

ANTHONY J. JASICH, LL.B.

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Thursday, January 29, 2009

CANADIAN JUDICIAL COUNCIL (CJC)

Attention: Norman Sabourin, Executive Director and Senior General Counsel;

Copy to: The Honourable Richard Scott, Chief Justice of Manitoba;

Dear Sirs,

**Re: In Response to CJC Letter of January 22, 2009
In Respect to Ms. Tina Zanetti's December 12, 2008 Complaint Letter
Against Federally Appointed Judge Lance W. Bernard**

Ms. Zanetti handed me over the letter of Mr. Sabourin dated 22 January 2009, of which I attach a copy, in response to her complaint against Justice Lance Bernard and I noted that you have addressed your letter to Mr. Gaffney rather than addressing your response to her. I would respectfully ask you to apologize to my client Mr. Gaffney for addressing the letter to him when you had specifically told him in a letter dated 14 November 2007, that his complaint against federally appointed judges "constitutes an obvious abuse of the complaints process..." Mr. Gaffney informs me that he understood your letter of 14 Nov. 2007 to mean that the CJC is a public body, like the police department, investigating itself and cannot be impartial and therefore futile for him to write any further complaints to the CJC.

I would like to further point out the following:

1. In reference to your paragraphs 1 to 5, Mr. Gaffney did not make the complaint against Mr. Justice Bernard;
2. The conclusion you draw in paragraph 6 is entirely based on conjecture and speculation because Mr. Gaffney did not write the letter of complaint.
3. As for the view of the Hon. Chief Justice Richard Scott that the assertions made in Ms. Zanetti's letter is based on speculation and not supported by any credible or reliable information, I enclosed Ms. Zanetti's letter dated 12 December 2008, along with her evidence in support of her complaint, wherein I will draw your attention to tab (1) to (14). Further Ms. Zanetti's assertions are also based on my own investigation, as I was present in the court room on 26 November 2007 when Mr. Justice Lance Bernard,
 - a) approved the sale of Mr. Gaffney's property for less than what had been genuinely offered by Mr. Ray Lehoux and less than the provincial tax assessment authority; and
 - b) when His Lordship singlehandedly overturned the entered Order of Crawford, J, by ordering the net purchase price after adjustments be paid to his friend attorney R. Keith Oliver;

4. I understand that Chief Justice Scott has directed you to close this file, as it may be perhaps the easiest way out of this mess created by those in position of trust, however the fact remains, as I have pointed out to you in my letter of January 22, 09, of which I attach a copy, that, *inter alia*, Justice Bernard has used his judicial office for the advancement of the private interests of his friend Mr. Keith Oliver.

5. Further, Chief Justice Scott and the CJC ought to be aware that Chief Justice Finch erred when he found Mr. Gaffney vexatious, since it is my considered opinion that there was nothing vexatious in Mr. Gaffney's appeal. However by declaring Mr. Gaffney to be a vexatious litigant, it was a sure way to restrict any further claims from Mr. Gaffney and restrict him from obtaining any equitable relief from the court, including the Supreme Court of Canada.

6. I can only repeat what you have stated in your letter at page 1 of paragraph 3, wherein "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 a result of age or infirmity, misconduct, a failure to execute the duties of the position, or being in a position incompatible with the function of a judge". I leave it to you to decide which of these conditions apply to Justice Lance W. Bernard.

7. In closing, Ms. Zanetti and I have provided you with comprehensive particulars of misconduct on the part of Mr. Justice Bernard and I would respectfully ask that you make sure that this time you forward all the material, including the evidence, to Mr. Chief Justice Scott, so that when he writes back to me and to Ms. Zanetti, he will refer to the evidence in support of Ms. Zanetti's complaint and to my own evidence as well.

In the meantime I would respectfully ask that you acknowledge this letter as soon as you are in receipt of the material and to please have the courtesy to apologize to Mr. Gaffney for addressing the letter to him.

Yours truly,

Anthony Jasich LL.B



c.c. Tina Zanetti

Encls. Letter from Mr. Sabourin dated 22 Jan 2009;
Letter from Jasich to CJC dated 22 Jan. 2009; and
Ms. Tina Zanetti's complaint dated 12 Dec. 2008 with enclosed evidence in support of the complaint.