

# PUBLIC NOTICE

January 5, 2009

AMID ALLEGATIONS OF SERIOUS PUBLIC SERVICE FRAUD

## OPEN LETTER

To the Attorney General Ontario  
The Honourable Chris Bentley  
Law Society Act of Ontario Designate:  
"Guardian of the Public Interest Sec. 13.-(1)"

Sir:

The National Coalition For Law Society Reform has made the following observations, which as a dues paying member of the Law Society Corporation #203813 and as our Guardian Of The Public Interest, you must surely be aware:

1. The Law Society itself holds the records of numerous and often MULTIPLE CON-SECUTIVE Criminal Offences premeditated then committed by its lawyer members on their own clients. To ignore these records is not in the PUBLIC INTEREST.
2. The National Coalition For Law Society Reform holds records that show the Law Society does not cooperate with POLICE AGENCIES as it should. Also some Ontario POLICE AGENCIES discourage or refuse CITIZEN COMPLAINTS against lawyers, saying that the Law Society handles such complaints in its role as a Quasi Judicial Body. This is not in the PUBLIC INTEREST.
3. When occasionally the POLICE and COURTS do manage to apprehend and convict a Law Society member lawyer, this criminal is then allowed by the Law Society to continue practice while REPEATEDLY VIOLATING THE TERMS of PROBATION, that is, continue to practice Law while VIOLATING EVEN MORE SECTIONS of the CRIMINAL CODE of CANADA. That is not in the PUBLIC INTEREST.
4. CLIENTS, win or lose, are all drowned in filing fees and costs which are often increased by court assisted churning tactics month after month, year after year and VICTIMIZED by incompetent crown attorneys and judges who borrow money from lawyers, judges who should recuse themselves from some cases and do not. All this and more under the guise of serving the PUBLIC INTEREST. As a "Not for Profit" corporation the Law Society and its industrial complex further DISGRACES ITSELF by IGNORING the long-standing demands even of our most EMINENT JUSTICES: H.J. Krever, D.S. Ferguson, F. Iocobucci, M. Muldavor, Madam Chief Justice B. McLachlin etc. to correct these documented violations against the very foundations of JUSTICE FOR ALL.

The PUBLIC is becoming more and more AWARE and DISGUSTED as the number of CITIZEN VICTIMS grows.

It is time for a big change MR. ATTORNEY GENERAL "GUARDIAN of the PUBLIC INTEREST", a complete REBIRTH of the legal industry of Ontario if it is to become a viable entity in the future.

The National Coalition for Law Society Reform stands ready to do its duty for the Citizens of Ontario. To join our PETITION the PUBLIC may visit our web sites at [www.lawsocietiesreform.com](http://www.lawsocietiesreform.com) - [www.dirtylawyer.com](http://www.dirtylawyer.com) or call 1-888-675-6564

For More Information contact N.C.F.L.S.R. senior members:  
Walter Osborn Mark DeMarco

*Walter Osborn*

*Mark DeMarco*



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

Direct Line: (416) 947-3310  
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Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

Complaints Services  
Client Service Centre

August

✓ **PRIVATE AND CONFIDENTIAL**

✓ \$3 million -- had been stolen. Did they call the police? No. It's against the law, due to section 49.12.

✓ A vault closed around the investigation. Victims were asked to give statements, but the Law Society did not tell them what was happening. This went on for three years. Victims received confusing advice from various sources. One, for example, was told by another lawyer not to go to police because it would make it harder to get his money back.

✓ Some victims did contact Halton Regional Police. Victims say detectives told them that they

✓ 'For six months, the law society would not talk to us. They would not return our phone calls'

✓ OPP Detective David Shantz would have to wait for the Law Society to complete its investigation. The Star found that it takes an average of 3.5 years from time of complaint to resolution for a case like Sinclair's.

Dear

Re: Our File Number

Thank you for your correspondence, which we received on

Your letter will be assigned to one of our staff members, who will carefully review it and may contact you. While we realize the importance of a quick response, we also need to take the time to ensure that your letter is given the attention it deserves. Normally we will contact you or respond to you in approximately 30 days, depending on the type of issue or inquiry. If you have any questions in the meantime, please call us at 416-947-3310 or 1-800-268-7568 and one of our Service Representatives will be pleased to assist you.

