File # 42334

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE COURT OF APPEAL OF QUEBEC)

BETWEEN:

JACQUELINE SANDERSON

APPLICANT

(Appellant)

AND:

ME SÉBASTIEN DYOTTE

in his capacity as syndic of the Quebec Bar

AND:

ATTORNEY GENERAL OF QUEBEC

AND:

ATTORNEY GENERAL OF CANADA

RESPONDENTS

(Respondents**)**

AMENDED APPLICATION FOR LEAVE TO APPEAL

Jacqueline Sanderson (Applicant)

Self-represented:
3 Place Ville Marie, Suite 400
Montreal (Quebec) H3B 2E3
Tel.: 514.473.5725
email: jackieclairesanderson1@gmail.com

Counsel for Respondents:

Counsel to Me Sébastien Dyotte:
Me Sophie Gratton
Email: sgratton@sarrazinplourde.com
485 McGill Street, Suite 500
Montreal (Quebec) H2Y 2H4
514.360.4350

The Attorney General of Quebec:
Me Gabriel Lavigne
bernardroy@justice.gouv.qc.ca
1 Notre-Dame Street, Suite 8.00
Montreal (Quebec) H2Y 1B6
514 393-2336 ext. 51529

TABLE OF CONTENTS

NOTICE FOR APPLICATION FOR LEAVE TO APPEAL

TAKE NOTICE THAT Jacqueline Sanderson hereby applies for leave to appeal to the Court, pursuant to section 40 of the *Supreme Court Act* from the judgment of the Court of Appeal of Quebec bearing file numbers 500-09-031726-250, 500-09-031727-258, 500-09-031691-256 and 500-09-031696-255 rendered on the 27th day of February, 2026, in *Sanderson v. Dyotte*, 2026 QCCA 268 (the "**Appealed Judgment**"), and to overturn said judgment and return the file back to the Court of Appeal to be heard by another Judge; **AND FURTHER TAKE NOTICE** that this application for leave is made on the following grounds:

GROUND 1: Prior Involvement

The Applicant submits that Justice Geneviève Marcotte erred at law by not recusing herself due to her prior involvement in the same file number in the Superior Court, being file number 500-17-129627-249, because she had heard another appeal in the same file on December 12, 2024 such that the facts and issues in the prior case has extensive overlap with the judgment on appeal, being *Sanderson v. Conseil de discipline du Barreau du Québec*, 2025 QCCS 3331 (the "***Demers Judgment***").

ELECTRONICALLY SIGNED AT THE CITY OF CARIGNAN BY:

Jacqueline Sanderson
_____
Ms. Jacqueline Sanderson

ELECTRONIC FILING TO: **THE REGISTRAR**

AND TO:

Attorneys of the Respondents

Counsel to Me Sébastien Dyotte:
Me Sophie Gratton
Email: sgratton@sarrazinplourde.com
485 McGill Street, Suite 500
Montreal (Quebec) H2Y 2H4
514.360.4350

The Attorney General of Quebec:
Me Gabriel Lavigne
bernardroy@justice.gouv.qc.ca
1 Notre-Dame Street, Suite 8.00
Montreal (Quebec) H2Y 1B6
514 393-2336 ext. 51529

COUR SUPÉRIEURE

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

Nº : 500-17-129627-249

DATE : 16 septembre 2025

SOUS LA PRÉSIDENCE DE L'HONORABLE IAN DEMERS, J.C.S.

JACQUELINE SANDERSON
Demanderesse
c.
CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC
Défendeur
et
M^e^ SÉBASTIEN DYOTTE, en qualité de syndic adjoint du Barreau du Québec
Mis en cause

JUGEMENT

SURVOL

[1] Jusqu'à sa radiation pour une période de 22 mois par le Conseil de discipline du Barreau du Québec, Jacqueline Sanderson était avocate.

[2] Bien qu'elle ait exercé son droit d'appel de plein droit au Tribunal des professions, elle a poursuivi parallèlement un pourvoi en contrôle judiciaire à la Cour supérieure. Elle a utilisé les deux recours pour obtenir le sursis de la condamnation et sa réinscription au Tableau de l'Ordre jusqu'au jugement final sur l'appel.

JD3990 [3] Sur demande du syndic adjoint, instruite par défaut, la Cour a rejeté le pourvoi et l'a déclaré abusif. Elle a conclu que le Tribunal des professions avait compétence et que

le pourvoi avait été signifié dans un délai déraisonnable. Madame Sanderson, invoquant son état de santé au moment de l'audition, demande la rétractation du jugement.

[4] Le syndic adjoint a répondu à la demande en rétractation par une demande en rejet et en déclaration d'abus de procédure. Il réclame des dommages-intérêts d'un peu moins de 50 000 $ couvrant l'ensemble des honoraires extrajudiciaires encourus dans le présent dossier.

[5] La demande en rétractation sera rejetée et déclarée abusive. Elle ne repose sur aucune preuve de l'incapacité de M^me^ Sanderson à être présente le jour de l'audition. Elle ne fait état d'aucun moyen de défense. Elle constitue plutôt un réquisitoire contre le syndic adjoint et les procédures disciplinaires intentées contre M^me^ Sanderson. Cependant, une déclaration d'abus de procédure ne donne pas à la partie victime le droit à l'entièreté des honoraires extrajudiciaires qu'elle a engagés. Elle peut réclamer les honoraires encourus du fait de l'abus seulement.

[6] Le syndic adjoint devra assumer les honoraires encourus à l'égard de la demande d'autorisation de perquisitionner le domicile de M^me^ Sanderson, qui n'a rien à voir avec le pourvoi ou la demande en rétractation; la demande en rejet et en déclaration d'abus de procédure de la demande en rétractation, une demande devant être contestée oralement; et la remise de l'audition de la demande en rétractation, qu'il a provoquée en déposant sa demande en rejet quelques jours auparavant alors qu'il aurait pu le faire bien plus tôt.

[7] Madame Sanderson sera condamnée à payer des honoraires extrajudiciaires de 18 801,32 $, qui sont directement liés au pourvoi et à la demande en rétractation.

QUESTIONS EN LITIGE

[8] La demande en rétractation de M^me^ Sanderson et la réclamation du syndic adjoint soulèvent les questions en litige suivantes :

1. Madame Sanderson était-elle incapable de se présenter à l'audience tenue le 25 septembre 2024?
2. La demande en rétractation est-elle abusive?
3. Madame Sanderson doit-elle être condamnée à payer des honoraires extrajudiciaires de 49 182,80 $?

ANALYSE

[9] Pour la meilleure compréhension des motifs qui suivent, le présent dossier a suivi les principales étapes procédurales suivantes[1] :

Date	Étape
30 novembre 2023	Décision du Conseil (culpabilité)
18 avril 2024	Dépôt du pourvoi en contrôle judiciaire contre la décision du Conseil (culpabilité) (séquence nº 1)

[1] Afin d'alléger le tableau, les dates de présentation correspondent aux dates auxquelles la demande a été instruite et non aux dates indiquées dans l'avis de présentation.

Date	Étape
3 mai 2024	Dépôt de la demande en rejet du pourvoi et déclaration d'abus de procédure par le syndic adjoint (présentation : 14 mai 2025; séquence nº 5)
14 mai 2024	Renvoi de la demande en rejet au maître des rôles pour examen préliminaire par un juge (présentation de la demande en rejet : 25 septembre 2024)
17 mai 2024	Dépôt de la demande en sursis de la procédure en cours devant le Conseil (présentation : 24 mai 2025; séquence nº 6)
24 mai 2024	Rejet de la demande en sursis de la procédure devant le Conseil
19 juillet 2024	Décision du Conseil (sanction)
20 août 2024	Dépôt d'une déclaration d'appel des décisions du Conseil (culpabilité et sanction) au Tribunal des professions
21 août 2024	Dépôt d'une demande en réinscription au Tableau de l'Ordre (présentation : 26 août 2024; séquence nº 10)
26 août 2024	Rejet de la demande en réinscription au Tableau de l'Ordre
29 août 2024	Dépôt de la demande en autorisation de perquisitionner le domicile de M^{me} Sanderson (présentation : le jour même; séquence nº 12)
29 août 2024	Accueil de la demande en autorisation de perquisitionner
25 septembre 2024	Accueil de la demande en rejet du syndic adjoint
27 septembre 2024	Dépôt au Tribunal des professions de la demande en sursis de l'exécution provisoire de la décision du Conseil (sanction) (présentation : 2 décembre 2024)
30 septembre 2024	Dépôt de la requête en permission d'appeler du jugement autorisant la perquisition (présentation : 12 décembre 2024; séquences nº 16–17)
25 octobre 2024	Dépôt de la demande en rétractation originale (présentation : 4 avril 2025; séquence nº 18)
13 décembre 2024	Rejet de la requête en permission d'appeler du jugement autorisant la perquisition
22 janvier 2025	Rejet par le Tribunal des professions de la demande en sursis de l'exécution provisoire de la décision du Conseil (sanction)
28 mars 2025	Dépôt de la demande en rejet et déclaration d'abus de procédure de la demande en rétractation (présentation : 4 avril 2024; séquence nº 26)

Date	Étape
28 mars 2025	Dépôt de la demande de remise de l'audition de la demande en rétractation de jugement (présentation : 2 avril 2025; séquence nº 25)
1er avril 2025	Dépôt de la demande en rejet et déclaration d'abus de procédure modifiée de la demande en rétractation (non captée)
2 avril 2025	Remise de l'audition de la demande en rétractation de jugement prévue le 4 avril 2025
26 août 2025	Dépôt de la demande en rétractation de jugement modifiée (présentation : 3 septembre 2025; séquence nº 34)
26 août 2025	Dépôt de la demande pour forcer la comparution du syndic adjoint à l'audition de la demande en rétractation (présentation : 2 septembre 2025; séquence nº 35)
2 septembre 2025	Rejet de la demande pour forcer la comparution du syndic adjoint
3 septembre 2025	Audition de la demande en rétractation et de la demande en rejet et déclaration d'abus de procédure de la demande en rétractation

1. Madame Sanderson était-elle incapable de se présenter à l'audience tenue le 25 septembre 2024?

[10] Madame Sanderson invoque son état de santé, mais la preuve qu'elle avance au soutien de sa demande en rétractation de jugement n'établit aucune incapacité. De toute façon, elle n'invoque aucun moyen de défense à la demande en rejet du syndic adjoint. La demande en rétractation doit être rejetée à la première étape de l'analyse.

1.1. La rétractation d'un jugement rendu par défaut

[11] Le *Code de procédure civile*[2] permet de se pourvoir contre un jugement de deux façons : la rétractation et l'appel.

[12] En principe, la rétractation déroge au principe de la finalité des jugements, qui est essentiel à une saine administration de la justice. Elle est interprétée et appliquée comme toute exception à une règle fondamentale[3]. La demande en rétractation[4] doit reposer sur des motifs sérieux et la remise en question des jugements, demeurer l'exception et non la règle[5].

---

2 RLRQ, ch. C–25.01 (***C.p.c.***).

3 *Banque de Montréal c. Chaput*, [1979] C.A. 222, 225 (juge Montgomery, diss. pour d'autres motifs); *Torino c. English Transcontinental (Canada) Ltd.*, [1960] B.R. 492, 495.

4 Le *C.p.c.* emploie plutôt « pourvoi en rétractation ». Comme la présente affaire met en cause un pourvoi en contrôle judiciaire, « demande en rétractation » sera utilisé pour éviter la confusion.

5 *Séquestre de Media5 Corporation*, 2021 QCCA 1116, par. 6; *Entreprises Roger Pilon inc. c. Atlantis Real Estate Company*, [1980] C.A. 218, 220.

[13] Une partie peut demander la rétractation d'un jugement rendu contre elle « si son maintien est susceptible de déconsidérer l'administration de la justice »[6]. L'article 345 du *C.p.c.* énumère des situations qui peuvent donner lieu à une telle conclusion. Il n'est pas exhaustif; néanmoins, il doit s'agir de cas « qui s'y apparentent en gravité »[7].

[14] Lorsqu'une partie a été condamnée par défaut, la finalité des jugements cède le pas à un autre principe fondamental, qui exige de corriger les erreurs s'il est possible de le faire sans nuire à l'autre partie[8].

[15] La demande en rétractation procède en trois étapes : la réception, le rescindant et le rescisoire. Le Tribunal peut les compléter en une seule et même audience ou procéder sur la réception d'abord, puis sur le rescindant (les motifs de rétractation) et le rescisoire (les moyens de défense) à la fois[9].

[16] L'étape de la réception permet d'écarter préliminairement la demande mal fondée. Le Tribunal s'assure que (1) les délais de rigueur ont été respectés : signification de la demande au plus tard 30 jours après la connaissance du jugement ou la disparition de l'empêchement; présentation au plus tard 30 jours suivant la signification; et écoulement d'au plus six mois depuis le jugement[10]; (2) les allégations font valoir un motif suffisant; et (3) les moyens de défense ne paraissent pas frivoles[11].

[17] Les motifs de rétractation et les moyens de défense agissent comme des vases communicants. Plus les moyens de défense sont sérieux, plus « sont vraisemblables et recevables les motifs » de rétractation[12].

[18] Les motifs de rétractation en cas de condamnation par défaut sont larges : « si elle [la partie] a été empêchée de se défendre par fraude, par surprise ou par une autre cause jugée suffisante »[13].

[19] Le défaut d'avoir été entendu[14], p. ex. pour cause de maladie, peut être un motif suffisant[15]. La partie qui demande la rétractation doit prouver qu'elle ne pouvait gérer ses affaires; sa perception subjective quant à son état de santé ne suffit pas[16]. Les erreurs

---

6 *C.p.c.*, art. 345 al. 1.

7 *Allianz Global Risks US Insurance Company c. SNC-Lavalin inc.*, 2023 QCCA 666, par. 51; *Gagné c. 9317–7285 Québec inc.*, 2018 QCCA 1817, par. 9.

8 *C.p.c.*, art. 25 al. 2; *9157–8989 Québec inc. c. Déneigement Montréal inc.*, 2023 QCCA 1312, par. 4 (***9157***); *Groupe JSV inc. c. Goal Capital inc.*, 2014 QCCA 398, par. 50.

9 *C.p.c.*, art. 348 al. 2; *Association Gurdwara Guru Nanak Darbar Inc. c. Dissident Group Gurdwara Guru Nanak Darbard Inc.*, 2023 QCCA 696, par. 10, autor. ref. 2024 CanLII 27908 (C.S.C.); *Canadian Royalties inc. c. Mines de nickel Neartic inc.*, 2017 QCCA 1287, par. 31, autor. ref. [2018] 3 R.C.S. viii.

10 *C.p.c.*, art. 347 al. 1–3.

11 *McKirdy c. Axa Assurances inc.*, 2015 QCCA 1684, par. 4; *Martin Bédard c. Axa Assurances inc.*, 2010 QCCA 1024, par. 16–18.

12 *9157*, 2023 QCCA 1312, par. 4; *VMW Gestion d'affaires c. 8012903 Canada inc.*, 2020 QCCA 351, par. 13.

13 *C.p.c.*, art. 346 al. 1.

14 *Zhang c. Jian*, 2016 QCCA 1713, par. 15.

15 *Syndicat des copropriétaires du 5148–5150 Hutchison, Montréal c. Pourguina*, 2021 QCCS 4918, par. 46–58.

16 *Diop c. Sy*, 2010 QCCA 2112, par. 6 (***Diop***); *Constructions Stéphane Poulin inc. c. Gestion immobilière Reevac inc.*, 2020 QCCS 922, par. 56–62.

de droit ou de fait sont des motifs d'appel; elles ne justifient pas la rétractation[17] parce que le Tribunal ne peut siéger en appel de ses propres jugements.

[20] La partie condamnée par défaut doit exposer les moyens de défense qu'elle fera valoir à l'encontre de la demande originaire[18]. À moins de circonstances particulières, p. ex. en l'absence de signification valide de la procédure, la rétractation doit être refusée si la demande n'en énonce aucun[19].

[21] Si le Tribunal estime que le motif invoqué est suffisant à l'étape de la réception, il suspend l'exécution du jugement visé[20]. S'il accorde la rétractation sur le fond, il l'annule et les parties conviennent d'un nouveau protocole avant de reprendre l'instance[21]. Si les étapes de la rétractation ont procédé ensemble, le Tribunal tranche la demande originaire après avoir disposé de la demande en rétractation[22].

1.2. La demande en rétractation ne fait état d'aucun moyen de défense à la demande en rejet du syndic adjoint

[22] La demande en rétractation doit être rejetée au stade de la présentation.

[23] Le 18 avril 2024, M^me^ Sanderson a déposé son pourvoi. Trois semaines plus tard, le syndic adjoint a demandé qu'il soit rejeté pour cause d'irrecevabilité[23]. La demande en rejet devait procéder le 16 mai 2024. Finalement, elle sera instruite le 25 septembre 2024 en l'absence de M^me^ Sanderson. Elle avait demandé une remise douze jours plus tôt. La Cour lui a demandé d'être présente le matin de l'audience pour justifier la remise, mais M^me^ Sanderson n'a pas répondu à la correspondance.

[24] Le 25 septembre 2024, après avoir tenté de joindre M^me^ Sanderson pendant une heure, la Cour a rejeté la demande de remise et instruit par défaut la demande en rejet du syndic adjoint. Elle a retenu les deux motifs invoqués par le syndic : (1) la compétence exclusive du Tribunal des professions à l'égard de la contestation d'une décision rendue par un conseil de discipline; (2) le délai déraisonnable dans lequel le pourvoi a été signifié (quatre mois). Conformément aux conclusions de la demande en rejet, elle a déclaré que le pourvoi était abusif.

[25] Madame Sanderson a déposé sa demande en révocation dans le délai de 30 jours suivant le jugement et l'a faite présentable le 22 novembre 2024, moins de 30 jours plus tard. Bien que la demande n'ait pas procédé ce jour-là, elle a bel et bien été présentée.

[26] La demande en révocation modifiée de M^me^ Sanderson invoque son état de santé. Elle aurait souffert d'une anxiété telle qu'elle n'aurait pu comparaître le jour de l'audition de la demande en rejet. Ses explications tiennent en deux courts paragraphes :

---

17 *L.A. c. Centre intégrité de santé et de services sociaux de Laval*, 2022 QCCA 979, par. 30; *Benoît c. Hoang*, 2021 QCCA 443, par. 5.

18 *C.p.c.*, art. 346 al. 2.

19 *Raymond Chabot inc. c. Estate of Mercier Laprise*, 2024 QCCA 576, par. 16; *Droit de la famille — 161289*, 2016 QCCA 928, par. 1–2.

20 *C.p.c.*, art. 348 al. 1.

21 *C.p.c.*, art. 348 al. 1.

22 *C.p.c.*, art. 348 al. 2.

23 *C.p.c.*, art. 168 al. 1–2.

> 2. The Plaintiff is requesting the revocation of said judgment because she was unable to attend the hearing due to her medical condition as she was under such anxiety caused by the disciplinary files with the Quebec Bar as confirmed in the medical certificate filed herewith as Exhibit R-1;
>
> 3. The Plaintiff continues to have serious anxiety, stress and depression due to the judgment rendered by Justice Roberge on August 29th, 2024, to enter the personal residence of the Plaintiff, Jacqueline Sanderson, especially since said judgment was based on misleading information provided by the Impleaded Party;

[27] La pièce R–1 est une note laconique rédigée par un psychologue qui atteste avoir évalué M^me^ Sanderson le jour de l'audition de la demande en rejet et l'avoir rencontrée à trois reprises pendant les deux semaines suivantes. Il rapporte les difficultés vécues par M^me^ Sanderson à la suite de la perte de son emploi et la poursuite de la prise en charge. La note ne permet pas de conclure que M^me^ Sanderson était dans un état d'incapacité.

[28] Par ailleurs, la demande en révocation n'énonce aucun moyen de défense.

[29] La pondération des motifs de rétractation et des moyens de défense mène à une seule conclusion : M^me^ Sanderson n'a pas soulevé de motifs suffisants qui, s'ils étaient prouvés, justifieraient de rétracter le jugement rendu le 25 septembre 2024.

[30] La conclusion aurait été la même si la demande en rétractation avait été examinée au fond. Madame Sanderson n'a pas prouvé de motifs de rétractation et ses moyens de défense ne traitent pas de la déraisonnabilité du délai de signification de son pourvoi.

[31] À l'audition de la demande en rétractation, M^me^ Sanderson a avancé ne pas avoir pris connaissance de la correspondance de la Cour lui demandant de comparaître pour justifier la remise. Si tel est le cas, elle a agi témérairement : la Cour avait expressément refusé d'accorder la remise à moins qu'elle ne s'explique. Elle aurait dû consulter ses courriels. L'explication est peu crédible et est soulevée pour la première fois.

[32] Il appert plutôt que M^me^ Sanderson a voulu forcer la remise de la demande en rejet. L'audition de la demande en rejet a été fixée le 24 mai 2024. Le 9 septembre, la juge coordonnatrice de la chambre de pratique a demandé aux parties de confirmer qu'elles procéderaient. Le 13 septembre, M^me^ Sanderson a demandé la remise de l'audience pour lui permettre d'obtenir les notes sténographiques de l'audition tenue le 24 mai quant à la demande en sursis qu'elle avait présentée. Elle voulait prouver que l'avocate du syndic adjoint avait formulé de fausses représentations bien que le sujet n'ait aucune pertinence quant à la demande en rejet. Le syndic adjoint s'est opposé à la remise une semaine plus tard.

[33] Bien qu'elle affirme avoir souffert de problèmes de santé dès la décision du Conseil sur la culpabilité, M^me^ Sanderson ne les a pas invoqués. Le 24 septembre 2024 à 17 h 50, elle a simplement réitéré les motifs qu'elle avait avancés 11 jours plus tôt. Deux heures plus tard, la Cour l'a enjointe d'être présente le lendemain. Au moment de l'ouverture de l'audience à 9 h 30, M^me^ Sanderson a évoqué pour la première fois, et sans détail, avoir vécu des « traumatic events » dans un courriel transmis à la Cour. À 9 h 44, la Cour l'a à nouveau enjointe d'être présente et l'a appelée, mais M^me^ Sanderson n'a pas répondu.

[34] De toute façon, les démarches procédurales contemporaines de M^me^ Sanderson contredisent l'allégation d'incapacité : deux jours après l'audition de la demande en rejet, elle a déposé une demande en sursis au Tribunal des professions[24]; trois jours plus tard, une requête en permission d'appeler à la Cour d'appel à l'égard du jugement rendu par la Cour le 29 août 2024[25].

[35] Toujours à l'audition de la demande en rétractation, M^me^ Sanderson a restreint ses moyens de défense à la compétence de la Cour, malgré la disponibilité d'un appel devant une autre juridiction, en cas d'excès de compétence[26]. Elle a occulté le deuxième motif justifiant le rejet du pourvoi : il n'a pas été signifié dans un délai raisonnable.

[36] Jusqu'à ce qu'elle soit confrontée au texte du jugement, M^me^ Sanderson a nié que la Cour avait conclu à la déraisonnabilité du délai. Elle s'est appuyée sur son témoignage, dénué de date et de documentation, dans lequel elle a évoqué des ennuis de santé soit survenus après la signification du pourvoi, soit qui ne l'ont pas empêchée de le signifier dans le délai de 30 jours qui sert de barème à l'évaluation de la raisonnabilité[27].

[37] La demande en rejet de la demande en rétractation sera accueillie et la demande en rétractation sera rejetée.

2. La demande en rétractation est-elle abusive?

[38] La demande en rétractation répond à la demande du syndic adjoint en déclaration d'abus de procédure. Elle serait parfaitement justifiée parce qu'elle dénonce les fausses représentations du syndic adjoint et les erreurs des juges qui lui ont donné tort depuis le début du dossier. Le contenu autant que le ton vitupérant employé par M^me^ Sanderson démontre plutôt que la demande en rétractation est abusive.

2.1. L'abus de procédure peut prendre plusieurs formes

[39] Contrairement à l'abus de droit, qui naît avant l'institution des procédures, l'abus de procédure « se manifeste ou se perpétue à l'occasion de la procédure judiciaire »[28]. L'abus sur le fond ne donne pas ouverture à l'octroi d'une compensation « puisque le fait d'agir en justice "est, de prime abord, un droit et non une faute" »[29]. Le fait d'ester, lorsqu'il constitue une faute, peut justifier une réparation. Dans des cas exceptionnels, l'abus de droit et l'abus de procédure peuvent se confondre[30], mais il n'en est pas question dans la présente affaire.

---

24 Dossier nº 505–07–000003–247

25 Dossier nº 500–09–031206–246.

26 *C.p.c.*, art. 529 al. 2.

27 Voir p. ex., *Fédération des transporteurs par autobus c. Société de transport du Saguenay*, 2021 QCCA 1303, par. 27–28.

28 *9401–0428 Québec inc. c. 9414–8442 Québec inc.*, 2025 QCCA 1030, par. 77–78 (***9401***), reprenant la distinction établie dans *Viel c. Entreprises immobilières du terroir ltée*, [2002] R.J.Q. 1262, 1275–1277, par. 74–80 (***Viel***).

29 *9401*, 2025 QCCA 1030, par. 78, citant *Équipement de transformation IMAC (ETI) c. Ville de Saint-Bruno-de-Montarville*, 2021 QCCA 1427, par. 14.

30 Voir p. ex., *9401*, 2025 QCCA 1030, par. 97.

[40] À tout moment, sur demande et même d'office, le Tribunal peut « déclarer qu'une demande en justice […] est abusi[ve] »[31]. L'abus « peut résulter, sans égard à l'intention, d'une demande en justice ou d'un autre acte de procédure manifestement mal fondé, frivole ou dilatoire, ou d'un comportement vexatoire ou quérulent. Il peut aussi résulter de l'utilisation de la procédure de manière excessive ou déraisonnable ou de manière à nuire à autrui ou encore du détournement des fins de la justice, entre autres si cela a pour effet de limiter la liberté d'expression d'autrui dans le contexte de débats publics »[32].

[41] La preuve d'une faute est un prérequis à la sanction de l'abus. La partie qui abuse de la procédure poursuit des fins autres que le triomphe du « droit et [de] la vérité »; elle pervertit les règles destinées à les sauvegarder[33] et adopte un comportement fautif[34] ou blâmable[35] objectivement. La panoplie des comportements abusifs est large.

[42] L'article 51 al. 2 du *C.p.c.* en identifie trois : la demande introductive d'instance ou l'acte de procédure « manifestement mal fondé, frivole ou dilatoire », le « comportement vexatoire ou quérulent » et l'utilisation « excessive ou déraisonnable » de la procédure « ou de manière à nuire à autrui ou encore du détournement des fins de la justice », p. ex. pour « limiter la liberté d'expression d'autrui dans le contexte de débats publics ».

[43] La jurisprudence recense également : l'intention de nuire et la mauvaise foi[36], bien qu'elles ne soient pas nécessaires à une conclusion d'abus[37]; la conduite générale de la procédure[38]; le non-respect du principe de proportionnalité, qui consiste en une utilisation déraisonnable de la procédure compte tenu de la nature du litige et de sa complexité, sa finalité, ses coûts et sa durée[39]; la témérité, qui se manifeste par le dépôt d'une procédure qu'une personne raisonnable et prudente placée dans les mêmes circonstances jugerait sans fondement[40] et qui, conceptuellement, rejoint le caractère manifestement mal fondé

---

31 *C.p.c.*, art. 51 al. 1.

32 *C.p.c.*, art. 51 al. 2.

33 *Royal Lepage Commercial inc. c. 109650 Canada Ltd.*, 2007 QCCA 915, par. 38–39 (***Royal Lepage Commercial inc.***).

34 *9401*, 2025 QCCA 1030, par. 76; *Ferme BDR c. Municipalité régionale de comté de Rouville*, 2025 QCCA 510, par. 30 (***Ferme BDR***); *Vandal c. Municipalité de Boileau*, 2020 QCCA 777, par. 6, 8 (***Vandal***); *2741–8854 Québec inc. c. Restaurant King Ouest inc.*, 2018 QCCA 1807, par. 21, 28 (***Restaurant King Ouest inc.***); *Viel*, [2002] R.J.Q. 1262, 1276, par. 78–80.

35 *Vandal*, 2020 QCCA 777, par. 6; *Restaurant King Ouest inc.*, 2018 QCCA 1807, par. 22, 26–28; *Trudel c. Laurin*, 2016 QCCA 1376, par. 20 (***Trudel***); *Charland c. Lessard*, 2015 QCCA 14, par. 183 (***Charland***); *Paquette c. Laurier*, 2011 QCCA 1228, par. 26–27; *Acadia Subaru c. Michaud*, 2011 QCCA 1037, [2011] R.J.Q. 1185, 1194, par. 41–42 (***Acadia Subaru***); *Duni c. Robinson Sheppard Shapiro, s.e.n.c.r.l., L.L.P.*, 2011 QCCA 677, par. 14.

36 *Propriétés Belcourt inc.*, 2021 QCCA 92, par. 36; *F.L. c. Marquette*, 2012 QCCA 631, par. 13.

37 *Propriétés Belcourt inc.*, 2021 QCCA 92, par. 34–36; *Restaurant King Ouest inc.*, 2018 QCCA 1807, par. 26–28; *Trudel*, 2016 QCCA 1376, par. 20; *Charland*, 2015 QCCA 14, par. 183, 189–191; *Acadia Subaru*, [2011] R.J.Q. 1185, 1194, par. 42.

38 *Iris, le groupe visuel (1990) inc. c. 9105–1862 Québec inc.*, 2012 QCCA 1208, par. 70–71 (***Iris inc.***); *Filion c. Chiasson*, 2007 QCCA 570, [2007] R.J.Q. 867, 901, par. 123 (***Filion***); voir aussi *Charland*, 2015 QCCA 14, par. 192–197 (proportionnalité et abus); *El-Hachem c. Décary*, 2012 QCCA 2071, par. 9.

39 *Charland c*, 2015 QCCA 14, par. 197.

40 *9302–5773 Québec inc. c. West Coast Aircraft Sales and Leasing Ltd.*, 2023 QCCA 823, par. 10; *Trudel*, 2016 QCCA 1376, par. 20 et *Jean-Paul Beaudry ltée*, 2013 QCCA 792, par. 59–60,

de la demande ou de l'acte; le harcèlement procédural, l'opposition infondée et obstinée à un acte de procédure ou la multiplication des procédures, notamment pour remettre en question un jugement passé en force de chose jugée[41].

[44] Certains facteurs peuvent également contribuer au caractère abusif d'un acte de procédure : la disproportionnalité, le montant réclamé ou le déséquilibre entre les parties ou une assise juridique fragile, p. ex.[42]. Le seuil élevé de ce qui constitue un abus appelle à la prudence et à la retenue[43] : l'abus ne dépend pas de l'issue du recours[44].

2.2. La demande en rétractation de jugement est abusive

[45] Longue de 28 pages et près de 145 paragraphes, la demande en rétractation tient d'une demande en rejet de la demande en rejet et déclaration d'abus de procédure de la demande en rétractation du syndic adjoint. Seuls les par. 2 et 3 analysés plus haut portent sur la rétractation proprement dite. Le reste repose sur la théorie infondée selon laquelle M[me] Sanderson est victime d'une vendetta depuis plus de 15 ans.

[46] Les reproches de M[me] Sanderson se déclinent en plusieurs thèmes, dont aucun n'a fait l'objet d'un jugement favorable : les juges et décideurs qui ont entendu les affaires qu'elle a plaidées et qui ont mené au dépôt de plaintes, qui ont instruit les plaintes ou ont rejeté ses différents recours ont tous commis des erreurs; la condamnation du Conseil repose sur un courriel protégé par le secret professionnel; le syndic adjoint a induit tous les tribunaux judiciaires en erreur en prétendant que le dépôt d'un avis d'appel au Tribunal des professions sursoyait à la décision du Conseil sur la sanction; la décision du Conseil n'était pas exécutoire puisqu'elle ne précisait pas qu'elle s'applique « malgré l'appel »; elle n'a jamais refusé de remettre ses dossiers au syndic adjoint, mais proposé de les remettre à une cessionnaire que le syndic adjoint a refusée sans raison; elle n'a pu se défendre contre la demande en autorisation de perquisitionner son domicile; le Conseil qui a instruit la plainte privée qu'elle a déposée contre deux avocats n'était pas impartial; la demande en rejet du pourvoi en contrôle judiciaire n'a pas été transmise à un juge pour rejet au vu du dossier[45]; la Cour aurait rendu jugement sur la mauvaise demande en rejet; et ses problèmes de santé découlent directement des agissements illégaux du syndic adjoint. Il s'ensuivrait que le pourvoi en contrôle judiciaire et la demande en rétractation de jugement, qui dénoncent des illégalités, ne peuvent être abusifs.

---

reprenant *Royal Lepage commercial inc.*, 2007 QCCA 915, par. 46; voir aussi *Charland*, 2015 QCCA 14, par. 186; *Dufour c. Havrankova*, 2013 QCCA 486, par. 3 (***Dufour***).

41 *9401*, 2025 QCCA 1030, par. 80, reprenant *Lévesque c. Carignan (Corporation de la Ville de)*, 2007 QCCA 63, par. 54.

42 *Ste-Marie c. Québecor Média inc.*, 2021 QCCS 4108, par. 82 (inf. en partie pour d'autres motifs par *Ouellet c. Ste-Marie*, 2022 QCCA 495), repris dans *Ferme BDR*, 2025 QCCA 510, par. 30.

43 *9401*, 2025 QCCA 1030, par. 79, reprenant *Fillion*, [2007] R.J.Q. 867, 901, par. 123; *Diodati c. Zanga Diodati*, 2025 QCCA 1000, par. 7 (***Diodati***) et *Ferme BDR*, 2025 QCCA 510, par. 30, reprenant *Biron c. 150 Marchand Holdings inc.*, 2020 QCCA 1537, par. 126.

44 *Propriétés Belcourt inc.*, 2021 QCCA 92, par. 39; *Vandal*, 2020 QCCA 777, par. 7; *Charles-August Fortier inc. c. 9095–8588 Québec inc.*, 2014 QCCA 1107, par. 5; *Wightman c. Widdrington (Succession de)*, 2013 QCCA 299, par. 4–6; *Iris inc.*, 2012 QCCA 1208, par. 70–71; *Royal Lepage Commercial inc.*, 2007 QCCA 915, par. 40; *Filion*, [2007] R.J.Q. 867, 901–902, par. 123–126; *Viel*, [2002] R.J.Q. 1262, 1277, par. 82.

45 *Directives de la Cour supérieure, district de Montréal*, art. 39 al. 1.

[47] Il suffit d'examiner quelques-uns des arguments de M^me^ Sanderson pour constater qu'ils présentent plusieurs caractéristiques de l'abus de procédure.

[48] Madame Sanderson remet en question les jugements et décisions qu'elle n'a pas contestés; ils sont passés en force de chose jugée[46]. Elle est incapable de s'en remettre au processus d'appel devant le Tribunal des professions, qui lui permettrait d'obtenir les redressements qu'elle recherche et dont la décision est susceptible de contrôle judiciaire. Elle invoque le pouvoir de la Cour en matière déclaratoire[47] ou sa compétence inhérente en contrôle judiciaire[48] pour lui soumettre toute question la touchant de près ou de loin. Madame Sanderson semble avoir oublié qu'en 2020, la Cour lui a rappelé qu'elle n'avait pas autant de pouvoirs[49].

[49] Les reproches qu'elle adresse au syndic adjoint quant à ses représentations sur le sursis sont mal fondés. Sur dépôt d'un avis d'appel au Tribunal des professions, le sursis à l'exécution d'une décision du Conseil jusqu'à l'expiration du délai d'appel est la règle en matière de radiation temporaire[50]; l'exécution provisoire est l'exception si le Conseil l'ordonne[51]. En l'espèce, il l'a ordonnée[52], mais oublié la formule « nonobstant appel » que M^me^ Sanderson estime sacramentelle. La sanction n'en était pas moins exécutoire sans délai. D'ailleurs, la Cour d'appel a souligné que M^me^ Sanderson « ne pouvait ignorer » qu'il s'agissait d'« une erreur d'écriture »[53].

[50] Dans son témoignage, M^e^ Gratton n'a pas brossé un portrait différent des règles applicables en la matière. À certaines étapes de la procédure devant la Cour, le Conseil n'avait pas encore rendu sa décision sur la sanction. M^e^ Gratton ne pouvait présumer de l'exécution provisoire qu'il ordonnerait. Cela explique raisonnablement pourquoi elle ne l'a pas mentionnée. Vu le refus du Tribunal des professions de sursoir à l'exécution de la sanction malgré l'appel[54], débattre à nouveau la question du sursis est inutile.

[51] Sur ce point comme sur d'autres, la position de M^me^ Sanderson illustre très bien ce qu'une avocasserie signifie : lorsque M^e^ Gratton a plaidé à la Cour d'appel qu' « *on* ne savait pas si [l'exécution] allait être imposée de manière provisoire » lorsque la demande en sursis a été plaidée à la Cour supérieure le 24 mai 2024, elle en avait aucune idée et n'en avait pas discuté avec le syndic adjoint. L'audition sur la sanction — le syndic adjoint s'est autoreprésenté — n'avait pas eu lieu encore[55] et, selon la facturation des procureurs du syndic adjoint, la question n'a pas fait l'objet de discussions.

---

46 Hubert Reid, *Dictionnaire de droit québécois et canadien*, 5^e^ éd., Montréal : Wilson & Lafleur, 2015, p. 102–103, v^o^ « chose ».

47 *C.p.c.*, art. 142.

48 *C.p.c.*, art. 529; voir *Three Rivers Boatman Limited c. Conseil canadien des relations ouvrières*, [1969] R.C.S. 607, 615–617.

49 *Sanderson c. Conseil de discipline du Barreau du Québec*, 2020 QCCS 3855, par. 7 et suiv.

50 *Code des professions*, art. 166.

51 *Code des professions*, art. 158.

52 *Barreau du Québec (syndic adjoint) c. Sanderson*, 2024 QCCDBQ 79, par. 217.

53 *Sanderson c. Dyotte*, 2024 QCCA 1718, par. 9.

54 *Sanderson c. Barreau du Québec (syndic adjoint)*, 2025 QCTP 4.

55 *Barreau du Québec (syndic adjoint) c. Sanderson*, 2024 QCCDBQ 79. L'audition a eu lieu cinq jours plus tard et le jugement a été rendu trois mois après l'audition.

[52] Par ailleurs, le greffier spécial a renvoyé la demande en rejet du syndic adjoint au maître des rôles pour analyse par un juge le 14 mai 2024[56]. La Cour a instruit la demande en rejet au fond; elle devait manifestement soulever des motifs suffisamment importants pour ne pas être rejetée sommairement. Ce faisant, elle a respecté ses propres règles.

