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The Attorney General of
British Columbia,
Room 234, Parliament Buildings
Victoria, B.C. V8V 1X4

August 18, 2005

To The Honourable Wally Oppal

Dear Sir:

Re: Police Investigation and delay in
laying Criminal Charges
In Re: Martin Keith Wirick - called to the bar ^{May 23, 2002}
in 1979 - resigned from the bar on ~~April 1, 2004~~
disbarred on December 16, 2002
In Re: Jonathan Aldroyd - called to the bar in 1980 -
resigned on ~~November~~ April 14, 2004.
Never disbarred

Congratulations on your election as a member of
the Legislative Assembly and your subsequent appointment
to the cabinet as the Attorney General for British Columbia.

I have been a member of the Law Society of
British Columbia for a period exceeding 48 years
having been called to the bar on May 16, 1957.

I have experienced to my dismay that although
judges and lawyers preach that no one should be
above the law lawyers are in certain cases above
the law.

Several lawyers have during the past few years
taken money from their clients' trust accounts and applied
the funds for a purpose other than that for which the
trust funds were intended. I am not aware that
any of the lawyers have been charged with theft
or fraud and therefore have not had to face the

threat of incarceration.

In particular I am referring to two recent cases of defalcation by lawyers, viz. Mr. Martin Keith Wirick who was called to the bar in 1979, resigned from the bar on May 23, 2002 and was finally disbarred on December 16, 2002.

Jonathan Oldroyd who was called to the bar in 1980 and resigned from the bar on April 14, 2004, but has never been disbarred.

Mr. Wirick allegedly received some \$70,000,000.00 (70 million) dollars from various lawyers upon his undertaking to use the funds to discharge mortgages registered against specific properties but rather than carrying out his undertakings Mr. Wirick paid the money over to his client, one Tarsem Singh Gill, a real estate developer. By paying the money over to his client Mr. Wirick is ipso facto guilty of an offence under the provisions of the Criminal Code. See R. v. Skaltaria [1997] S.C.J. No. 9 dated November 6, 1997, a decision of the Supreme Court of Canada. The judgment of the Court was delivered by McLachlin, J. as she then was, now the Chief Justice of the Supreme Court of Canada.

On July 9, 2002 Mr. Wirick filed for bankruptcy and swore a statement before one Bruce B. Grandossi wherein he swore to giving undertakings to pay out mortgages but instead paid the monies to his client.

A copy of Mr. Wirick's sworn statement is attached.

The last time I spoke to a member of the Law Society staff I was told that the Law Society had paid out just under 30,000,000.00 (\$30,000,000) Dollars to satisfy claims approved for payment due to Mr. Wiirik's defalcation.

Mr. Wiirik's client, Mr. Tarsem Singh Gill was put into bankruptcy by HSBC. At the time of his bankruptcy Mr. Gill resided at 6651 Ross Street in Vancouver, B.C. His telephone number at that point in time was 604-325-5709.

Mr. Gill gave as reasons for his financial difficulty as follows:

"I feel that if HSBC had not petitioned me into bankruptcy then I would not be an insolvent person as defined in section 2 (1) of the Bankruptcy Act."

I understand that it has been suggested by a staff member of the Law Society of British Columbia that Mr. Wiirik did not personally profit from his fraud. What Mr. Wiirik did was a Criminal Act, profit does not bear on the issue. See R. v. Spalbanis, (supra). The fact remains that Mr. Wiirik received from lawyers to whom he gave undertakings and Mr. Wiirik did not honour those undertakings. It is ludicrous to suggest that a lawyer can delegate his undertaking to a fellow member of the bar to a third party.

Mr. Jonathon Oldroyd is another lawyer who considers himself above the law. Mr. Richard Margetts, Q.C., past president of the Law Society is representing Mr. Oldroyd. Mr. Oldroyd has not been disbarred.

I enclose a clipping from The Vancouver Sun of November 8, 2004 which sets out a number of transgressions attributed to Mr. Oldroyd. Again, nothing seems to be happening with regard to laying Criminal charges against Mr. Oldroyd for fraud.

I am quite aware that a lawyer is entitled to be represented by counsel but when a lawyer's conduct shows such a disregard for his duty to the public I do not think that a past president of the Law Society should be representing him as in this case Mr. Oldroyd. See R. v. Skalbani, supra.

Both Mr. Wruck and Mr. Oldroyd have committed a breach of, *inter alia*, section 3 of the Legal Profession Act.

I would appreciate receiving an acknowledgement of the receipt of this letter at your earliest convenience and would also want to be apprised of the progress being made in the laying of charges, if there are to be any, against Mr. Wruck and Mr. Oldroyd.

I wish to remind the Attorney General of the statement he made on the Peter Warren Open Line Show on or about July 27, 2005 to wit:

"If there is evidence of a crime then it is my duty to prosecute the crime."

CC Solicitor General

Yours truly,
A. Jasich

Encl. (1) Sworn Statement
by Mr. Wirick

(2) Correspondence with Chief
Constable Jamie Graham

(3) Correspondence with Vancouver
City Council

(4) Clipping from The Vancouver Sun
of November 8, 2004.