You may find the enclosed sheet, "The Law Society's Complaints Process", helpful. If your letter contains a complaint about a lawyer, we may need to send a copy of the letter of complaint to the lawyer involved, or to contact the lawyer to discuss the complaint. If you object to this, please tell us immediately. In some cases, however, it may be necessary for us to proceed with your complaint and contact the lawyer involved - even without your consent.

If the purpose of your letter is to ask a question rather than to file a complaint, a Complaints Services Representative will contact you. If we cannot answer your question, we will try to give you information about other resources that may be able to help you. You should know that the Law Society cannot provide legal advice or legal services to the public. We also cannot comment on a complaint about a lawyer without having the name of the lawyer you are complaining about.

Yours sincerely,

Complaints Services  
Client Service Centre

Encl.

UNSIGNED!  
P+C LETTER

*us. They would not return our phone calls'*

✓ OPP Detective David Shantz

✓ would have to wait for the Law Society to complete its investigation. The Star found that it takes an average of 3.5 years from time of complaint to resolution for a case like Sinclair's.

Ministry of Energy  
and Infrastructure

Strategic Real Estate Asset  
Management Division

Office of the Assistant Deputy Minister  
777 Bay Street, 4<sup>th</sup> floor  
Toronto ON M5G 2E5  
Tel: 416-312-4886  
Fax: 416-325-4820  
www.ontario.ca/MEI

Ministère de l'Énergie  
et de l'Infrastructure

Division de la gestion stratégique  
des biens immobiliers

Bureau du sous-ministre  
777, rue Bay, 4<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél : 416-312-4886  
Téléco : 416-325-4820  
www.ontario.ca/MEI



December 15, 2008

Dear

By copy of a letter to you from Mr. Mark Leach, Assistant Deputy Attorney General, my ministry was asked to respond to your constituent's question about the leasing arrangements between the Law Society of Upper Canada and the Province of Ontario.

I apologize for the delay in responding; however, my staff have investigated this matter extensively. The Ministry of the Attorney General has confirmed that the Law Society of Upper Canada does not pay rent to the Province of Ontario for its space at Osgoode Hall.

This is a long-standing arrangement between the Law Society of Upper Canada and the Ministry of the Attorney General (on behalf of the provincial government) and is consistent with all courthouses across the province.

Thank you for writing.

Sincerely,

Mary Shenstone  
Assistant Deputy Minister

c: Mark Leach  
Assistant Deputy Attorney General

IN THE INTEREST OF JUSTICE  
JUDGES-FORMER CROWN  
AND

Law Society Corporation members incapable of conducting unbiased, independent, Canadian Charter in Law impartial legal process, given Canadian Corp. #203813 members FREE RENT from Province Ontario in ALL COURT HOUSES across the Province and specifically Ontarios Osgoode Hall. The public pays all Corporation Legal Service providers.

BREACH OF PROCESS & CHARTER RIGHTS  
Full independent Inquiry along with the Ombudsman of Ontario officials office, ought to be initiated with dispatch.

✓ Clerks hesitated to tell attorney where client's case was being heard

# Secrecy criticized

Not posting dockets

"makes a mockery of the open court system"

Ontario Superior Court Justice John McMahon told lawyers in court yesterday that he has contacted officials to complain about recent changes that bar the public

# Youth court secrecy criticized by judge

Clerks hesitated to tell attorney where client's case was being heard

PETER SMALL  
COURTS BUREAU

A senior judge has asked the attorney general's ministry to reverse its new policy of keeping secret the locations of youth trials at Toronto's top criminal courthouse.

Ontario Superior Court Justice John McMahon told lawyers in court yesterday that he has contacted officials to complain about recent changes that bar the public from finding out in which courtrooms specific youth trials are being held.

# Lawyer rips policy on youth trials

Not posting dockets "makes a mockery of the open court system"

SAM PAZZANO  
Courts Bureau

A new ministry of attorney general policy that shrouds youth trials in secrecy is as bad as the Star Chamber trials of medieval England, a media lawyer charges.

"This is privacy rights run amok in the judicial system and completely flies in the face of 25 years of Supreme Court of Canada decisions espousing openness as a hallmark of a democratic society," said lawyer Iain MacKinnon, who represents Sun Media

and the CBC.