[53] Madame Sanderson savait ou devait savoir que la demande en rétractation, telle que formulée, n'avait aucune chance de succès. Elle savait également, ou devait savoir, qu'un témoignage aussi flou que le sien quant à son état de santé n'avait aucune chance de convaincre la Cour de son incapacité à se présenter à l'audition de la demande en rejet ou de signifier son pourvoi dans un délai raisonnable.

[54] Madame Sanderson a tort de se plaindre que le syndic adjoint se rebiffe contre le pourvoi qu'elle a déposé et les démarches qu'elle a entreprises par la suite. Mais elle n'a pas complètement tort de s'opposer aux moyens qu'il a engagés pour contrer l'abus de procédure qu'il constitue.

3. Madame Sanderson doit-elle être condamnée à payer des honoraires extrajudiciaires de 49 182,80 $?

[55] Une partie peut réclamer ses honoraires extrajudiciaires uniquement si l'abus l'a forcée à les engager. En l'absence de lien de causalité, elle n'y a pas droit. Même si elle établit un lien de causalité, elle demeure tenue à des moyens raisonnables. Autrement, elle s'expose à la réduction des honoraires réclamés.

[56] Le syndic adjoint aura droit au remboursement de ses honoraires extrajudiciaires du dépôt du pourvoi à l'audition de la demande en rejet et pour la préparation de l'audition de la demande en rétractation. Il devra assumer l'excédent des honoraires qu'il réclame; soit les honoraires sont beaucoup trop élevés pour la complexité de la procédure, soit il les a engagés inutilement en présentant une demande en rejet et déclaration d'abus de procédure à la toute dernière minute.

3.1. Le remboursement des honoraires extrajudiciaires

[57] Habituellement, une partie assume les honoraires extrajudiciaires qu'elle encourt à l'occasion d'un litige[57]. Mais lorsqu'elle doit les débourser inutilement du fait de l'abus de procédure, elle peut les réclamer[58]. Elle doit les prouver et établir que leur montant est raisonnable[59].

[58] La preuve doit, tout en protégeant le secret professionnel, fournir suffisamment de détails pour établir la nature des services rendus; une simple note d'honoraires ne suffit pas[60]. La facturation détaillée, bien qu'elle ne soit pas requise dans tous les cas[61], est celle qui permet le mieux d'évaluer la justesse et la raisonnabilité des services fournis et

---

56 Le formulaire porte la note « À classer dans le dossier sans captation ».

57 Jean-Louis BAUDOIN, Patrice DESLAURIERS et Benoît MOORE, *La responsabilité civile*, 9e éd., vol. 1, Montréal : Éditions Yvon Blais, 2020, p. 439, par. 1-347.

58 *Jean-Paul Beaudry ltée*, 2013 QCCA 792, par. 70; *Viel*, [2002] R.J.Q. 1262, 1276–1277, par. 78–81.

59 *Hébert (Succession de)*, 2011 QCCA 1170, par. 128–129, 131–132 (***Hébert***).

60 *Iris inc.*, 2012 QCCA 1208, par. 77, 79; *Hébert*, 2011 QCCA 1170, par. 128–129.

61 *Clinique Ovo inc. c. Curalab inc.*, 2010 QCCA 1214, par. 32.

des montants facturés et réclamés[62]. La victime d'abus dispose néanmoins d'une certaine marge de manœuvre quant à la forme de la preuve qu'elle présente[63].

[59] La raisonnabilité des honoraires extrajudiciaires réclamés est fonction du contexte. Notamment, le Tribunal peut tenir compte de l'importance et la difficulté du litige; le temps de préparation; la conduite de l'instance par la partie fautive, p. ex. compte tenu de l'utilité ou la pertinence des procédures; la raisonnabilité du taux horaire de l'avocat compte tenu de son expérience ou sa spécialisation ou du montant facturé, selon la formule convenue avec son client; et la proportionnalité des honoraires réclamés vu l'ensemble du contexte, en particulier de la condamnation prononcée[64].

[60] Le Tribunal doit contrôler rigoureusement le montant des honoraires pour éviter la surenchère de services juridiques ou de procédures. L'objectif est d'éviter qu'en réponse à l'abus, la victime tente de tirer avantage du fait que ses honoraires seront payés par la partie fautive[65].

[61] Appliquée à l'indemnisation des honoraires extrajudiciaires, la règle d'immédiateté du préjudice exige que la partie qui les réclame les ait encourus pour combattre l'abus ou que n'eût été l'abus, elle ne les aurait pas engagés[66]. Elle ne peut demander l'entièreté des honoraires extrajudiciaires engagés que si la procédure est en tout point abusive.

[62] Conséquemment, le Tribunal doit établir le point de départ de l'abus — et son point d'arrivée, s'il y a lieu — et limiter l'attribution de dommages-intérêts à cette période[67].

[63] L'évaluation qui suit tient pour acquis que le taux horaire facturé par les procureurs du syndic adjoint est raisonnable. Le taux horaire imposé par le Barreau du Québec aux avocats qui le représente se situe en deçà du taux du marché.

3.2. Madame Sanderson sera condamnée à des honoraires extrajudiciaires de 10 000 $ pour la nature abusive du pourvoi

[64] Vu le rejet de la demande en rétractation, le jugement rendu le 25 septembre 2024 a force de chose jugée quant à l'abus que le pourvoi représente[68]. Il reste à déterminer le montant des dommages-intérêts auquel le syndic adjoint a droit.

[65] Trois étapes procédurales découlent du pourvoi déclaré abusif : les demandes de M^me^ Sanderson en sursis et en réinscription au Tableau de l'Ordre et la demande en rejet. La Cour a rejeté la demande en sursis et souligné que malgré la réserve de l'art. 529 al. 2 du *C.p.c.*, M^me^ Sanderson pouvait porter la décision du Conseil en appel, qui en principe

---

62 *Chicoine c. Vessia*, 2023 QCCA 582, par. 41 (***Chicoine***); *Golzarian c. Association des policières et policiers provinciaux du Québec*, 2021 QCCA 1370, par. 108.

63 *Iris inc.*, 2012 QCCA 1208, par. 76–90.

64 *Groupe Van Houtte inc. (A.L. Van Houtte ltée) c. Développements industriels et commerciaux de Montréal inc.*, 2010 QCCA 1970, par. 124 (***Groupe Van Houtte inc.***), repris notamment dans *Chicoine*, 2023 QCCA 582, par. 41 et *Iris inc.*, 2012 QCCA 1208, par. 80.

65 *Groupe Van Houtte inc.* 2010 QCCA 1970, par. 125, repris notamment dans *Chicoine*, 2023 QCCA 582, par. 41 et *Iris inc.*, 2012 QCCA 1208, par. 80.

66 *Viel*, [2002] R.J.Q. 1262, 1276–1277, par. 77–81.

67 *Berthiaume c. Carignan*, 2014 QCCA 2092, par. 49.

68 Voir, pour un cas semblable, *Diop*, 2010 QCCA 2112, par. 13.

opérait sursis automatiquement. Elle a refusé d'ordonner la réinscription tout en invitant M^me^ Sanderson à s'adresser au bon tribunal. Elle a rejeté le pourvoi.

[66] Le syndic adjoint a encouru 22 074,70 $ pendant la période pertinente :

[66.1] 13 549,10 $[69] entre l'ouverture du dossier et le 24 mai 2024;

[66.2] 10 208 $[70] du 26 juillet au 30 août 2024;

[66.3] 4 745 $[71] du 5 au 25 septembre 2024, pour un total de 28 502,10 $.

[67] Du total, il faut retrancher 6 427,40 $ dévolus à la préparation de la demande *sui generis* autorisant le syndic adjoint à perquisitionner le domicile et saisir certains biens de M^me^ Sanderson, une demande qui n'a rien à avoir avec le pourvoi et ne répond pas à l'abus de procédure[72]. La demande *sui generis* aurait dû être présentée dans le district de Longueuil plutôt que le district de Montréal puisque M^me^ Sanderson tenait sa pratique à Carignan[73].

[68] Le montant des honoraires réclamés est particulièrement élevé. Il représente plus de 165 heures facturables pour un dossier qui, à ce stade, était encore peu complexe. Le droit d'appel de M^me^ Sanderson était déterminant et n'est pas controversé : il réglait tant la question du sursis que la possibilité de M^me^ Sanderson d'être réinscrite au Tableau de l'Ordre pendant les procédures. La compétence de la Cour en contrôle judiciaire lorsqu'un appel est disponible et la raisonnabilité du délai de signification d'un pourvoi sont établis. Des moyens plus modestes auraient permis d'atteindre le même résultat.

[69] Dans les circonstances, un montant de 10 000 $, représentant environ 75 heures facturables incluant recherche, rédaction, correspondance et vacation, est approprié.

3.3. Madame Sanderson sera condamnée à des honoraires extrajudiciaires de 8 801,32 $ pour la nature abusive de la demande en rétractation

[70] Madame Sanderson a déposé sa demande en rétractation le 25 octobre 2024. Le 22 novembre, les parties ont comparu brièvement pour annoncer qu'elles conviendraient d'un échéancier au plus tard le 5 décembre. L'audience était prévue pour le 4 avril 2025. Le 28 mars 2025, le syndic adjoint a déposé une demande en rejet et déclaration d'abus de procédure de la demande en rétractation et une demande modifiée quelques jours plus tard.

[71] Madame Sanderson a demandé la remise de l'audience. La Cour la lui a accordée, mais pour des motifs différents de ceux qu'elle avait invoqués. Elle a jugé qu'il était dans l'intérêt de la justice que la demande en rejet de la demande en rétractation et la demande en rétractation soient entendues en même temps. Elle a fixé l'audition des demandes au 3 septembre 2025. La façon de procéder du syndic adjoint appelle trois commentaires.

---

69 Pièce MR–3, facture nº 07991.

70 Pièce MR–3, facture nº 08159.

71 Pièce MR–3, facture nº 08211.

72 Le jugement sur la demande *sui generis* a été rendu le 29 août 2024. La Cour d'appel a refusé la permission d'en appeler : *Sanderson c. Dyotte*, 2024 QCCA 1718. Les frais de justice ont été octroyés au syndic adjoint dans les deux cas.

73 *Loi sur la division territoriale*, RLRQ, ch. D–11, art. 9(15.2), ann. 1, art. 15.2.

[72] La règle veut que toute demande en cours d'instance soit contestée oralement; la contestation écrite doit être autorisée par le tribunal[74]. L'objectif est d'améliorer l'efficacité du processus judiciaire et d'en réduire les coûts[75]. En déposant une demande en rejet de la demande en rétractation, le syndic adjoint a contrevenu à la règle[76]. Le caractère abusif de la demande en rétractation, même dans sa forme modifiée, a pu être examiné sans la demande en rejet de la demande en rétractation, dont quatre paragraphes seulement sur 36 portent spécifiquement sur la question. Elle était inutile.

[73] En déposant une demande en rejet aussi tardivement — six mois s'étaient écoulés depuis le dépôt de la demande en rétractation, qui n'avait encore été modifiée — le syndic adjoint a provoqué une remise et un alourdissement inutiles du dossier. La demande en rétractation a finalement été instruite cinq mois plus tard, pendant toute une journée plutôt que deux heures, et a pu être modifiée pour atteindre sa forme actuelle. Jusqu'à la fin du mois d'août 2025, elle ne comptait qu'une vingtaine de paragraphes. Madame Sanderson n'y a pas simplement ajouté les faits nouveaux qui se sont déroulés depuis la remise; elle a repris tous les événements survenus depuis le début du dossier.

[74] Du même coup, M[me] Sanderson a pu demander à la Cour d'ordonner au syndic adjoint qu'il soit présent pour témoigner le 3 septembre 2025[77]. Elle ne l'avait pas exigé auparavant.

[75] Le syndic adjoint aurait dû s'en tenir à informer M[me] Sanderson qu'il demanderait à la Cour de déclarer que la demande en rétractation est abusive, communiquer d'avance ses pièces et produire un plan d'argumentation en conséquence. S'il n'avait pas contribué à l'embourbement du dossier, la demande en rétractation aurait vraisemblablement déjà fait l'objet d'un jugement final.

[76] Madame Sanderson sera condamnée à des dommages-intérêts additionnels de 8 801,32 $, une somme raisonnable représentant près de 44 heures facturables qui inclut recherche, rédaction (plan d'argumentation), correspondance et vacation pour la période précédant le 3 septembre 2025[78]. Le syndic adjoint aura droit aux frais de justice pour le rejet de la demande en rétractation, mais ne pourra les réclamer à l'égard de sa demande en rejet de la demande en rétractation.

CONCLUSION

[77] Le syndic adjoint n'a pas demandé que M[me] Sanderson soit déclarée quérulente, mais force est de constater que les actes de procédure qu'elle a déposés dans le présent dossier en portent les caractéristiques. Madame Sanderson fait montre d'opiniâtreté, elle multiplie les actes de procédure abusifs et les reproches infondés contre les participants au processus judiciaire, y compris les procureurs du syndic adjoint et les juges — elle a demandé ma récusation deux fois en deux jours. Elle remet sans cesse en question les

---

74 *C.p.c.*, art. 101 al. 4.
75 *Autorité des marchés financiers c. Weynant*, 2023 QCCA 122, par. 27.
76 Voir par analogie *Weynant*, 2023 QCCA 122, par. 28–30.
77 Séquence nº 35.
78 Pièce MR–3.2.

décisions de la Cour, qu'elle les porte en appel ou non[79]. Elle serait bien avisée d'utiliser le processus judiciaire à bon escient et faire valoir ses droits devant les juridictions qui ont compétence à l'égard du litige si elle veut continuer de pouvoir s'y adresser sans les contraintes inhérentes à une déclaration de quérulence.

[78] Pour ces motifs, le Tribunal :

[79] **CONSTATE** que le pourvoi en contrôle judiciaire interjeté par Jacqueline Sanderson contre la décision rendue par le Conseil de discipline le 30 novembre 2023 dans le dossier 06–23–03434 a été déclaré abusif par la Cour le 25 septembre 2024;

[80] **ACCUEILLE** en partie la demande en rejet de la demande en rétractation du jugement rendu le 25 septembre 2024 et en déclaration d'abus de procédure, **SANS FRAIS DE JUSTICE**;

[81] **REJETTE** la demande en rétractation du jugement rendu le 25 septembre 2025, **AVEC FRAIS DE JUSTICE**;

[82] **DÉCLARE** que la demande en rétractation de jugement de Jacqueline Sanderson est abusive au sens de l'art. 51 du *Code de procédure civile*, RLRQ, ch. C–25.01;

[83] **CONDAMNE** Jacqueline Sanderson à payer 10 000 $ plus taxes au syndic adjoint mis en cause à titre d'honoraires extrajudiciaires, avec intérêt au taux légal et l'indemnité additionnelle prévue à l'art. 1619 du *Code civil du Québec*, RLRQ, ch. C–1991 (***C.c.Q.***) à compter du 3 mai 2024, date de notification de la demande en rejet du pourvoi en contrôle judiciaire;

[84] **CONDAMNE** Jacqueline Sanderson à payer 8 801,32 $ plus taxes au syndic adjoint mis en cause à titre d'honoraires extrajudiciaires, avec intérêt au taux légal et l'indemnité additionnelle prévue à l'art. 1619 du *Code civil du Québec*, RLRQ, ch. C–1991 (***C.c.Q.***) à compter du 28 mars 2025, date de notification de la demande en rejet de la demande en rétractation de jugement.

Ian Demers, j.c.s. Signature numérique de Ian Demers, j.c.s. Date : 2025.09.16 12:13:41 -04'00'

IAN DEMERS, J.C.S.

Me Sophie Gratton
Me Aimée Riou
SARRAZIN PLOURDE S.A.
Avocats du mis en cause

Date d'audience : 3 septembre 2025

---

79 Voir *Brousseau c. Montréal (Ville de)*, 2012 QCCA 1547, par. 2, autor. ref. [2013] 2 R.C.S. vi; voir également, dans un cas de rétractation abusive, *Diodati*, 2025 QCCA 1000.

Sanderson c. Dyotte **2026 QCCA 268**

COURT OF APPEAL

CANADA
PROVINCE OF QUEBEC
MONTREAL SEAT

Nos.: 500-09-031691-256, 500-09-031696-255, 500-09-031726-250,
500-09-031727-258
(500-17-129627-249)

MINUTES OF THE HEARING

DATE: February 27, 2026

THE HONOURABLE GENEVIÈVE MARCOTTE, J.A.

No.: 500-09-031691-256	
APPLICANT	
JACQUELINE SANDERSON	PRESENT AND UNREPRESENTED
RESPONDENT	COUNSEL
SÉBASTIEN DYOTTE, in his capacity as assistant syndic of the Barreau du Québec	Mtre Sophie Gratton Mtre Zhéa Audegond SARRAZIN PLOURDE
IMPLEADED PARTY	
DISCIPLINARY COUNCIL OF THE BARREAU DU QUÉBEC	ABSENT AND UNREPRESENTED

No.: 500-09-031696-255	
APPLICANT	

JACQUELINE SANDERSON	PRESENT AND UNREPRESENTED
RESPONDENT	COUNSEL
SÉBASTIEN DYOTTE, in his capacity as assistant syndic of the Barreau du Québec	Mtre Sophie Gratton Mtre Zhéa Audegond SARRAZIN PLOURDE
IMPLEADED PARTY	
DISCIPLINARY COUNCIL OF THE BARREAU DU QUÉBEC	ABSENT AND UNREPRESENTED

No.: 500-09-031726-250	
APPLICANT	
JACQUELINE SANDERSON	PRESENT AND UNREPRESENTED
RESPONDENT	COUNSEL
SÉBASTIEN DYOTTE, in his capacity as assistant syndic of the Barreau du Québec	Mtre Sophie Gratton Mtre Zhéa Audegond SARRAZIN PLOURDE
IMPLEADED PARTY	COUNSEL
ATTORNEY GENERAL OF QUEBEC	Mtre Gabriel Lavigne BERNARD, ROY (JUSTICE-QUÉBEC)
IMPLEADED PARTIES	
DISCIPLINARY COUNCIL OF THE BARREAU DU QUÉBEC	ABSENT AND UNREPRESENTED

ATTORNEY GENERAL OF CANADA	ABSENT AND UNREPRESENTED
No.: 500-09-031727-258	
APPLICANT	
JACQUELINE SANDERSON	PRESENT AND UNREPRESENTED
RESPONDENT	COUNSEL
SÉBASTIEN DYOTTE, in his capacity as assistant syndic of the Barreau du Québec	Mtre Sophie Gratton Mtre Zhéa Audegond SARRAZIN PLOURDE
IMPLEADED PARTY	COUNSEL
ATTORNEY GENERAL OF QUEBEC	Mtre Gabriel Lavigne BERNARD, ROY (JUSTICE-QUÉBEC)
IMPLEADED PARTIES	
DISCIPLINARY COUNCIL OF THE BARREAU DU QUÉBEC	ABSENT AND UNREPRESENTED
ATTORNEY GENERAL OF CANADA	ABSENT AND UNREPRESENTED

DESCRIPTION: **500-09-031691-256**
Application for leave to appeal from a judgment rendered on August 29, 2025 by the Honourable Christian J. Brossard of the Superior Court, District of Montreal (sections 30, 31 and 357 *C.C.P.*).

500-09-031696-255

Application for leave to appeal from a judgment rendered on September 2, 2025 by the Honourable Ian Demers of the Superior Court, District of Montreal (sections 31 and 357 *C.C.P.*).

500-09-031726-250
Amended application for leave to appeal from a judgment rendered on September 16, 2025 by the Honourable Ian Demers of the Superior Court, District of Montreal (sections 30(3) and 357 *C.C.P.*).

500-09-031727-258
Amended application for leave to appeal from a judgment rendered on September 25, 2024 by the Honourable Bernard Synnott of the Superior Court, District of Montreal (sections 30(3) and 357 *C.C.P.*).

500-09-031691-256, 500-09-031696-255, 500-09-031726-250, 500-09-031727-258
Application to respectfully request the recusal of the Honourable Justice Geneviève Marcotte, J.A. due to the maxim *nemo judex in causa sua*.

Clerk at the hearing: Anne Dumont	Courtroom: RC-18

HEARING

11:22	Commencement of the hearing. Identification of the parties.
	On the application to request the recusal:
11:23	Submissions by Ms. Sanderson.
11:24	Discussion between the judge and Ms. Sanderson.
11:28	Mtre Gratton submits to the judge an additional authority.
11:29	Submissions by Mtre Gratton.
11:30	Ms. Sanderson has no reply to make. Recess of the hearing.
11:42	Resumption of the hearing.
11:43	**BY THE JUDGE:** Judgment rendered orally at the hearing – see page 7.
11:47	Preliminary remarks by the judge to Ms. Sanderson.
	On the applications for leave to appeal:
11:48	Submissions by Ms. Sanderson.
11:54	Questions by the judge and responses by Ms. Sanderson.
11:56	Ms. Sanderson resumes her submissions.
12:05	Discussion between the judge and Ms. Sanderson.
12:09	Ms. Sanderson resumes her submissions.
12:36	Discussion between the judge and Ms. Sanderson.
12:41	Ms. Sanderson resumes her submissions.
12:43	Discussion between the judge and Ms. Sanderson.

12:45	Ms. Sanderson resumes her submissions.
12:48	Submissions by Mtre Gratton.
1:16	Recess of the hearing.
2:00	Resumption of the hearing. Mtre Gratton resumes her submissions.
2:32	Question by the judge and response by Mtre Gratton. Mtre Gratton resumes her submissions.
2:43	Submissions by Mtre Lavigne.
2:53	Discussion between the judge and Mtre Lavigne.
2:54	Mtre Lavigne resumes his submissions.
3:12	Reply by Ms. Sanderson.
3:15	Question by the judge and response by Ms. Sanderson.
3:17	Ms. Sanderson resumes her reply.
3:23	Discussion between the judge and Ms. Sanderson.
3:26	Ms. Sanderson resumes her reply.
3:29	**BY THE JUDGE:** The hearing will be **continued** on Wednesday March 4, 2026, in RC-18 courtroom. The parties are excused from appearing in Court. If the judge is unable to render judgment on March 4, 2026, the case will be continued to another date or will be taken under advisement. Nonetheless the parties will be notified in advance.
3:30	Conclusion of the hearing.

Anne Dumont, Clerk at the hearing

JUDGMENT

On the application to respectfully request the recusal of the Honourable Justice Geneviève Marcotte, J.A. due to the maxim *nemo judex in causa sua:*

[1] The applicant is seeking my recusation, invoking the Latin maxim *Nemo judex in causa sua* meaning that "no one should be a judge in their own case". This application was filed late in the afternoon of February 26th, after my refusal to grant her request for a postponement of the hearing of her four applications for leave to appeal filed several months ago and scheduled to be heard today.

[2] The applicant alleges that I already sat as a judge of the Court in an application for leave to appeal arising from the same Superior Court file number involving the same parties and closely related factual and legal issues[1]. As a result, I should recuse myself because otherwise, I would be reviewing my own judgments in this matter, as the proceedings require a reconsideration, directly or indirectly, of issues on which I have already ruled.

[3] I disagree.

[4] The test to determine whether a recusation would be warranted, as set out by the Supreme Court in *Yukon Francophone School Board, Education Area No. 23 v. Yukon Territory (Attorney General)*[2] and in *R v. S (RD)*,[3] is well summarized by Justice Kalichman in *O'Connor c. Giancristofaro*[4]:

> [4] To determine whether or not to grant the application, I must consider whether an informed person, viewing the matter realistically and practically, and having thought the matter through, would think it more likely than not that I, consciously or unconsciously, will not decide the matter fairly. The apprehension of bias must itself be reasonable in the circumstances of the case.
>
> [References omitted]

---

1 *Sanderson c. Dyotte*, 2024 QCCA 1718.
2 *Yukon Francophone School Board, Education Area No. 23 v. Yukon Territory (Attorney General)* 2015 SCC 25 (CanLII), [2015] 2 SCR 282*; R v. S (RD),* 1997 CanLII 324 (SCC), [1997] 3 SCR 484, 2015 SCC 25, paras. 20-21.
3 *R v. S (RD),* 1997 CanLII 324 (SCC), [1997] 3 SCR 484, para. 111.
4 *O'Connor c. Giancristofaro*, 2022 QCCA 1402, at para. 4.

[5] In *O'Connor c. Giancristofaro*,[5] applying these same principles, Justice Sansfaçon refused to grant an application for recusation based on the fact that he had previously sat in a related file, relying on a judgment rendered by this Court in *Guimond c. Villeneuve*.[6]

[6] Similarly, in *Plouffe c. Balayage Blainville inc.*,[7] the Chief Justice of this Court also dismissed an application for recusation that was based on the argument that she had rendered a previous judgment in the same file that the applicant disapproved.

[7] As the Court noted in *Ruffo (Re)*, "[...] the presumption of impartiality that accompanies the judicial function serves a very precise objective, that of the integrity of the judicial system. This premise may not be questioned every time a person who comes before the court is dissatisfied with a decision. Judges may err in fact or in law and be corrected on appeal. This does not mean, however, that the error arose from a lack of impartiality."[8]

[8] The allegations pertaining to comments that I purportedly made in the course of the presentation of the request for a postponement of today's hearing that would show that I have already prejudged the matters that I am about to hear are unfounded.

[9] Applying the above cited principles to this matter, I see no reason to recuse myself from hearing the applications presentable today.

FOR THESE REASONS, THE UNDERSIGNED:

[10] **DISMISSES** the application for recusation;

[11] **WITHOUT** legal costs.

GENEVIÈVE MARCOTTE, J.A.

---

5 *O'Connor c. Giancristofaro*, 2022 QCCA 1403.
6 *Guimond c. Villeneuve*, 2008 QCCA 439, paras 1-5.
7 *Plouffe c. Balayage Blainville inc.*, 2024 QCCA 106.
8 *Ruffo (Re)*, 2005 QCCA 1197, para. 149, application for leave to appeal to the Supreme Court dismissed, May 18, 2006, No. 31304.

Sanderson c. Dyotte **2026 QCCA 356**

COUR D'APPEL

CANADA
PROVINCE DE QUÉBEC
SIÈGE DE MONTRÉAL

Nos : 500-09-031691-256, 500-09-031696-255, 500-09-031726-250, 500-09-031727-258
(500-17-129627-249)

PROCÈS-VERBAL D'AUDIENCE

DATE : Le 17 mars 2026

L'HONORABLE GENEVIÈVE MARCOTTE, J.C.A.

Nº : 500-09-031691-256	
PARTIE REQUÉRANTE	
JACQUELINE SANDERSON	ABSENTE ET NON REPRÉSENTÉE
PARTIE INTIMÉE	AVOCATES
SÉBASTIEN DYOTTE, en sa qualité de syndic adjoint du Barreau du Québec	Me Sophie Gratton Me Zhéa Audegond SARRAZIN PLOURDE Absentes
PARTIE MISE EN CAUSE	
CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC	ABSENT ET NON REPRÉSENTÉ

Nº : 500-09-031696-255	
PARTIE REQUÉRANTE	

JACQUELINE SANDERSON	ABSENTE ET NON REPRÉSENTÉE
PARTIE INTIMÉE	AVOCATES
SÉBASTIEN DYOTTE, en sa qualité de syndic adjoint du Barreau du Québec	Me Sophie Gratton Me Zhéa Audegond SARRAZIN PLOURDE Absentes
PARTIE MISE EN CAUSE	
CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC	ABSENT ET NON REPRÉSENTÉ

Nº : 500-09-031726-250	
PARTIE REQUÉRANTE	
JACQUELINE SANDERSON	ABSENTE ET NON REPRÉSENTÉE
PARTIE INTIMÉE	AVOCATES
SÉBASTIEN DYOTTE, en sa qualité de syndic adjoint du Barreau du Québec	Me Sophie Gratton Me Zhéa Audegond SARRAZIN PLOURDE Absentes
PARTIE MISE EN CAUSE	AVOCAT
PROCUREUR GÉNÉRAL DU QUÉBEC	Me Gabriel Lavigne BERNARD, ROY (JUSTICE-QUÉBEC) Absent
PARTIES MISES EN CAUSE	

CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC	ABSENT ET NON REPRÉSENTÉ
PROCUREUR GÉNÉRAL DU CANADA	ABSENT ET NON REPRÉSENTÉ

Nº : 500-09-031727-258	
PARTIE REQUÉRANTE	
JACQUELINE SANDERSON	ABSENTE ET NON REPRÉSENTÉE
PARTIE INTIMÉE	AVOCATES
SÉBASTIEN DYOTTE, en sa qualité de syndic adjoint du Barreau du Québec	Me Sophie Gratton Me Zhéa Audegond SARRAZIN PLOURDE Absentes
PARTIE MISE EN CAUSE	AVOCAT
PROCUREUR GÉNÉRAL DU QUÉBEC	Me Gabriel Lavigne BERNARD, ROY (JUSTICE-QUÉBEC) Absent
PARTIES MISES EN CAUSE	
CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC	ABSENT ET NON REPRÉSENTÉ
PROCUREUR GÉNÉRAL DU CANADA	ABSENT ET NON REPRÉSENTÉ

DESCRIPTION :

500-09-031691-256

Demande de permission d'appeler d'un jugement rendu le 29 août 2025 par l'honorable Christian J. Brossard de la Cour supérieure, district de Montréal (Articles 30, 31 and 357 *C.p.c.*).

500-09-031696-255

Demande de permission d'appeler d'un jugement rendu le 2 septembre 2025 par l'honorable Ian Demers de la Cour supérieure, district de Montréal (Article 31 et 357 *C.p.c.*).

500-09-031726-250

Demande de permission d'appeler modifiée d'un jugement rendu le 16 septembre 2025 par l'honorable Ian Demers de la Cour supérieure, district de Montréal (Articles 30 et 357 *C.p.c.*).

500-09-031727-258

Demande de permission d'appeler modifiée d'un jugement rendu le 25 septembre 2024 par l'honorable Bernard Synnott de la Cour supérieure, district de Montréal (Articles 30 et 357 *C.p.c.*).

Greffière-audiencière : Anne Dumont	Salle : RC-18

AUDIENCE

Continuation de l'audience du 11 mars 2026. Les parties ont été dispensées d’être présentes à la Cour.

PAR LA JUGE : Jugement – voir page 6.

Anne Dumont, Greffière-audiencière

JUGEMENT

[1] Je suis appelée à trancher quatre demandes de permission d'appeler.

[2] La requérante, qui se représente seule, a pratiqué près de 25 ans comme avocate, principalement en litige, avant de faire l'objet de radiations temporaires totalisant 22 mois aux termes d'une décision sur sanction rendue le 19 juillet 2024 par le Conseil de discipline du Barreau du Québec (« **le Conseil** »), après que ce dernier l'eut déclarée coupable des six chefs d'infraction reprochés, par décision rendue le 30 novembre 2023 (« **Décision sur la culpabilité** »).

[3] Les demandes de permission d'appeler dont je suis saisie sont embrouillées et décousues. Elles se recoupent et leurs intitulés ne correspondent pas nécessairement aux conclusions recherchées, en plus de soulever des erreurs à l'égard de jugements ayant acquis la force de chose jugée. Un recadrage relatant le déroulement des étapes procédurales me paraît essentiel avant d'aborder l'analyse de ces demandes.

[4] Le 18 avril 2024, la requérante introduit un pourvoi en contrôle judiciaire de la Décision sur la culpabilité. Le 3 mai 2024, le syndic adjoint intimé (« **syndic adjoint** ») produit une demande en rejet et en déclaration d'abus de ce pourvoi. Le 16 mai 2024, une dizaine de jours avant l'audience sur la sanction, la requérante dépose une demande de sursis des procédures pendantes devant le Conseil, laquelle est présentée et rejetée séance tenante par le juge Benoît Emery le 24 mai 2024 (« **Jugement Emery** »).

[5] Le juge Emery signale alors la précarité du recours introduit en Cour supérieure, étant donné que la décision du Conseil est appelable devant le Tribunal des professions. Il souligne que l'article 529 du *Code de procédure civile* (« ***C.p.c.*** ») édicte clairement qu'un pourvoi en contrôle judiciaire est irrecevable si la décision attaquée est susceptible d'un appel, sauf dans les cas où il y a défaut ou excès de compétence, et qu'un appel entraînerait la suspension de l'exécution de la décision attaquée. Il note également que plus de six mois se sont écoulés depuis la Décision sur la culpabilité et que le pourvoi en contrôle judiciaire a été introduit quatre mois après celle-ci. Il conclut par ailleurs à l'absence de préjudice irrémédiable pour la requérante du fait de ne pas accorder le sursis, puisque la sanction n'a pas encore été prononcée et que les observations sur sanction doivent avoir lieu à compter du 28 mai 2024. Il ajoute qu'une fois la sanction prononcée, la requérante pourra toujours déposer un appel auprès du Tribunal des professions qui en suspendra l'exécution.

[6] Ce dernier commentaire sur la suspension de l'exécution de la sanction mènera la requérante à prétendre par la suite que le juge Emery aurait été induit en erreur par les

« fausses représentations » de l'avocate du syndic adjoint à ce sujet. Elle insistera aussi pour interroger cette avocate et demandera une ordonnance pour forcer la comparution du syndic adjoint, Me Dyotte, à l'audience du pourvoi en rétractation qui est au cœur du présent débat. J'y reviendrai puisque ces éléments seront soulevés dans le cadre des demandes de permission d'appeler.

[7] La décision sur sanction est finalement rendue par le Conseil le 19 juillet 2024 (« **Décision sur la sanction** »). Elle ordonne des périodes de radiation temporaires totalisant 22 mois et l'exécution provisoire dès sa signification à la requérante, sans l'ajout des mots « nonobstant appel », ce qui entraînera un débat additionnel en Cour supérieure devant le juge David E. Roberge. J'y reviendrai également.

[8] Le 20 août 2024, la requérante dépose une déclaration d'appel à l'égard de la Décision sur la culpabilité et de la Décision sur la sanction, soit près de neuf mois après la Décision sur la culpabilité et quatre mois après l'introduction du pourvoi en contrôle judiciaire de la Décision sur la culpabilité. Je signale que l'audience de la demande de rejet et déclaration d'abus de ce pourvoi en contrôle judiciaire est fixée au mois suivant.

[9] Le 21 août 2024, la requérante dépose une demande de réinscription comme avocate sur le site du Barreau, laquelle est rejetée séance tenante le 26 août 2024 par le juge Martin Castonguay, au motif que « le seul Tribunal compétent pour entendre cette demande est le Tribunal des professions ».

[10] Le 29 août 2024, le syndic adjoint dépose une demande *sui generis* visant à perquisitionner la résidence de la requérante afin de permettre la prise de possession de ses dossiers suivant sa radiation. Cette demande est accueillie par jugement rendu séance tenante le 29 août 2024 par le juge David E. Roberge (« **Jugement Roberge** »), lequel rejette la demande urgente de la requérante pour le transfert de ses dossiers professionnels à une autre avocate. Le juge Roberge souligne alors que la requérante a fait valoir un recours auprès du Tribunal des professions, à titre de forum compétent, mais qu'elle n'a pas demandé de sursis. La requérante ne déposera d'ailleurs une demande de sursis auprès du Tribunal des professions que le 27 septembre 2024, soit plus de deux mois après la Décision sur sanction et elle ne présentera celle-ci qu'au mois de décembre 2024, sans succès. Le 30 septembre 2024, elle dépose une demande de permission d'appeler du jugement Roberge qui sera rejetée le 13 décembre 2024[1].

[11] Entretemps, la demande en rejet du pourvoi en contrôle judiciaire et en déclaration d'abus procède par défaut devant le juge Synnott le 25 septembre 2024, la requérante ayant omis de se présenter à l'audience, malgré le courriel transmis par la Cour supérieure exigeant sa présence à l'audience pour débattre des demandes de remise

---

1 *Sanderson c. Dyotte*, 2024 QCCA 1718 (j. unique).

formulées par courriels. Le juge rejette séance tenante le pourvoi en contrôle judiciaire et le déclare abusif (« **Jugement Synnott** »).

[12] Dans le cadre de son jugement, le juge Synnott reprend à son compte les propos du juge Emery au sujet de l'article 529 *C.p.c.* ainsi que ceux des juges Castonguay et Roberge évoqués précédemment. Il réitère que le forum approprié en l'espèce est le Tribunal des professions. Il détermine que la Cour supérieure n'a pas compétence pour entendre le pourvoi en contrôle judiciaire, d'autant plus que le Tribunal des professions est déjà saisi d'un appel. Il conclut que le pourvoi en contrôle judiciaire est manifestement mal fondé au sens de l'art. 51 *C.p.c.*

[13] Il ajoute que le pourvoi est tardif et que les motifs invoqués par la requérante pour contrer l'argument de tardiveté ne sont pas satisfaisants. Il note à cet égard qu'elle a été en arrêt de travail durant certaines périodes, mais que ces arrêts étaient antérieurs à l'expiration du délai raisonnable pour instituer le pourvoi en contrôle judiciaire. Quant à l'arrêt de travail invoqué entre le 21 juillet et le 7 septembre 2023, il note qu'il précède la Décision sur la culpabilité et n'a pas empêché la requérante d'assister à l'audience sur la culpabilité du 25 au 27 octobre 2023 non plus que d'y faire des représentations devant le Conseil. Quant au dossier médical couvrant la période du 18 décembre 2023 au 18 avril 2024, le juge le qualifie de laconique puisqu'il ne fait qu'exposer qu'elle a été sous les soins d'un médecin pour cause d'épuisement et trouble d'anxiété entre les 23 et 29 février 2024 et qu'il n'indique pas en quoi la requérante n'a pu respecter le délai raisonnable prévu à l'article 529 *C.p.c* pour introduire son pourvoi en contrôle judiciaire de la Décision sur la culpabilité rendue le 30 novembre 2023.

[14] C'est ce jugement qui fait l'objet du pourvoi en rétractation déposé le 25 octobre 2024. Le 2 avril 2025, la requérante demande la remise de l'audience de ce pourvoi fixée deux jours plus tard, soit le 4 avril 2025, alors que la date d'audience est connue depuis novembre 2024. Pour justifier l'ajournement, la requérante soulève que son état de santé ne lui permet pas de se représenter seule et qu'elle souhaite retenir les services d'un avocat. De plus, elle indique vouloir déposer les notes sténographiques de l'audience tenue en Cour d'appel au mois de décembre 2024 portant sur la demande de permission d'appeler du Jugement Roberge afin de mettre en preuve les réponses de l'avocate du syndic adjoint à l'égard de ses représentations devant le juge Emery.

