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DATE: November 17, 2009
TRANSMITTAL FROM: Henry C. Wood
TO THE ATTENTION OF: ANTHONY JASICH
TELECOPIER NO. 604-685-6518
OUR FILE NO. 090858
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A LAW CORPORATION

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November 17, 2009

TRANSMITTED BY FAX: 604-685-6518

PERSONAL & CONFIDENTIAL

Anthony J. Jasich, I.L.B.,
403 - 567 Lonsdale Avenue,
North Vancouver, B.C.
V7M 2G6

Dear Mr. Jasich

**Re: Law Society - Citation
Hearing Dates: March 2 and 3, 2010**

I regret that you have turned down my invitation for a without prejudice meeting, but I am also aware of your apparent mistrust of people associated with the Law Society. I believe that my appointment in this matter was an attempt by the Law Society to inject a third party counsel who was not directly affiliated. Nevertheless, you are obviously free to meet or not as you wish.

My motivation in proposing a meeting was to try to open up a dialogue, so that we could avoid any posturing and have a more substantive discussion about reasons for doing the things which have led to the current Citation. In proposing that you consider involving someone you trusted as counsel on your behalf, I thought that we both might benefit from that person functioning at times as a sounding board. My hope was that with the opportunity to gain greater insight on both sides, we might be able to fashion a proposed resolution which would satisfy everyone's concerns. I remain willing to try that, whether in writing or otherwise, because after having reviewed the file I remain unclear as to the reasoning behind the advice you appear to have given to Mr. Gaffney, and the justification for making such serious allegations or insinuations against Mr. Oliver and at least one of the Judges involved in the Gaffney matter.

In that regard, I have reviewed your letter to the Attorney General of May 13, 2009. I have also reviewed *Re: Oehlerking Estate* (BCCA). You are correct in asserting that I have not had much experience in matters of property transfer, but I am an experienced litigation counsel with experience in dealing with allegations of fraud. I am also not without intelligence, and I am

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usually able to understand an adequately explained position, whether or not I agree with it. Accordingly, if you feel the charges against you are ill-informed in relation to the Gaffney matter, I urge you to rely less upon the notion that people outside a real estate practice cannot understand its nuances, and more on a more complete explanation of the thought process by which you guided Mr. Gaffney. Remember also that the Law Society has the ability to enlist the aid of others expert in real estate matters if that seems necessary to assist them in understanding your position.

Even after reviewing the file, I find myself guessing at your possible reasoning, so you should excuse me if I have missed the mark. However, if it is a part of your position that the purchasers of the Gaffney property acquired it in some sort of fraudulent manner, and that there is (or was) a resulting risk that the entire sale transaction might be cancelled by a Court (and so expose Mr. and Mrs. Gaffney to an invalidation of the purported CIBC discharge and to the consequential prospect that CIBC would re-assert their mortgage), then I invite you to respond to and expand upon the following:

1. This was a sale of property by Court Order, not a fundamental theft of property by impersonation. Neither you nor your client have produced any compelling evidence of fraud to date; no one else who has parted with money in reliance upon the sale is complaining about it. (I also assume that consideration was received by Mr. Gaffney and/or Mrs. Gaffney for the sale, in contrast with the situation in Re: Oehlerking Estate.) You and your client may have suspicions, but I have seen nothing more than speculation and tangential inference in your correspondence. Fraud is a serious allegation, and you will appreciate that the Courts require that there be a compelling and substantial basis for any such accusation. Understandably, the Law Society also is and should be concerned when accusations of this sort are made by one lawyer against another, and by implication against at least one Judge, without apparent substantive support.
2. In any event, CIBC had taken the position through its counsel that Mr. and Mrs. Gaffney's original mortgage had been satisfied and discharged. If they were not estopped from taking any different position as a result of that, then it would seem axiomatic that no court with equitable jurisdiction would allow Mr. Gaffney to suffer any prejudice in consequence of having relied upon assurances of discharge.
3. I have no idea what your concern over electronic filing of Land Registry documents has to do with this matter, and would also appreciate your elaboration upon that. I note that the excerpt from Mr. Aulinger's letter quoted in your letter of October 30, 2009 states that "electronic filing as an option has its place" and that his concern is only that such filing not be made "mandatory". Presumably this is a view that you share. However, as the current state of affairs is as described by Mr. Aulinger - electronic filing is available as an option, but is not mandatory - it is not at all clear to me what your concern is.

With respect, Mr. Jasich, the allegations you have made that the Law Society staff seemed to want to "attract, stimulate and facilitate fraud, improper practices and poor practices" by virtue of

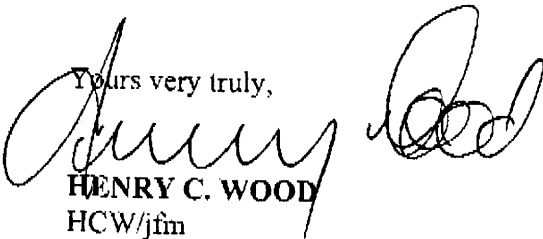
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their apparent support for electronic filing are undignified and entirely inappropriate. None of these people have any conceivable interest in facilitating fraud or other harmful practices. It is not reasonable to make such extreme allegations, and then to purport to draw inferences when those against whom the allegations are made do not respond to the bait. For good reason, many people choose to ignore inflammatory allegations because there is seldom any prospect of productive discourse with those who make them, and any response (even this) usually leads only to a fanning of the flames. If you wish truly to engage in a meaningful discussion about the concerns you have over electronic filing, that should be carried on as a separate discussion in a rational and non-inflammatory way. If you have a sincere willingness to do that, I am confident that the Law Society would endeavour to have someone with expertise in that issue discuss your concerns with you.

I hope you will reconsider the offer to talk without prejudice.

Yours very truly,



HENRY C. WOOD
HCW/jfm