"This makes a complete mockery of the open court system. The public has a right to know what you're charged with. This is a huge roadblock for students who come to learn about the justice system."

MacKinnon was referring to the AG ministry's decision to treat court dockets — notices usually posted outside courtrooms with the name of the accused and the charges

— as a "record under the Youth Criminal Justice Act."

This means that the youth's initials — which were used in the recent Jane Creba trial of convicted killer JSR — wouldn't have been shown on any court docket.



RENGEL  
Teen murdered

Section 118 of the YCJA "precludes the courts from disclosing it, except to persons authorized under Sect. 119," ministry spokesman Brendan Crawley said.

"Even where the media does know the name of a young per-

son present in open court, ministry policy doesn't permit court staff to disclose future dates or dispositions in YCJA cases, except to those persons who have authorized access under Sect. 119," Crawley said.

MacKinnon said the policy is insane.

"This is like the Star Chamber trials before they were abolished in England in the 17th century," MacKinnon said in an interview.

Veteran criminal defence lawyer Marshall Sack, who represents a teenaged girl accused in the murder of 14-

year-old Stefanie Rengel on New Year's Day, complained to Justice John McMahon that he wasted 10 minutes trying to find the courtroom because of these policy obstacles.

"I don't see why they made a change," Sack told reporters later. "Some old things — like lawyers — are still good and don't have to be changed."

MacMahon said he contacted a "senior" member of the attorney general's ministry and by next week this problem "should be remedied."

December 18, 2008

Financial Services Commission of Ontario  
Licensing and Market Conduct Division,  
Investigations and crime unit,  
5160 Yonge Street,  
4th Floor  
Box 85  
Toronto ON

M2N 6L9 Re: Lawyers in Ontario holding themselves out as Financial Service providers, Legal Financial Service providers and financial venture experts, often requesting finance, and mortgage venture funds from public at large & clients.

Dear Financial Services Commission of Ontario:

Please with urgency, relay what public protection is available from Financial Services Commission of Ontario regarding Law Society Corporation #203813 members who in the capacity as corporation member public legal service providers, similarly then deal in and solicit client and public members financial holdings, winnings, mortgage funds or assets, held in trust, OR finance (cash) funds held while acting for a client/public member, purporting specialty service as, /financial advisor/trust expert/financial estate expertise. Are public/clients who often fall victim to self interest opportunist lawyers at all protected?, and is the public protected given F.S.C.O.O. and ministries role.

As I understand that your F.S.C.O.O. licencing and Market Conduct Practices Dept. solely looks into insurance companies, agents and adjusters, but does NOT look into the Law Society Private Corporation owned insurance company, nor lawyer agents or investigators, when public concerns regarding L.S.U.C corp. membership conduct and statute non compliance is reported. Given that Law Society corp. members have no more protection or imunity than any other professionals in the community ruling of Ontario High Court of Justice, Krever, J. February 23, 1979 landmark 43 page decision AND further Ministry of Government and Consumer Services clear May 23, 2008 Office of the director Christopher Fergusons attached consumer protection and legislation mandated in the publics interests direction, and Canadian Charter Law as clearly written that the agency L.S.U.C. a corp. is under the Ministry of Attorney General, and that some private LSUC corporation and membership contracted to our government, and that NO ONE can question its alleged misconducts to any Ministry because of privilege, often alleged is L.S.U.C. members are selfserving and corrupt.

Please relay what public interest financial protection your Ontario Services Commission provides given a lawyer/accountant crime epidemic, related service frauds that include criminal code 380. (1) service fraud, mortgage fraud, trust and estate fraud, insurance fraud, consumer billing fraud, forgery, misrepresentation to effect fraud.

Ongoing warnings to Ministries, Agencies, Professions, Societies FROM Mr. Justice Krever, Justice Iocobucci, Justice Ferguson, Justice Muldavor, Chief Justice Beverley McLachlin, Judge Riordon, O.P.P. David Shantz, lawyers Clay Ruby, Philip Slayton, Allan Young, Allan Shannof etc., regarding serious corporation membership crime. Please review the official attached correspondence and act in the public interest.

Yours Truly,



4602 Victoria Ave. Niagara Falls, ON L2E 4B7

905-374-2689 Ph. & Fa.