[15] Par jugement rendu séance tenante le 2 avril 2025, le juge Patrick Ferland accorde la remise, non pas pour les raisons invoquées par la requérante qu'il estime insuffisantes, mais en raison du dépôt récent d'une demande de rejet et de déclaration d'abus du pourvoi en rétractation par le syndic adjoint. Cette nouvelle procédure justifie, selon lui, de reporter l'affaire afin que le pourvoi en rétractation et la demande en rejet et en déclaration d'abus procèdent dans une même audience qu'il fixe au 3 septembre 2025. Le juge annonce qu'aucune nouvelle remise ne sera accordée sauf pour motif exceptionnel. Il détermine la répartition du temps d'audience et précise la durée des

témoignages et des observations de part et d'autre. La requérante indique alors, qu'en sus de son propre témoignage, elle fera entendre l'avocate du syndic adjoint.

[16] Dans les jours précédant l'audience du 3 septembre 2025, la requérante dépose un pourvoi en rétractation modifié de même qu'une demande afin d'ordonner la présence du syndic adjoint, Me Dyotte, à l'audience. Cette demande est présentée le 29 août 2025 au juge Christian Brossard, qui la réfère au juge Ian Demers chargé d'entendre l'affaire le 3 septembre 2025. Il en fixe néanmoins la présentation la veille de l'audience, soit le 2 septembre 2025, par visioconférence (« **Jugement Brossard** »).

[17] Le 2 septembre 2025, le juge Demers rejette la demande visant à ordonner la présence du syndic adjoint à l'audience (« **Jugement Demers 1** »). Il rejette également la demande verbale en récusation formulée le même jour.

[18] Le lendemain, soit le 3 septembre 2025, l'affaire procède au mérite devant le juge Demers. Le 16 septembre 2025, il rend jugement et accueille la demande en rejet du pourvoi en rétractation modifié et le déclare abusif, puis condamne la requérante à rembourser au syndic adjoint des honoraires extrajudiciaires totalisant 18 801,32 $ (« **Jugement Demers 2**»).[2]

[19] Au courant des mois de septembre et octobre 2025, la requérante a déposé successivement quatre demandes de permission d'appeler dont elle a fixé la date de présentation au 27 février 2026. Le 25 février 2026, elle a présenté une demande d'ajournement. Alors qu'elle réclamait à l'origine le report de l'audience pour lui permettre de déposer les notes sténographiques de l'audience tenue devant le juge Demers le 3 septembre 2025, elle a reconnu lors de cette audience avoir obtenu la transcription. Elle a néanmoins sollicité un ajournement au motif qu'elle venait de modifier en date du 24 février 2026, deux des quatre demandes de permission d'appeler afin d'ajouter le Procureur général du Canada à titre de mis en cause et de soulever l'invalidité constitutionnelle de l'article 194 du *Code des professions*. La demande d'ajournement a été rejetée.

[20] La veille de l'audience du 27 février 2026, la requérante a déposé les notes sténographiques de l'audience tenue devant le juge Demers le 3 septembre 2026, de même qu'une demande de récusation de la soussignée. Cette demande de récusation présentée le matin de l'audience a été rejetée par jugement rendu séance tenante[3].

---

2 *Sanderson c. Conseil de discipline du Barreau du Québec*, 2025 QCCS 3331.
3 *Sanderson c. Dyotte*, 2026 QCCA 268 (j. unique).

Dossier 500-09-031691-256

[21] La première demande de la requérante est intitulée « Application for Permission to Appeal to various Interlocutory Judgments of the Superior court, one rendered on August 29, 2025 by Justice Brossard and the others rendered by justice Ian Demers on September 2nd and 3rd., 2025 ». La requérante y allègue une série de reproches d'abord à l'endroit du juge Brossard puis à l'endroit du juge Demers. Les reproches formulés à l'égard du juge Demers sont par ailleurs repris dans le second dossier. Étrangement, les conclusions de la demande ne portent que sur le Jugement Synnott et demandent à la Cour de rejeter son pourvoi en contrôle judiciaire comme suit :

> **AUTHORIZE** permission to appeal in the present file.
>
> **INFIRM** the judgement of Justice Synnott dated September 25, 2024 but only insofar as it declares the proceeding abusive, and
>
> **DISMISS** the judicial review of the Appellant.
>
> [Soulignements ajoutés]

[22] Bien qu'interpellée à cet égard dès le 25 février 2026, lors de l'audience portant sur sa demande d'ajournement, la requérante n'a pas jugé utile de déposer une procédure modifiée afin de corriger ces conclusions non plus qu'elle n'a présenté une demande verbale de modification à l'audience. Cela étant, même en passant outre cette irrégularité et en tenant pour acquis que sa demande visait plutôt le Jugement Brossard, il n'y a pas lieu d'y faire droit.

[23] Elle reproche au juge Brossard d'avoir refusé de trancher la requête visant à ordonner la présence à l'audience du syndic adjoint au motif que le pourvoi en rétractation et la demande de rejet pour abus du syndic adjoint étaient fixés pour une audience devant le juge Demers le 3 septembre.

[24] S'agissant d'une décision de gestion dont la permission d'appeler recherchée obéit aux critères de l'article 32 *C.p.c.*, la requérante doit démontrer de manière *prima facie* que le jugement qui découle de l'exercice d'un pouvoir discrétionnaire est déraisonnable, en ce qu'il constitue une démonstration flagrante d'iniquité ou une violation manifeste des principes directeurs de la procédure. Il ne suffit donc pas de plaider l'erreur ou qu'une autre décision aurait été meilleure ou plus appropriée ou causerait moins d'inconvénients pour obtenir une telle permission, laquelle n'est d'ailleurs que rarement accordée[4].

---

4 *Google Canada Corporation c. Elkoby*, 2016 QCCA 1171 (j.unique); *Ville de Westmount c. Syndicat des copropriétaires du Westmount Square*, 2024 QCCA 433, paragr. 6-9 (j. unique).

[25] En l'espèce, la requérante ne parvient pas à démontrer que le juge Brossard aurait exercé son pouvoir de gestion de manière déraisonnable au regard des principes directeurs de la procédure en référant la demande visant à ordonner la présence d'une partie à l'audience au juge chargé d'entendre celle-ci. Au contraire, une telle décision cadre avec une saine administration de la justice et des ressources judiciaires. D'ailleurs, outre que d'être en désaccord avec cette décision, la requérante n'indique pas en quoi cette décision serait le résultat d'un exercice non judicieux de la discrétion du juge.

[26] La demande de permission d'appeler sera donc rejetée à l'égard de ce jugement.

500-09-031696-255

[27] La requérante demande la permission d'appeler du Jugement Demers 1 qui rejette sa demande visant à forcer la comparution du syndic adjoint, Me Sébastien Dyotte. La requérante n'a pas déposé les motifs énoncés oralement et enregistrés numériquement à l'audience au soutien du rejet de cette demande en dépit du *Règlement de la Cour d'appel du Québec en matière civile*[5]. En effet, bien qu'elle ait déposé les notes sténographiques de l'audience du 3 septembre 2025, elle ne l'a pas fait à l'égard de l'audience du 2 septembre 2025 non plus qu'elle n'a jugé utile de requérir auprès du juge une transcription des motifs énoncés à l'audience.

[28] En l'absence des motifs du juge, et au vu des allégations de sa demande de permission d'appeler, la requérante échoue à me convaincre qu'elle satisfait aux critères de l'article 31 al. 2. *C.p.c.* pour justifier l'octroi de la permission d'appeler.

[29] En effet, la requérante ne démontre pas le préjudice lié au fait d'être privée de ce témoin à l'audience. Elle indique que la présence de Me Dyotte était requise parce que c'est lui plutôt que l'avocate *ad litem* du syndic adjoint, Me Gratton, qui aurait dû signer la déclaration sous serment au soutien de la demande en déclaration d'abus du syndic adjoint, sans préciser en quoi la présence du témoin aurait été utile au débat, ni en quoi elle aurait été privée de présenter des observations au juge à cet égard, si tant est qu'il s'agisse d'un élément pertinent. Elle affirme également que le syndic adjoint devait témoigner pour justifier son refus de considérer le transfert de ses clients à l'avocate qu'elle avait choisie pour prendre la relève de ses dossiers en lui préférant Me Brook qui n'avait pas de spécialité en droit fiscal. Or, cette question n'avait aucun lien avec la demande sur laquelle le juge Demers devait se prononcer, en plus d'avoir déjà fait l'objet du Jugement Roberge qui a accueilli la demande *sui generis* du syndic adjoint pour perquisitionner sa résidence et qui a rejeté sa demande urgente pour le transfert de ses dossiers. Ce jugement a acquis force de chose jugée[6].

---

5 *Règlement de la Cour d'appel du Québec en matière civile* (*R.C.a.Q.m.civ.*), RLRQ c C-25.01, r 0.2.01, art. 32.

6 *Sanderson c. Dyotte*, 2024 QCCA 1718 (j. unique).

500-09-031726-250

[30] La requérante demande cette fois la permission d'appeler du Jugement Demers 2 qui rejette son pourvoi en rétractation en le déclarant abusif et la condamne à rembourser au syndic adjoint une partie des honoraires extrajudiciaires engagés dans le cadre du pourvoi en contrôle judiciaire pour un montant total de 18 801,32 $.

[31] Après un survol du dossier, le juge Demers dresse l'ensemble des étapes procédurales décrites précédemment. Il recense ensuite de manière exhaustive les principes applicables en matière de rétractation puis aborde les motifs de rétractation soulevés, en lien avec l'incapacité de la requérante de se présenter à l'audience du 25 septembre 2024.

[32] Il rappelle que cette demande a été déposée le 18 avril 2024, qu'elle a fait l'objet d'une demande en rejet trois semaines plus tard et qu'elle a été instruite en l'absence de la requérante le 25 septembre 2024, après que la Cour supérieure lui a envoyé un message par courriel pour exiger sa présence à l'audience pour débattre de sa demande de remise transmise par courriel, auquel elle n'a pas répondu. Il note de plus que la Cour supérieure a tenté de la joindre pendant une heure, le matin du 25 septembre 2024, avant de constater son défaut, refuser la remise et instruire la demande en rejet par défaut.

[33] Le juge souligne que la demande en rétractation modifiée de la requérante (qui tient sur 145 paragraphes) n'évoque son incapacité que dans deux paragraphes qui réfèrent de manière imprécise à une anxiété reliée à ses dossiers disciplinaires en s'appuyant sur une note médicale (R-1) ainsi qu'aux effets du Jugement Roberge rendu le 29 août 2024. Or, il juge cette note laconique : elle est rédigée par un psychologue qui atteste avoir évalué la requérante le jour de l'audience de la demande en rejet et l'avoir rencontrée à trois reprises pendant les deux semaines suivantes. Bien qu'elle rapporte les difficultés vécues par la requérante à la suite de la perte de son emploi et la poursuite de sa prise en charge par le psychologue, il conclut que cette note ne permet pas de conclure à son incapacité. De plus, il souligne que le pourvoi en rétractation n'énonce aucun moyen de défense, ce qui l'amène à conclure au rejet du pourvoi en rétractation. Il écrit:

> [29] La pondération des motifs de rétractation et des moyens de défense mène à une seule conclusion : M^me^ Sanderson n'a pas soulevé de motifs suffisants qui, s'ils étaient prouvés, justifieraient de rétracter le jugement rendu le 25 septembre 2024.
>
> [30] La conclusion aurait été la même si la demande en rétractation avait été examinée au fond. Madame Sanderson n'a pas prouvé de motifs de rétractation et ses moyens de défense ne traitent pas de la déraisonnabilité du délai de signification de son pourvoi.

[31] À l'audition de la demande en rétractation, M^me^ Sanderson a avancé ne pas avoir pris connaissance de la correspondance de la Cour lui demandant de comparaître pour justifier la remise. Si tel est le cas, elle a agi témérairement : la Cour avait expressément refusé d'accorder la remise à moins qu'elle ne s'explique. Elle aurait dû consulter ses courriels. L'explication est peu crédible et est soulevée pour la première fois.

[32] Il appert plutôt que M^me^ Sanderson a voulu forcer la remise de la demande en rejet. L'audition de la demande en rejet a été fixée le 24 mai 2024. Le 9 septembre, la juge coordonnatrice de la chambre de pratique a demandé aux parties de confirmer qu'elles procéderaient. Le 13 septembre, M^me^ Sanderson a demandé la remise de l'audience pour lui permettre d'obtenir les notes sténographiques de l'audition tenue le 24 mai quant à la demande en sursis qu'elle avait présentée. Elle voulait prouver que l'avocate du syndic adjoint avait formulé de fausses représentations bien que le sujet n'ait aucune pertinence quant à la demande en rejet. Le syndic adjoint s'est opposé à la remise une semaine plus tard.

[33] Bien qu'elle affirme avoir souffert de problèmes de santé dès la décision du Conseil sur la culpabilité, M^me^ Sanderson ne les a pas invoqués. Le 24 septembre 2024 à 17 h 50, elle a simplement réitéré les motifs qu'elle avait avancés 11 jours plus tôt. Deux heures plus tard, la Cour l'a enjointe d'être présente le lendemain. Au moment de l'ouverture de l'audience à 9 h 30, M^me^ Sanderson a évoqué pour la première fois, et sans détail, avoir vécu des « traumatic events » dans un courriel transmis à la Cour. À 9 h 44, la Cour l'a à nouveau enjointe d'être présente et l'a appelée, mais M^me^ Sanderson n'a pas répondu.

[34] De toute façon, les démarches procédurales contemporaines de M^me^ Sanderson contredisent l'allégation d'incapacité : deux jours après l'audition de la demande en rejet, elle a déposé une demande en sursis au Tribunal des professions ; trois jours plus tard, une requête en permission d'appeler à la Cour d'appel à l'égard du jugement rendu par la Cour le 29 août 2024.

[35] Toujours à l'audition de la demande en rétractation, M^me^ Sanderson a restreint ses moyens de défense à la compétence de la Cour, malgré la disponibilité d'un appel devant une autre juridiction, en cas d'excès de compétence. Elle a occulté le deuxième motif justifiant le rejet du pourvoi : il n'a pas été signifié dans un délai raisonnable.

[36] Jusqu'à ce qu'elle soit confrontée au texte du jugement, M^me^ Sanderson a nié que la Cour avait conclu à la déraisonnabilité du délai. Elle s'est appuyée sur son témoignage, dénué de date et de documentation, dans lequel elle a évoqué

> des ennuis de santé soit survenus après la signification du pourvoi, soit qui ne l'ont pas empêchée de le signifier dans le délai de 30 jours qui sert de barème à l'évaluation de la raisonnabilité.
>
> [37] La demande en rejet de la demande en rétractation sera accueillie et la demande en rétractation sera rejetée.
>
> [Renvois omis]

[34] En ce qui concerne l'analyse du caractère abusif de la demande de rétractation, le juge l'aborde en signalant que le pourvoi en rétractation répond en fait à la demande en déclaration d'abus de procédure du syndic adjoint, en dénonçant les fausses représentations de celui-ci et les erreurs des juges qui lui ont donné tort depuis le début du dossier. Il convient à nouveau de reprendre son analyse qui résume bien les prétentions de la requérante dont plusieurs sont d'ailleurs reprises dans les moyens soulevés dans sa Déclaration d'appel remodifiée:

> [45] Longue de 28 pages et près de 145 paragraphes, la demande en rétractation tient d'une demande en rejet de la demande en rejet et déclaration d'abus de procédure de la demande en rétractation du syndic adjoint. Seuls les par. 2 et 3 analysés plus haut portent sur la rétractation proprement dite. Le reste repose sur la théorie infondée selon laquelle M^{me} Sanderson est victime d'une vendetta depuis plus de 15 ans.
>
> [46] Les reproches de M^{me} Sanderson se déclinent en plusieurs thèmes, dont aucun n'a fait l'objet d'un jugement favorable : les juges et décideurs qui ont entendu les affaires qu'elle a plaidées et qui ont mené au dépôt de plaintes, qui ont instruit les plaintes ou ont rejeté ses différents recours ont tous commis des erreurs; la condamnation du Conseil repose sur un courriel protégé par le secret professionnel; le syndic adjoint a induit tous les tribunaux judiciaires en erreur en prétendant que le dépôt d'un avis d'appel au Tribunal des professions sursoyait à la décision du Conseil sur la sanction; la décision du Conseil n'était pas exécutoire puisqu'elle ne précisait pas qu'elle s'applique « malgré l'appel »; elle n'a jamais refusé de remettre ses dossiers au syndic adjoint, mais proposé de les remettre à une cessionnaire que le syndic adjoint a refusée sans raison; elle n'a pu se défendre contre la demande en autorisation de perquisitionner son domicile; le Conseil qui a instruit la plainte privée qu'elle a déposée contre deux avocats n'était pas impartial; la demande en rejet du pourvoi en contrôle judiciaire n'a pas été transmise à un juge pour rejet au vu du dossier ; la Cour aurait rendu jugement sur la mauvaise demande en rejet; et ses problèmes de santé découlent directement des agissements illégaux du syndic adjoint. Il s'ensuivrait que le pourvoi en contrôle judiciaire et la demande en rétractation de jugement, qui dénoncent des illégalités, ne peuvent être abusifs.

[47] Il suffit d'examiner quelques-uns des arguments de M^me^ Sanderson pour constater qu'ils présentent plusieurs caractéristiques de l'abus de procédure.

[48] Madame Sanderson remet en question les jugements et décisions qu'elle n'a pas contestés; ils sont passés en force de chose jugée. Elle est incapable de s'en remettre au processus d'appel devant le Tribunal des professions, qui lui permettrait d'obtenir les redressements qu'elle recherche et dont la décision est susceptible de contrôle judiciaire. Elle invoque le pouvoir de la Cour en matière déclaratoire ou sa compétence inhérente en contrôle judiciaire pour lui soumettre toute question la touchant de près ou de loin. Madame Sanderson semble avoir oublié qu'en 2020, la Cour lui a rappelé qu'elle n'avait pas autant de pouvoirs.

[49] Les reproches qu'elle adresse au syndic adjoint quant à ses représentations sur le sursis sont mal fondés. Sur dépôt d'un avis d'appel au Tribunal des professions, le sursis à l'exécution d'une décision du Conseil jusqu'à l'expiration du délai d'appel est la règle en matière de radiation temporaire; l'exécution provisoire est l'exception si le Conseil l'ordonne. En l'espèce, il l'a ordonnée, mais oublié la formule « nonobstant appel » que M^me^ Sanderson estime sacramentelle. La sanction n'en était pas moins exécutoire sans délai. D'ailleurs, la Cour d'appel a souligné que M^me^ Sanderson « ne pouvait ignorer » qu'il s'agissait d'« une erreur d'écriture ».

[50] Dans son témoignage, M^e^ Gratton n'a pas brossé un portrait différent des règles applicables en la matière. À certaines étapes de la procédure devant la Cour, le Conseil n'avait pas encore rendu sa décision sur la sanction. M^e^ Gratton ne pouvait présumer de l'exécution provisoire qu'il ordonnerait. Cela explique raisonnablement pourquoi elle ne l'a pas mentionnée. Vu le refus du Tribunal des professions de sursoir à l'exécution de la sanction malgré l'appel, débattre à nouveau la question du sursis est inutile.

[51] Sur ce point comme sur d'autres, la position de M^me^ Sanderson illustre très bien ce qu'une avocasserie signifie : lorsque M^e^ Gratton a plaidé à la Cour d'appel qu'« on ne savait pas si [l'exécution] allait être imposée de manière provisoire » lorsque la demande en sursis a été plaidée à la Cour supérieure le 24 mai 2024, elle en avait aucune idée et n'en avait pas discuté avec le syndic adjoint. L'audition sur la sanction — le syndic adjoint s'est autoreprésenté — n'avait pas eu lieu encore et, selon la facturation des procureurs du syndic adjoint, la question n'a pas fait l'objet de discussions.

[52] Par ailleurs, le greffier spécial a renvoyé la demande en rejet du syndic adjoint au maître des rôles pour analyse par un juge le 14 mai 2024. La Cour a instruit la demande en rejet au fond; elle devait manifestement soulever des motifs

> suffisamment importants pour ne pas être rejetée sommairement. Ce faisant, elle a respecté ses propres règles.
>
> [53] Madame Sanderson savait ou devait savoir que la demande en rétractation, telle que formulée, n'avait aucune chance de succès. Elle savait également, ou devait savoir, qu'un témoignage aussi flou que le sien quant à son état de santé n'avait aucune chance de convaincre la Cour de son incapacité à se présenter à l'audition de la demande en rejet ou de signifier son pourvoi dans un délai raisonnable.
>
> [54] Madame Sanderson a tort de se plaindre que le syndic adjoint se rebiffe contre le pourvoi qu'elle a déposé et les démarches qu'elle a entreprises par la suite. Mais elle n'a pas complètement tort de s'opposer aux moyens qu'il a engagés pour contrer l'abus de procédure qu'il constitue.
>
> [Renvois omis]

[35] Le juge Demers procède ensuite à la détermination des honoraires extrajudiciaires réclamés par le syndic adjoint tant en lien avec le pourvoi en contrôle judiciaire que le pourvoi en rétractation. Puisque le Jugement Synnott est passé en force de chose jugée, il examine les honoraires réclamés en lien avec le pourvoi en contrôle judiciaire abusif et les réduit de près de la moitié à la somme de 10 000 $, après avoir, d'une part, retranché les honoraires afférents à la demande *sui generis* du syndic adjoint à perquisitionner le domicile de la requérante et saisir certains biens, qu'il estime sans lien avec le pourvoi en contrôle judiciaire et, d'autre part, réduit de plus de la moitié la balance des honoraires réclamés, les jugeant excessifs compte tenu de la faible complexité du dossier.

[36] Quant au pourvoi en rétractation, le juge détermine que la demande en rejet et déclaration d'abus déposée tardivement était inutile au vu des seuls paragraphes pertinents de la procédure de la requérante, alors qu'il aurait suffi dans les circonstances de produire un plan d'argumentation. De l'avis du juge, cette procédure a non seulement provoqué la remise du pourvoi, mais elle a aussi donné à la requérante l'occasion de modifier sa procédure pour y ajouter tous les faits survenus depuis la remise ainsi que tous les événements survenus depuis le début du dossier. Le juge condamne ainsi la requérante à des dommages-intérêts de 8 801,32 $ en allouant des honoraires extrajudiciaires correspondant à 44 heures facturables pour la recherche, la rédaction d'un plan d'argumentation, la correspondance et la vacation pour la période précédant le 3 septembre 2025.

[37] Y a-t-il lieu d'accorder la permission d'appeler de ce jugement ?

[38] L'appel d'un jugement qui rejette un recours en raison de son caractère abusif obéit aux critères de l'article 30 al. 2 (3°) et al. 3 *C.p.c.*) et ne sera par ailleurs autorisé

que si l'appel est dans l'intérêt de la justice et qu'il ne contrevient pas au principe de proportionnalité (art. 9 et 18 *C.p.c.*)[7]. Pour obtenir la permission recherchée, la requérante doit me convaincre que l'appel soulève une question qui mérite l'attention de la Cour, à savoir qu'il y a présence d'une question de principe, d'une question nouvelle ou d'une question de droit faisant l'objet d'une jurisprudence contradictoire. Au surplus, et comme le signalait la Cour dans l'affaire *Beauregard c. Boulanger (Succession de Boulanger)*, « [b]ien que la présence d'une question de principe, d'une question nouvelle ou d'une question de droit faisant l'objet d'une jurisprudence contradictoire puisse justifier d'accorder la permission, dans la plupart des cas d'abus, la question est plutôt de savoir s'il existe une faiblesse apparente dans le jugement rejetant l'action et la déclarant abusive, de telle manière qu'il y a un risque d'une injustice »[8], puisque l'objectif de la permission est d'éviter de perpétuer un tel abus.

[39] La requérante allègue qu'elle entend soulever non moins de 11 moyens d'appel qu'elle ne détaille pas dans sa demande de permission d'appeler se contentant de plutôt renvoyer à sa Déclaration d'appel remodifiée, en dépit du *Règlement de la Cour d'appel du Québec en matière civile*[9]. Les seuls moyens soulevés de manière explicite dans sa demande de permission d'appeler remodifiée concernent essentiellement l'invalidité constitutionnelle de l'article 194 du *Code des professions*[10] et de l'article 30 al. 2(3°) et al. 3 *C.p.c.*

[40] J'ajoute qu'en ce qui concerne l'article 194 du *Code des Professions*, il s'agit d'un argument soulevé pour la première fois le 24 février dernier, soit trois jours avant l'audience, par le dépôt d'une demande de permission d'appeler modifiée ajoutant le Procureur général du Canada à titre de mis en cause. Je signale par ailleurs qu'elle a tenté d'obtenir sur cette base un ajournement de la présentation de ses demandes de permission d'appeler, sans succès[11].

[41] Ainsi, à la lumière de cette nouvelle mouture, alors qu'elle n'invoquait auparavant que l'invalidité constitutionnelle de l'article 30 al. 2(3°) *C.p.c.* qui assujettit le jugement qui rejette un recours en raison de son caractère abusif aux critères de l'article 30 al. 3.

---

7 *Justice pour le Québec c. Procureur général du Canada*, 2024 QCCA 380, paragr. 2 (j. unique).
8 *Beauregard c. Boulanger (Succession de Boulanger)*, 2021 QCCA 728, paragr. 31.
9 *Règlement de la Cour d'appel du Québec en matière civile* (*R.C.a.Q.m.civ.*), art. 32.
10 *Code des professions*, RLRQ c C-26, art. 194 :

194. Sauf sur une question de compétence, aucun pourvoi en contrôle judiciaire prévu au Code de procédure civile (chapitre C-25.01) ne peut être exercé ni aucune injonction accordée contre les personnes ou l'organisme visés à l'article 193 agissant en leur qualité officielle	**194**. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) shall be made and no injunction granted against the persons or bodies mentioned in section 193 acting in their official capacities.

11 *Sanderson c. Dyotte*, 2026 QCCA 268 (j. unique).

C.p.c., elle conteste désormais également la validité constitutionnelle de l'article 194 du *Code des professions* dans la mesure où cette disposition se révèlerait être un obstacle à sa demande de pourvoi en contrôle judiciaire.

[42] Elle soutient en outre que la condamnation à verser des dommages et à rembourser des honoraires extrajudiciaires au syndic adjoint serait une première dans l'histoire judiciaire du Québec, ce qui démontre, en soi, une injustice flagrante à son endroit et justifierait d'accorder la permission d'appeler.

[43] Je disposerai dans un premier temps des moyens soulevant l'invalidité constitutionnelle de l'article 30 al. 2(3°) et al. 3 *C.p.c*. et de l'article 194 du *Code des professions* avant d'aborder les autres moyens incorporés par référence par le biais de sa Déclaration d'appel remodifiée.

[44] Outre son non-respect des formalités de l'avis requis aux articles 76 et 77 *C.p.c*.[12] que soulève à juste titre le Procureur général du Québec (« **PGQ** »), je constate que la requérante n'invoque ici aucune disposition ni aucun principe constitutionnel pour soutenir la déclaration d'invalidité recherchée. Son argument consiste à prétendre qu'elle devrait bénéficier d'un appel de plein droit d'un jugement qui rejette son recours en raison de son caractère abusif. En assujettissant cet appel à une autorisation préalable d'un juge de la Cour, par le biais de l'article 30 al. 2(3°) et al. 3 *C.p.c*., elle serait ainsi privée de son droit d'appel. Au surplus, elle prétend que les critères d'octroi d'une permission d'appeler développés par la jurisprudence, notamment dans l'arrêt *Beauregard c. Boulanger (Succession de Boulanger)* précité[13], ne seraient pas appliqués de manière uniforme en plus d'ajouter au libellé de l'article 30 al. 3 *C.p.c.*

[45] Cela étant, bien qu'elle conteste l'obligation d'obtenir cette permission, elle prétend que le jugement lui cause une injustice flagrante qui justifie de lui accorder une permission aux termes de l'interprétation jurisprudentielle qu'elle prétend inconstitutionnelle. Or, comme signalé par la Cour suprême dans l'arrêt *Charkaoui c. Canada (Citoyenneté et Immigration)*[14], le droit d'appel n'est pas garanti par la constitution de sorte que l'argument constitutionnel n'a pas d'assise. Dans l'arrêt *Grenier c. Procureure générale du Québec*[15], sous la plume de la juge Savard, la Cour rappelle que le droit constitutionnel garantissant l'accès aux tribunaux ne protège pas le droit d'exercer un recours abusif en citant à l'appui les propos des juges majoritaires de la Cour suprême dans *Trial Lawyers Association*[16]. Le moyen soulevé n'est pas une question de droit nouvelle ou une question de principe d'intérêt général pour la Cour.

---

12 *Procureur général du Québec c. Pryde*, 2025 QCCA 736.
13 *Beauregard c. Boulanger (Succession de Boulanger),* 2021 QCCA 728, paragr. 31
14 *Charkaoui c. Canada (Citoyenneté et Immigration),* 2007 CSC 9, paragr. 136.
15 *Grenier c. Procureure générale du Québec*, 2018 QCCA 266, paragr. 32-33.
16 *Trial Lawyers Association of British Columbia c. Colombie-Britannique (Procureur général)*, [2014] 3 R.C.S. 31, paragr. 20.

[46] En ce qui concerne la contestation de la validité constitutionnelle de l'article 194 du *Code des professions*, elle ne justifie pas en l'espèce l'octroi de la permission d'appeler. D'abord, cette disposition n'est pas invoquée ni appliquée dans le Jugement Demers 2 qui n'en traite pas. Elle ne l'était d'ailleurs pas davantage dans le Jugement Synnott, lequel à l'instar d'autres juges de la Cour supérieure, ne se réfère qu'à l'article 529 *C.p.c*. Or, ce dernier article n'est pas remis en cause par la requérante. L'argument d'invalidité constitutionnelle de l'article 194 du *Code des professions* ne peut ainsi servir d'assise à l'octroi d'une permission d'appeler du Jugement Demers 2.

[47] J'ajouterai que, de toute manière, la question du forum approprié n'étant pas le seul motif retenu par le juge Synnott pour rejeter le pourvoi en contrôle judiciaire, comme l'a conclu le Jugement Demers 2, la seule question de l'excès de compétence n'aurait pas été susceptible de changer le sort du pourvoi en rétractation.

[48] En ce qui concerne les 11 autres moyens soulevés par la requérante dans sa Déclaration d'appel remodifiée, j'estime qu'aucun ne satisfait aux critères de l'article 30 al. 3 *C.p.c.* justifiant l'octroi de la permission recherchée. En effet, aucun de ces moyens n'énonce une question de droit ou de principe qui mérite l'attention de la Cour ni ne soulève une faiblesse inhérente du jugement de première instance dont découlerait une injustice flagrante. Il suffit de les examiner pour s'en convaincre.

Le premier moyen

[49] Il consiste à prétendre que le juge Demers aurait commis une erreur de droit en ignorant les allégations de la demande de pourvoi en contrôle judiciaire portant sur une violation des règles de justice naturelle de la part du Conseil et en concluant qu'elle n'avait pas soulevé de moyens de défense dans le cadre de son pourvoi en rétractation. Selon elle, à la lumière des commentaires formulés par le juge Demers durant l'audience, celui-ci aurait considéré à tort que l'excès de compétence était un moyen d'appel du Jugement Synnott plutôt qu'un moyen de défense à la demande en rejet et en déclaration d'abus.

[50] D'une part, au paragraphe 48 du Jugement Demers reproduit précédemment, le juge aborde l'argument et le rejette, même s'il ne se réfère pas explicitement à la « violation des règles de justice naturelle ». Le juge écrit à cet égard que la requérante « invoque le pouvoir de la Cour en matière déclaratoire ou sa compétence inhérente en contrôle judiciaire pour lui soumettre toute question la touchant de près ou de loin. Madame Sanderson semble avoir oublié qu'en 2020, la Cour lui a rappelé qu'elle n'avait pas autant de pouvoirs », en se référant à ce sujet à la décision *Sanderson c. Conseil de discipline du Barreau du Québec*[17]. Or, dans cette affaire, la Cour supérieure refusait justement la demande de sursis d'une décision du Conseil que la requérante attaquait par pourvoi en contrôle judiciaire au motif de violations des règles de justice naturelle,

---

17 *Sanderson c. Conseil de discipline du Barreau du* Québec, 2020 QCCS 3855.

comme en l'espèce, après avoir conclu à l'absence d'une apparence de droit de son recours, considérant son droit d'appel devant le Tribunal des professions.

[51] D'autre part, quant aux commentaires formulés par le juge en cours d'audience concernant la qualification des moyens soulevés, je constate qu'ils ne sont pas repris dans son jugement. Or, il est établi que de tels commentaires ne lient pas le juge au moment de rendre jugement[18]. Ils ne peuvent davantage servir d'assise à un moyen d'appel.

[52] Au surplus, le moyen formulé occulte le deuxième motif retenu par le juge Synnott pour rejeter son recours, soit le défaut d'introduire son pourvoi en contrôle judiciaire dans un délai raisonnable, à l'égard duquel la requérante n'a soulevé aucun moyen de défense dans le cadre de son pourvoi en rétractation, comme l'indique le juge au paragraphe 35 du jugement reproduit précédemment[19].

[53] Dès lors, à mon avis, le moyen soulevé ne met pas de l'avant une question de droit ou de principe qui mérite l'attention de la Cour de manière à justifier l'octroi de la permission d'appeler.

Le deuxième moyen

[54] La requérante soutient que le juge Demers aurait conclu à tort que le juge Synnott avait considéré que le délai pour introduire le pourvoi en contrôle judiciaire participait au caractère abusif de sa demande, alors qu'il ne s'agissait que d'un autre motif pour rejeter son pourvoi et non d'un motif justifiant la déclaration d'abus.

[55] Ce moyen dénature les propos du juge Demers aux paragraphes 35 et 36 que je reproduis à nouveau pour en faciliter la lecture :

> [35] […] Elle a occulté le deuxième motif justifiant le rejet du pourvoi : il n'a pas été signifié dans un délai raisonnable.
>
> [36] Jusqu'à ce qu'elle soit confrontée au texte du jugement, Mme Sanderson a nié que la Cour avait conclu à la déraisonnabilité du délai. Elle s'est appuyée sur son témoignage, dénué de date et de documentation, dans lequel elle a évoqué des ennuis de santé soit survenus après la signification du pourvoi, soit qui ne l'ont

---

18 *Léonard c. R.*, 2025 QCCA 1035, paragr. 27; *Édifice 500 Grande-Allée Est inc. c. Société québécoise des infrastructures*, 2025 QCCA 486, paragr. 26; *Boissel-Caron c. R.*, 2024 QCCA 363, paragr. 27; *Petosa c. Aoun*, 2022 QCCA 840, paragr. 38; *Bossé c. R.*, 2021 QCCA 1829, paragr. 26; *M.R. c. Hall*, 2021 QCCA 826, paragr. 26; *R. c. Giroux*, 2007 QCCA 1670, paragr. 10.

19 *Sanderson c. Conseil de discipline du Barreau du Québec,* 2025 QCCS 3331; Voir le paragraphe 33 du présent jugement.

> pas empêchée de le signifier dans le délai de 30 jours qui sert de barème à l'évaluation de la raisonnabilité.

[56] Ainsi, le juge ne se prononce pas sur le caractère abusif du délai déraisonnable. Il se contente d'écrire que le pourvoi en contrôle judiciaire a été rejeté pour deux motifs et que la requérante n'a soulevé aucun moyen de défense en lien avec le second motif qui concernait le délai déraisonnable pour introduire son pourvoi en rétractation, ce que ne semble d'ailleurs pas contester la requérante.

[57] Par ce moyen, la requérante ne fait pas valoir de question de droit ou de principe qui mérite l'attention de la Cour de manière à justifier l'octroi de la permission recherchée.

Le troisième moyen

[58] La requérante soutient que le juge Demers aurait ignoré l'article 39 des directives de la Cour supérieure et passé l'éponge sur le non-respect par le syndic adjoint de ces règles qui imposent certaines formalités lors du dépôt d'une demande en déclaration d'abus. Or, voici ce que le juge écrit au sujet du respect des règles de la Cour supérieure, au paragraphe 52 de son jugement:

> [52] Par ailleurs, le greffier spécial a renvoyé la demande en rejet du syndic adjoint au maître des rôles pour analyse par un juge le 14 mai 2024. La Cour a instruit la demande en rejet au fond; elle devait manifestement soulever des motifs suffisamment importants pour ne pas être rejetée sommairement. Ce faisant, elle a respecté ses propres règles[56].

---

56. Le formulaire porte la note « À classer dans le dossier sans captation ».

[59] Le juge Demers a rejeté l'argument de forme que lui plaidait la requérante, après avoir examiné le dossier de la Cour. Comme le signale le juge, le seul fait que la demande de rejet ait été instruite démontre qu'elle soulevait des motifs sérieux qui justifiaient de la porter au rôle. J'ajouterai que la demande de rejet et en déclaration d'abus a par ailleurs été fixée en pleine connaissance de cause de la requérante et que celle-ci a choisi de ne pas se présenter à l'audience, après avoir tenté d'en obtenir la remise par courriel.

[60] Le moyen formulé à nouveau en appel est pour le moins étonnant, alors que la requérante se formalise peu des délais et des formalités prévus au *Code de procédure civile*, de même que des règles de la Cour. Quoi qu'il en soit, elle ne démontre pas en quoi elle aurait subi quelque préjudice en lien avec un prétendu non-respect des directives de la Cour supérieure.

[61] Au surplus, la requérante ne soulève pas de question de droit ni de question de principe ni ne démontre en quoi la conclusion du juge à cet égard serait entachée de quelque faiblesse inhérente lui causant une injustice grave de manière à justifier l'octroi d'une permission d'appeler.

Le quatrième moyen

[62] La requérante prétend que le juge Demers aurait ignoré une partie de ses arguments et fait une lecture tronquée de son pourvoi en contrôle judiciaire. Elle renvoie à cet égard à son pourvoi en contrôle judiciaire et à son pourvoi en rétractation modifié sans préciser par ailleurs ce qu'il aurait ignoré. Ce reproche recoupe essentiellement le premier moyen et n'est pas susceptible de mener à une permission d'appeler.

