitoba and Chairperson of the Judicial Conduct Committee of the Council. After reviewing your complaint, Chief Justice Scott has asked me to provide you with this response.

As you are well aware, the Council's mandate in matters of conduct is to decide whether or not to recommend that a judge be removed from office in certain specific circumstances. The reasons for removal are set out in the *Judges Act* and address cases where a judge has become incapacitated or disabled from performing the duties of a judge. This can be as a result of age or infirmity, misconduct, a failure to execute the duties of the position, or being in a position incompatible with the functions of a judge.

In your letter, you complain about the decision of Justice Bernard, which you believe to be a fraud. You allege that the decision was based on a personal relationship that existed between Justice Bernard and a lawyer.

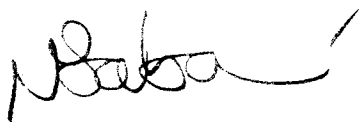
Chief Justice Scott notes the decision by the Court of Appeal to dismiss, with special costs, your appeal of Justice Bernard's judgment and the decision of the Supreme Court of Canada to dismiss your application to appeal, with costs.

Your allegations are entirely based on conjecture and speculation. Chief Justice Scott is of the view that your assertions are not supported by any credible or reliable information and that they are vexatious and made for an improper purpose. Consequently, Chief Justice Scott has directed me to close the file with this reply.

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I note that this is the fourth time members of the Conduct Committee have been required to review complaints from you and Mrs Zanetti. I have also found one of those complaints to fall within the parameters of section 2.2 of the *Complaints Procedures*. All were accompanied by copious correspondence and were entirely speculative with no factual foundation. Your allegations concerned several judges, as well as a large number of individuals that were in one way or another related to your case. Chief Justice Scott notes that Chief Justice Finch of the British Columbia Court of Appeal found most of your grounds of appeal vexatious. Chief Justice Finch also found allegations made in your factum, to be unfounded, vexatious and reprehensible and deserving to be punished by a special costs award. I am satisfied that your allegations have been thoroughly reviewed and that no further action need to be taken about your complaint.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Norman Sabourin', with a long horizontal flourish extending to the right.

Norman Sabourin
Executive Director and Senior General Counsel

cc. Ms Tina Zanetti