# PROBE: Ministry

## JUDGE RIORDAN CHASTISED THE 161-YEAR-OLD LAW SOCIETY

Judge Riordan argued, the Law Society put the commercial interests of some of its members ahead of its statutory duty to protect the public interest. Put bluntly, he found the guardian was only looking after the guardian.

In a decision that will be required reading for each of the country's 13 law societies and their members. Judge Riordan chastised the 161-year old Law Society.

[80] There was not a mere error of judgment arising in the course of a complicated case. Mr. Lamont's failure in his duty here can fairly be classified as "egregious" as that term was used by Krever, J. (as he then was), in Demarco v. Ungaro et al. (1979), 21 O.R. (2d) 673 (H.C.).

## Agency lost 'millions' in clients' funds

ROBERT BENZIE AND RICHARD BRENNAN QUEEN'S PARK BUREAU

The Ontario agency responsible for investing \$1 billion held in trust for vulnerable people has lost "millions" by mismanaging assets, acting provincial Auditor Jim McCarter says.

The province's Office of the Public Guardian and Trustee violated its own guidelines that required investments be diversified, McCarter said.

In one case, 80 per cent of a "poor, elderly" client's portfolio was kept in former stock market darling Nortel Networks, which later tanked, losing \$3 million. This despite the fact the trustee was urged by one of its financial planning advisers to diversify the senior's portfolio, limiting the risk of losses.

### Law Society Act

Chap. L.B. LAW SOCIETY  
13.-(1) The Attorney General for Ontario shall serve as the guardian of the public interest in all matters within the scope of this Act or having to do with the legal profession in any way and for this purpose he or she may at any time require the production of any document, paper or record or thing pertaining to the affairs of the Society.

## Law Society of Upper Canada Corporation

Malcolm Heins, the chief executive officer of the Law Society, said cases of lawyers who break the law are treated very seriously.

"We have a public trust. We have privileges that come with the designation, with the call to the bar. All lawyers are distressed when something like this happens," said Heins.

Asked why the Sinclair and other cases do not result in a criminal prosecution, Heins suggests that police are "under resourced" when it comes to white-collar crime. "White collar crime is an arduous investigation and prosecution. It takes a lot of time and a lot of money. Priorities in police forces I think are directed in other directions."

Police interviewed by the Star disagreed with Heins. Detective Sergeant Gary Logan, of Toronto Police Service's Fraud and Forgery Squad said they are busy but they never turn a valid complaint away.

"This is our job. We don't pick and choose," said Logan. Instead, he sees the problem being organizations not bringing cases forward.

CRIMINAL CODE 380. (1)

T.O. POLICE SAY PROBLEM IS LSUC & ORGANIZATIONS NOT BRINGING CASES FORWARD, I SPOKE TO LOGAN! WHO STATES CRIME UNREPORTED INCREASES RAPIDLY!

## Fraud

380. (1) Fraud — Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service.

(a) is guilty of an indictable offence and liable to a term of imprisonment not exceeding ten years, where the subject-matter of the offence is a testamentary instrument or the value of the subject-matter of the offence exceeds five thousand dollars; or

(b) is guilty

(i) of an indictable offence and is liable to imprisonment for a term not exceeding two years, or

(ii) of an offence punishable on summary conviction.

(2) Affecting public market — Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

R.S. 1985, c. 27 (1st Supp.), s. 54; 1994, c. 44, s. 23; 1997, c. 18, s. 26.

## THE BARRISTER'S OATH (a)

You are called to the degree of Barrister to protect and defend the rights and interests of such of your fellow-citizens as may employ you. You shall conduct all cases faithfully and to the best of your ability. You shall neglect no man's interest, nor seek to destroy any man's property. You shall not be guilty of champerty or maintenance. You shall not refuse causes of complaint reasonably founded, nor shall you promote suits upon frivolous pretences. You shall not pervert the law to favour or prejudice any man, but in all things shall conduct yourself truly and with integrity. In fine, the Queen's interest and your fellow citizens' you shall uphold and maintain according to the constitution and law of this Province.

All this I swear to observe and perform to the best of my knowledge and ability—so help me God.

LAWYERS.

# Using the law to stymie public inquiry

An Ontario judge has blasted the legal profession for running up excessive, unjustified bills

Chief Justice McLachlin