Le cinquième moyen

[63] La requérante prétend que le juge Demers aurait erré en droit en minimisant les « fausses représentations » de Me Gratton, avocate du syndic adjoint devant le juge Emery, et qu'il aurait haussé le ton et violé les règles de justice naturelle en limitant les questions qu'elle souhaitait poser à l'avocate du syndic adjoint aux seuls propos tenus en Cour supérieure plutôt qu'en Cour d'appel. De fait, le juge a permis à la requérante d'interroger l'avocate sur les propos tenus devant le juge Emery, en dépit de leur faible pertinence pour le débat. À l'issue de ce témoignage, le juge a apprécié la preuve et écarté les prétentions de la requérante aux sujets de prétendues fausses représentations du syndic adjoint aux paragraphes 49 et 50 du jugement reproduits précédemment[20]. J'estime que le moyen formulé ne soulève ni question de droit ni question de principe et que les motifs du juge ne souffrent d'aucune faiblesse susceptible de justifier l'octroi de la permission recherchée.

Le sixième moyen

[64] La requérante allègue que le juge aurait violé les règles de justice naturelle et qu'il aurait fait preuve de partialité, notamment en l'interrompant et en formulant des objections en lieu et place de l'avocate du syndic adjoint lors de l'interrogatoire de Me Gratton, alors que la requérante se représentait seule. Il l'aurait privée de faire témoigner Me Sarto Landry et aurait affiché sa partialité en évoquant les recherches qu'il avait menées sur CanLII en amont de l'instruction, grâce auxquelles il aurait recensé 125 jugements dans lesquels le nom de la requérante apparaissait comme avocate. Le commentaire du juge à cet égard s'inscrit toutefois dans un contexte visant à rappeler à la requérante qu'à titre d'ancienne avocate de litige, elle ne pouvait ignorer les règles de procédure. Ce commentaire remis dans son contexte ne démontre pas que le juge aurait préjugé le dossier quant au caractère abusif de son recours.

---

20 Voir le paragraphe 34 du présent jugement.

[65] Quant aux autres reproches formulés, les transcriptions de l'audience du 3 septembre 2025 témoignent de plusieurs interventions du juge afin de recadrer son témoignage ainsi que son interrogatoire de l'avocate du syndic adjoint qui relevait davantage de l'argumentation que d'un interrogatoire, ainsi que pour circonscrire les observations tous azimuts de la requérante. Elles confirment le refus du juge de permettre le témoignage de Me Landry et de Me Brook, lequel n'avait pas été annoncé et sortait du cadre établi par le juge Ferland lors de la fixation du dossier, et dont la pertinence était loin d'être acquise.

[66] Comme le rappelait la Cour dans *9108-5621 Québec inc. c. Construction Duréco inc.*[21], le fait pour un juge de prendre différentes décisions propres à assurer le bon déroulement de l'audience et d'intervenir pour encadrer les parties et les témoignages en privilégiant une approche participative ne démontre pas pour autant sa partialité. Dans l'arrêt *Association générale des étudiants de la Faculté des lettres et sciences humaines de l'Université de Sherbrooke c. Roy Grenier*, d'ailleurs repris dans l'affaire *Duréco* précitée, la Cour rappelait le test particulièrement exigeant qui incombe à la partie qui soulève la partialité du juge dans un tel contexte[22] :

> [33] Dans l'affaire *Quebecor inc. c. Société Radio-Canada*, la Cour rappelle en outre que, en lui-même, le fait d'être brusque, acariâtre ou caustique ne peut généralement pas être interprété comme un signe de partialité, pas plus que le fait de rendre des décisions erronées. La sévérité, y compris dans la gestion d'une instance ou d'une audience, n'est pas non plus, en tant que telle, de nature à démontrer la partialité ni à engendrer une apparence de partialité, et pas davantage le fait, en lui-même, de refuser un ajournement, même indûment. De plus, qu'on puisse, par hypothèse, se plaindre d'une violation de la règle *audi alteram partem* ne signale pas non plus la partialité d'un juge de manière concluante. Évidemment, par effet d'accumulation, il se peut que certains gestes finissent par engendrer une telle impression, mais a-t-on, ici, franchi le seuil?
>
> [Renvois omis]

[67] Au vu de ces principes établis et des circonstances particulières de l'affaire, j'estime que la requérante ne soulève pas ici de question de droit ou de principe qui mérite l'attention de la Cour et qui soit susceptible de justifier l'octroi d'une permission d'appeler du jugement.

---

21 *9108-5621 Québec inc. c. Construction Duréco inc*., 2017 QCCA 1089, paragr. 34-36, 87 [*Duréco*].

22 *Association générale des étudiants de la Faculté des lettres et sciences humaines de l'Université de Sherbrooke c. Roy Grenier*, 2016 QCCA 86, paragr. 33.

Le septième moyen

[68] La requérante reproche au juge de s'être moqué d'elle en qualifiant ses prétentions d'avocasserie par le fait d'avoir soulevé l'omission du Conseil d'inscrire la mention « nonobstant appel » au moment de déclarer l'exécution provisoire de la sanction. Elle tente de faire valoir que le juge aurait dû considérer le caractère ambigu de la formulation de la sanction afin de conclure que son pourvoi en contrôle judiciaire n'était pas abusif.

[69] Il convient de souligner une fois de plus que cette question, qui ne concernait que la sanction, ne revêtait aucune pertinence pour les fins du pourvoi en rétractation du jugement ayant rejeté le pourvoi en contrôle judiciaire de la Décision sur la culpabilité et déclaré celui-ci abusif. De plus, le Jugement Roberge étant passé en force de chose jugée[23], il était pour le moins étonnant que la requérante continue à en faire son cheval de bataille devant le juge Demers. J'ajouterai qu'au moment de déterminer le montant des honoraires extrajudiciaires découlant du pourvoi en contrôle judiciaire abusif, le juge Demers a pris soin d'exclure les honoraires engagés par le syndic adjoint en lien avec le débat tenu devant le juge Roberge qui portait sur l'exécution de la Décision sur sanction et qui n'avaient donc rien à voir avec le pourvoi en contrôle judiciaire de la Décision sur la culpabilité.

[70] Ainsi, en plus de n'avoir aucune pertinence pour les fins du pourvoi en rétractation et de la demande en déclaration d'abus, le moyen ne soulève aucune question de droit ou de principe qui mérite l'attention de la Cour et puisse justifier d'octroyer la permission recherchée.

Le huitième moyen

[71] La requérante argue que le juge Demers aurait erré dans l'interprétation des raisons médicales justifiant son absence à l'audience du 25 septembre 2024, en dépit de la gravité de son état. Le moyen formulé ne permet pas de surmonter la conclusion du juge au paragraphe 34 du jugement déjà reproduit[24], lorsqu'il écrit : « [d]e toute façon, les démarches procédurales contemporaines de M^me^ Sanderson contredisent l'allégation d'incapacité : deux jours après l'audition de la demande en rejet, elle a déposé une demande en sursis au Tribunal des professions ; trois jours plus tard, une requête en permission d'appeler à la Cour d'appel à l'égard du jugement rendu par la Cour le 29 août 2024 ».

[72] Cela étant, il ne s'agit pas d'une question de droit ou de principe, mais plutôt d'une question d'appréciation de la preuve et la requérante ne démontre pas que le jugement

---

23 *Sanderson c. Dyotte*, 2024 QCCA 1718 (j. unique).

24 Voir le paragraphe 33 du présent jugement.

comporte quelque faiblesse apparente à cet égard de manière à justifier l'octroi d'une permission d'appeler.

Le neuvième moyen

[73] La requérante prétend que le juge Demers ne pouvait s'autoriser de la chose jugée pour considérer la conclusion du juge Synnott déclarant son pourvoi en contrôle judiciaire abusif et qu'il ne pouvait la condamner à des dommages sans se pencher une nouvelle fois sur le contenu du pourvoi en contrôle judiciaire, d'autant qu'il s'agirait de la première fois qu'un avocat est condamné à verser des dommages pour abus à l'issue d'un processus disciplinaire.

[74] Ce moyen suggère qu'il faille reprendre deux fois le débat sur la demande en déclaration d'abus, alors que le juge Synnott a, dans le cadre des conclusions qu'il a prononcées, réservé au syndic adjoint « son droit de réclamer le remboursement des honoraires extrajudiciaires et frais de justice qu'il a dû engager en la présente instance en raison de l'abus de la demanderesse ». L'argument soulevé est contraire aux principes de la chose jugée, de même qu'aux principes directeurs de la procédure et aux règles de proportionnalité. Il est voué à l'échec en plus de ne soulever aucune question de droit ou de principe qui soit dans l'intérêt de la justice alors qu'il ne dépasse pas le seul intérêt des parties.

[75] Le seul fait qu'il puisse s'agir d'une première condamnation pour abus prononcée à l'égard d'un membre du Barreau, si tant est que ce soit le cas, ce sur quoi je n'ai pas à me prononcer, n'en fait pas pour autant une question de principe. La déclaration d'abus découle des faits particuliers de l'affaire et les parties non représentées, anciennement avocats, ne sont certainement pas à l'abri d'une déclaration d'abus non plus que d'une condamnation.

Le dixième moyen

[76] Ce moyen consiste à reprocher au juge Demers d'avoir accordé des dommages au syndic adjoint alors qu'il ne réclamait que des honoraires extrajudiciaires. Or, le juge Demers n'a bel et bien accordé à titre de dommages-intérêts que le remboursement d'honoraires extrajudiciaires, comme l'autorisait l'art. 54 *C.p.c.*, pour un montant d'ailleurs moindre que ce que lui réclamait le syndic adjoint. Ce moyen n'a aucun fondement et il est voué à l'échec. Il ne justifie pas d'accorder la permission recherchée.

Le onzième moyen

[77] La requérante reproche au juge Demers de l'avoir qualifiée de quérulente alors que l'argument n'avait pas été soulevé par le syndic adjoint. Je signale qu'il peut être opportun, à l'occasion, de servir un avertissement au justiciable qui affiche tous les

attributs d'un plaideur quérulent, dans l'espoir que celui-ci en prenne conscience. Au-delà du fait que le constat du juge semble tout à fait justifié dans les circonstances qui sont amplement décrites dans son jugement, aucune conclusion n'a été prononcée à l'égard de la quérulence. Ainsi, ce reproche ne constitue pas un moyen d'appel susceptible de justifier l'octroi de la permission recherchée.

[78] Au terme de l'analyse qui précède, j'estime que l'ensemble des moyens soulevés, que ce soit directement dans la demande ou indirectement par le biais de la Déclaration d'appel remodifiée, ne satisfont pas aux critères requis pour obtenir la permission d'appeler. Cette demande sera donc rejetée

500-09-031727-258

[79] Dans le cadre de ce dernier dossier, la requérante demande la permission d'appeler du Jugement Synnott, lequel a été rendu séance tenante le 25 septembre 2024, soit il y a plus d'un an et demi. Elle prétend que le délai d'appel ne pouvait courir qu'à compter de la date du jugement tranchant le sort de sa demande de rétractation.

[80] Or, le fait de déposer un pourvoi en rétractation ne la dispensait pas d'introduire un pourvoi en appel dans le délai prescrit et, au besoin, d'en demander la suspension, jusqu'au jugement final sur le pourvoi en rétractation[25]. Dans la mesure où la requérante n'a pas déposé sa demande de permission d'appeler dans le délai de 30 jours prévu à l'article 360 *C.p.c.*, celle-ci est hors délai. À titre de juge unique, je n'ai pas ici compétence pour prolonger le délai d'appel une fois celui-ci expiré[26].

[81] J'ajouterai par ailleurs qu'une telle prolongation ne sera accordée par la Cour que si l'ensemble des conditions de l'article 363 *C.p.c*. sont respectées, dont celle qui prévoit qu'il ne doit pas s'être écoulé plus de six mois depuis le jugement. En l'espèce, cette condition n'est pas remplie.

POUR CES MOTIFS, LA SOUSSIGNÉE :

Dossier 500-09-031691-256 :

[82] **REJETTE** la demande pour permission d'appeler;

[83] **LE TOUT,** avec frais de justice.

---

25 *Rahmani c. Commandité immobilier Soltron inc.,* 2025 QCCA 1018, paragr. 4 (j. unique); *Dusablon c. Ville de Sutton*, 2024 QCCA 1317, paragr. 3 (j. unique); *Trépanier c. Bonraisin*, 2016 QCCA 1738, paragr. 3 et suivants; *Paradis c. Beauvais*, 2009 QCCA 2011, paragr. 5 à 7 (j. unique).

26 *Paradis c. Beauvais*, 2009 QCCA 2011, paragr. 2-4 (j. unique); *Alfred Viebig c. Stikeman, Elliott, Tamaki, Mercier et Robb*, 1983 CanLII 2714 (QC CA), p. 5.

Dossier 500-09-031696-255

[84] **REJETTE** la demande pour permission d'appeler;

[85] **LE TOUT,** avec frais de justice.

Dossier 500-09-031726-250

[86] **REJETTE** la demande pour permission d'appeler modifiée;

[87] **LE TOUT,** avec frais de justice.

Dossier 500-09-031727-258

[88] **REJETTE** la demande pour permission d'appeler modifiée, au motif qu'elle est hors délai;

[89] **LE TOUT**, avec frais de justice.

GENEVIÈVE MARCOTTE, J.C.A.

APPLICANT'S MEMORANDUM OF ARGUMENT

PART I - STATEMENT OF FACTS

Public Importance

1. This application raises an issue of national importance concerning the proper application of the test for reasonable apprehension of bias where a judge has had prior involvement in the same proceeding or closely related proceedings.

2. The Supreme Court of Canada has repeatedly affirmed that judicial impartiality is a cornerstone of the rule of law and that the analysis for reasonable apprehension of bias must be grounded in a careful and contextual examination of all the facts of all the relevant cases including the current case and the prior related files. In particular, where prior judicial involvement is alleged, the decision-maker must meaningfully compare the factual matrix, issues and positions taken in the earlier proceeding with those in the subsequent matter.

3. However, the present case illustrates a broader and recurring problem in the lower courts: recusal motions are frequently determined through abstract presumptions of judicial impartiality, without any rigorous or demonstrable analysis of the underlying facts and issues.

4. As reflected in the record, the Honourable Justice Geneviève Marcotte of the Court of Appeal of Quebec dismissed the recusal motion without engaging with the specific factual overlap between the prior and subsequent proceedings, despite those facts being central to the allegation of bias.

5. As noted in the present application for leave, the Court of Appeal of Quebec is not alone and the other appeal courts in Canada apply the same peremptory principles. It appears that the courts are applying the *obiter dictum* in *Yukon Francophone School Board, Education Area #23 v. Yukon (Attorney General)*, 2015 SCC 25 ("***Yukon Francophone***") as opposed to applying the rigorous three step test established by the Supreme Court in *Wewaykum Indian Band v. Canada*, 2003 SCC 45 ("***Wewaykum Indian Band***") notwithstanding that in *Yukon Francophone* the Yukon Court of Appeal of and the Supreme Court of Canada had both concluded that the Trial Judge was biased for his interventions and insults to counsel of the school board irrespective of the issue of

prior involvement. Moreover, *Yukon Francophone* dealt with prior community involvement and not prior involvement in related proceedings.

6. It is also submitted that the same test should be applied throughout Canada in both civil and criminal proceedings which is currently not the case.

7. The approach presently applied effectively transforms the presumption of judicial impartiality into a near-irrebuttable rule, contrary to this Court's jurisprudence. It also undermines the foundational principle that no person should be a judge in their own cause, particularly in situations where a judge is called upon to assess issues that are closely connected to their own prior rulings.

8. The issue transcends the facts of this case. Recusal for prior involvement in judicial proceedings arises in a wide range of contexts across Canada, including appellate review, interlocutory proceedings and parallel litigation. If courts are permitted to dispose of such motions without a genuine factual inquiry, litigants are deprived of a meaningful safeguard against bias and public confidence in the administration of justice is diminished.

9. Furthermore, the current framework places the burden on litigants to raise bias before the very judge whose impartiality is in question, while offering limited effective review. In that context, the failure of appellate courts to rigorously analyze the factual basis of recusal motions exacerbates a structural weakness in the system and leaves the governing legal test (if any) without practical force.

Facts

10. The facts are quite complex and involve the disciplinary cases of the Applicant. On November 30, 2023, the Applicant was convicted of various minor disciplinary infractions in *Barreau du Québec (syndic adjoint) v. Sanderson*, 2023 QCCDBQ 81 (the "***Conviction Judgment***"). The Applicant argued that the Disciplinary Council breached the rules of natural justice during the trial on several occasions, for example, the Applicant did not receive the exhibits of the plaintiff syndic until the end of the first day of trial in breach of the right to proper notice. The Disciplinary Council refused to allow the cross-examination of a witness who should have been present due the hearsay rules and most importantly the Disciplinary Council did not even acknowledge the defence of the Applicant because they did not refer to one of the 20 or more exhibits filed by the Applicant in the ***Conviction***

Judgment. The ***Conviction Judgment*** does not refer to any jurisprudence on similar convictions.

11. Since the syndic decided to ask for a disproportionate sentence, being 6-months to one year sentence considering the infractions[1], the Applicant filed a motion for the judicial review of the ***Conviction Judgment*** on conviction due to the said breaches of the rules of natural justice in file number 500-17-129627-249.[2] The Applicant also filed a motion to suspend the proceedings before the Disciplinary Council in the same file before the Superior Court.[3]

12. The hearing for the suspension was held on May 24, 2024, just 4 days before the forecasted sentence hearing to be held on May 28, 2024, before the Disciplinary Council. This is the most important hearing related to the judicial review proceedings because during this hearing before the Honourable Justice Emery of the Superior Court, Me Sophie Gratton, who was representing the syndic of the Quebec Bar, being Me Sébastien Dyotte, pleaded that the Superior Court should dismiss the motion to suspend proceedings before the Disciplinary Council because the Applicant would not suffer any prejudice from the proceedings because she simply had to file her appeal to the Professions Tribunal and the sentence imposed by the Disciplinary Council would be suspended.

13. On May 24, 2024, Justice Emery rejected the motion to suspend the proceedings before the Disciplinary Council (the "***Emery Judgment***") because the sentence of the Applicant would be suspended on appeal. On May 28, 2024, the syndic requested the permanent disbarment of the Applicant and/or her suspension during the appeal process. This contradiction was crucial because the Emery Judgment specified the suspension of the sentence on appeal on three separate occasions:

> Quant à l'apparence de droit, le Tribunal observe la précarité du recours particulièrement quant au fait que la décision du Conseil de discipline est appelable devant le Tribunal des professions. Or, l'article 529 C.p.c. édicte clairement qu'un pourvois en contrôle judiciaire est irrecevabke si la décision attaquée est susceptible d'un appel SAUF DANS LES CAS OÙ IL Y A DÉFAUT OU EXCÈS DE COMPETENCE [*i.e.* breach of the rules of natural justice as

---

1 Plan d'argumentation du plaignant sur sanction, dated March 7, 2024, signed by the Respondent, Me Sébastien Dyotte (Application for Leave to the Supreme Court of Canada **("ALS") p. 79**.

2 Originating application for the judicial review of a judgment rendered by the Disciplinary Council of the Barreau du Quebec against Jacqueline Sanderson **ALS p. 82**.

3 Application to suspend proceedings before the Disciplinary Council of the Barreau du Quebec, **ALS p. 98.**

> alleged by the Appellant]. Or, la décision rendue par le Conseil de discipline du Barreau du Québec est appelable. D'ailleurs, **un tel appel suspend l'exécution de la décision attaquée**.
>
> Quant à la prépondérance des inconvénients, le Tribunal souligne que la demanderesse n'aurait qu'à déposer un appel au Tribunal des professions pour qu'il y ait alors **suspension de l'exécution de la décision**.
>
> […]
>
> Quant au préjudice irréparable, le Tribunal souligne que la sanction n'étant pas encore prononcée, il ne peut y avoir de préjudice irréparable d'autant qu'une fois la sanction prononcée, la demanderesse pourra toujours déposer un appel auprès du Tribunal des professions **lequel appel suspend l'exécution de la décision du Conseil de discipline**.[4]

14. As explained in more detail below, notwithstanding these contradictions, Justice Marcotte ignored same in her judgment in *Sanderson c. Dyotte*, 2024 QCCA 1718 ("***Marcotte Judgment #1***").[5]

15. On July 19, 2024, the Disciplinary Council sentenced the Applicant to a suspension of 22 months in *Barreau du Québec (Syndic adjoint) v. Sanderson*, 2024 QCCDBQ 79. It should be noted that the orders of the judgment use the words "*execution provisoire*" and not "*execution provisoire nonobtant appel*". These two separate phrases have different meanings. The first term "*execution provisoire*" only means that the lawyer is suspended from the date of service of the judgment until the date that the notice of appeal is filed. The other phrase, being "*execution provisoire nonobtant appel*", means that the lawyer is suspended during the entire appeal process. This legal significant difference is explained in a motion to suspend execution of the sentence filed before the Professions Tribunal. Justice Marcotte stated that this error was simply a clerical error at paragraph 9 of the ***Marcotte Judgment #1***[6] without any legal analysis of the legal distinction described above. This error was never corrected and the Applicant was nevertheless suspended for 22 months for infractions which even after convicted at the very extreme should have been a one-month suspension.

---

4 Judgment of the Honourable Justice Benoit Emery, dated May 24, 2024, stenographic notes of the hearing of May 24, 2024 and written pleadings of the lawyer for the Quebec Bar, **ALS p. 105**.

5 Minutes of the hearing before Justice Geneviève Marcotte, dated December 12, 2024 and judgment in English of Justice Geneviève Marcotte, dated December 13, 2024, **ALS p. 132**.

6 **ALS p. 137.**

16. The Applicant was served the sentencing judgment on August 20, 2024, and Me Dyotte insisted to execute immediately notwithstanding that Applicant had appealed the judgments on conviction and the sentence.[7]

17. On August 28, 2024, the Applicant complied with the demands of the Quebec Bar and personally returned her physical client files to the Quebec Bar, except the income tax files. The same day, the Applicant found a lawyer who would accept to be the replacement lawyer (*avocate cessionnaire*), being Me Leila Kadri. Initially, Me Dyotte, the syndic of the Quebec, accepted this transfer.[8] Even though he agreed to the transfer, he refused to allow the Applicant to maintain a copy of her electronic files and insisted on coming to her home to delete the files on her computers. Consequently, the Applicant filed a motion before the Superior Court to force the transfer of her files to Me Leila Kadri.[9] The only issues were whether the electronic files could be transferred to Me Leila Kadri, the Applicant could retain a copy of the electronic files and whether the Applicant could maintain her income tax files which were not litigation files. The hearing for this motion was scheduled to be heard before Justice David Roberge at 10:00 A.M. on August 29, 2024.

18. On August 29, 2024, at 9 :00 A.M., less than one hour before the hearing, the Quebec Bar served a new motion entitled « *Demande Sui Generis Pour Permettre la Prise de Possession de Dossiers d'une Avocate Radiée du Tableau de l'Ordre des Avocats* » (the « ***Sui Generis*** »).[10] Suddenly, the Quebec Bar took the position that they wanted a search warrant to seize the computers, phones and physical files of the Applicant in her personal residence and this notwithstanding their written consent to both Me Kadri and the Applicant. As noted by the name "*Sui Generis*", the motion to enter the Applicant's personal residence to seize her computers was unprecedented especially since there was no urgency because Me Kadri had agreed to take all the client files of the

---

[7] Application to appeal judgments of the Disciplinary Council of the Barreau du Quebec, dated August 20, 2024, **ALS p. 140**.

[8] See email and letter from Me Dyotte, dated August 28, 2024, **ALS p. 169**. Me Dyotte even prepared a letter for Me Kadri to send to the clients of the Applicant to inform them of the situation, **ALS p. 171**.

[9] Urgent application of the plaintiff to order the transfer of all the files of Jacqueline Sanderson, previous member of the Barreau, to Me Leila Kadri, as cessionaire (*sic*) and to allow Sanderson to transfer her files to her, **ALS p. 153**.

[10] *Demande Sui Generis Pour Permettre la Prise de Possession de Dossiers d'une Avocate Radiée du Tableau de l'Ordre des Avocats*, **ALS p. 172**.

Applicant. Notwithstanding that the unprecedented non-urgent *Sui Generis* motion was sent at to Sanderson at 9:00 A.M., Justice David Roberge insisted that the Applicant proceed on the hearing of the *Sui Generis* motion at 10:00 A.M. in a blatant breach of the rules of natural justice (*i.e.* the right to notice) making it difficult if not impossible for the Applicant to prepare for the hearing.

19. The Applicant testified at the hearing before Justice Roberge that she had a right to maintain a copy of the electronic documents like every other lawyer in the world does when they cease to practice because a lawyer has moral rights in the documents that they produce in the court record.[11]

20. Before Justice Marcotte on December 12, 2024, the Quebec Bar incorrectly argued that since the Applicant was no longer a lawyer she was not subject to solicitor-client privilege and this is the reason that she could not keep a copy of her records.[12] Evidently, a former lawyer must protect solicitor-client privilege after retirement or withdrawing from practice. Justice Roberge and Justice Marcotte in their respective judgments are silent on these issues notwithstanding the serious fundamental rights at issue.

21. Justice David Roberge ordered a search and seizure warrant to enter the personal residence of the Applicant with force and seize her laptop computers and both her physical and electronic client files (the "***Search and Seizure Warrant***").[13] Justice Roberge offered no manner to protect her private confidential records or even her records which were subject to solicitor-client privilege.

22. Due to the violations of the Applicant's fundamental privacy rights that should have been protected by the courts, the Applicant filed an appeal of the Search and Seizure Warrant.[14] However, since the Search and Seizure Warrant was an interlocutory judgment, leave appeared to be required notwithstanding its injunctive nature.

---

[11] See for example *Waldman v. Thomson Reuters Corporation*, 2012 ONSC 1138 (CanLII) at paragraphs 63-63 and 89-96.

[12] Page 9 of the stenographic notes before Justice Marcotte of December 12, 2024, (the "**Dec 12 2024 Notes**", **ALS p. 206**.

[13] Search and seizure warrant to enter the personal residence of the Applicant with force, dated August 29, 2024, **ALS p. 180**.

[14] Notice of appeal of the Applicant of the Search and Seizure Warrant, dated September 29, 2024, **ALS p. 186**.

23. Nevertheless, technically the Quebec Bar should have been required to file this injunction (the *Sui Generis* motion) in the district of Longueuil or Iberville because the Applicant had her residence and office in Carignan. This additional error in the judgment of Justice Roberge was also not identified in the *Marcotte Judgment #1*. However, the error did not go unnoticed because Justice Ian Demers identified this issue at paragraph 67 in *Sanderson v. Conseil de discipline du Barreau du Québec*, 2025 QCCS 3331 the ("***Demers Judgment***"):

> [67] Du total, il faut retrancher 6 427,40 $ dévolus à la préparation de la demande *sui generis* autorisant le syndic adjoint à perquisitionner le domicile et saisir certains biens de M^me^ Sanderson, une demande qui n'a rien à avoir avec le pourvoi et ne répond pas à l'abus de procédure[72]. La demande *sui generis* aurait dû être présentée dans le district de Longueuil plutôt que le district de Montréal puisque M^me^ Sanderson tenait sa pratique à Carignan[73].[15]

24. It should be noted that it is this *Demers Judgment* that was under appeal before Justice Marcotte in the second appeal, which caused the request for recusal which she rejected without analyzing the facts in both appeals, being the appeals of the *Search and Seizure Warrant* and the *Demers Judgment*.

25. The permission to appeal the *Search and Seizure Warrant* was heard on December 12, 2024 before the Honourable Justice Geneviève Marcotte.[16] At the hearing Justice Marcotte questioned Me Gratton, the lawyer for the Quebec Bar, on the reason that she had told Justice Emery that the appeal of the sentence would suspend execution of the sentence.

26. The stenographic notes before Justice Emery provide as follows at page 10, lines 13 to 20, in which Me Gratton specified that the Applicant's disciplinary sentence will be suspended during the appeal:

> Après, une fois la décision sur sanction rendue, **Me Sanderson**, **elle a un droit d'appel**, et le droit d'appel devant le Tribunal des professions **suspend automatiquement l'exécution du jugement**. **Donc, elle ne sera pas radiée si elle loge son appel**, tel que prévu, dans le tribunal spécialisé. Ben, son droit d'exercer ne sera pas suspendu avant que l'appel soit entendu.[17]

---

15 Page 14 of the judgment of the Honourable Justice Ian Demers, dated September 16, 2025, **ALS p. 19**. This is the second judgment which was under appeal in file number 500-09-031726-250 to the Court of Appeal which as explained below Justice Marcotte refused to recuse herself notwithstanding her prior involvement in the file based in ***Marcotte Judgment #1***.

16 Dec 12 2024 Notes, **ALS p. 198**.

17 **ALS p. 117**.

27. And at page 15 of the transcript of May 24, 2024 Me Gratton stated the following:

> Lorsque la sanction n'a pas été prononcée, il y en n'a pas de préjudice. Et comme je viens de le mentionner, l'appel devant le Tribunal des professions suspend l'exécution de la décision du Conseil de discipline.[18]

28. Justice Marcotte questioned Me Gratton with respect to these representations at the hearing of December 12, 2024 (pages 19-20 of the Dec 12 2024 Notes):

> Honourable Justice Geneviève Marcotte of the Court of Appeal
>
> En fait, ce que soulève votre collègue c'est que vous avez plaidé qu'il n'y aurait pas d'exécution nonobstant appel de la décision à venir sur la sanction.
>
> Me Sophie Gratton pour l'intimé
>
> Non.
>
> Honourable Justice Geneviève Marcotte of the Court of Appeal:
>
> Et par la suite, c'est ce qu'on lit auprès du juge Emery - j'ai lu les transcriptions - vous dites madame Sanderson n'a pas à s'en faire, il n'y aura pas d'exécution provisoire nonobstant appel. C'est-à-dire ce que vous dites c'est que la décision peut être portée en appel devant le Tribunal des professions, auquel cas il n'y a pas d'exécution provisoire. C'est ça que vous dites.
>
> Me Sophie Gratton pour l'intimé:
>
> Je veux juste préciser que moi, j'étais pas au dossier en première instance. C'est pas moi qui a plaidé le dossier en première instance.
>
> Honourable Justice Geneviève Marcotte of the Court of Appeal:
>
> Non, mais vous avez fait des observations au juge Emery.
>
> Me Sophie Gratton:
>
> J'ai fait des observations le 24 mai parce qu'elle demandait le sursis de l'instance disciplinaire. Elle voulait pas que ça procède sur la sanction. Tout ce que j'ai dit c'est de dire qu'en vertu du droit, que le Tribunal des professions était le tribunal compétent et qu'elle avait un droit d'appel et qu'elle avait également, aux articles 158 et puis 166 du Tribunal des professions, si un sursis... si une exécution provisoire est ordonnée par le juge... par le Conseil de discipline, il y a possibilité pour le Tribunal des professions de sursoir à cette exécution provisoire là, ce que madame Sanderson a fait. Le matin... [19]

29. Later in the hearing before Justice Marcotte, Me Gratton tried to justify the inaccurate representations made to Justice Emery page 21, lines 11 to 25, because she

---

18 **ALS p. 122**.
19 **ALS pp. 216-217**.

explained that she did not have time to speak to her client before the hearing because it was in the morning:

> Honourable Justice Geneviève Marcotte of the Court of Appeal:
>
> Elle l'a fait seulement...
>
> Me Sophie Gratton pour l'intimé
>
> Le matin où j'ai plaidé, le 24 mai, je n'avais aucune idée de la sanction que Me Dyotte allait imposer. Je le savais pas. Sérieusement, je pense qu'on s'était pas parlé. Tout s'est fait vite et de toute façon, on ne savait pas si ça allait être imposé d'une manière provisoire.
>
> Mais quand on lit le jugement sur sanction, on voit bien que Me Dyotte hésitait, le matin même sur la sanction, à demander une radiation permanente ou des radiations avec exécution provisoire nonobstant appel. C'était loin d'être décidé à ce niveau-là. [20]

30. However, the hearing before Justice Emery was in the afternoon. These contradictions were not acknowledged in the ***Marcotte Judgment #1*** yet the Applicant believed that they were the most important aspect of the case. Therefore, they should have at least been addressed in the ***Marcotte Judgment #1***. That is, Justice Emery stated on three separate occasions in Emery Judgment that the sentence would be suspended on appeal. The Emery Judgment would necessarily have been different if the Quebec Bar had told Justice Emery they were asking for the suspension of the Applicant during the appeal for the first time in Quebec history. It should be noted that the Disciplinary Council is not authorized to order a judgment to be executed notwithstanding appeal of their own accord[21], the sanction must be at the request of the Quebec Bar.

31. On September 25, 2024, Justice Synnott of the Superior Court declared the motion for judicial review of the Applicant as abusive.[22] The Applicant requested the revocation of this judgment, the motion of which was amended on August 25, 2025.[23]

---

[20] **ALS p. 218**.

[21] Section 158 of the *Professional Code* provides that "the decision of the disciplinary council imposing one or more penalties provided in the first paragraph of section 156 shall be enforceable upon the expiry of the period for appeal in accordance with the conditions and modalities indicated therein, unless the council, **on the complainant's request**, orders provisional execution of the decision upon its service on the respondent despite an appeal.

[22] Judgment of Justice Bernard Synnott, dated September 25, 2024, **ALS p. 228** declaring motion for judicial review as abusive without any legal analysis, notwithstanding the serious nature of declaring a motion to be abusive in Quebec. The Applicant was not present at the hearing due to medical reasons due to the stress caused by the search and seizure and the disbarment as indicated in medical note from psychologist, **ALS p. 233**.

[23] Amended application for the revocation of a judgment of the Superior Court, dated August 25, 2025, **ALS p. 234**.

32. The motion for revocation of the judgment of Justice Synnott was heard before Justice Ian Demers on September 3, 2025.[24] Justice Demers acted inappropriately at the said hearing and raised his voice on several occasions against the Applicant. Justice Demers made over 20 objections on behalf of the Quebec Bar and criticized the Applicant for no apparent reason. Justice Demers made several threats and he carried through on his threat to reduce the allotted time of the cross-examination of the lawyer for the Quebec Bar, being Me Gratton, from 30 minutes to 20 minutes.

33. Justice Demers rejected the motion for revocation and declared it abusive as well and ordered the Applicant to pay $18,000 in damages in the ***Demers Judgment*** for the first time in Quebec history in a penal disciplinary proceeding. The outcome is difficult to reconcile with the fact that the Quebec Bar, whose syndics are themselves lawyers, was awarded legal fees despite not requiring independent counsel.

34. A review of the stenographic notes of September 3, 2025, shows that these interventions overwhelmingly consisted of objections, interruptions and limitations raised by Justice Ian Demers on behalf of the Quebec Bar —often in circumstances where its own counsel had not objected. In substance, Justice Demers assumed an active role that operated to the clear advantage of the adverse party rather than to the Applicant.

35. The permission to appeal of the *Demers Judgment* was heard before Justice Geneviève Marcotte on February 27, 2026 as she refused to recuse herself, notwithstanding her prior significant role in the proceedings explained above. The motion of the Applicant to request a postponement emphasized the interjections by Justice Demers and his bias and inappropriate behaviour.[25] The hearing for the postponement was heard before Justice Marcotte on February 25, 2026. At the hearing, the Applicant delicately mentioned that Justice Marcotte should not hear the appeal because of her prior involvement in the file already in the ***Marcotte Judgment #1***. She refused to recuse herself and made a comment suggesting that Justice Demers had only made a “few” objections, notwithstanding that he made 20 objections on behalf of the Quebec Bar during testimony that lasted less than 2 hours.

---

[24] The stenographic notes of the hearing of September 3, 2025 before Justice Ian Demers, **ALS p. 265**.

[25] Application of postponement of the hearing of February 27, 2026, to obtain the stenographic notes of the hearings before the Superior Court, **ALS p. 448**.

36. The Applicant filed an official motion to request the recusal of Justice Marcotte[26], which was rejected by Justice Geneviève Marcotte in *Sanderson v. Dyotte*, 2026 QCCA 268 (*Appealed Judgment*). The *Appealed Judgment* does not contain an in-depth analysis of the facts of the two files to determine the extent that the facts and issues overlapped. It is noteworthy that Justice Ian Demers had even recognized that Quebec Bar had taken the motion in the wrong jurisdiction implying that both Justice Roberge and Justice Marcotte had erred by not identifying such error.

37. It should be noted that, had the Quebec Bar taken the *Sui Generis* motion in the proper jurisdiction as an injunction, then the appeal of the *Search and Seizure Warrant* would have been as of right and permission would not have been required by the Applicant. This jurisdictional error was yet another error not indicated in the ***Marcotte Judgment #1***.

38. Justice Marcotte raised what she described as a clerical error[27] in the ***Marcotte Judgment #1*** and even acknowledged that the Quebec Bar should not have retained the income tax files of the Applicant[28], however, she concluded in the ***Marcotte Judgment #1***, that the Applicant had no reasonable chance of success with the appeal.[29] Finally, Justice Marcotte did not mention the contraction in the *Emery Judgment* in ***Marcotte Judgment #1*** or in the *Appealed Judgment*.

39. The hearing on the application for leave to appeal of the *Demers Judgment* lasted approximately 3.5 hours. At its conclusion, Justice Marcotte indicated that a decision would be rendered the following Wednesday. However, she subsequently sent two communications to the parties advising that additional time was required. In total, the decision on leave took more than three weeks to be rendered. With respect, the length of both the hearing and the deliberation period is notable in the context of a leave application, which is ordinarily intended to be a summary screening mechanism. This suggests that the issues raised were not straightforward and warranted careful consideration by the Court of Appeal.

---

[26] Application to respectfully request the recusal of the Honourable Justice Geneviève Marcotte J.A. of the Court of Appeal due to the Maxim *Nemo Judex in Causa Sua*, dated February 26, 2026, **ALS p. 458**.

[27] Page 4 of the Marcotte Judgment #1, **ALS p. 137**.

[28] Paragraph 16, page 6 of the Marcotte Judgment **ALS p. 139.**

[29] *Ibid*. at paragraph 16.

40. The matter is more significant given that the *Demers Judgment* was exceptional in nature, notably in that a self-represented litigant was ordered to pay damages to the Quebec Bar in the context of penal disciplinary proceedings for the first time in Quebec history.

41. Furthermore, this was not the first time that concerns arose regarding the imposition of costs and damages for alleged abusive procedures by Justice Demers. Only a few weeks earlier, the Quebec Court of Appeal (including Justice Marcotte on the Panel) had intervened in another matter, overturning a judgment in which such exaggerated costs had been ordered by Justice Ian Demers.[30] This broader context raises legitimate questions regarding the exercise of discretion in the present case.

42. The Applicant had provided Justice Marcotte of a list of all the cases in which Justice Ian Demers had declared a party to be abusive. The Applicant had even provided the statistics, being on approximately a total of 70 cases decided since he was appointed to the bench, Justice Demers had 17 cases in which he declared the plaintiffs as abusive and ordered outrageous costs.[31]

PART II - STATEMENT OF ISSUE

43. Did Justice Geneviève Marcotte err at law by not recusing herself from hearing the appeal of the *Demers Judgment* as she had extensive prior involvement in the same file causing a conflict of interest in the literal sense of the meaning of the Latin expression "*nemo judex in causa sua debet esse*" ?

PART III - STATEMENT OF ARGUMENT

44. As explained above, Justice Geneviève Marcotte sat on two appeals in the same file # 500-17-129627-249 from the Superior Court, an application for judicial review of a judgment of the Disciplinary Council. The issue throughout the matter was whether the Superior Court had jurisdiction to hear the matter or if all the matters even alleged

---

30 *Darcon et cie inc. v. Desjardins Assurances générales inc.*, 2025 QCCS 892, *Darcon et Cie inc. v. Mistral Ventilation inc.*, 2026 QCCA 72.

31 List of authorities of the Applicant for the hearing for leave before the Honourable Justice Geneviève Marcotte.

breaches of the rules of natural justice must be heard by the Professions Tribunal. The Quebec Bar was arguing the motion of the Applicant was abusive for this reason alone and as a result that their legal fees should be covered for all motions including the *Sui Generis* motion, the appeal which was heard before Justice Marcotte on December 12, 2024. It is trite law that in virtue of section 96 of *The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, such supervisory powers of the Superior Court may not be removed.

45. The Applicant requested to suspend the proceedings before the Disciplinary Council yet the Quebec Bar argued that would not be required because the Applicant simply had to appeal the sentence and it would be suspended.

46. The first appeal before Justice Marcotte involved the permission to appeal the Search and Seizure Warrant issued by Justice Roberge and involved an analysis of the same facts and issues, i.e. whether the suspension during the appeal process was fair and whether the Quebec Bar obtained the Emery Judgment in a reasonable and fair manner.

47. The second appeal in which Justice Marcotte sat involved whether all the proceedings in file number 500-17-129627-249 were abusive and whether the Applicant should be required to pay extra-judicial costs consisting of the legal fees of the Quebec Bar for all the proceedings including the proceedings which were on appeal before Justice Marcotte on December 12, 2024. The Respondent, Me Dyotte, even argued that the proceedings before Justice Marcotte were abusive. However, Justice Ian Demers concluded that Me Dyotte had taken that action in the wrong jurisdiction and that the Applicant should not be held to pay the costs for those hearings. Justice Demers went as far as adding that the Respondent had erred by taking the *Sui Generis* motion in the same file effectively concluding that there was an additional error over and above the errors indicated by Justice Marcotte in the ***Marcotte Judgment #1***.

48. Justice Marcotte did not analyze any of the facts as confirmed in the *Appealed Judgment*. She relied on three judgments in which the Judges of the Quebec Court of Appeal which did not perform a complete analysis of the facts of the prior cases to identify the prior involvement of the judge. The first case she relied on was *O'Connor c. Giancristofaro*, 2022 QCCA 1402, however, this case involved the prior employment of

the Judge and not a related file, therefore, had no application in the present case. The second case was *O'Connor v. Giancristofaro*, 2022 QCCA 1403, being the same case but a different Judge. Justice Sanfacon refused to recuse himself even though he had previously heard an appeal in a related matter, being *Malobabic v. O'Connor*, 2020 QCCA 50. Similarly, Justice Sanfacon did not analyze the facts in either case and did not recuse himself. In The third case relied on by Justice Marcotte was *Plouffe v. Balayage Blainville inc.*, 2024 QCCA 106, in which Justice Manon Savard, the Chief Justice of the Quebec Court of Appeal, analyzed the facts slightly more than the other Judges of the Court of Appeal but only in a cursory manner. The Judges of the Court of Appeal of Quebec and of other provinces appear to believe that winning or losing the prior case is relevant. However, this is not one of the tests applied by the Supreme Court of Canada.

49. In *Wewaykum Indian Band*, the Supreme Court of Canada (SCC) analyzed whether the prior involvement of Justice Binnie when he worked as the Associate Deputy Minister of Justice from 1982 to 1986 caused a conflict with a judgment in which he participated in 2002 involving disputes between First Nations. The SCC analyzed the very detailed facts of Justice Binnie's involvement with the First Nations in his former employment at paragraphs 28 to 45 of the judgment.

50. The SCC noted certain principles of automatic disqualification in the United Kingdom at paragraphs 69 to 71 if the judge has a financial or non-financial interest but added that they have limited application in Canada. The Applicant submits if a judge of the Court of Appeal is required to review their own judgment in any manner, automatic disqualification should apply based on the maxim that a judge should not review their own cause.

51. Nevertheless, at paragraphs 76 to 78 of *Wewaykum Indian Band*, the SCC provided a three-step test to analyze in cases of prior involvement:

> First, it is worth repeating that the standard refers to an apprehension of bias that rests on serious grounds, in light of the strong presumption of judicial impartiality. In this respect, de Grandpré J. added these words to the now classical expression of the reasonable apprehension standard:
>
> > The grounds for this apprehension must, however, be substantial, and I . . . refus[e] to accept the suggestion that the test be related to the "very sensitive or scrupulous conscience".
>
> (*Committee for Justice and Liberty v. National Energy Board*, *supra*, at p. 395)
>
> Second, this is an inquiry that remains **highly fact-specific**. In *Man O'War Station Ltd. v. Auckland City Council (Judgment No. 1)*, [2002] 3 N.Z.L.R. 577, [2002] UKPC 28, at par. 11, Lord Steyn stated that "This is a corner of the law in which the context, and the particular

> circumstances, are of supreme importance." As a result, **it cannot be addressed through peremptory rules**, and contrary to what was submitted during oral argument, there are no "textbook" instances. Whether the facts, as established, point to financial or personal interest of the decision-maker; present or past link with a party, counsel or judge; earlier participation or knowledge of the litigation; or expression of views and activities, they must be addressed carefully in light of the entire context. There are no shortcuts.[Emphasis added]
>
> Third, in circumstances such as the present one, where the issue of disqualification arises after judgment has been rendered, rather than at an earlier time in the proceedings, it is neither helpful nor necessary to determine whether the judge would have recused himself or herself if the matter had come to light earlier. There is no doubt that the standard remains the same, whenever the issue of disqualification is raised. But hypotheses about how judges react where the issue of recusal is raised early cannot be severed from the abundance of caution that guides many, if not most, judges at this early stage. This caution yields results that may or may not be dictated by the detached application of the standard of reasonable apprehension of bias. In this respect, it may well be that judges have recused themselves in cases where it was, strictly speaking, not legally necessary to do so. Put another way, the fact that a judge would have recused himself or herself *ex ante* cannot be taken to be determinative of a reasonable apprehension of bias *ex post*.

52. In that case, the SCC concluded that Justice Binnie's limited involvement with the Campbell River Band 15 years prior to the impugned judgment was not significant enough to cause prior involvement bias. Notwithstanding this "highly fact-specific" analysis by the SCC, the subsequent courts applying this test have not even analyzed any of the facts and simply relied on the presumption of impartiality identified in paragraph 76 above as the first step. The other 2 steps of the analysis are often forgotten or have not been applied consistently by the courts.

53. Recently, on November 3, 2025, in *Duguay c. Procureur général du Québec*, 2025 QCCA 1374, Justice Cournoyer rejected a motion for his recusal and provided the following comment at paragraph 30 of the judgment:

> [36]Premièrement, le fait qu'un juge ait pu jouer un rôle dans un dossier antérieur impliquant les mêmes parties ou qu'il ait tranché certaines questions dans le même dossier ne requiert pas nécessairement qu'il doive se récuser[30]. La détermination de la demande de récusation d'un juge s'avère tributaire de la nature et de l'étendue de l'implication antérieure du juge et de la démonstration que le juge n'a plus l'esprit ouvert ni la capacité de se laisser convaincre par les observations des parties[31].

54. Justice Cournoyer admitted that he was one of the lawyers on the Commission Poitras but he did not analyze his prior involvement in his functions as required by the second step outlined by the SCC in *Wewaykum Indian Band*. Admittedly, this case can be distinguished from the present case because Justice Cournoyer's involvement was 25 years prior to the hearing. Justice Marcotte's prior involvement was approximately one year prior and in the same file number of the Superior Court.

55. On December 28, 2023, the British Columbia Court of Appeal in *L.D.B. v. A.N.H.*, 2023 BCCA 480 relied on *Yukon Francophone* to provide the following comments with respect to prior involvement at paragraph 83 of the judgment:

> [83] Before moving on, I would observe that there is no merit to L.D.B.'s allegation that the judge's prior association with a lawyer who acted for A.N.H. in 2012, and his prior involvement with the case when he signed an order as a provincial court judge, are a basis for a finding of a real apprehension of bias. Judicial impartiality does not mean that a judge must have no prior connections, conceptions or opinions or that they must abandon who they are or what they know: *Yukon Francophone* at paras. 33–35.

56. Mr. Justice Butler of the British Columbia Court of Appeal did no further analysis after this one paragraph of the judgment. The Judge applied a peremptory rule as warned against by the SCC at paragraph 77 in *Wewaykum Indian Band* cited above.

57. It should be noted that the *Yukon Francophone* decision did not address prior judicial involvement in related proceedings. In that case, the alleged apprehension of bias arose from the Judge's participation in a cultural organization and involvement in municipal public affairs. The Court of Appeal (as confirmed by the SCC) ultimately found a reasonable apprehension of bias based primarily on the Trial Judge's repeated interventions during the hearing and his inappropriate comments towards counsel. In the present case, Justice Demers engaged in sustained and intrusive interventions throughout the hearing and directed repeated criticism toward the Applicant, as reflected in the stenographic record of September 3, 2025. The intensity and frequency of these interventions exceed those described in *Yukon Francophone*. Despite this, Justice Marcotte failed to meaningfully assess these facts.

58. Conversely, on July 10, 2025, leave was granted by the British Columbia Court of Appeal in *Este v. West Vancouver (District)*, 2025 BCCA 269 in a case regarding a judge's prior involvement at the law firm who represented the respondent.

59. In *Wang v. Sullivan*, 2024 BCCA 266, Justice Skolrood refused to recuse himself without analyzing the facts of the prior related case in which he had refused an application for leave. Justice Skolrood also refused to recuse himself in *Walker v. Kierans*, 2024 BCCA 118, applying *Yukon Francophone* with respect to prior involvement in litigation. Although, Justice Skolrood briefly reviewed the facts of the prior case, he did not verify if the issues in the prior case could impact the issues in the new case.

60. In *Johnston v. Stewart McKelvey Stirling Scales*, 2014 PECA 8, the Prince Edward Island Court of Appeal relied on the passage of time to reject the notion of reasonable

apprehension of bias for the trial judges prior involvement in the related cases. At paragraphs 36 and following, the cases relied on appear to apply only the first step in *Wewaykum Indian Band*, being the presumption of impartiality and the unattainable threshold of reasonable apprehension of bias.

61. In *Moshinsky-Helm v. Helm*, 2021 ABCA 373, Justice Ritu Khullar of the Court of Appeal of Alberta refused to recuse herself notwithstanding prior involvement in 6 related cases. The Chief Justice of the Court of Appeal of Alberta simply analyzed the wins versus the losses of the appellant and provided the following comments at paragraph 6 of the judgment:

> [6] There is no rule that a judge's earlier involvement in a case, or the fact that a judge has made an earlier ruling against a party, disqualifies the judge from hearing any further applications concerning that party: *Broda v Broda*, 2001 ABCA 151 at para 16; *JSG v Alberta*, 2021 ABCA 364 at paras 31-34; *Wong v Chambers*, 2011 ABCA 278 at para 2. As has been noted, judges are often required to make rulings for and against particular parties. Making these rulings generally does not raise a reasonable apprehension of bias in the minds of a reasonable, informed observer: *Wong* at para 2.

62. Justice Khullar did not do any factual analysis to determine if the prior involvement caused a conflict of interest like the other cases cited above.

63. In *Oberlander v. Canada (Attorney General)*, 2019 FCA 64, the Federal Court of Appeal applied a new test at paragraph 10:

> [10] The mere fact a judge was involved in an earlier decision and made findings adverse to a party does not, in and of itself, give rise to a reasonable apprehension of bias: *Collins v. Canada*, 2011 FCA 123 at paras. 3-4 (*Collins*); *Ahani v. Canada (Minister of Citizenship and Immigration)* (2000), 2000 CanLII 15800 (FCA), 24 Admin. L.R. (3d) 171 at paras. 7-8; *Canada (Minister of Citizenship and Immigration) v. Jaballah*, 2006 FC 180 at paras. 27-28. There is no authority in the jurisprudence for the proposition that the simple prior involvement of a judge rendering an adverse decision constitutes an objective foundation to sustain a reasonable apprehension of bias. Judges are often required to reconsider their previous decisions, including decisions of fact, or mixed fact and law. For the argument to succeed, something more in the conduct of the proceedings is required.

64. The FCA did not perform any factual analysis of the two decisions and simply analyzed the nature of the proceedings (*i.e.* judicial review) and the legal test which governed the two decisions. The comments underlined in the paragraph above being "Judges are often required to reconsider their previous decisions, including decisions of fact, or mixed fact and law" is a direct contradiction of the literal meaning of the Latin phrase "*nemo judex in causa sua*".

65. In *Beno v. Canada (Commissioner and Chairperson, Commission of Inquiry into the Deployment of Canadian Forces to Somalia*), 1997 CanLII 6331 (FC), the Federal Court provided the following literal definition of *nemo judex in causa sua*:

> The Latin maxim *nemo judex in causa sua debet esse* literally translated means that "no one shall be the judge in their cause",[6] and from this principle the rules against bias have evolved.

66. It is submitted that the literal meaning of the phrase "*nemo judex in causa sua*" is rarely applied by the courts and yet it was the beginning of the meaning of reasonable apprehension of bias.

67. Based on the foregoing contradictory tests applied by many courts of appeal across the country, it is in the best administration of justice that the Supreme Court revisits the issue of reasonable apprehension of bias caused by prior involvement in related cases especially for judges sitting in the Court of Appeal as was the case in the present case.

68. The Applicant submits that the in-depth factual analysis of both decisions as established in *Wewaykum Indian Band* is the proper test. In the present case, Justice Marcotte should have analyzed the facts in the earlier judgment, being the *Marcotte Judgment #1*, and compared it to the present case. As the facts were extensively connected, it was important for her to recuse herself, especially since Justice Demers in first instance even identified one extra error in the *Sui Generis* motion. Moreover, the Respondent was even asking for costs for the proceedings involving Justice Marcotte even if Justice Demers did not allow the costs in the circumstances.

PART IV SUBMISSIONS IN SUPPORT OF ORDER SOUGHT FOR COSTS

The Applicant was suspended from her profession as a lawyer in the province of Quebec on appeal for the first time in the history of Quebec and has had limited income for more than 20 months at the present time. Although the suspension finishes at the end of June 2026, the Applicant is not automatically reinstated.

The impartiality of judges if the most important aspect of the Canadian legal system.

Based on the foregoing, there should be no orders as to costs and each party should assume their respective costs.

PART V ORDERS SOUGHT

GRANT permission to appeal the judgment of the Honourable Justice Geneviève Marcotte in which she refused to recuse herself notwithstanding her prior involvement in refusing leave to appeal another judgment in the same file of the Superior Court, being file number 500-17-129627-249.

DECLARE that Justice Geneviève Marcotte had a reasonable apprehension of bias based on her prior involvement in the same file.

QUASH the judgments of the Honourable Justice Geneviève Marcotte with respect to leave to appeal in file numbers 500-09-031691-256, 500-09-031696-255, 500-09-031726-250, 500-09-031727-258.

PART VI TABLE OF AUTHORITIES

PART VII CONFLICT OF INTEREST

The Applicant submits that the Honourable Justice Kasirer should not participate in the determination of the present file due to a prior judgment rendered in a judgment in which the Applicant was self-represented in *J.S. v. Lamontagne*, 2019 QCCA 377.

CANADA

PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

CONSEIL DE DISCIPLINE
BARREAU DU QUÉBEC

PLAINTE: 06-23-03434

Dossier syndic :
00269630-DYO

Me SÉBASTIEN DYOTTE, en sa qualité de Syndic adjoint du Barreau du Québec;

Plaignant

- c -

Me JACQUELINE SANDERSON;

Intimée

PLAN D'ARGUMENTATION DU PLAIGNANT SUR SANCTION

---

1. PLAINTE

2. PRINCIPES GÉNÉRAUX EN MATIÈRE DE SANCTION

2.1. OBJECTIFS DE LA SANCTION

2.2. FACTEURS PRIS EN CONSIDÉRATION

LES FACTEURS OBJECTIFS (PROPRES À L'INFRACTION)

LES FACTEURS SUBJECTIFS (PROPRES À L'INDIVIDU)

2.3. AUTRES FACTEURS À PRENDRE EN CONSIDÉRATION DANS LA DÉTERMINATION DE LA SANCTION

2.4. SANCTIONS GÉNÉRALEMENT IMPOSÉES EN SEMBLABLES MATIÈRES

Cette section sera complétée et transmise conformément à la **DIRECTIVE DE LA PRÉSIDENTE EN CHEF (21-11-2022)** soit la *Directive concernant l'application du Règlement applicable à la conduite des plaintes et des requêtes soumises aux conseils de discipline des ordres professionnels.*

3. L'APPLICATION DE CES PRINCIPES AU PRÉSENT DOSSIER

LES FACTEURS OBJECTIFS

LES FACTEURS SUBJECTIFS

ATTÉNUANTS

AGGRAVANTS

4. CONSÉCUTION DES SANCTIONS ET MÉTHODE D'ANALYSE

4.1. MÉTHODODE D'ANALYSE

4.2. INFRACTIONS DISTINCTES

4.3. FACTEURS AGGRAVANTS D'IMPORTANCE

5. RECOMMANDATIONS DU PLAIGNANT SUR SANCTION

5.1. RECOMMANDATION: entre 6 et 12 mois de radiation temporaire ainsi que le paiement de l'ensemble des déboursés.

6. CONCLUSIONS

LE TOUT RESPECTUEUSEMENT SOUMIS

Montréal, le 7 mars 2024

Me SÉBASTIEN DYOTTE, en sa qualité de
Syndic adjoint du Barreau du Québec

Barreau du Québec

Bureau du syndic
445, boulevard Saint-Laurent
Montréal (Québec) H2Y 3T8
514-954-3411 – 1 844 954-3411 – F 514-954-3478
www.barreau.qc.ca

Par courriel : greffe.discipline@barreau.qc.ca

PERSONNEL ET CONFIDENTIEL

Ligne directe : (514) 954-6903
Courriel : sdyotte@barreau.qc.ca

Le 24 mai 2024

Conseil de discipline
a/s Mme Stéphanie Corbin
445, boul. Saint-Laurent
Montréal (Québec) H2Y 3T8

OBJET : Me Sébastien Dyotte c. Me Jacqueline Sanderson
Plainte : 06-23-03434
N/D : 00269630-DYO
Audition : 28 et 30 mai 2024, 9h30 (présentiel)

Madame,

Conformément aux Directives pour les auditions, je vous transmets les documents suivants en vue de l'audition sur sanction qui aura lieu les 28 et 30 mai 2024 :

1. Inventaire des pièces et pièces du Plaignant sur sanction;
2. Plan d'argumentation du Plaignant sur sanction;
3. Liste des autorités du Plaignant sur sanction.

Vous pouvez accéder auxdits documents en cliquant sur le lien Docurium suivant : https://app.docurium.ca/d/ec7946ca96754d068525/

Je vous saurais gré de transmettre ceux-ci au Conseil chargé d'entendre cette affaire.

Je vous prie de recevoir, Madame, mes salutations distinguées.

Me Sébastien Dyotte
Syndic adjoint
SD/ch
p. j.

c. c. Me Sarto Landry, Procureur de l'Intimée (sartolandry@gmail.com)

Fwd: Plainte 06-23-03434 - Me Sébastien Dyotte c. Me Jacqueline Sanderson - N/D: 00269630-DYO - Documents pour audition sur sanction

From: Sarto Landry (sartolandry@gmail.com)

To: jackieclairesanderson@yahoo.ca

Date: Saturday, May 25, 2024 at 08:57 a.m. EDT

Début du message transféré :

De: SY-BP-Enquete4.mtl <enquete4.mtl@barreau.qc.ca>
Objet: Plainte 06-23-03434 - Me Sébastien Dyotte c. Me Jacqueline Sanderson - N/D: 00269630-DYO - Documents pour audition sur sanction
Date: 24 mai 2024 à 16:31:42 HAE
À: Greffe.Discipline <greffe.discipline@barreau.qc.ca>, Stéphanie Corbin <scorbin@barreau.qc.ca>
Cc: "sartolandry@gmail.com" <sartolandry@gmail.com>, Sébastien Dyotte <SDYOTTE@barreau.qc.ca>

Conseil de discipline du Barreau du Québec
A/S de Mme Stéphanie Corbin,

Bonjour Madame Corbin,

Ci-joint une lettre de la part de Me Sébastien Dyotte.

Meilleures salutations.

Charlyne Huet | Adjointe juridique de Me Claudie Lévesque et Me Sébastien Dyotte
T : 514 954-3400, p. 6931 | Sans frais : 1 800 361-8495
Maison du Barreau | 445, boul. Saint-Laurent, Montréal QC H2Y 3T8
https://www.barreau.qc.ca/

image001.gif
1.1kB

2024-05-24_Let. CdeD_transm_ docs_audition_sanction.pdf
149kB

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
File no.

SUPERIOR COURT

JACQUELINE SANDERSON, residing at 200 Alexandre de Prouville Street, Carignan, Province of Quebec, J3L 6X2,

Plaintiff;

-and -

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC, situated at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

Defendant;

-and-

M^{e} Sébastien Dyotte, in his capacity as the syndic for the Barreau du Quebec, having his place of business situated at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

Impleaded Party;

ORIGINATING APPLICATION FOR THE JUDICIAL REVIEW OF A JUDGMENT RENDERED BY THE DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC AGAINST ME JACQUELINE SANDERSON
(articles 34, 49, 100, 142, 529, 530 of the *Code of Civil Procedure*)

TO ONE OF THE HONOURABLE JUSTICE OF THE SUPERIOR COURT OF THE DISTRICT OF MONTREAL, THE PLAINTIFF SUBMITS THE FOLLOWING:

1. The Plaintiff, Me Jacqueline Sanderson, is applying for the judicial review of a judgment rendered by the Defendant, the Disciplinary Council of the *Barreau du Quebec* on November 30th, 2023 which was served on the Applicant on December 18th, 2023 (the "**DC Judgment**", a copy of the 60 page judgment is filed herewith as **Exhibit P-1**;

2. Me Jacqueline Sanderson was unable to file the present application prior to this date due to her medical conditions. Last summer, the Plaintiff began having certain medical issues. She was on medical leave for anxiety as she had suffered from a "burn-out" for 2 months. Thereafter, the Plaintiff tried to return to work but often was required to take time off due to additional medical issues;

3. The Plaintiff has filed under seal her medical history for the past year as **Exhibit P-2**.

4. The DC Judgment convicted the Plaintiff on 6 counts of ethical misconduct, including various counts for not having respected the authority of the courts, having brought the administration of justice into disrepute and for having objected to certain measures taken by the lawyer for the children in a highly contentious divorce in which the Plaintiff was representing the father in the District of Bedford;

Conclusion Sought:

5. The Plaintiff is requesting that the said DC Judgment be quashed because the Disciplinary Council did not consider any of the evidence submitted by the Defendant;

Short Summary of Issues:

6. Moreover, the *Barreau du Quebec* intentionally withheld evidence from the Plaintiff which was relevant for her defence;

7. Finally, the conclusions and comments made by the Disciplinary Council are totally unreasonable;

Facts:

8. The Plaintiff represented the father in a divorce before the Superior Court with respect to the custody his two young children, being a boy who was 9 years old and a girl who was 7 years old. The children were represented by Me Line Nadeau and the mother was represented by Me Linda Côté;

9. The father was initially represented by Me Louis-Frédérick Carmichael. However, because Me Carmichael had previously represented the parties with respect to a servitude issue, Me Côté threatened to file a motion to disqualify him if he did not withdraw from the file (Exhibit D-22 in the file before the Disciplinary Council);[1]

10. In September 2020, Me Carmichael and Me Côté agreed by consent to judgment to appoint Me Nadeau as the lawyer for the children, however, at the time Me Carmichael and his client were not aware that Me Nadeau had previously represented the brother of the mother as confirmed in the affidavit of Me Carmichael filed as Exhibit D-12 in the file before the Disciplinary Council;

[1] Since the servitude case was a completely unrelated and irrelevant case, Me Carmicheal was not legally in a position of conflict of interest (see the Bright Line Rule in *CN v. McKercher LLP*, [2013] 2 S.C.R. 649. However, Me Carmichael and his client did not feel it was worth fighting over this issue.

11. An expert, namely Dr. Raymond David, was mandated by the Superior Court to prepare a psychosocial expertise with respect to the parental capacity of the parents;

12. Throughout the entire file, Me Nadeau and Me Côté, acted together to prevent the father from having any parenting time with the children;

13. Me Côté, on behalf of the mother, indicated in the originating application for divorce that the father was violent but later the mother admitted during an out-of-court examination that the father was not violent but the mother asserted that because the father was indebted to *Revenu Quebec* for income taxes, he was abusive (see Exhibit D-14 in the file before the Disciplinary Council);

14. Me Nadeau and Me Côté went as far as requesting to the Court that the father not be authorized to pick up the children at school nor to even visit the school. The father appealed this judgment because initially Justice Ouellet had stated at the hearing that there was no reason for the father not to pick up the children like most fathers in the province of Quebec but thereafter Justice Ouellet concluded to the contrary that the father could not go to the school to pick up the children (see Exhibit D-2 and D-3 in the file before the Disciplinary Council);

15. This was very serious because it meant that the exchanges occurred in person between the two parties which always caused serious fights between the parties in the presence of the children;

16. In May 2021, the son had suicidal thoughts which he had voiced in the presence of the father. Dr. Raymond David and another psychologist, Dr. Arrenstein, recommended that the children continue to consult a psychologist, being Dr. Arrenstein himself, who had been used in the past;

17. Me Nadeau and Me Côté even contested that the children consult the psychologist and delayed the process for 3 months such that Me Sanderson was required to file a motion to authorize the children to consult an expert psychologist before Justice Claude Villeneuve (see Exhibits D-4 and D-5 in the file before the Disciplinary Council);

18. Due to the fact that Me Nadeau was clearly not independent because she had previously represented the brother of mother and this fact was withheld from the father, Me Sanderson filed a motion to declare Me Nadeau unable to act. It should be noted that Me Nadeau also had contradictory mandates from the children on certain occasions;

19. Me Nadeau admitted that the children often had different opinions and desires with respect to the file. For example, the son stated that he did not want to consult a psychologist and the daughter said she wanted to meet the

psychologist (see email from Me Nadeau filed as Exhibit D-5 in the Disciplinary file;

20. Me Nadeau had not mentioned all the facts before Justice Ouellet and had stated that the children did not want the father to pick them up at school. Before the Court of Appeal she admitted that the son was happy and said it was cute et agreeable;

21. On the first date that the motion to disqualify Me Nadeau came before Justice Villeneuve he stated the following:

> Les déclarations d'inhabilité c'est toujours des questions qui remettent en doute l'intégrité professionnelle. Ça fait pas exception à la cause.
>
> [...]
>
> Mais la question là, il y a toujours, je rappelle les grands principes pour peut-être orienter là, au même titre que les parties parfois demandent la récusation d'un juge, il y a toujours la question de justice et d'apparence de justice. Puis dans les cas des mandats donnés aux avocates, ou aux avocats des enfants, il y a toujours la question d'apparence d'impartialité aussi qu'on veut préserver pour des raisons évidentes, c'est qu'on veut éviter qu'il y ait une influence indue de part de l'un ou l'autre des parents sur l'avocat. Puis s'il y a des mandats qui ont déjà été donnés auparavant, puis ça s'avère avéré, il y a peut-être un problème **qui doit être, à tout le moins, évalué par la Cour.** Puis, je prononce rien Maître Dionne là, je vais juste dire que c'est...
>
> PAR Me MARIO DIONNE
> J'en conviens que ça doit être évalué, Monsieur le Juge,

22. Me Nadeau mandated a lawyer to defend her against the motion to declare her unable to act and filed a motion to declare the said motion abusive;

23. From the onset, this makes no sense. How could a motion be abusive if another Judge of the Superior Court in the above passages stated that the father had a right to be heard on the independent, or lack thereof, of Me Nadeau?

24. Additionally, the lawyer for Me Nadeau, being Me Dionne, stated before the Court "J'en conviens que ça doit être évalué, Monsieur le Juge". If her own lawyer confirmed that a court should evaluate the issue, then he is admitting that the motion is not abusive. The definition of abusive means that the motion is frivolous to such an extent that it should not have even been presented before the Court;

25. Thereafter, Me Côté filed several motions to completely suspend all access rights of the father and even asked certain conclusions with respect to the new puppy of the father. This motion was presentable on September 1, 2021. However, Me Sanderson was not available on that date. Me Côté insisted on proceeding notwithstanding that the father did not have any access rights scheduled for

another week. Justice Johanne Brodeur agreed to hear the parties at the end of the day on Teams;

26. Me Sanderson and her client were never admitted into the hearing on Teams and a judgment was rendered by default against the father in which all his access rights were suspended (see Exhibit D-7 in the file before the Disciplinary Council). Neither the Court nor the other two (2) lawyers tried to reach Me Sanderson or client to admit them into the Teams hearing;

27. The following week before Justice Claude Dallaire and Justice Garry Morrison, Me Côté with the support of Me Nadeau argued that the said judgment rendered by default against the father on September 1, 2021 was a final judgment and not an interim judgment;

28. Based on the comments made by Justice Morrison, it is submitted that he did not believe that the judgment of Justice Brodeur of September 1, 2021, was a final judgment (see Exhibits D-8 to D-10 in the file before the Disciplinary Council);

29. On September 15th, 2021, Justice Brodeur confirmed that the judgment of September 1, was an interim judgment (see Exhibit D-11 in the file before the Disciplinary Council);

30. On August 25th, 2021, Justice Ouellet confirmed that he would be the Judge who would be seized of the motion to declare Me Nadeau unable to act, notwithstanding that in such a case Justice Ouellet would be reviewing his own judgment of March 17th, 2021;

31. As a result, the Plaintiff filed a motion to recuse Justice Ouellet (Exhibit P-14 in the file before the Disciplinary Council);

32. On August 4th, 2021, Justice Ouellet rejected the motion to recuse himself;

33. Justice Ouellet granted the motion for abuse, notwithstanding that the Plaintiff agreed to withdraw her motion because of the reaction of Justice Ouellet thereto (See Exhibit D-6 in the file before the Disciplinary Council);

34. On November 27th, 2021, Me Sanderson withdrew as the lawyer representing the father from the file;

35. A few weeks later, the new lawyer for the father, Me Robert Jodoin, filed another motion to request the retraction of the said judgment in abuse;

Procedures before the Disciplinary Council and Syndic of the Barreau du Quebec

36. The *Barreau du Quebec* opened a new disciplinary file against Me Sanderson of their own accord because no complaint was ever filed by anyone against the Plaintiff. Strangely enough, the Barreau did not review the conduct of the other lawyers notwithstanding the facts described above;

37. For example, Me Côté induced the Court in error by trying to pretend that an obvious interim judgment was a final judgment. She also indicated in the originating application in divorce that the father was violent and her client admitted this was not true;

38. Both Me Nadeau and Me Côté proceeded by default at the hearing of September 1, 2021, as opposed to calling Me Sanderson because the lawyers, Me Nadeau and Me Côté, knew full well that Me Sanderson and her client were waiting online because Me Sanderson had just sent an affidavit to them;

39. Moreover, the conduct of Me Robert Jodoin was necessarily more abusive because he asked for the retraction of the judgment in which the father was already declared abusive. This is adding fuel to the fire;

40. Nevertheless, if the motion filed by Me Sanderson was abusive to the point of opening a misconduct file at the Barreau, then the motion for a retraction of the said judgment filed by Me Jodoin was even more abusive;

41. In fact, Justice Ouellet declared said motion as even more abusive because the damages against the father, Me Sanderson's previous client were even higher (see *Droit de la famille — 22202*[2]);

42. It should be noted that Robert Jodoin has already been recognized by the Supreme Court of Canada as abusive in *Director of Criminal and Penal Prosecutions v. Robert Jodoin*[3];

43. Me Marcil was mandated by the Barreau to inspect the files of Me Sanderson. She testified at the hearing before the Disciplinary Council on October 26, 2023 that on April 26, 2023[4], she produced her report to the Barreau (see page 17 of the minutes of the hearing before the Disciplinary Council of October 26, 2023 filed herewith as **Exhibit P-3**);

44. Notwithstanding that Me Marcil's report was prepared on April 26, 2023, the Barreau never provided same to the Plaintiff until November 13, 2023, after the trial before the Disciplinary Council in first instance;

---

[2] 2022 QCCS 406.

[3] 2016 CanLII 13744 (SCC)

[4] The clerk appears to have made an error because she wrote that the report was prepared on March 23rd, 2023.

45. At the hearing of October 26, 2023, Me Champagne, on behalf of the Barreau, claimed that the investigation of Me Sanderson was ongoing. Nevertheless, there were no new facts from April 26th, 2023 to November 13th, 2023 that were discussed in the report. Therefore, with respect, it is submitted that this statement by Me Champagne does not appear to be factually exact;

46. Nevertheless even if the investigation was ongoing (which the Plaintiff vigorously contests), the report of Me Marcil should have been provided to Me Sanderson because the investigation was instigated by the judgment of Justice Ouellet filed as Exhibit P-12 in the file before the Disciplinary Council as confirmed by the testimony of Me Martin Hovington;

47. On October 26th, 2023 at 3:08 P.M., Me Martin Hovington, on behalf of the *Barreau du Quebec*, testified that the inspection by the Barreau was prompted by the judgment of Justice Ouellet (page 16 of the minutes of the hearing of October 26, 2023 being Exhibit P-3);

48. Another disturbing fact in the present file is that Me Sanderson did not receive a list of the exhibits to be deposited by Me Dyotte prior to the hearing;

49. On October 26, 2023, Me Sanderson requested a postponement because she did not receive the exhibits of the Plaintiff prior to the hearing. Me Sanderson received the exhibits after the trial began on October 26, 2023 (see page 2 of minutes of the hearing of October 26, 2023 being Exhibit P-3);

50. Me Sébastien Dyotte had attempted to send the exhibits to Me Sanderson, however, the link sent did not correspond to the proper documents on the website of the Barreau;

51. Me Sanderson sent several emails confirming that the link was not correct, however, the Clerk for the Disciplinary Council did not respond. The emails of Me Sanderson dated October 25, 2023 at 7:31 P.M. and October 26, 2023, at 9:20 A.M. are filed as **Exhibit P-4**;

52. But that is not all, the Disciplinary Council objected to the Plaintiff depositing into evidence the proof of the link sent by Me Dyotte to prove that Me Sanderson did not receive the exhibits prior to the hearing before the Disciplinary Council, these screen shots and photos are filed herewith as **Exhibit P-5** (see also pages 2 and 18 of the minutes of the hearing of October 26, 2023 being Exhibit P-3);

53. Me Sanderson had also objected to the deposit of an email which she had accidently sent to the secretary of Justice Ouellet based on hearsay (see page 10 of Exhibit P-4), however, the Disciplinary Council refused the objection;

54. This email was allegedly received by the assistant of Justice Ouellet, however, she was not present at the hearing before the Disciplinary Council to confirm same, therefore, the email was hearsay;

55. Moreover, Me Sanderson argued that if the Council was allowing the email into evidence contrary to very basic rules of evidence *(i.e.* hearsay), then Me Sanderson should have been authorized to cross-examine the said assistant. Furthermore, the email was evidently meant for the client of Me Sanderson and was therefore privileged and confidential;

56. Based on the foregoing, the rules of natural justice were clearly breached by the Disciplinary Council;

57. The Disciplinary Council did not in any manner consider the defence of Me Sanderson nor any of the exhibits filed by Me Sanderson. Me Sanderson filed 23 exhibits as confirmed in the amended list of exhibits filed by the Plaintiff, Me Sanderson, before the Disciplinary Council on October 27, 2023, a copy of which is filed herewith as **Exhibit P-6**;

Grounds for Judicial Review

Breach of the Rules of Natural Justice

58. The DC Judgment refers to only 4 exhibits filed by Me Sanderson. The Disciplinary Council did not refer to any of the facts above with respect to the conduct of all the lawyers and the parties of the case;

59. In disciplinary cases (as in all cases), the entire file must be considered by the court to have the context in which the lawyer was acting. As explained in *Groia v. Law Society of Upper Canada*[5], a lawyer must be provided the freedom of expression to zealously represent his or her client;

60. A recent disciplinary case in which Me Bohémier was acquitted demonstrates the need for the Council to review all the facts of the case in order to establish the context in which the alleged misconduct took place. In *Barreau du Québec (syndic adjoint) c. Bohémier*[6], the Council concluded that Me Bohémier was justified to insist that Justice Armstrong recuse herself from the case due to her particular opinions with respect to the COVID vaccine;

61. Furthermore, the Disciplinary Council in the case of Me Sanderson should have authorized the postponement of the case to allow Me Sanderson to have sufficient time to review the exhibits as the trial had started before she obtained a copy of the exhibits due to the faulty link sent by the Barreau;

---

5 2018 SCC 27.

6 2023 QCCDBQ 65 (CanLII)

62. Additionally, Me Sanderson should have been provided the opportunity to cross-examine the secretary of Justice Ouellet with respect to the receipt of the email described in paragraph 51 of the DC Judgment;

63. The Barreau should have provided the report of Me Marcil to Me Sanderson prior to the hearing of October 26, 2023 as this report was with respect to an investigation launched by the Barreau as a result of the judgment of Justice Ouellet against Me Sanderson's client (Exhibit P-12 in the file before the Disciplinary Council);

64. Evidently, the conclusions of Me Marcil were also relevant to the case at issue in the present file. Moreover, Me Sanderson should have been able to cross-examine Me Marcil on the report especially in relation to the said judgment filed by Me Dyotte as Exhibit P-12 in the file before the Disciplinary Council;

65. These are serious violations of the rules of natural justice and evidence which should be evaluated on a standard of review of correctness;

Totally Unreasonable Conclusions Based on the Facts

66. The Council also made several totally unreasonable conclusions based on the facts. In a procedure Me Sanderson had requested the hearing or trial before Justice Ouellet in person. Me Sanderson had explained that she wanted to cross-examine the witnesses in court in person;

Count 2

67. At paragraph 133 of the DC Judgment, the Council quotes a letter from Justice Ouellet in which he stated "**instruction sera tenue par Teams**". Therefore, Me Sanderson's request to have the hearing in person was refused. Consequently, the reference as such in another motion by Me Sanderson was accurate;

68. Therefore, Me Sanderson's statement was not false in Exhibit P-14 in the file before the Disciplinary Council. Admittedly, the Judge said Me Sanderson could come in person but it was the witnesses of the opposite party that Me Sanderson wanted in person not herself;

69. Me Sanderson clearly explained this in her testimony before the Disciplinary Council;

70. Consequently, the conclusion at paragraph 130 of the DC Judgment is totally unreasonable and incomprehensible based on the uncontested facts above;

Count 3

71. Paragraph 147 of the DC Judgment is also unreasonable and not supported by the facts above. The rules of natural justice of the father were necessarily violated on September 1, October 8 and 10 and on March 17. Me Sanderson's assertion was consequently, supported by the facts. It is astounding that the Council did not even consider the testimony or the stenographic notes filed by the Plaintiff;

72. The Council's interpretation of hearing of August 18, 2023, before Justice Villeneuve at paragraph 157 of the DC Judgment is also unreasonable. The passage at paragraph 21 above states that Me Sanderson had a right to be heard on the motion to declare Me Nadeau unable to act because a lawyer for the children should be independent. Justice Villeneuve even compared the position of a lawyer for the children as a judge. That is, there should be an appearance of independence from the parties;

73. If a Judge states that a party should be heard on an issue it automatically means that the motion cannot be abusive. It does not necessarily mean that the Judge concluded that Me Sanderson would win, but it means that Me Sanderson's client should have been provided a trial in person by an impartial Judge who had not already taken a position on the specific facts at issue;

Count 5

74. With respect to the email sent by Me Sanderson to the assistant of Justice Charles Ouellet. At paragraph 181 of the DC Judgment, the Disciplinary Council never established whether or not the email was sent by accident to the said assistant or whether it was intentionally sent by her. In fact, the Disciplinary Council concluded "*peu importe à qui l'intimée voulait écrire, que ce soit son client, l'adjointe du juge ou un tiers, le contenu du courriel porte préjudice à l'administration de la justice"*;

75. This conclusion is also unreasonable and erroneous. Evidently, if Me Sanderson intended the email for the Judge himself as was the case cited by the Disciplinary Council at paragraph 80 in *Doré v. Barreau du Québec*[7], then the situation would be very different;

76. Me Sanderson testified that she never intended to send the email to the said assistant of Justice Ouellet and that the email was intended to be sent to her client to request the translation of the judgments of Justice Ouellet. Me Sanderson did not represent her client at that time in his family cases, therefore, she could not write to the Judge to order the translation of said judgment;

---

[7] 2012 CSC 12.

77. Me Sanderson could not know in advance that the email would be submitted into evidence because she did not have access to the exhibits prior to the trial. Moreover, since Me Dyotte did not have the recipient of the email as a witness and did not have any expert evidence to prove that Me Sanderson sent the email, there was no manner before the trial for Me Sanderson to know that the email would be admitted into evidence based on the normal rules of evidence (*i.e.* hearsay);

78. Since the email was meant for the client of Me Sanderson and he never waived the solicitor-client privilege, the Disciplinary Council had an obligation to protect the privilege and should never have allowed the deposit of said email into evidence in violation of such an important privilege as solicitor client privilege;

79. Section 9 of the *Charter of Rights and Freedoms* (Quebec) provides that "the tribunal must, *exofficio*, ensure that professional secrecy is respected". Consequently, the Disciplinary Council erred at law by stating at paragraph 181 of the DC Judgment that whether Me Sanderson intended to send the email to the assistant of Justice Ouellet or her client is irrelevant is false;

80. As confirmed by Me Sanderson's testimony before the Disciplinary Council, the email was intended for her client. Furthermore, the fact that she no longer represented her client supports her position because if she did still represent him then she would be writing to the Judge directly. Since she no longer represented him she was not supposed to write to the Judge;

81. Furthermore, if Justice Dumas thought for one second that Me Sanderson meant to send the email to Justice Ouellet, then he would have most likely held a hearing for contempt of court. There was no hearing and Me Sanderson was never sworn before Justice Dumas. He simply asked Me Sanderson to write a letter of apology to Justice Ouellet which she did. Furthermore, Me Sanderson would not have been required to testify at the hearing of contempt of court. As a result, the assistant of Justice Ouellet and Me Sanderson's client would have been required to be present;

82. The client of Me Sanderson never waived privilege with respect to the said email prior to the deposit of same by Me Dyotte into evidence;

83. The Disciplinary Council incorrectly stated at paragraph 179 of the DC Judgment "*dans l'enregistrement de l'audience en outrage au tribunal*" because there was never such a hearing because Me Sanderson was never even asked to plead guilty or not guilty. Me Sanderson was never sworn in and no evidence was ever presented against her";

84. It was also untrue that the judgment dealt with the acts of Me Sanderson as stated at paragraph 178 in fine "*même si ce jugement visait directement ses agissements*". The judgment which is public and appears at *Droit de la famille —*

22202[8] discusses the motion done by Me Robert Jodoin and not Me Jacqueline Sanderson. The Plaintiff was not the lawyer for the father for that motion. The judgment is dated January 14th, 2022 more than 6 weeks after Me Sanderson was no longer the lawyer in the file. Consequently, the judgment should not have been sent to Me Sanderson by Justice Ouellet or his assistant because she was not the lawyer of record;

85. Finally, the Disciplinary Council continuously stated during the hearing that they were not bound by the judgment of Justice Ouellet. However, the Disciplinary Council refused to analyze the merits of the judgment. In fact, each time Me Dyotte for the syndic of the Barreau du Quebec objected to proving any evidence to discredit the judgment, the Disciplinary Council allowed the objection.

86. With respect, the judgment of Justice Ouellet did not in any manner the arguments put forth in the motion to declare Me Nadeau to act. The main argument was that Me Carmichael would not have consented to her as the lawyer had he known that she had represented the brother of the adverse party in the past because a lawyer for the children should be independent;

87. As stated above, at paragraph 21 of this application, Justice Villeneuve specifically compared the position of a lawyer for the children to a judge as opposed to any regular lawyer in which the conflict of interest could be evaluated differently;

88. As noted above, Justice Villeneuve concluded that Me Sanderson and her client had a right to be heard and the lawyer for Me Nadeau even agreed. Therefore, the motion could not be abusive.

FOR THE AFOREMENTIONED REASONS MAY IT PLEASE THIS HONOURABLE SUPERIOR COURT TO:

GRANT the present application for judicial review; and

QUASH the judgment of the Disciplinary Council, dated November 30th, 2023.

CARIGNAN, April 18th, 2024

Jacqueline Sanderson

Me Jacqueline Sanderson
200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
Tel: (514) 473-5725
email: jackieclairesanderson@yahoo.ca

8 2022 QCCS 406.

LIST OF EXHIBITS

Exhibit P-1

Judgment of the Disciplinary Council, dated November 30th, 2023

Exhibit P-2

Medical file of the Plaintiff filed under seal

Exhibit P-3

Minutes of the hearing before the Disciplinary Council of October 26, 2023

Exhibit P-4

Emails of Me Sanderson dated October 25, 2023 at 7:31 PM and October 26, 2023, at 9:20 AM

Exhibit P-5

Screen shots and photos of the link that was attached to the email from the Barreau for the exhibits (*i.e.* not the exhibits)

Exhibit P-6

Amended list of exhibits filed by the Plaintiff before the Disciplinary Council on October 27, 2023

TO: the Disciplinary Council of the *Barreau du Quebec*
Me Sébastien Dyotte

NOTICE OF PRESENTATION

1. PRESENTATION OF THE APPLICATION

TAKE NOTICE that the present application for judicial review shall be presented in the Civil Practice Division of the Superior Court, in room 2.16 of the Montréal Courthouse situated at 1, Notre-Dame Street East, Montréal, on **May 6, 2024 at 9:00 AM**, in room 2.16 of the Montreal Courthouse or as soon as counsel may be heard.

2. HOW TO JOIN THE VIRTUAL CALLING OF THE ROLL IN PRACTICE DIVISION

The coordinates to join the calling of the roll in room 2.16 are as follows:

a) **Using Teams:** to open the permanent link established for room 2.16, click here;[9]
You must then fill in your name and click "Join Now". In order to facilitate the process and the identification of the parties, we invite you to fill in your name in the following manner:
Attorneys: Mtre. Name, Surname (name of the party being represented)
Parties not represented by an attorney: Name, Surname (specify: Plaintiff, Defendant or other)

For persons attending a public hearing: you can simply indicate "public".

b) **By telephone:**

Canada (Toll free number): (833) 450-1741
Canada, Québec (Charges will apply): +1 581-319-2194
Conference ID: 470 980 973#

c) **By videoconference: teams@teams.justice.gouv.qc.ca**
VTC Conference ID: 1197347661

d) **In person**, in room 2.16 on **May 6, 2024 at 9:00 AM**

3. FAILURE TO ATTEND THE calling of the roll in practice division

TAKE NOTICE that should you fail to attend the calling of the roll, a judgment by default could be rendered against you, without further notice or delay.

4. OBLIGATIONS

[9] The permanent links for the Montreal courthouse rooms can also be found in the document entitled Liens TEAMS pour rejoindre les salles du Palais de justice de Montréal en matière commerciale, civile et familiale under the heading Audiences virtuelles found on the Superior Court of Québec website at : https://coursuperieureduquebec.ca/fileadmin/cour-superieure/Audiences_virtuelles/Montreal_Teams_Codes_-_Superior_Court_-_Commercial_civil_and_family_divisions__Ang_.pdf.

4.1 Duty of cooperation

TAKE NOTICE that you are duty-bound to co-operate and, in particular, to keep one another informed at all times of the facts and particulars conductive to a fair debate and to make sure that relevant evidence is preserved. (*Code of Civil Procedure*, art. 20).

4.2 Dispute prevention and resolution processes

TAKE NOTICE that before referring your dispute to the courts, you must consider private dispute prevention and resolution processes which are negotiation between the parties, and mediation and arbitration, in which the parties call on a third person to assist them (*Code of Civil Procedure*, art. 1 and 2).

PLEASE GOVERN YOURSELF ACCORDINGLY.

CARIGNAN, April 18th, 2024

Jacqueline Sanderson

Me Jacqueline Sanderson
200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
Tel: (514) 473-5725
email: jackieclairesanderson@yahoo.ca

SUMMONS TO THE DEFENDANT AND THE IMPLEADED PARTY
(article 145 of the *Code of Civil Procedure*)

PLEASE TAKE NOTICE THAT the Plaintiff has filed with the Clerk of the Superior Court, in the district of Montreal, the present judicial application.

You must answer this demand in writing, personally or by your attorney, at the *Palais de Justice* of Montreal located at 1 Notre-Dame Street East within 15 days of the notification to you. The answer must be notified by email to the Plaintiff, being Me Jacqueline Sanderson. If you do not file this written answer at the Courthouse within the prescribed delay of 15 days, a judgment by default could be rendered against you.

In your answer, you must indicate your intention to do any of the following actions:

- to propose to make an out-of-court settlement with the Plaintiff;
- to propose that the parties attend mediation to settle the matter;
- to contest the demand and to establish, with the Plaintiff, the contents of the case protocol. The case protocol must be filed in the court record within 45 days of the date of service of the present summons;
- to propose that the parties attend a settlement conference by consent of the parties.

The said Answer must mention your coordinates, including email, or the name of your attorney and his or her coordinates.

The Plaintiff shall file the exhibits listed on the List of Exhibits filed herewith and copies of such exhibits are available upon request to the Plaintiff or her attorney.

CARIGNAN, April 18th, 2024

Jacqueline Sanderson

Me Jacqueline Sanderson
200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
Tel: (514) 473-5725
email: jackieclairesanderson@yahoo.ca

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
File no. 500-17-129627-249

SUPERIOR COURT

JACQUELINE SANDERSON,

Plaintiff;

-and -

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC,

Defendant;

-and-

M^e^ Sébastien Dyotte,

Impleaded Party;

APPLICATION TO SUSPEND PROCEEDINGS BEFORE THE DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC

TO ONE OF THE HONOURABLE JUSTICE OF THE SUPERIOR COURT OF THE DISTRICT OF MONTREAL, THE PLAINTIFF SUBMITS THE FOLLOWING:

1. On April 18th, 2024, the Plaintiff, Me Jacqueline Sanderson, applied to this Honourable Superior Court for the judicial review of a judgment rendered by the Defendant, the Disciplinary Council of the *Barreau du Quebec,* on November 30th, 2023 (the "**DC Judgment**"), as appears in the court record;

2. The Impleaded Party, Me Sébastien Dyotte, filed an amended motion to dismiss which, on May 14th, 2024, was referred to a Judge of the Superior Court to review based on the record without a hearing. The Plaintiff was quite astounded by this announcement by the Special Clerk because it clearly violates the rules of natural justice. More particularly, the rule of *audit alteram partem*;

3. Nevertheless, the Plaintiff submits that the proceedings before the Disciplinary Council (the "**Council**") should be suspended notwithstanding the right to appeal of the DC Judgment to the Professional Tribunal due to the serious issue described in paragraphs 77 to 80 of the originating application for judicial review filed by the Plaintiff on April 18th, 2024 which provide as follows:

> 77. Me Sanderson could not know in advance that the email would be submitted into evidence because she did not have access to the exhibits prior to the trial. Moreover, since Me Dyotte did not have the recipient of the email as a witness and did not have any expert evidence to prove that Me Sanderson sent the email, there was no manner

> before the trial for Me Sanderson to know that the email would be admitted into evidence based on the normal rules of evidence (*i.e.* hearsay);
>
> 78. Since the email was meant for the client of Me Sanderson and he never waived the solicitor-client privilege, the Disciplinary Council had an obligation to protect the privilege and should never have allowed the deposit of said email into evidence in violation of such an important privilege as solicitor client privilege;
>
> 79. Section 9 of the *Charter of Rights and Freedoms* (Quebec) provides that "the tribunal must, *exofficio*, ensure that professional secrecy is respected". Consequently, the Disciplinary Council erred at law by stating at paragraph 181 of the DC Judgment that whether Me Sanderson intended to send the email to the assistant of Justice Ouellet or her client is irrelevant is false;
>
> 80. As confirmed by Me Sanderson's testimony before the Disciplinary Council, the email was intended for her client. Furthermore, the fact that she no longer represented her client supports her position because if she did still represent him then she would be writing to the Judge directly. Since she no longer represented him she was not supposed to write to the Judge;

4. The Plaintiff submits that the proceedings before the Council must be halted immediately in order to prevent the continued violation of Plaintiff's client's right to professional secrecy. That is, the email at issue in the file before the Council was intended to be sent to the client of Me Sanderson and not the assistant of Justice Ouellet;

5. The immediate suspension of the proceedings to protect professional secrecy is in line with section 31 of the *Code of Civil Procedure* which provides a similar power to the Court of Appeal with respect to objections made in the course of proceedings which disallow an objection to evidence based on professional secrecy;

6. As mentioned at paragraph 79 of the originating application cited above, the Council should be applying the rules of professional secrecy *exofficio*;

7. This is exactly the reason for which emails from lawyers provide instructions to destroy the email if the recipient is not the intended recipient;

8. Considering such important issues are at stake in the present judicial review, it is unconscionable that the Impleaded Party filed a motion to dismiss for abuse;

9. Furthermore, Me Sanderson has a very busy an important practise. The Impleaded Party is asking for the suspension of Me Sanderson for one year;

10. Me Sanderson's clients will be seriously prejudiced if Me Sanderson is suspended. Me Sanderson has already lost a very important client due to these proceedings. Me Sanderson will explain the details of this issue *in camera* during the hearing of the present motion;

11. It should be remembered that the Barreau opened the present file against Me Sanderson of their own volition as there was no complainant in the present file;

12. Consequently, there is not issue with respect to the protection of the public other than that the public should be protected from the disclosure of privileged information which is subject to solicitor-client privilege;

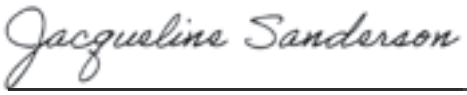
13. Based on the foregoing, it is in the best interest of the administration of justice that the proceedings before the Council be suspended during the proceedings before the Superior Court.

FOR THE AFOREMENTIONED REASONS MAY IT PLEASE THIS HONOURABLE SUPERIOR COURT TO:

GRANT the present application; and

SUSPEND proceedings before the Disciplinary Council be suspended during the proceedings before the Superior Court.

CARIGNAN, May 16th, 2024



Me Jacqueline Sanderson
200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
Tel: (514) 473-5725
email: jackieclairesanderson@yahoo.ca

SWORN STATEMENT OF THE PLAINTIFF

I, the undersigned, JACQUELINE SANDERSON, domiciled and residing at 200 Alexandre-De Prouville Street, in the City of Carignan, Province of Quebec, J3L 6X2 declare that:

1. I am the Plaintiff herein;

2. All the facts mentioned in the present motion are true.

AND I HAVE SIGNED

_____
Me Jacqueline Sanderson

Declared solemnly before me at the City of St-Bruno-De Montarville via video-conference on this 16th day of May, 2024

_____
Me Pavel Roubtsov, notary

TO: Me Sophie Gratton
SARRAZIN PLOURDE, s.a.
Email: sgratton@sarrazinplourde.com

NOTICE OF PRESENTATION

1. PRESENTATION OF THE APPLICATION

TAKE NOTICE that the present application for judicial review shall be presented in the Civil Practice Division of the Superior Court, in room 2.16 of the Montréal Courthouse situated at 1, Notre-Dame Street East, Montréal, on **May 24th, 2024 at 9:00 AM**, in room 2.16 of the Montreal Courthouse or as soon as counsel may be heard.

2. HOW TO JOIN THE VIRTUAL CALLING OF THE ROLL IN PRACTICE DIVISION

The coordinates to join the calling of the roll in room 2.16 are as follows:

a) **Using Teams:** to open the permanent link established for room 2.16, click here;[1]
You must then fill in your name and click "Join Now". In order to facilitate the process and the identification of the parties, we invite you to fill in your name in the following manner:
Attorneys: Mtre. Name, Surname (name of the party being represented)
Parties not represented by an attorney: Name, Surname (specify: Plaintiff, Defendant or other)

For persons attending a public hearing: you can simply indicate "public".

b) **By telephone:**

Canada (Toll free number): (833) 450-1741
Canada, Québec (Charges will apply): +1 581-319-2194
Conference ID: 470 980 973#

c) **By videoconference: teams@teams.justice.gouv.qc.ca**
VTC Conference ID: 1197347661

d) **In person**, in room 2.16 on **May 6, 2024 at 9:00 AM**

3. FAILURE TO ATTEND THE calling of the roll in practice division

TAKE NOTICE that should you fail to attend the calling of the roll, a judgment by default could be rendered against you, without further notice or delay.

---

[1] The permanent links for the Montreal courthouse rooms can also be found in the document entitled Liens TEAMS pour rejoindre les salles du Palais de justice de Montréal en matière commerciale, civile et familiale under the heading Audiences virtuelles found on the Superior Court of Québec website at : https://coursuperieureduquebec.ca/fileadmin/cour-superieure/Audiences_virtuelles/Montreal_Teams_Codes_-_Superior_Court_-_Commercial_civil_and_family_divisions__Ang_.pdf.

4. OBLIGATIONS

4.1 Duty of cooperation

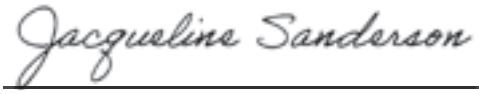
TAKE NOTICE that you are duty-bound to co-operate and, in particular, to keep one another informed at all times of the facts and particulars conductive to a fair debate and to make sure that relevant evidence is preserved. (*Code of Civil Procedure*, art. 20).

4.2 Dispute prevention and resolution processes

TAKE NOTICE that before referring your dispute to the courts, you must consider private dispute prevention and resolution processes which are negotiation between the parties, and mediation and arbitration, in which the parties call on a third person to assist them (*Code of Civil Procedure*, art. 1 and 2).

PLEASE GOVERN YOURSELF ACCORDINGLY.

CARIGNAN, May 16th, 2024



Me Jacqueline Sanderson
200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
Tel: (514) 473-5725
email: jackieclairesanderson@yahoo.ca

File No.: 500-17-129627-249

SUPERIOR COURT
District of Montreal

M^E JACQUELINE SANDERSON,

Plaintiff;

vs.

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC,

Defendant;

-and-

M^E SÉBASTIEN DYOTTE,

Impleaded Party;

APPLICATION TO SUSPEND PROCEEDINGS BEFORE THE DISCIPLINARY COUNCIL

Lawyer #AS0 BL8 *Greffe numérique*

Me Jacqueline Sanderson
Avocate - Fiscaliste
200 Alexandre De-Prouville
Carignan (Québec) J3L 6X2
Tél.: 514.473.5725
email: jackieclairesanderson@yahoo.ca

CANADA
PROVINCE DE QUÉBEC
District : Montréal
No : 500-17-129627-249

PROCÈS-VERBAL D'AUDIENCE
☐ instruction ☒ contesté
☐ par défaut ☐ non contesté

☒ **COUR SUPÉRIEURE**
☐ **COUR DU QUÉBEC**
Chambre ☒ civile ☐ familiale

ME JACQUELINE SANDERSON — DEMANDE

CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC — DÉFENSE

ME SÉBASTIEN DYOTTE, ÈS QUALITÉ DE SYNDIC ADJOINT DU BARREAU DU QUÉBEC — MIS-EN-CAUSE

Division Pratique Salle nº 16.01 (réf : 2.07)

DATE : Le 24 mai 2024

PRÉSENT : L'Honorable Benoît Emery JCS (JE0086)

RÉFÉRENCES

☒ DEMANDE
☒ PRÉSENT(E) ☐ ABSENT(E)
- Non représentée – (présentiel)
jackieclairesanderson@yahoo.ca

DÉBUT 14h43
FIN 16h02

☒ DÉFENSE
☐ PRÉSENT(E) ☒ ABSENT(E)
Me ~~[illegible]~~

☒ MIS-EN-CAUSE
☐ PRÉSENT(E) ☒ ABSENT(E)
Me Sophie Gratton (présentiel)
sgratton@sarrazinplourde.com

DÉBUT
FIN

Me Émy Riou (présentiel)
ariou@sarrazinplourde.com

NATURE DE LA CAUSE (et séquence) : Demande en suspension d'instance (#006)

GREFFIÈRES : Bletney Marie-Ève Sanon, G.a.C.S

14h43	Ouverture de l'audience Identification de la cause et des procureurs
14h43	Représentations préliminaires quant à la demande de remise de Me Sanderson
14h53	Représentations de Me Sanderson
15h20	Représentations de Me Gratton
15h21	Me Gratton dépose la pièce **P-2 sous scellé** : *Extrait du dossier médical de la demanderesse*
15h41	Réplique de Me Sanderson
16h02	Fin de l'audience

CANADA
PROVINCE DE QUÉBEC
District : Montréal
No : 500-17-129627-249
15h49

JUGEMENT

La demanderesse requiert le sursis d'une décision rendue le 30 novembre 2023 par le Conseil de discipline du Barreau du Québec qui l'a reconnue coupable de six chefs d'infractions au Code de déontologie des avocats.

L'audience pour les représentations portant sur la sanction se tiendra le 28 mai 2024 devant le Conseil de discipline.

Selon l'article 530 C.p.c, le dépôt d'un pourvoi en contrôle judiciaire n'opère pas sursis à moins que le Tribunal n'en décide autrement.

Il est bien reconnu en jurisprudence que le sursis selon l'article 530 C.p.c constitue une mesure exceptionnelle plus particulièrement en matière disciplinaire.

Le fardeau de la preuve incombe à la demanderesse qui doit démontrer l'apparence de droit, le préjudice sérieux et irréparable et la prépondérance des inconvénients la favorisant.

Quant à l'apparence de droit, le Tribunal observe la précarité du recours particulièrement quant au fait que la décision du Conseil de discipline est appelable devant le Tribunal des professions. Or, l'article 529 C.p.c édicte clairement qu'un pourvoi en contrôle judiciaire est irrecevable si la décision attaquée est susceptible d'un appel sauf dans les cas où il y a défaut ou excès de compétence. Or, la décision rendue par le Conseil de discipline du Barreau du Québec est appelable. D'ailleurs, un tel appel suspend l'exécution de la décision attaquée.

Quant à la prépondérance des inconvénients, le Tribunal souligne que la demanderesse n'aurait qu'à déposer un appel au Tribunal des professions pour qu'il y ait alors suspension de l'exécution de la décision.

Le Tribunal est d'avis que la demanderesse ne s'est pas déchargée de son lourd fardeau de preuve en dépit des allégations portant sur un prétendu secret professionnel. La demanderesse n'a donc pas démontré de faiblesse apparente de la décision rendue le 30 novembre 2023.

Quant au délai de quatre mois avant le dépôt du pourvoi en contrôle judiciaire, le Tribunal observe une certaine contradiction de la part du mis-en-cause qui allègue d'une part que le pourvoi en contrôle judiciaire a été déposé dans un délai de quatre (4) mois suivant la décision alors que le délai raisonnable est de trente (30) jours mais plaide en même temps que le pourvoi est prématuré puisque la sanction n'a pas encore été prononcée. À ce stade-ci, le Tribunal laissera cette question au juge qui sera saisi du fond du pourvoi. Le tribunal souligne néanmoins qu'en date d'aujourd'hui, il s'est déjà écoulé six mois depuis que le Conseil de discipline a rendu sa décision.

Quant au préjudice irréparable, le Tribunal souligne que la sanction n'étant pas encore prononcée, il ne peut y avoir de préjudice irréparable d'autant qu'une fois la sanction prononcée, la demanderesse pourra toujours déposer un appel auprès du Tribunal des professions lequel appel suspend l'exécution de la décision du Conseil de discipline.

CANADA
PROVINCE DE QUÉBEC
District : Montréal
No : 500-17-129627-249

POUR CES MOTIFS, LE TRIBUNAL :

REJETTE la demande de sursis de la demanderesse;

SANS FRAIS

Juge Benoît Emery
Signature numérique de Juge Benoît Emery
Date : 2024-05-24 17:07:34 -04:00

L'Honorable Benoit Emery, J.C.S.

Marie-Ève Sanon, G.a.C.S

C A N A D A
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

C O U R S U P É R I E U R E
(Chambre civile)

No. 500-17-129627-249

ME JACQUELINE SANDERSON

Demanderesse

c.

CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC

Intimée

- et -

ME SÉBASTIEN DYOTTE, ÈS QUALITÉ DE SYNDIC ADJOINT DU BARREAU DU QUÉBEC

Mis en cause

Extrait d'une audience tenue devant l'Honorable Benoît Emery, J.C.S. en date du 24 mai 2024.

COMPARUTIONS:

Me Jacqueline Sanderson	se représente elle-même
Me Sophie Gratton Me Émy Riou	pour le mis en cause
Mme Bletnny Marie-Ève Sanon	Greffière

INDEX

PAGE

--- L'extrait débute à 15 h 20

[EXTRAIT DES PROCÉDURES]

REPRÉSENTATIONS PAR Me SOPHIE GRATTON:

Me SOPHIE GRATTON

pour le mis en cause

Brièvement, une demande de sursis en vertu de l'article 530, une demande en pourvoi n'opère pas sursis des procédures pendantes devant une autre juridiction pour l'exécution d'un jugement rendu ou de décision prise par une personne ou un organisme assujetti à ce contrôle, à moins que le tribunal en décide autrement.

Le sursis des procédures est une mesure exceptionnelle, et en matière de droit professionnel est accordée dans les cas les plus exceptionnels, puisqu'il est considéré préférable de laisser le processus devant les tribunaux administratifs de suivre son cours.

Je cite à l'Onglet 1 la décision *Sanderson c. Conseil de discipline du Barreau*, qui implique d'ailleurs Me Sanderson aujourd'hui présente et qui était encore... et qui était une demande en sursis du processus disciplinaire. À l'Onglet 1, paragraphe 10, où la Cour supérieure cite la Cour d'appel en disant que:

> « Le sursis du processus administratif

pendant le pourvoi en contrôle judiciaire est exceptionnel. [...] C.p.c. [...] « n'opère pas sursis des procédures [...] », à moins que la Cour supérieure n'en décide autrement. »

Dans la décision qu'elle vous a soumise aujourd'hui, au paragraphe 18, la Cour, encore une fois, répète que c'est:

« En matière de droit professionnel, ce n'est que dans les cas les plus exceptionnels... »

LA COUR:

Excusez-moi, vous êtes rendue où?

Me SOPHIE GRATTON

pour le mis en cause

Dans la décision qu'elle vous a soumise aujourd'hui.

LA COUR:

Ok.

Me SOPHIE GRATTON

pour le mis en cause

Au paragraphe 18.

LA COUR:

Oui.

Me SOPHIE GRATTON

pour le mis en cause

Donc:

« L'octroi d'un sursis est discrétionnaire, mais ne doit être ordonné que dans des cas exceptionnels, voir en matière de pourvoi professionnel dans les cas les plus exceptionnels. L'octroi d'un sursis commande une grande prudence en matière disciplinaire puisque les lois qui régissent ces activités des professionnels sont d'ordre public et ont comme but premier la protection du public. »

Dans ce dossier-là c'était la constitutionnalité d'une loi qui était attaquée, mais c'est une distinction à faire dans le présent dossier, on ne parle pas d'une attaque de la constitutionnalité de la loi.

Bon, les critères pour l'octroi d'un sursis dans le cadre d'un pourvoi de contrôle judiciaire sont bien établis depuis l'arrêt *Manitoba* de la Cour suprême, soit : l'existence d'une apparence de droit suffisante; l'existence d'un risque de préjudice sérieux et irréparable advenant que le sursis ne soit pas accordé; et le fait que la prépondérance des inconvénients favorise l'octroi d'un sursis.

En l'absence d'apparence de droit, il n'y a pas lieu d'évaluer les deux autres conditions nécessaires pour l'émission d'un sursis.

Et en matière disciplinaire, encore une fois dans la décision *Sanderson* à l'Onglet 1, paragraphe 21, la Cour supérieure conclut :

> « Une demande de sursis qui s'inscrit dans une tentative de court-circuiter les procédures disciplinaires en cours alors que le Conseil de discipline n'a pas encore eu l'occasion de se prononcer sur le mérite de l'affaire doit être rejetée. »

En ce qui concerne le critère de l'apparence de droit, donc le tribunal doit s'assurer de l'existence *prima facie* de questions sérieuses, non futiles ou vexatoires.

La Cour, en d'autres mots, doit évaluer si à face même le jugement attaqué comporte une faiblesse apparente, sans procéder à une analyse approfondie.

En droit disciplinaire, la possibilité de recourir au contrôle judiciaire est expressément limitée aux questions de compétence.

Je vous réfère à l'Onglet 6, à l'article 194 du *Code des professions*, qui énonce que :

> « Sauf sur une question de compétence, aucun pourvoi en contrôle judiciaire prévu au *Code de procédure civile* ne peut être exercé, ni aucune injonction accordée contre les

> personnes ou l'organisme visé à l'article 193, agissant en leur qualité officielle. »

Et si on remonte plus haut à la même page, l'article 193, au 4e, on voit qu'on peut pas intenter un pourvoi en contrôle judiciaire contre le Conseil de discipline avant que... sauf sur une question de compétence.

Plus spécifiquement, dans le présent dossier, ce qui fait qu'il n'y a pas d'apparence de droit c'est que le pourvoi n'est pas ouvert. Et puis je vais prendre une bonne partie de ma plaidoirie pour la requête en rejet, mais la partie demanderesse, elle dispose d'un droit d'appel à un tribunal spécialisé. Si on reprend les conditions de l'article 529 du *Code de procédure civile*, à l'alinéa 2, c'est :

> « Ce pourvoi n'est ouvert que si jugement ou la décision qui en fait l'objet n'est pas susceptible d'appel ou de contestation, sauf dans le cas où il y a défaut ou excès de compétence. »

Or, dans le présent dossier, les moyens qui sont soulevés ne sont pas un excès de compétence ou un défaut de... je m'excuse, c'est pas un défaut ou un excès de compétence qui est soulevé mais c'est vraiment des questions de principe de justice

naturelle et des moyens aussi... en fait, elle soulève des moyens... je vais juste... qu'il y a plusieurs manquements, premièrement, au Conseil, au principe de justice naturelle, dont le refus du Conseil de lui accorder des remises, le fait qu'elle n'aurait pas reçu les pièces soumises en cause en temps opportun, le fait que le Conseil ne mentionne que quelques pièces qu'elle a produites dans sa décision. Elle invoque aussi qu'il y a plusieurs conclusions de fait qui seraient totalement déraisonnables.

Je vous réfère à l'article... à la jurisprudence *Landry* à l'Onglet 5. Aux paragraphes 18 et 19, on parle de ce qu'est le défaut ou l'excès de compétence au sens de l'article 529, qui était 846 avant. Mais il faut retenir que le sens accordé relève d'une interprétation limitive, principe qu'endossent les deux sources jurisprudentielles précitées.

Si on va on paragraphe 20, ce que la Cour conclut c'est que les principes... au milieu du paragraphe, la Cour constate :

> « Les reproches formulés par le demandeur concernent l'application des règles de droit pertinentes en matière de radiation provisoire [...], le non-respect des règles

> de justice naturelle [...], le non-respect des droits reconnus par la Charte, [...] le droit à la présomption d'innocence, le droit à une défense pleine et entière et règle *audi alteram partem* [...]. »

Donc, ce sont toutes des questions qui sont... qui s'approchent de celles qui sont soulevées par Me Sanderson.

Mais ce que la Cour conclut au paragraphes 34 à 37 c'est que... bien, dans ce cas-ci, il y a un appel qui est prévu au Tribunal des professions et que ce tribunal-là, il est spécialisé, indépendant, impartial, utile, et cetera, et qu'il n'est pas opportun de court-circuiter le processus d'appel accordé à un tribunal spécialisé, sauf dans le cas d'absence totale de compétence, ce qui n'est pas le cas dans le présent dossier.

Tous les... c'est ça.

Je vous réfère aussi à l'article 164...

LA COUR:

L'audience pour la sanction, est-ce que la date est fixée?

Me SOPHIE GRATTON

pour le mis en cause

La date est fixée, c'est la semaine prochaine. Donc,

cette semaine, donc elle a été retrouvée coupable et l'appel, à l'article 164 du *Code des professions*, est ouvert qu'une fois la décision sur sanction rendue. C'est prévu spécifiquement à l'article 164. Donc, il y a une audition la semaine prochaine sur sanction. L'audition sur sanction, il va avoir un délibéré après. Il va avoir... Madame... Me Sanderson plaide, en fait, la sanction devant vous, mais on ne connait pas encore c'est quoi la sanction qui va être imposée par le Conseil de discipline. Il va y avoir une audience. Il va avoir un délibéré. Le Conseil va décider de la sanction.

Après, une fois la décision sur sanction rendue, Me Sanderson, elle a un droit d'appel, et le droit d'appel devant le Tribunal des professions suspend automatiquement l'exécution du jugement. Donc, elle ne sera pas radiée si elle loge son appel, tel que prévu, dans le tribunal spécialisé. Ben, son droit d'exercer ne sera pas suspendu avant que l'appel soit entendu.

LA COUR:

Est-ce que vous dites que le pourvoi en contrôle judiciaire est prématuré puisque la sanction n'est pas encore prononcée?

Me SOPHIE GRATTON

pour le mis en cause

Le pourvoi en contrôle judiciaire est prématuré. Le pourvoi comme tel est prématuré parce qu'il y a un processus d'appel devant un tribunal spécialisé, qui est le Tribunal des professions, puis que de court-circuiter ce que le législateur a prévu n'est pas dans l'intérêt de la justice.

LA COUR:

Mais je suis pas sûr de vous suivre parce que dans le dossier, vous alléguez qu'elle a déposé ça en retard, quatre mois au lieu de 20 jours.

Me SOPHIE GRATTON

pour le mis en cause

Elle a... oui.

LA COUR:

Puis là vous me dites que c'est prématuré.

Me SOPHIE GRATTON

pour le mis en cause

Bien, je veux dire, il y a deux raisons pourquoi le pourvoi n'est pas ouvert. Premièrement, il a été déposé en retard.

LA COUR:

Ok.

Me SOPHIE GRATTON

pour le mis en cause

Et deuxièmement, il y a... elle a le droit d'appel. Elle n'a pas... elle a le droit d'appel. Puis l'article 500...

LA COUR:

Mais encore là, peut-être que je me fais mal comprendre, là...

Me SOPHIE GRATTON

pour le mis en cause

Oui.

LA COUR:

...je vois pas comment vous pouvez plaider que c'est en retard de quatre mois, puis en même temps que c'est prématuré. Je comprends pas.

Me SOPHIE GRATTON

pour le mis en cause

Oui, je sais. Mais vu comme ça, ok. Mon argument principal c'est vraiment que le pourvoi, il n'est pas ouvert.

LA COUR:

Oui, ça, ça va.

Me SOPHIE GRATTON

pour le mis en cause

Il n'est pas ouvert. Je dis pas qu'il est prématuré, il n'est pas ouvert en ce moment.

LA COUR:

Ok, mais ça c'est un point, là.

Me SOPHIE GRATTON

pour le mis en cause

Oui.

LA COUR:

Mais parlons délai, là. J'aimerais ça savoir c'est quoi votre position. Est-ce que c'est prématuré ou c'est quatre mois en retard?

Me SOPHIE GRATTON

pour le mis en cause

Le pourvoi, il est quatre mois en retard. Il a été déposé quatre mois en retard.

LA COUR:

Ok. Mais vous me plaidez...

Me SOPHIE GRATTON

pour le mis en cause

Mais il...

LA COUR:

Vous me plaidez que si la sanction n'est pas prononcée, il n'y a pas de préjudice, donc le pourvoi devrait pas encore, indépendamment des autres conditions, là...

Me SOPHIE GRATTON

pour le mis en cause

Ben, c'est subsidiairement, en fait. Je pense que

c'est ça. Ma position c'est qu'il n'y a pas d'apparence de droit parce que le pourvoi, il n'est pas ouvert. Elle n'a pas le droit, puis c'est ça ma requête en rejet qu'on veut plaider, c'est qu'il n'est pas ouvert à ce stade-ci. Elle doit procéder par l'appel puis le processus régulier et elle ne peut pas court-circuiter. C'est contraire à l'administration de la justice de court-circuiter le processus d'appel qui est prévu dans la loi. C'est contraire à l'article... je me trompe tout le temps... 529, 529 qui dit qu'un pourvoi est ouvert que si... non, c'est pas 529. C'est où l'appel... oui, que s'il n'est pas susceptible d'appel. Donc, le pourvoir, il n'est pas ouvert. C'est contraire à l'article 194 aussi du *Code des professions*. C'est contraire à l'article 529, puis je vous explique que la jurisprudence a confirmé que s'il y a un moyen d'en appeler d'une décision, donc le pourvoi n'est pas ouvert pour le demandeur à ce moment-là. Et c'est ce que *Landry* dit et c'est ce que *Sanderson* dit également, et les autres décisions citées au cahier de sources.

Puis quant au préjudice sérieux et irréparable, ben, lorsque des procédures sont pendantes devant un autre tribunal, la poursuite des procédures crée pas un

état de fait auquel il serait ensuite impossible de remédier, puisque la partie demanderesse conserve ses recours.

Lorsque la sanction n'a pas été prononcée, il y en n'a pas de préjudice.

Et comme je viens de le mentionner, l'appel devant le Tribunal des professions suspend l'exécution de la décision du Conseil de discipline.

D'autant plus que c'est dans... je pense que c'est dans *Landry* où il dit que... oui, dans la décision *Landry* à l'Onglet 5, paragraphe 35, la Cour précise que :

> « Le demandeur pourra soumettre ses prétentions... »

Donc, c'est des prétentions similaires au présent dossier.

> « ...à un tribunal spécialisé en matière disciplinaire qui évaluera son droit d'appel suivant une norme plus favorable, sans pour autant perdre ses droits à recourir en révision ultérieurement, s'il y a lieu. »

Quant à la prétendue violation du secret professionnel d'un de ses clients, le Conseil de discipline a le pouvoir de prononcer toute ordonnance afin de préserver la confidentialité de la preuve

versée au dossier de l'instance. Donc, elle prétend que son client... que c'est un courriel qu'elle avait envoyé à un client, donc le secret professionnel est violé.

Je tiens juste à souligner que dans la décision, à deux reprises, le Conseil de discipline souligne au paragraphe 49 de la décision que la lettre a été transmise après qu'elle ait cessé d'occuper pour le client. Et de même, au paragraphe... je pense que c'est 179, la dernière phrase :

> « Le Conseil note qu'elle ne le représentait plus à ce moment. »

Donc, il n'y a même pas de violation selon l'appréciation du Conseil de discipline du secret professionnel.

Donc, quand on parle de prépondérance des inconvénients, la demanderesse ne souffre aucun préjudice. Par contre, l'intérêt public quant à l'application, l'obligation et le respect des règles déontologiques doit être pris en considération, de même que l'objectif constant de célérité de la justice administrative.

Un Ordre professionnel dont la mission principale est d'assurer la protection du public n'a pas à prouver systématiquement une atteinte à l'intérêt du public.

Dans le présent dossier, similairement au dossier de *Sanderson* à l'Onglet 1, une demande de sursis qui s'inscrit dans une tentative de court-circuiter les procédures disciplinaires en cours alors que le Conseil de discipline n'a pas encore eu l'occasion de se prononcer sur le mérite de l'affaire doit être rejetée.

Je voudrais juste, en terminant, souligner que Me Sanderson affirme qu'il n'y a pas eu de demande d'enquête à son égard et que ç'a été ouvert tout simplement sur la bonne volonté ou l'initiative du Syndic. Le paragraphe 54 de la décision, le Conseil de discipline écrit qu'une demande d'enquête a été formulée.

Finalement, toujours en termes de préjudice, Me Sanderson parle du préjudice qui sera subi par ses clients. Je pense que c'est une conséquence normale du système professionnel et disciplinaire et il y a... j'ai pas trouvé l'article, là, mais il y a une obligation... un article au Code de déontologie qui prévoit que si un membre du barreau est radié plus que X temps, le membre doit céder ses dossiers, soit à un avocat et en informer le Barreau, ou le Barreau s'occupe de prendre la charge des dossiers en question. Donc, les clients ne subiront pas non plus

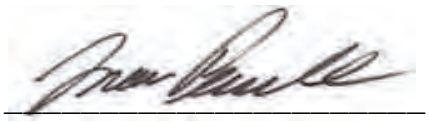
de préjudice, préjudice qui est totalement, je le répète encore, hypothétique parce qu'on sait même pas c'est quoi la sanction qui sera prononcée la semaine prochaine ou après le délibéré.

Donc, pour toutes ces raisons, je vous demande bien humblement de rejeter la demande de sursis de la demanderesse.

--- L'extrait est conclu à 15 h 41

C E R T I F I C A T I O N

Je, soussigné, Marc Perrault, sténographe officiel, certifie que les pages qui précèdent sont et contiennent la transcription du fichier numérique fait hors de mon contrôle et sont au meilleur de la qualité dudit enregistrement, le tout, selon la loi.
Et j'ai signé :



Marc Perrault

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

N° 500-17-129627-249

COUR SUPÉRIEURE
(Chambre civile)

ME JACQUELINE SANDERSON

Demanderesse

c.

CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC

Intimée

et

ME SÉBASTIEN DYOTTE, ÈS QUALITÉ DE SYNDIC ADJOINT DU BARREAU DU QUÉBEC

Mis en cause

PLAN D'ARGUMENTATION DU MIS EN CAUSE
Demande de sursis des procédures pendantes devant le Conseil de discipline du Barreau du Québec contre Me Jacqueline Sanderson

1. Cadre juridique

[1] En règle générale, la demande de pourvoi en contrôle judiciaire n'opère pas sursis des procédures pendantes devant un autre tribunal, à moins que le tribunal n'en décide autrement.

- Article 530, al. 2, *Code de procédure civile*, RLRQ, c. C-25.01, [*C.p.c.*]

[2] Le sursis des procédures pendantes est une mesure exceptionnelle, et «en matière de droit professionnel [est accordée] dans les cas les plus exceptionnels», puisqu'il est considéré préférable de laisser le processus devant les tribunaux administratifs suivre son cours.

- *Sanderson c. Conseil de discipline du Barreau du Québec*, 2020 QCCS 3855, par. 10 [Sanderson] **[Onglet 1]**
- *Poulin c. Tribunal des professions*, 2019 QCCS 232, paragr. 21[Poulin] **[Onglet 2]**

[3] Les critères de l'octroi d'un sursis dans le cadre d'un pourvoi en contrôle judiciaire sont bien établis, et imposent à la partie demanderesse de prouver :

- L'existence d'une apparence de droit suffisante;
- L'existence d'un risque de préjudice sérieux et irréparable advenant que le sursis ne soit pas accordé; et;
- Le fait que la prépondérance des inconvénients favorise l'octroi du sursis.

➢ *Lévy c. Corriveau*, 2020 QCCS 2217, par. 35 [Lévy] **[Onglet 3]**

[4] En l'absence d'apparence de droit, il n'y a pas lieu d'évaluer les deux autres conditions nécessaires pour l'émission d'un sursis.

➢ *Municipalité régionale de comté des Collines-de-l'Outaouais c Lavigne*, 2018 QCCS 4588, par. 52 **[Onglet 4]**

[5] Une demande de sursis qui s'inscrit dans une tentative de court-circuiter les procédures disciplinaires en cours alors que le Conseil de discipline n'a pas encore eu l'occasion de se prononcer sur le mérite de l'affaire doit être rejetée.

➢ *Sanderson*, par. 21 **[Onglet 1]**

1.1. L'apparence de droit

[6] À l'étape de l'apparence de droit suffisante, le tribunal doit s'assurer de l'existence *prima facie* de questions sérieuses, non futiles ou vexatoires.

➢ *Poulin*, par. 26 à 28 **[Onglet 2]**

[7] La Cour doit évaluer si à sa face même le jugement attaqué comporte une faiblesse apparente, sans procéder à une analyse approfondie.

➢ *Sanderson*, par. 11 **[Onglet 1]**

[8] En droit disciplinaire, la possibilité de recourir au contrôle judiciaire est expressément limitée aux questions de compétence.

➢ *Code des professions*, RLRQ c C-26, art. 194 **[Onglet 6]**

➢ *Sanderson*, par. 12 **[Onglet 1]**

[9] Le pourvoi n'est pas ouvert lorsque la partie demanderesse dispose d'un droit d'appel à un tribunal spécialisé tel que le Tribunal des professions.

➢ Art 529, al. 2, *C.p.c.*

➢ *Code des professions*, RLRQ c C-26, 164 al. 1 **[Onglet 6]**

- *Landry c. Tribunal des professions*, 2007 QCCS 4498, par. 34 à 37 **[Onglet 5]**

[10] L'appel d'une décision de conseil de discipline accueillant une plainte n'est susceptible d'appel qu'une fois la décision sur sanction rendue.

- *Code des professions*, RLRQ c C-26, 164 al. 3 **[Onglet 6]**

[11] Le pourvoi n'est également pas ouvert lorsque la demande de pourvoi n'a pas été signifiée dans un délai raisonnable.

- Art. 529, al. 3, *C.p.c.*

1.2. Le préjudice sérieux et irréparable

[12] Ce critère consiste à décider si la partie qui cherche à obtenir le sursis subirait un préjudice irréparable, advenant qu'il ne soit pas accordé, c'est-à-dire un préjudice qui n'est pas susceptible d'être compensé par des dommages-intérêts ou qui peut difficilement l'être.

- *Poulin*, par. 41 **[Onglet 2]**

[13] Lorsque des procédures sont pendantes devant un autre tribunal, la poursuite des procédures ne crée pas un état de fait auquel il sera ensuite impossible de remédier, puisque la partie demanderesse conserve ses recours.

- *Lafond c. Commission municipale du Québec*, 2019 QCCS 3632, par. 29 [Lafond] **[Onglet 7]**

[14] Lorsque la sanction n'a pas encore été prononcée, il n'y a pas de préjudice.

- *Lafond*, par. 27- 28 **[Onglet 7]**

[15] L'appel devant le Tribunal des professions suspend l'exécution de la décision du Conseil de discipline.

- *Code des professions*, RLRQ c C-26, art. 166 **[Onglet 6]**

[16] Quant à la prétendue violation du secret professionnel d'un de ses clients, le Conseil de discipline a le pouvoir de prononcer toute ordonnance afin de préserver la confidentialité de la preuve versée au dossier de l'instance :

> 142. Toute audience est publique.
>
> Toutefois, le conseil de discipline peut, d'office ou sur demande, ordonner le huis clos ou interdire la divulgation, la publication ou la diffusion de renseignements ou de documents qu'il indique, pour un motif d'ordre public, notamment pour assurer le respect du secret professionnel ou la protection de la vie privée d'une personne ou de sa réputation.

> Se rend coupable d'outrage au tribunal, toute personne qui, par son acte ou son omission, enfreint une ordonnance de huis clos, de non-divulgation, de non-publication ou de non-diffusion.

- *Code des professions*, RLRQ c C-26, art. 142 **[Onglet 6]**

1.3. La prépondérance des inconvénients

[17] L'examen de ce critère devient moins important lorsque le tribunal a conclu à l'absence de préjudice irréparable.

- *Lafond*, par. 31 **[Onglet 7]**

[18] L'intérêt public quant à l'application, l'obligation et le respect des règles déontologiques doit être pris en considération, de même que l'objectif constant de célérité de la justice administrative.

- *Sanderson*, par. 19-20. **[Onglet 1]**

[19] Par ailleurs, un Ordre professionnel dont la mission principale est d'assurer la protection du public n'a pas à prouver systématiquement une atteinte à l'intérêt du public

- *Quenneville c. Ordre des médecins vétérinaires du Québec*, 2022 QCCS 2997, par. 54-55 **[Onglet 8]**

LE TOUT SOUMIS RESPECTUEUSEMENT

Montréal, le 24 mai 2024

Sarrazin Plourde

SARRAZIN PLOURDE s.a.
Procureurs du mis en cause

No : 500-17-129627-249

COUR SUPÉRIEURE
(Chambre civile)
DISTRICT DE MONTRÉAL

JACQUELINE SANDERSON

Demanderesse

c.

CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC

Défendeur

et

ME SÉBASTIEN DYOTTE

Mis en cause

PLAN D'ARGUMENTATION DU MIS EN CAUSE

COPIE DE LA DEMANDERESSE

Me Sophie Gratton | ligne directe : 514 360-4354
sgratton@sarrazinplourde.com
N/D : 0026-0040 BS2547

COUR D'APPEL

CANADA
PROVINCE DE QUÉBEC
GREFFE DE MONTRÉAL

N° : 500-09-031206-246
(500-17-129627-249)

PROCÈS-VERBAL D'AUDIENCE

DATE : Le 12 décembre 2024

L'HONORABLE GENEVIÈVE MARCOTTE, J.C.A.

PARTIE REQUÉRANTE	
JACQUELINE SANDERSON	PRÉSENTE ET NON REPRÉSENTÉE
PARTIE INTIMÉE	AVOCATES
SÉBASTIEN DYOTTE, en sa qualité de syndic adjoint du Barreau du Québec	Me SOPHIE GRATTON Me AIMÉE RIOU (*Sarrazin Plourde*)
PARTIE MISE EN CAUSE	
PROCUREUR GÉNÉRAL DU QUÉBEC	ABSENT ET NON REPRÉSENTÉ

DESCRIPTION : **Demande de permission d'appeler d'un jugement rendu en cours d'instance le 29 août 2024 par l'honorable David E. Roberge de la Cour supérieure, district de Montréal** (Art. 31 *C.p.c.*).

Greffière-audiencière : Chloé Côté-Sauvageau	Salle : RC-18

AUDITION

9 h 33	Début de l'audience. Identification du dossier et des parties.
9 h 36	Échange préliminaire entre la juge et Mme Sanderson.
9 h 37	Argumentation de Mme Sanderson.
9 h 40	Échange entre la juge et Mme Sanderson (exécution nonobstant appel).
9 h 54	Question de la juge et réponse de Mme Sanderson (objet de l'appel).
9 h 59	Me Gratton remet à la juge le PV du jugement rendu le 25 septembre 2024 sur le fond de la demande en rejet (l'hon. Bernard Synnott).
10 h 00	Argumentation de Me Gratton.
10 h 02	Échange entre la juge et Me Gratton (urgence de l'exécution).
10 h 11	Question de la juge et réponse de Me Gratton (dossiers fiscaux).
10 h 16	Échange entre la juge et Me Gratton (exécution nonobstant appel).
10 h 23	Question de la juge et réponse de Me Gratton (recours en sursis).
10 h 24	Me Gratton demande que la présente requête soit déclarée abusive. Intervention de la juge. Une telle demande doit être soumise formellement, par écrit, et notifiée à l'autre partie préalablement l'audience.
10 h 26	Réplique de Mme Sanderson.
10 h 31	**PAR LA JUGE :** L'audience **est continuée** au 13 décembre 2024. Les parties sont dispensées d'être présentes à la Cour. Le jugement sera rendu sur procès-verbal et leur sera transmis dès que disponible. Si la juge n'est pas en mesure de rendre son jugement à cette date, le dossier sera mis en délibéré et les parties en seront avisées.
10 h 32	Fin de l'audience.

Chloé C-S

Chloé Côté-Sauvageau, Greffière-audiencière

COURT OF APPEAL

CANADA
PROVINCE OF QUEBEC
REGISTRY OF MONTREAL

No. 500-09-031206-246
(500-17-129627-249)

MINUTES OF THE HEARING

DATE: December 13, 2024

THE HONOURABLE GENEVIÈVE MARCOTTE, J.A.

APPLICANT	
JACQUELINE SANDERSON	ABSENT AND UNREPRESENTED
RESPONDENT	COUNSEL
SÉBASTIEN DYOTTE, in his capacity as assistant syndic of the Barreau du Québec	Mtre SOPHIE GRATTON Mtre AIMÉE RIOU (*Sarrazin Plourde*) Absent
IMPLEADED PARTY	
ATTORNEY GENERAL OF QUEBEC	ABSENT AND UNREPRESENTED

DESCRIPTION: **Application for leave to appeal from a judgment rendered in the course of a proceeding on August 29, 2024 by the Honourable David E. Roberge of the Superior Court, District of Montreal** (Art. 31 *C.C.P.*).

Clerk at the hearing: Chloé Côté-Sauvageau	Courtroom: RC-18

HEARING

Continuation of the hearing held on December 12, 2024. The parties were excused from appearing in Court.

BY THE JUDGE: Judgment – see page 3.

Chloé Côté-Sauvageau, Clerk at the hearing

JUDGMENT

[1] The applicant is requesting that I grant her leave to appeal a judgment rendered on August 29, 2024 by the Superior Court, District of Montreal (the Honourable David E. Roberge), which dismissed her urgent application for the transfer of her professional records to another lawyer, while granting the application of the respondent, Sébastien Dyotte, in his capacity as assistant syndic of the Barreau du Québec (the "Bar"), to take possession of her electronic professional records (active or closed).

[2] At issue are the professional records that the applicant failed to deliver to the Bar's syndic, as the latter had ordered, following the penalty decision rendered on August 20, 2024 by the Disciplinary Council, ordering her disbarment for a 22-month period. The penalty decision followed the Disciplinary Council's decision finding her guilty on all six of the charges against her.

[3] The applicant has filed her application for leave to appeal under article 31 *C.C.P.* and claims that the judgment she wishes to appeal was one rendered in the course of a proceeding. While it is not easy, at first glance, to characterize the nature of the judgment rendered in determining whether or not it requires prior authorization, I find that it adjudicates the claims articulated by each of the parties in the application for judicial review proceeding.

[4] In the impugned judgment, Justice Roberge noted that the applicant had also filed an appeal before the Professions Tribunal, without however requesting a stay of execution of the Disciplinary Council's decisions. I was informed at the hearing that the applicant filed a stay application the following month, but that it was not heard until December 2, 2024, and it has since been taken under advisement. Moreover, the application for judicial review has itself apparently been dismissed and declared abusive, by default judgment rendered on September 25, 2024, and the applicant has apparently filed an application for revocation of the judgment, which application is scheduled to be heard in April 2025.

[5] Considering the context, I am of the view that the judgment that the applicant wishes to appeal can be characterized as a judgment rendered in the course of a proceeding, so that her appeal falls under the criteria of article 31, para. 2 *C.C.P.* To obtain leave to appeal, the applicant must satisfy me that the judgment determines part of the dispute or causes irremediable injury to a party, and that granting leave is in the best interests of justice (art. 9, para. 3 *C.C.P.*) and is consistent with the proportionality principle (art. 17, et seq. *C.C.P.*), i.e., that the grounds of appeal raised are not doomed to failure.[1]

---

[1] *Metso Minerals Canada Inc. c. BBA inc.*, 2017 QCCA 1544, paras. 6-7 citing *Devimco Immobilier Inc. c. Garage Pit Stop inc.*, 2017 QCCA 1.

[6] The applicant submits that the impugned judgment is highly prejudicial to her and that it leads to consequences tantamount to a permanent disbarment, thus preventing her from ever practising law again, besides violating her constitutional rights. As for the grounds raised, she criticizes the judge for having authorized the search and seizure of her home, as well as the seizure of her computers, without ensuring the protection of her personal and confidential information, infringing her constitutional rights and her copyright. She also criticizes the judge for having prevented her from retaining a copy of all her records by authorizing the respondent to delete her professional records from her computer. She challenges the reliance on the notion of urgency to justify the issuing of the taking into possession order, claiming that she displayed willingness to hand over a copy of her electronic records to the respondent. She adds that she should have been authorized to retain her tax related files, since these are not within the exclusive domain of members of the Quebec Bar.

[7] Even assuming that the impugned judgment caused her irremediable injury, which is not common ground, since the injury that the applicant is claiming is not the result of the impugned judgment, but rather the result of the disbarment penalty imposed by the Disciplinary Council and for which she had not sought a stay of execution until then, I am of the view that the grounds of appeal raised are doomed to failure. Let me explain.

[8] The submission that the judge purportedly erred in assuming that the penalty decision was enforceable notwithstanding appeal, or in failing to ask the applicant abouther understanding of that decision, has no reasonable chance of success. The trial judge rendered his decision after having rightly considered that the applicant had not requested a stay of execution of the Disciplinary Council's decision. That decision comprehensively discussed the application for provisional execution notwithstanding appeal, doing so over eight pages, at paragraphs 180 to 208. The Disciplinary Council concluded thus:

> [TRANSLATION]
>
> [208] The Council finds that the penalties it must impose on the respondent must be enforceable notwithstanding appeal for the best protection of the public and considering the respondent's conduct. In light of the evidence, the Council is satisfied that there are significant exceptional circumstances in this case.

[9] Therefore, although paragraph 127 of the conclusions does not include the expression "notwithstanding appeal" in ordering the provisional execution of the decision from the date it is served, this was undeniably a clerical error which the applicant could not have overlooked.

[10] The judge considered the respondent's clear right to take possession of all the newly disbarred applicant's professional records, given that the latter was duty-bound to hand over to the syndic the professional records with which she had been entrusted in her

capacity as a lawyer, pursuant to the *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats*[2] and the *Act respecting the Barreau du Québec*.[3] He also considered the fact that the applicant would continue to have access to the evidence in her disciplinary record for the purposes of her defense in the proceeding before the Professions Tribunal to challenge the Disciplinary Council's decisions.

[11] Moreover, contrary to what the applicant argues, the judge limited the taking into possession to the applicant's professional records (active or closed) and to documents with which she had been entrusted by her clients in her capacity as a lawyer, contained on electronic media (the "Records"). The judge decided as much after having noted the applicant's lack of cooperation, as well as the urgency resulting from the risk of harm to the latter's former clients, and he found that the applicant's request for an extension of time was intended to delay. It was solely for that purpose that he allowed the representative of the Quebec Bar's syndic and the bailiff accompanying him to [TRANSLATION] "have access to Jacqueline Sanderson's professional domicile which is located in her principal residence and\or to all lockers, sheds, drawers and mini-storage areas therein located in order to take immediate possession of the Records, as well as any computer or storage system (including cloud servers) associated with Jacqueline Sanderson's practice as a lawyer (the "IT Equipment")."

[12] It is in that same context that he stated that the taking of possession involved the deletion of the Records in the IT Equipment, and that he allowed the technician, if the copying could not be completed within a reasonable time, to take the IT Equipment with him for the purpose of extracting the Records and to return the IT Equipment to the applicant within no more than 96 hours.

[13] The applicant's claim that the judge purportedly failed to provide a sufficient framework for the taking of possession of her computer in order to avoid the infringement of her constitutional rights and her copyright, and that he issued an order in the absence of any urgency have no basis in law in light of s. 192 of the *Professional Code*[4], s. 77 of the *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats* and s. 76 of the *Act respecting the Barreau du Québec*, as well as recognized disciplinary principles, including the syndic's duty to protect the public.[5]

[14] Upon closer examination, the applicant's allegations pertain more largely to the manner in which the orders were purportedly executed, which is not *per se* within the ambit of an appeal against a judgment ordering the taking of possession, but rather one against the execution of that judgment. Moreover, those allegations are related to the consequences flowing from the applicant's choice of keeping all her personal and

---

2 *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats*, CQLR, c. B-1, r. 5, ss. 76-77.
3 *Act respecting the Barreau du Québec*, CQLR, c. B-1, s. 76.
4 *Professional Code*, CQLR, c. C-26.
5 *Gauthier c. Guimont*, 2010 QCCA 2011.

professional records on a single computer. Although she claims that such a choice is not illegal, she cannot blame the judge from failing to shield her from its consequences on the protection of her personal information and her privacy.

[15] Finally, regarding the taking of possession of the applicant's tax-related files, I take notice of the fact that the respondent declared at the hearing being open to the possibility of handing over to her some of those files that are not within the exclusive domain of members of the Bar.

[16] To the extent that the grounds of appeal raised do not appear to have any reasonable chance of success, I am of the view that leave to appeal should not be granted.

FOR THESE REASONS, THE UNDERSIGNED:

[17] **DISMISSES** the application for leave to appeal;

[18] **WITH** legal costs.

GENEVIÈVE MARCOTTE, J.A.J.A.

C A N A D A
PROVINCE OF QUEBEC
DISTRICT OF LONGUEUIL
FILE NO. : 505-07- 000003-247

PROFESSIONS TRIBUNAL

Jacqueline Sanderson, residing at 200 Alexandre-De Prouville, City of Carignan, Province of Quebec, J3L 6X2,

Appellant;

-vs.-

Me Sébastien Dyotte, having an office at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

Respondent;

-and-

Me Sarah Thibodeau as
Secretary of the Disciplinary Council, situated at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

Impleaded Party;

APPLICATION TO APPEAL JUDGMENTS OF THE DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC
(Section 164 of the *Professional Code*)

1. The Applicant is appealing two (2) judgments of the Disciplinary Council of the Barreau du Quebec, being the judgment on conviction dated November 30th, 2023 which was served on the Applicant on December 18th, 2023 (the "**Conviction Judgment**") and the judgment with respect to the sentence dated July 19th, 2024 and served on August 19th, 2024, which suspended the Appellant (hereinafter "**Sanderson**") for a period of 22 months (the "**Sentence**");

2. The Applicant was convicted for various charges (Counts 1 to 6) as explained in the Conviction Judgment;

3. It should be noted that the conclusions with respect to the sentence mention that the Sentence is executable upon service of the Sentence, however, it does not stipulate that it is executable during the appeal period (*i.e.* it does not indicate notwithstanding appeal or "*non obstant appel*"). Hence the urgency to file the present notice of appeal;

Facts

4. The Appellant represented the father in a divorce before the Superior Court with respect to the custody his two young children, being a boy who was 9 years old and a girl who was 7 years old. The children were represented by Me Line Nadeau and the mother was represented by Me Linda Côté;

5. The father was initially represented by Me Louis-Frédérick Carmichael. However, because Me Carmichael had previously represented the parties with respect to a servitude issue, Me Côté threatened to file a motion to disqualify him if he did not withdraw from the file (Exhibit D-22 in the file before the Disciplinary Council);[1]

6. In September 2020, Me Carmichael and Me Côté agreed by consent to judgment to appoint Me Nadeau as the lawyer for the children, however, at the time Me Carmichael and his client were not aware that Me Nadeau had previously represented the brother of the mother as confirmed in the affidavit of Me Carmichael filed as Exhibit D-12 in the file before the Disciplinary Council;

7. An expert, namely Dr. Raymond David, was mandated by the Superior Court to prepare a psychosocial expertise with respect to the parental capacity of the parents;

8. Throughout the entire file, Me Nadeau and Me Côté, acted together to prevent the father from having any parenting time with the children;

9. Me Côté, on behalf of the mother, indicated in the originating application for divorce that the father was violent but later the mother admitted during an out-of-court examination that the father was not violent but the mother asserted that because the father was indebted to *Revenu Quebec* for income taxes, he was abusive (see Exhibit D-14 in the file before the Disciplinary Council);

10. Me Nadeau and Me Côté went as far as requesting to the Court that the father not be authorized to pick up the children at school nor to even visit the school. The father appealed this judgment because initially Justice Ouellet had stated at the hearing that there was no reason for the father not to pick up the children like most fathers in the province of Quebec but thereafter Justice Ouellet concluded to the contrary that the father could not go to the school to pick up the children (see Exhibits D-2 and D-3 in the file before the Disciplinary Council);

11. This was very serious because it meant that the exchanges occurred in person between the two parties which always caused serious fights between the parties in the presence of the children;

---

1 Since the servitude case was a completely unrelated and irrelevant case, Me Carmicheal was not legally in a position of conflict of interest (see the Bright Line Rule in *CN v. McKercher LLP*, [2013] 2 S.C.R. 649. However, Me Carmichael and his client did not feel it was worth fighting over this issue.

12. In May 2021, the son had suicidal thoughts which he had voiced in the presence of the father. Dr. Raymond David and another psychologist, Dr. Arrenstein, recommended that the children continue to consult a psychologist, being Dr. Arrenstein himself, who had been used in the past;

13. Me Nadeau and Me Côté even contested that the children consult the psychologist and delayed the process for 3 months such that Sanderson was required to file a motion to authorize the children to consult an expert psychologist before Justice Claude Villeneuve (see Exhibits D-4 and D-5 in the file before the Disciplinary Council);

14. Due to the fact that Me Nadeau was clearly not independent because she had previously represented the brother of mother and this fact was withheld from the father, Sanderson filed a motion to declare Me Nadeau unable to act. It should be noted that Me Nadeau also had contradictory mandates from the children on certain occasions;

15. Me Nadeau admitted that the children often had different opinions and desires with respect to the file. For example, the son stated that he did not want to consult a psychologist and the daughter said she wanted to meet the psychologist (see email from Me Nadeau filed as Exhibit D-5 in the Disciplinary file;

16. Me Nadeau had not mentioned all the facts before Justice Ouellet and had stated that the children did not want the father to pick them up at school. Before the Court of Appeal she admitted that the son was happy and said it was cute et agreeable;

17. On the first date that the motion to disqualify Me Nadeau came before Justice Villeneuve he stated the following:

> Les déclarations d'inhabilité c'est toujours des questions qui remettent en doute l'intégrité professionnelle. Ça fait pas exception à la cause.
>
> [...]
>
> Mais la question là, il y a toujours, je rappelle les grands principes pour peut-être orienter là, au même titre que les parties parfois demandent la récusation d'un juge, il y a toujours la question de justice et d'apparence de justice. Puis dans les cas des mandats donnés aux avocates, ou aux avocats des enfants, il y a toujours la question d'apparence d'impartialité aussi qu'on veut préserver pour des raisons évidentes, c'est qu'on veut éviter qu'il y ait une influence indue de part de l'un ou l'autre des parents sur l'avocat. Puis s'il y a des mandats qui ont déjà été donnés auparavant, puis ça s'avère avéré, il y a peut-être un problème **qui doit être, à tout le moins, évalué par la Cour.** Puis, je prononce rien Maître Dionne là, je vais juste dire que c'est...
>
> PAR Me MARIO DIONNE
> J'en conviens que ça doit être évalué, Monsieur le Juge,

18. Me Nadeau mandated a lawyer to defend her against the motion to declare her unable to act and filed a motion to declare the said motion abusive;

19. From the onset, this makes no sense. How could a motion be abusive if another Judge of the Superior Court in the above passages stated that the father had a right to be heard on the independent, or lack thereof, of Me Nadeau?

20. Additionally, the lawyer for Me Nadeau, being Me Dionne, stated before the Court "*J'en conviens que ça doit être évalué, Monsieur le Juge*". If Me Nadeau's lawyer confirmed that a court should evaluate the issue, then he is admitting that the motion is not abusive. The definition of abusive means that the motion is frivolous to such an extent that it should not have even been presented before the Court;

21. Thereafter, Me Côté filed several motions to completely suspend all access rights of the father and even asked certain conclusions with respect to the new puppy of the father. This motion was presentable on September 1, 2021. However, Sanderson was not available on that date. Me Côté insisted on proceeding notwithstanding that the father did not have any access rights scheduled for another week. Justice Johanne Brodeur agreed to hear the parties at the end of the day on Teams;

22. Sanderson and her client were never admitted into the hearing on Teams and a judgment was rendered by default against the father in which all his access rights were suspended (see Exhibit D-7 in the file before the Disciplinary Council). Neither the Court nor the other two (2) lawyers tried to reach Sanderson or client to admit them into the Teams hearing;

23. The following week before Justice Claude Dallaire and Justice Garry Morrison, Me Côté with the support of Me Nadeau argued that the said judgment rendered by default against the father on September 1, 2021 was a final judgment and not an interim judgment;

24. Based on the comments made by Justice Morrison, it is submitted that he did not believe that the judgment of Justice Brodeur of September 1, 2021, was a final judgment (see Exhibits D-8 to D-10 in the file before the Disciplinary Council);

25. On September 15th, 2021, Justice Brodeur confirmed that the judgment of September 1, was an interim judgment (see Exhibit D-11 in the file before the Disciplinary Council);

26. On August 25th, 2021, Justice Ouellet confirmed that he would be the Judge who would be seized of the motion to declare Me Nadeau unable to act, notwithstanding that in such a case Justice Ouellet would be reviewing his own judgment of March 17th, 2021;

27. As a result, the Appellant filed a motion to recuse Justice Ouellet (Exhibit P-14 in the file before the Disciplinary Council);

28. On August 4th, 2021, Justice Ouellet rejected the motion to recuse himself;

29. Justice Ouellet granted the motion for abuse, notwithstanding that the Appellant agreed to withdraw her motion because of the reaction of Justice Ouellet thereto (See Exhibit D-6 in the file before the Disciplinary Council);

30. On November 27th, 2021, Sanderson withdrew as the lawyer representing the father from the file;

31. A few weeks later, the new lawyer for the father, Me Robert Jodoin, filed another motion to request the retraction of the said judgment in abuse;

Grounds for Appeal

32. The grounds for appeal of the Conviction Judgment are the following:

Counts 1 and 4

33. The Appellant submits that she did not in any manner prevent Me Lyne Nadeau from representing the children of the parties in the said divorce file. She never even filed a motion to ask the Superior Court to intervene;

34. The Appellant was simply contesting the requests of the lawyer of the children because he had reasonable cause to believe she was biased and that she was acting in a conflict of interest because she had contradictory mandates from the two (2) children as was explained by the Appellant during her testimony before the Disciplinary Council in October 2023;

35. The Appellant submits that she was simply zealously representing her client and there was no abusive means used to do same. The Appellant simply contested the requests of the lawyer representing the children and asked that she proceed in a different manner (see *Groia v. Law Society of Upper Canada*, 2018 SCC 27 (CanLII);

36. The lawyer for the children does not have a special status that all the requests must be respected by the lawyers of the parents. In fact, on August 18, 2021, Justice Villeneuve was clearly of the opinion that the lawyer of the children and the mother were wrong to contest that the children continue to consult a psychologist after being recommended by 2 separate experts;

37. The Disciplinary Council clearly erred at law by disregarding the facts of the entire divorce file and only discussing the facts in favour of the Respondent;

Count 2

38. At paragraph 133 of the Conviction Judgment, the Council quotes a letter from Justice Ouellet in which he stated “instruction sera tenue par Teams”. Therefore, Sanderson’s request to have the hearing in person was refused. Consequently, the reference as such in another motion by Sanderson was accurate;

39. Therefore, Sanderson’s statement was not false in Exhibit P-14 in the file before the Disciplinary Council. Admittedly, the Judge said Sanderson could come in person but it was the witnesses of the opposite party that Sanderson wanted in person not herself;

40. Sanderson clearly explained this in her testimony before the Disciplinary Council;

41. Consequently, the conclusion at paragraph 130 of the Conviction Judgment is totally incomprehensible based on the uncontested facts above;

Count 3

42. Paragraph 147 of the Conviction Judgment is also not supported by the facts above. The rules of natural justice of the father were necessarily violated on September 1st, 2021 October 8th, 2021, October 10th, 2021 and on March 17th, 2021. Sanderson’s assertion was consequently, supported by the facts. It is astounding that the Council did not even consider the testimony or the stenographic notes filed by the Appellant as exhibits;

43. The Council’s interpretation of hearing of August 18, 2021, before Justice Villeneuve at paragraph 157 of the Conviction Judgment is also unreasonable. The passage at paragraph 17 above states that Sanderson had a right to be heard on the motion to declare Me Nadeau unable to act because a lawyer for the children should be independent. Justice Villeneuve even compared the position of a lawyer for the children as to that of a judge. That is, there should be an appearance of independence from the parties;

44. If a Judge states that a party should be heard on an issue it automatically means that the motion cannot be abusive. It does not necessarily mean that the Judge concluded that Sanderson would win, but it means that Sanderson’s client should have been provided a trial in person by an impartial Judge who had not already taken a position on the specific facts at issue;

Count 5

45. With respect to the email sent by Sanderson to the assistant of Justice Charles Ouellet. At paragraph 181 of the Conviction Judgment, the Disciplinary Council never established whether or not the email was sent by accident to the said assistant or whether it was intentionally sent by her;

46. In fact, the Disciplinary Council concluded “*peu importe à qui l’intimée voulait écrire, que ce soit son client, l’adjointe du juge ou un tiers, le contenu du courriel porte préjudice à l’administration de la justice*”;

47. This conclusion of the Diciplinary Council is also erroneous. Evidently, if Sanderson intended the email for the Judge himself as was the case cited by the Disciplinary Council at paragraph 80 in *Doré v. Barreau du Québec*[2], then the situation would be very different;

48. Sanderson testified that she never intended to send the email to the said assistant of Justice Ouellet and that the email was intended to be sent to her client to request the translation of the judgments of Justice Ouellet. Sanderson did not represent her client at that time in his family case, therefore, Sanderson could not write to the Judge to order the translation of said judgment;

49. Sanderson could not know in advance that the email would be submitted into evidence because she did not have access to the exhibits prior to the trial. Moreover, since Me Dyotte did not have the recipient of the email as a witness and did not have any expert evidence to prove that Sanderson sent the email, there was no manner before the trial for Sanderson to know that the email would be admitted into evidence based on the normal rules of evidence (*i.e.* hearsay);

50. Furthermore, since the email was meant for the client of Sanderson and he never waived the solicitor-client privilege, the Disciplinary Council had an obligation to protect the privilege and should never have allowed the deposit of said email into evidence in violation of such an important privilege as solicitor client privilege;

51. Section 9 of the *Charter of Rights and Freedoms* (Quebec) provides that “the tribunal must, *exofficio*, ensure that professional secrecy is respected”. Consequently, the Disciplinary Council erred at law by stating at paragraph 181 of the Conviction Judgment that whether Sanderson intended to send the email to the assistant of Justice Ouellet or her client is irrelevant is false;

52. As confirmed by Sanderson’s testimony before the Disciplinary Council, the email was intended for her client. Furthermore, the fact that she no longer represented her client supports her position because if she did still represent him then she would be writing to the Judge directly. Since she no longer represented him she was not supposed to write to the Judge;

53. Furthermore, if Justice Dumas thought for one second that Sanderson meant to send the email to Justice Ouellet, then he would have most likely held a hearing for contempt of court. There was no hearing and Sanderson was never sworn before Justice Dumas. Justice Dumas simply asked Sanderson to write a letter of apology to Justice Ouellet which she did. Furthermore, Sanderson would not have been required to testify at the hearing of contempt of court. As a result, the assistant of Justice Ouellet and Sanderson’s client would have been required to be present;

54. The client of Sanderson never waived privilege with respect to the said email prior to the deposit of same by Me Dyotte into evidence;

---

2 2012 CSC 12.

55. The Disciplinary Council incorrectly stated at paragraph 179 of the Conviction Judgment "*dans l'enregistrement de l'audience en outrage au tribunal*" because there was never such a hearing because Sanderson was never even asked to plead guilty or not guilty. Sanderson was never sworn in and no evidence was ever presented against her;

56. It was also untrue that the judgment dealt with the acts of Sanderson as stated at paragraph 178 in fine "*même si ce jugement visait directement ses agissements*". The judgment which is public and appears at *Droit de la famille — 222023* discusses the motion done by Me Robert Jodoin and not Sanderson. The Appellant was not the lawyer for the father for that motion. The judgment is dated January 14th, 2022 more than 6 weeks after Sanderson was no longer the lawyer in the file. Consequently, the judgment should not have been sent to Sanderson by Justice Ouellet or his assistant because Sanderson was not the lawyer of record. Therefore, the Disciplinary Council erred at law when they stated that the judgment involved Sanderson and was necessarily meant to be sent to her;

57. Finally, the Disciplinary Council continuously stated during the hearing that they were not bound by the judgment of Justice Ouellet. However, the Disciplinary Council refused to analyze the merits of the judgment. In fact, each time Me Dyotte for the syndic of the Barreau du Quebec objected to proving any evidence to discredit the judgment, the Disciplinary Council allowed the objection.

58. With respect, the judgment of Justice Ouellet did not in any manner analyze the arguments put forth in the motion by Sanderson to declare Me Nadeau unable to act. Sanderson's main argument was that Me Carmichael would not have consented to Me Nadeau as the lawyer had he known that she had represented the brother of the adverse party in the past because a lawyer for the children should be independent. Carmichael confirmed same in an affidavit deposited in the court record before Justice Ouellet, yet he did not even mention this affidavit in his judgment;

59. In essence the Disciplinary Committee convicted Sanderson based on the judgment of Justice Ouellet and would not consider any defence whatsoever put forth by Sanderson;

Grounds for Appeal of the Sentence

60. The grounds for appeal of the Sentence is that even if the convictions stand as is which is very unlikely considering the foregoing, it is disproportionate to other sentences for similar matters;

61. The worst infraction is Count 5 and the maximum sentence ever awarded for writing disrespectful letters to a judge is 21 days in *Dore*, *supra*. It should be noted that Justice Dumas simply asked Sanderson to write a letter of apology to Justice Ouellet;

---

3 2022 QCCS 406.

62. There was no impact on the divorce file or on the public. The comments at paragraph 83 of the Sentence are simply not true. Me Nadeau admitted that the comments did not impact her ability to manage the file. Moreover, the divorce file was acrimonious because Me Nadeau and the lawyer for the mother contested the father seeing his children and made misrepresentations in the divorce proceedings such as that the father was violent. Later the lawyer for the mother amended the proceedings to remove any reference to violence or abuse in the originating application;

63. There was no proof of the remarks made in paragraph 142 and 143 of the Sentence or even examples of same indicated;

64. At paragraphs 34, 35 and 149 the Council refers to a previous conviction of the disciplinary council which is currently under appeal. In fact, Sanderson deposited all the facts of this case in first instance which were completely ignored by the Council in the Conviction Judgment;

65. In that case, Sanderson was convicted of not respecting a judgment to declare her unable to act which was no longer applicable at the time of the alleged infraction because the apparent conflict of interest no longer existed. In fact, the syndic even admitted that the conflict of interest no longer applied;

66. The Disciplinary Council should have considered all the facts of the file as opposed to simply the facts against Sanderson;

67. Moreover, the Council considered facts that occurred since the hearing on the merits in October 2023. For example, they considered a judgment that is not even final to this date, being the judgment of Justice Hussain, dated December 12, 2023 (see paragraph 39 of the Sentence);

68. Paragraph 45 of the Sentence discusses Sanderson's *modus operandi*. Me Dyotte during the sentencing hearing mentioned on several occasions that Me Sanderson was "*quérulente*". Sanderson has never been condemned of same;

69. Me Dyotte also mentioned "La Méthode Sanderson". We understand the Méthode Sanderson to mean that Sanderson goes on appeals if they are available;

70. It should be noted that Sanderson had a full inspection of all her files and was interviewed on all her appeals. The lawyers responsible for the audit did not find any errors in Sanderson's motions. One lawyer stated that she should not use bold and underline and emphasis added. Sanderson does not really understand the reason that bold and underline cannot be used to emphasize a point;

71. Sanderson submits that these comments are defamatory in nature and were made in bad faith by Me Dyotte. Sanderson has never been condemned of being *quérulente*;

72. Me Sanderson has never even been ordered to personally pay extra-judicial fees which is often the case when lawyers are accused of being exceptionally abusive;

73. In fact, the judgment of Justice Ouellet only condemned Sanderson's client to $3000 in damages, whereas the subsequent judgment when Me Sanderson was not the lawyer of record was for $10,000;

74. It should be noted that there are not any exceptional circumstances described in the Conviction or the Sentence which would warrant such a harsh sentence;

FOR THE AFOREMENTIONED REASONS MAY IT PLEASE THIS TRIBUNAL TO:

ALLOW the present appeal and quash the conviction.

CARIGNAN, August 20, 2024

Jacqueline Sanderson

Jacqueline Sanderson
200 Alexandre-De Prouville
Carignan (Quebec) J3L 6X2
Email: jackieclairesanderson@yahoo.ca

SWORN DECLARATION

I, the undersigned, **JACQUELINE SANDERSON**, attorney, domiciled and residing at 200 Alexandre-De Prouville, City of Carignan, Province of Québec, J3L 6X2, declare that:

1. I am the Appellant in the present case;

2. I confirm that all the facts mentioned in the present application for appeal are true.

AND I HAVE SIGNED

Jacqueline Sanderson
JACQUELINE SANDERSON

Declared solemnly before me at the City of Carignan
on this 20th day of August, 2024

copie confirme

SUMMONS TO THE PARTIES
(article 145 of the *Code of Civil Procedure*)

PLEASE TAKE NOTICE THAT the Appellant has filed with the Clerk of the Professions Tribunal, in the district of Longueuil, the present appeal.

You must answer this demand in writing, personally or by your attorney, at the *Palais de Justice* of Longueuil, within 15 days of the service on you by bailiff. The answer must be notified by email to Me Jacqueline Sanderson. If you do not file this written answer at the Courthouse within the prescribed delay of 15 days, a judgment by default could be rendered against you.

In your answer, you must indicate your intention to do any of the following actions:

- to propose to make an out-of-court settlement with the Appellant;
- to propose that the parties attend mediation to settle the matter;
- to contest the demand and to establish, with the attorney of the Appellant, the contents of the case protocol. The case protocol must be filed in the court record within 45 days of the date of service of the present summons;
- to propose that the parties attend a settlement conference by consent of the parties.

The said Answer must mention your coordinates, including email, or the name of your attorney and his or her coordinates.

CARIGNAN, August 20th, 2024

Jacqueline Sanderson

Me Jacqueline Sanderson

File No.: 505-07-00003-247

PROFESSIONS TRIBUNAL

JACQUELINE SANDERSON,

Plaintiff;

vs.

SÉBASTIEN DYOTTE,

Defendant;

NOTICE OF APPEAL

Lawyer # AS0BL8

Me Jacqueline Sanderson
Avocate - Fiscaliste
200 Alexandre De-Prouville
Carignan (Québec) J3L 6X2
Tél.: 514.473.5725
email: jackieclairesanderson@yahoo.ca

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
File no. 500-17-129627-249

SUPERIOR COURT

JACQUELINE SANDERSON,

Plaintiff;

-and -

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC,

Defendant;

-and-

M^e Sébastien Dyotte,

Impleaded Party;

-and-

Me Leila Kadri

Impleaded Party;

URGENT APPLICATION OF THE PLAINTIFF TO ORDER THE TRANSFER OF ALL THE FILES OF JACQUELINE SANDERSON, PREVIOUS MEMBER OF THE BARREAU, TO ME LEILA KADRI, AS CESSIONAIRE AND TO ALLOW SANDERSON TO TRANSFER HER FILES TO HER

TO THE HONOURABLE JUSTICE ROBERGE OF THE SUPERIOR COURT OF THE DISTRICT OF MONTREAL, THE PLAINTIFF SUBMITS THE FOLLOWING:

1. On April 18th, 2024, the Plaintiff, Me Jacqueline Sanderson, applied to this Honourable Superior Court for the judicial review of a judgment rendered by the Defendant, the Disciplinary Council of the *Barreau du Quebec,* on November 30th, 2023, as appears in the court record;

2. On May 16th, 2024, the Plaintiff, filed a motion to suspend the proceedings before the Disciplinary Council (the "**Council**") because there was an issue with respect to professional secrecy. More particularly, the Impleaded Party had filed an email from Sanderson that was intended for the client of the Plaintiff;

3. On May 24th, 2024, Justice Emery dismissed the motion to suspend the proceedings before the Council based on the representations made by the lawyer of the Impleaded Party, being Me Sophie Gratton;

4. As confirmed in the conclusions of the judgment, it is not executable notwithstanding appeal. The conclusion on this issue is as follows:

> [217] ORDONNE l'exécution provisoire de la présente décision dès sa signification à l'intimée.

5. The conclusion **does not** state "*nonobstant appel*";

6. On August 20th, 2024, the Plaintiff filed an appeal to the Professions Tribunal in conformity with the rules, a copy of which is filed herewith as **Exhibit P-3**;

7. Based on the foregoing, the sentence should be suspended;

8. The Council no longer has jurisdiction of the file and any changes to the current status must be made by the Professions Tribunal;

9. On August 21, 2024, the Plaintiff presented a motion to interpret the judgment for the sentence of the Council;

10. Justice Castonguay dismissed the motion of the Plaintiff as he said that I had to do a motion to stay execution before the Professions Tribunal

11. Me Dyotte immediately wrote the Plaintiff claiming I lost and that I had to return all my files to the Barreau;

12. Sanderson explained that she needed time to do her motion before the Professions Tribunal and Me Dyotte has been insisting that Sanderson only focus and giving Me Dyotte her file;

13. Sanderson was supposed to start a new mandate as a consultant for a public company, the subsidiary of which is located in the eastern townships. Sanderson was supposed to meet her new client at PVM at 1:00 PM;

14. Sanderson spent the entire night organizing boxes from storage and making proper lists and brought 16 boxes to the Barreau this morning;

15. Now the Barreau is insisting on taking the Plaintiff's computer. The inspector even said she would follow Sanderson home this morning. Me Dyotte is treating Sanderson as if she is a criminal and the judgment does not even state nonobtant appel;

16. Sanderson is emotionally drained and cannot handle this harassment;

17. It should be noted that the most grave conduct reproached against Sanderson is having written "retarded judgment" in an email that was intended for her client and was sent by accident to the assistant of Justice Ouellet;

18. Justice Dumas cited Sanderson for contempt of court but never even asked for a hearing. He simply told Sanderson to write a letter of apology to Justice Ouellet, which Sanderson did immediately;

19. There are no exceptional circumstances and Me Dyotte cannot add conclusions to the judgment which are not there;

20. Moreover, if a lawyer has a cessionaire, being a lawyer to transfer the files, there is no need for the Barreau to intervene;

21. Already, one of Sanderson's clients who is detained in Drummondville lost his right to a full defense because the DPCP informed the prison not to even let Sanderson bring documents to her client;

22. This client, Samuel Roberge, has been detained for over 2 years, more than 6 months over the *Jordan* delay. His motion for unreasonable delay was presentable on August 27, 2024 and there was no lawyer available to plead his motion. This is unacceptable;

23. It is important that Sanderson has the right to meet Me Kadri to transfer her files tomorrow at 2:00 PM. Also there is no reason for the Barreau to intervene since Me Kadri has assumed responsibility for the files.

FOR THE AFOREMENTIONED REASONS MAY IT PLEASE THIS HONOURABLE SUPERIOR COURT TO:

GRANT	the present application;
ORDER	Me Dyotte to stop harassing and threatening Sanderson and allow her the time to prepare her motion before the Professions Tribunal as ordered by Justice Castonguay;
ORDER	the transfer of all of Sanderson's files to Me Leila Kadri;
AUTHORIZE	Sanderson to meet with Me Kadri tomorrow at 2:00 PM to transfer all her files in an intelligent manner to not cause the rights of Sanderson's former clients to be lost;

CARIGNAN, August 28th, 2024

Me Jacqueline Sanderson
200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
Tel: (514) 473-5725
email: jackieclairesanderson@yahoo.ca

SWORN STATEMENT OF THE PLAINTIFF

I, the undersigned, JACQUELINE SANDERSON, domiciled and residing at 200 Alexandre-De Prouville Street, in the City of Carignan, Province of Quebec, J3L 6X2 declare that:

1. I am the Plaintiff herein;
2. All the facts mentioned in the present motion are true.

AND I HAVE SIGNED

Me Jacqueline Sanderson

Declared solemnly before me at the City of Montreal
on this 28th day of August, 2024

Commissaire à l'assermentation / Commissioner for oaths
Elena Stah 239375
for Québec and outside of Québec

TO: Me Sophie Gratton
SARRAZIN PLOURDE, s.a.
Email: sgratton@sarrazinplourde.com

NOTICE OF PRESENTATION

1. PRESENTATION OF THE APPLICATION

TAKE NOTICE that the present application for an emergency interim order to be presented to the Judge in Chambers in room 2.13 in room 2.13 of the Montréal Courthouse situated at 1 Notre-Dame Street East, Montréal, on **August 28th, 2024 at 2:00 P.M.**, in room 2.16 of the Montreal Courthouse or as soon as counsel may be heard.

CARIGNAN, August 28, 2024

Jacqueline Sanderson
200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
Tel: (514) 473-5725
email: jackieclairesanderson@yahoo.ca

Re: "Me" Jacqueline Sanderson - cession de dossiers - 269630

From: Jackie Sanderson (jackieclairesanderson@yahoo.ca)

To: lkadri@outlook.com; sdyotte@barreau.qc.ca

Cc: sgratton@sarrazinplourde.com; pjoseph@barreau.qc.ca; enquete4.mtl@barreau.qc.ca; jndongbou@barreau.qc.ca

Date: Wednesday, August 28, 2024 at 11:42 a.m. EDT

Yours very truly,

Jacqueline Sanderson

200 Alexandre-De Prouville Street
Carignan (Quebec) J3L 6X2
cell phone: 514.473.5725

> On Wednesday, August 28, 2024 at 11:32:13 a.m. EDT, Sébastien Dyotte <sdyotte@barreau.qc.ca> wrote:
>
> Maître,
>
> Veuillez trouver ci-joint une correspondance nécessitant votre attention immédiate.
>
> Recevez mes cordiales salutations.
>
> Barreau du Québec
>
> **M^e Sébastien Dyotte | Avocat & Syndic adjoint**
> **T :** 514 954-6903 | Sans frais : 1 800 361-8495 | **F :** 514 954-3478
> Maison du Barreau | 445, boul. Saint-Laurent, Montréal QC H2Y 3T8
> www.barreau.qc.ca
> Avant l'impression, pensez-y... Est-ce vraiment nécessaire?
>
> **De :** Leila Kadri <lkadri@outlook.com>
> **Envoyé :** 28 août 2024 08:47
> **À :** Jacqueline Sanderson <jackieclairesanderson@yahoo.ca>; Sébastien Dyotte <SDYOTTE@barreau.qc.ca>; sgratton@sarrazinplourde.com; Patricia Joseph <PJOSEPH@barreau.qc.ca>; SY-BP-Enquete4.mtl <enquete4.mtl@barreau.qc.ca>
> **Objet :** RE: Radiation exécutoire - Suivi - 269630

Certaines personnes qui ont reçu ce courrier ne reçoivent pas souvent du courrier de la part de lkadri@outlook.com. Découvrez pourquoi cela est important

Bonjour Me Dyotte,

Nous confirmons par la présente être cessionnaire de tous les dossiers de Me Jacqueline Sanderson.

Nous sommes présentement à l extérieur du bureau de retour demain, mais demeurons disponible sur cellulaire au 514 516 2689 au besoin.

Nous comprenons que Me Sanderson dépose ses dossiers ce jour au barreau.

Espérant le tout conforme,

Bien à vous,

Me Leila Kadri

Avocate-Lawyer

Cellulaire 514 516 2689

Envoyé depuis mon appareil Galaxy

-------- Message d'origine --------

De : Jacqueline Sanderson <jackieclairesanderson@yahoo.ca>

Date : 2024-08-28 8 h 35 a.m. (GMT-05:00)

À : lkadri@outlook.com

Objet : Fwd: Radiation exécutoire - Suivi - 269630

Sent from my iPhone

Begin forwarded message:

From: Sébastien Dyotte <SDYOTTE@barreau.qc.ca>
Date: August 27, 2024 at 3:40:34 PM EDT
To: Jackie Sanderson <jackieclairesanderson@yahoo.ca>
Cc: Sophie Gratton <sgratton@sarrazinplourde.com>, Patricia Joseph <PJOSEPH@barreau.qc.ca>, "SY-BP-Enquete4.mtl" <enquete4.mtl@barreau.qc.ca>
Subject: RE: Radiation exécutoire - Suivi - 269630

Madame,

Vous êtes radiée depuis le 20 août dernier.

Vous n'avez pas respecté mes demandes des 21, 26 et 27 août 2024.

De plus, vous n'avez pas respecté votre propre engagement pris volontairement ce jour.

Vous offrez une liste de dossiers actifs, mais vous ne semblez pas comprendre que **tous** vos dossiers **actifs et fermés** doivent être remis au Barreau du Québec depuis le moment de votre radiation.

Considérant ce qui précède, et plus particulièrement le non-respect de votre engagement de ce jour qui ne donne aucune garantie quant au respect de votre engagement de nous apporter le tout jeudi, soyez avisée que nos inspecteurs se présenteront **demain matin le 28 août 2024 à 10h00 AM au 200 Alexandre-De Prouville à Carignan** pour récupérer l'ensemble de vos dossiers, actifs et fermés. Vous sembliez dire dans le cadre de l'enquête que vos dossiers fermés se trouvaient possiblement dans un autre endroit que le 200 Alexandre-De Prouville. Si c'est le cas, vous devrez indiquer à nos inspecteurs où se trouvent vos dossiers fermés et leur donner accès au local en question.

Soyez avisée que votre refus de collaborer et donner accès aux dossiers dont vous ne pouvez plus avoir la possession sera considéré comme de l'entrave au travail des inspecteurs.

VEUILLEZ AGIR EN CONSÉQUENCE.

Barreau du Québec

M^e Sébastien Dyotte | Avocat & Syndic adjoint
T : 514 954-6903 | Sans frais : 1 800 361-8495 | **F :** 514 954-3478
Maison du Barreau | 445, boul. Saint-Laurent, Montréal QC H2Y 3T8
www.barreau.qc.ca

De : Jackie Sanderson <jackieclairesanderson@yahoo.ca>
Envoyé : 27 août 2024 15:02
À : Sébastien Dyotte <SDYOTTE@barreau.qc.ca>
Cc : Sophie Gratton <sgratton@sarrazinplourde.com>; Patricia Joseph <PJOSEPH@barreau.qc.ca>; SY-BP-Enquete4.mtl <enquete4.mtl@barreau.qc.ca>
Objet : Re: Radiation exécutoire - Suivi - 269630

Dear Me Dyotte,

I was unable to rent a truck on short notice. However, my son-in-law will lend me one for Thursday.

I have attached a list of all my current files with the details of all upcoming dates. I have electronic versions of the current files. I am making an electronic folder to send by We Transfer with all the current files. These are all the urgent files.

As you know the Judge yesterday simply stated that he did not have jurisdiction. The Judge urged me to file a motion to quickly in the Professions Tribunal. I need to have time to prepare this motion. Therefore, I would ask that you please kindly accept this in the meantime.

May I remind you that the judgment does not stipulate "nonobstant appel". Therefore, you are reading words into the conclusions.

Perhaps you should review the Disciplinary file with Me Thibault. She argued the judgment applied forever because of her idea that the conclusions of the judgment used the file number therein. Based on even the conclusions it was clear from the judgment (copy attached) that it only applied to the joint trial. Justice Labrie discussed cross-examination of the co-accused which only happens at a joint trial. Justice Labrie confirmed my interpretation 2 years later in February 2023, just 3 days before you opened file against me in the Chtourou case.

Please kindly stop threatening me as I am doing my best to provide the necessary files in an orderly format. Moreover, as I explained Leila agreed to take the civil and family files. The only files she cannot take are the criminal files, which Me Dubreuil will take. Me Dubreauil told my clients to call him directly.

Yours very truly,

Jacqueline Sanderson

On Tuesday, August 27, 2024 at 02:32:58 p.m. EDT, Sébastien Dyotte <sdyotte@barreau.qc.ca> wrote:

Madame,

Il est maintenant 14h30 et nous sommes toujours dans l'attente de vos dossiers conformément à l'engagement que vous avez pris ce matin.

Vous devez me prévenir de votre arrivée afin que quelqu'un au Bureau du syndic puisse vous accueillir et récupérer vos dossiers en mains propres.

Prenez note que nos bureaux ferment à 16h30.

Soyez dès à présent avisée qu'à défaut de respecter l'engagement que vous avez pris de nous apporter tous vos dossiers aujourd'hui, **une prise de possession sera effectuée au 200 Alexandre-De Prouville à Candiac sans autre avis ni délai**.

VEUILLEZ AGIR EN CONSÉQUENCE.

<image001.gif>

M^e Sébastien Dyotte | Avocat & Syndic adjoint
T : 514 954-6903 | Sans frais : 1 800 361-8495 | **F :** 514 954-3478
Maison du Barreau | 445, boul. Saint-Laurent, Montréal QC H2Y 3T8
www.barreau.qc.ca

De : Jackie Sanderson <jackieclairesanderson@yahoo.ca>
Envoyé : 27 août 2024 10:18
À : Sébastien Dyotte <SDYOTTE@barreau.qc.ca>
Cc : Sophie Gratton <sgratton@sarrazinplourde.com>; Patricia Joseph <PJOSEPH@barreau.qc.ca>;

SY-BP-Enquete4.mtl <enquete4.mtl@barreau.qc.ca>; Sarto Landry <sartolandry@gmail.com>
Objet : Re: Radiation exécutoire - Suivi - 269630

Dear Sir,

I have almost finished the list of active files. Me Kadri is on vacation and so is Me Antoine Dubreuil. I was supposed to meet Leila on Friday at 2:00 PM.

However, if you want me to rent a truck and bring all my files to you this afternoon I will. I would prefer to do it that way as opposed to you coming to my house. Moreover, I can also bring you all my client files on an external hard drive.

Nevertheless, it would be in the best interest of my clients that I sit down with Leila on Friday and go through all the files and she decides which ones that she can manage and that she wants to keep.

Yours very truly,

Jacqueline Sanderson

200 Alexandre-De Prouville Street

Carignan (Quebec) J3L 6X2

cell phone: 514.473.5725

On Tuesday, August 27, 2024 at 09:54:20 a.m. EDT, Sébastien Dyotte <sdyotte@barreau.qc.ca> wrote:

Madame,

Cette réponse est inacceptable, car depuis mercredi passé vous n’avez plus le droit d’être en possession de ces dossiers, et vous êtes en défaut de respecter le délai initial du 22 août 2024 à midi qui vous avait été octroyé pour la remise de vos dossiers ou le transfert à un cessionnaire.

En vertu de l'article 9 du *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats*, vous deviez avoir une liste à jour de vos dossiers actifs et vos dossiers fermés au cours des sept dernières années. Par conséquent je réitère ma demande d'avoir cette information **avant midi aujourd'hui.**

D'autre part, vous aviez annoncé dans un premier temps trois (3) cessionnaires que vous aviez identifiés et vous nous soumettez cette fois-ci un nouveau nom de cessionnaire. Ces informations contradictoires n'ont rien de rassurant du point de vue de la protection du public.

Considérant ce qui précède, si vous faites défaut de respecter le délai accordé, soyez dès à présent avisée que **nous procéderons à une prise de possession à votre domicile professionnel du 200 Alexandre-De Prouville à Carignan, sans autre avis ni délai.**

VEUILLEZ AGIR EN CONSÉQUENCE.

<image001.gif>

M^e^ Sébastien Dyotte | Avocat & Syndic adjoint
T : 514 954-6903 | Sans frais : 1 800 361-8495 | **F :** 514 954-3478
Maison du Barreau | 445, boul. Saint-Laurent, Montréal QC H2Y 3T8
www.barreau.qc.ca
Avant l'impression, pensez-y... Est-ce vraiment nécessaire?

De : Jackie Sanderson <jackieclairesanderson@yahoo.ca>
Envoyé : 26 août 2024 18:14
À : Sébastien Dyotte <SDYOTTE@barreau.qc.ca>
Cc : Sophie Gratton <sgratton@sarrazinplourde.com>; Patricia Joseph <PJOSEPH@barreau.qc.ca>; SY-BP-Enquete4.mtl <enquete4.mtl@barreau.qc.ca>
Objet : Re: Radiation exécutoire - Suivi - 269630

Dear Me Dyotte,

I have advised almost all the clients. I will send you a list by Friday. I cannot do it by tomorrow.

I am meeting Leila Kadri on Friday at 2:00 PM at my house who has agreed to take my files other than for the ones who have taken back their files.

I am sorry for the delay.

Yours very truly,

Jacqueline Sanderson

On Monday, August 26, 2024 at 03:54:50 p.m. EDT, Sébastien Dyotte <sdyotte@barreau.qc.ca> wrote:

Madame,

Je ne commencerai pas un long débat épistolaire avec vous. La décision est limpide et vous le savez très bien. Mais une fois de plus, vous refusez de reconnaître et soutenir l'autorité des tribunaux.

Le fait que vous soyez radiée ne vous donne plus aucun droit d'être ne possession des dossiers de vos anciens clients. Par conséquent, je réitère que je dois avoir toutes les informations demandées, incluant votre liste, au plus tard demain midi. À défaut de collaboration de votre part, nous devrons procéder à une prise de possession. Ce n'est pas vous qui allez dicter la marche à suivre.

Le Barreau n'impose pas d'avocat il est vrai, mais dans le cas d'une radiation, les dossiers **doivent** :

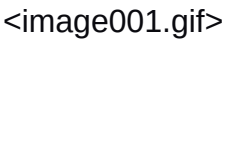
1. Être remis aux clients; ou
2. Être transférés à un cessionnaire; ou
3. Être repris par le Barreau.

Et cette opération doit se faire dans les meilleurs délais afin de ne pas préjudicier vos anciens clients.

Considérant ce qui précède, je réitère ma demande d'avoir toutes les informations demandées **d'ici à demain midi**.

Votre collaboration est requise immédiatement pour assurer une transition des dossiers sans préjudice à vos anciens clients.

Cordialement,



M^e^ Sébastien Dyotte | Avocat & Syndic adjoint
T : 514 954-6903 | Sans frais : 1 800 361-8495 | **F :** 514 954-3478
Maison du Barreau | 445, boul. Saint-Laurent, Montréal QC H2Y 3T8
www.barreau.qc.ca
Avant l'impression, pensez-y... Est-ce vraiment nécessaire?

De : Jackie Sanderson <jackieclairesanderson@yahoo.ca>
Envoyé : 26 août 2024 15:32
À : Sébastien Dyotte <SDYOTTE@barreau.qc.ca>
Cc : Sophie Gratton <sgratton@sarrazinplourde.com>; Patricia Joseph <PJOSEPH@barreau.qc.ca>; SY-BP-Enquete4.mtl <enquete4.mtl@barreau.qc.ca>
Objet : Re: Radiation exécutoire - Suivi - 269630

Dear Me Dyotte,

My files that I intend to retain in tax are in no manner related to tax litigation. I am allowed to do tax consulting.

As you know section 161 specifically states that the judgment must be "nonobtant appel" and the conclusions do not.

I am not able to organize your list that fast and require a longer delay. My clients are free to choose the lawyer that they want. Neither you nor the Barreau can impose the lawyer who will take the case.

The Judge simply stated that he did not have jurisdiction which is not the same as what you wrote below. You are trying to distort the judgment as you have been doing all week. It would be better for you to attend the hearings if you wish to paraphrase the Judge.

Yours very truly,

Jacqueline Sanderson

On Monday, August 26, 2024 at 12:30:12 p.m. EDT, Sébastien Dyotte <sdyotte@barreau.qc.ca> wrote:

Madame,

Veuillez trouver ci-joint une lettre qui requiert votre attention immédiate.

VEUILLEZ AGIR EN CONSÉQUENCE.

M^e^ Sébastien Dyotte | Avocat & Syndic adjoint
T : 514 954-6903 | Sans frais : 1 800 361-8495 | **F :** 514 954-3478
Maison du Barreau | 445, boul. Saint-Laurent, Montréal QC H2Y 3T8
www.barreau.qc.ca

Motion to transfer files to Leila Kadri.pdf
91.2kB

Barreau du Québec

Bureau du syndic
445, boulevard Saint-Laurent
Montréal (Québec) H2Y 3T8
514-954-3411 – 1 844 954-3411 – F 514-954-3478
www.barreau.qc.ca

PAR COURRIER ÉLECTRONIQUE : lkadri@outlook.com

Ligne directe : (514) 954-6903
Courriel : sdyotte@barreau.qc.ca

PERSONNEL et CONFIDENTIEL

Le 28 août 2024

Me Leila Kadri
390 Boulevard Henri-Bourassa Ouest
Bureau 300
Montréal QC H3L3T5

OBJET : Me Sébastien Dyotte c. « Me » Jacqueline Sanderson
Plainte disciplinaire # 06-23-03434
N/D : 2023-00269630-DYO

Maître,

La présente fait suite à notre entretien téléphonique de ce jour.

Nous comprenons que malgré avoir stipulé par courriel reçu ce matin que vous seriez la cessionnaire de « tous les dossiers » de Madame Sanderson, vous seriez uniquement disposée à prendre les dossiers de nature familiale et possiblement quelques dossiers civils. Vous ne faites aucun droit pénal ou criminel.

Nous comprenons que vous aller tenter de convoquer Madame Sanderson à vos bureaux demain afin qu'elle vous explique certains dossiers. Comme le soussigné vous a expliqué au téléphone, il est impératif que vous preniez rapidement position et identifier les dossiers que vous allez garder afin que, de notre côté, nous puissions contacter les clients « orphelins » sans délai pour qu'ils récupèrent rapidement leur dossier et se trouvent un avocat afin qu'ils ne perdent pas de droits.

Nous vous demandons donc de nous aviser dans les meilleurs délais et **au plus tard le jeudi 29 août 2024 à 17h** afin que nous prenions les démarches appropriées dans les dossiers que vous ne prendrez pas.

Je joins tel que discuté un modèle de lettre qui pourra être envoyé aux clients dont vous serez la cessionnaire.

Barreau de Québec

Radiation exécutoire – Plainte 06-23-03434
N/D : 269630

En terminant, il est important de vous rappeler que Madame Sanderson, une fois votre rencontre de demain effectuée, ne pourra plus intervenir à quelque titre que ce soit dans les dossiers. Pour éviter toute ambiguïté, je vous cite l'article 124 de la Loi sur le Barreau :

> *Un avocat qui prête son nom à une personne devenue inhabile à exercer la profession ou à toute autre personne qui n'est pas avocat, ou qui lui permet d'employer son nom pour exécuter un acte réservé à un avocat, ou qui emploie ou garde à son emploi une personne radiée du Tableau ou destituée comme notaire ou qui tolère, sans raison valable, sa présence dans son étude, commet un acte dérogatoire et est passible des sanctions prévues à l'article 156 du Code des professions (chapitre C-26)*

Je compte sur votre collaboration pour vous assurer du respect de cette disposition légale.

Si vous avez des questions relativement à ce qui précède, n'hésitez pas à communiquer avec le soussigné.

Veuillez recevoir l'expression de nos sentiments les meilleurs.

Me SÉBASTIEN DYOTTE
Syndic adjoint

SD/ms

c.c. Madame Jacqueline Sanderson
Madame Patricia Joseph, Inspectrice au Bureau du Syndic

p.j. Modèle de lettre aux clients

PERSONNEL ET CONFIDENTIEL

Le (date)

Mme ou M.

OBJET: Votre dossier:

Madame ou Monsieur,

La présente a pour but de vous informer que Madame Jaqueline Sanderson n'est plus membre du Barreau du Québec depuis sa radiation temporaire effective à compter du 21 août dernier et est donc dans l'impossibilité d'agir dans le cadre du mandat que vous lui aviez confié.

La soussignée a accepté d'agir à titre de cessionnaire et a repris possession du dossier que Madame Sanderson possédait en votre nom.

Dans les circonstances, vous avez l'obligation de vous trouver un nouvel avocat ou de comparaître personnellement, dans les plus brefs délais, si un dossier est existant devant un tribunal.

Vous avez l'entière liberté de confier votre dossier à l'avocat de votre choix.

Nous vous demandons donc d'entrer en communication avec la soussignée dès la réception de la présente, afin de nous indiquer à quel moment vous souhaitez récupérer votre dossier à notre bureau ou à quel avocat ledit dossier doit être acheminé.

Par ailleurs, si c'est ce que vous désirez, il est possible de confier le mandat de vous représenter à la soussignée.

Dans l'attente d'une communication de votre part, veuillez agréer, Madame / Monsieur, l'expression de nos sentiments les plus distingués.

M^{e} Leila Kadri

C A N A D A

PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

C O U R S U P É R I E U R E
(Chambre civile)

Nº : 500-17-129627-249

JACQUELINE SANDERSON, résidant au 200, rue Alexandre de Prouville, Carignan, Québec, J3L 6X2,

Demanderesse

c.

Me SÉBASTIEN DYOTTE, *es qualité* de syndic adjoint du Barreau du Québec, exerçant ses fonctions au 445, boulevard Saint-Laurent, Montréal, Québec, H2Y 3T8

Mis en cause – requérant

DEMANDE *SUI GENERIS* POUR PERMETTRE LA PRISE DE POSSESSION DES DOSSIERS D'UNE AVOCATE RADIÉE DU TABLEAU DE L'ORDRE DES AVOCATS

(Art.25, 49 du C.p.c. et art. 192 du *Code des professions*, art. 77 du *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats*, RLRQ c B-1, r.5)

À L'UN DES HONORABLES JUGES DE LA COUR SUPÉRIEURE, SIÉGEANT EN SON BUREAU OU EN DIVISION DE PRATIQUE, LE MIS EN CAUSE-REQUÉRANT EXPOSE CE QUI SUIT :

1. Par la présente, le Mis en cause-requérant sollicite l'assistance de la Cour supérieure dans le cadre du rôle qui lui est confié par le *Code des professions*, RLRQ, c. C-26 (le « ***Code des professions*** ») visant à protéger le public;

2. Plus particulièrement, tel que plus amplement expliqué ci-après, le Mis en cause-requérant demande l'émission d'ordonnances afin de lui permettre de prendre possession de tous les dossiers professionnels actifs ou fermés de Jacqueline Sanderson, avocate radiée, qui sont sous format électronique (les « **Dossiers** »);

A) Les parties

3. Le Mis en cause-requérant, Me Sébastien Dyotte, est syndic adjoint du Barreau du Québec, qui a pour principale fonction d'assurer la protection du public;

4. La Demanderesse, Jacqueline Sanderson, a été radiée du Tableau de l'Ordre des avocats le 20 août 2024 ~~;~~

B) Les faits pertinents

5. Le 30 novembre 2023, le Conseil de discipline du Barreau du Québec déclare Jacqueline Sanderson coupable de l'ensemble des 6 chefs de la plainte No 06-23-03434 déposée par Me Sébastien Dyotte, en sa qualité de syndic adjoint du Barreau du Québec;

6. La plainte disciplinaire fait état des reproches suivants :

> Chef 1 : ne pas soutenir l'autorité des tribunaux et agir de manière à porter préjudice à l'administration de la justice;
>
> Chef 2 : avoir publié, diffusé, communiqué ou transmis des allégations dans le cadre d'une procédure judiciaire, en sachant ou devant savoir que ces allégations sont fausses;
>
> Chef 3 : ne pas avoir soutenu l'autorité des tribunaux, avoir agi de manière à porter préjudice à l'administration de la justice et ne pas avoir favorisé le maintien du lien de confiance entre le public et l'administration de la justice;
>
> Chef 4 : avoir usé de pratiques déloyales et avoir eu un comportement à l'égard d'une autre avocate susceptible de surprendre sa bonne foi, et avoir également critiqué sans retenue ou sans fondement la compétence, le comportement et la qualité des services de cette avocate;
>
> Chef 5 : ne pas avoir pas soutenu l'autorité des tribunaux, avoir agi de manière à porter préjudice à l'administration de la justice et ne pas avoir favorisé le maintien du lien de confiance entre le public et l'administration de la justice;
>
> Chef 6 : avoir fait défaut de conserver une copie intégrale du dossier de son client;

7. Les 28 et 31 mai 2024, l'audition sur sanction dans le dossier No 03-23-03434 est tenue;

8. Le 19 juillet 2024, le Conseil de discipline rend la décision sur sanction et impose à Jacqueline Sanderson des périodes de radiation temporaire totalisant 22 mois, le tout tel qu'il appert du paragr. 179 de la Décision sur sanction, **pièce P-2**.;

9. Le Conseil de discipline ordonne l'exécution provisoire de la décision dès sa signification à la Demanderesse, et ce nonobstant appel, tel qu'il appert des paragr. 16, 208 et 217 de la Décision sur sanction **pièce P-2** :

10. Le 20 août 2024, la Décision sur sanction est signifiée à Jacqueline Sanderson, et son nom est radié du Tableau de l'Ordre du Barreau du Québec;

11. Le 20 août 2024, la Demanderesse produit au Tribunal des professions une Déclaration d'appel des décisions sur culpabilité et sur sanction, tel qu'il appert de la Déclaration d'appel en **pièce P-3;**

12. Le 21 août 2024, alors que la Demanderesse ne demande pas le sursis de l'exécution de la sanction dans sa Déclaration d'appel, elle notifie au Mis en cause-requérant une demande pour sa réinscription au Tableau de l'ordre du Barreau du Québec, tel qu'il appert du dossier de la Cour;

13. Le 26 août 2024, la demande de réinscription est rejetée par l'honorable juge Castonguay, j.c.s. qui conclut à l'absence de compétence de la Cour supérieure pour celle-ci, tel qu'il appert du procès-verbal au dossier de la Cour ;

14. Dès le 21 août 2024, la Demanderesse est avisée par le Mise en cause-requérant qu'elle n'a plus le droit d'être en possession de ses dossiers clients, actifs ou inactifs, et de son obligation de les céder;

15. Le 26 août 2024, confronté au manque de collaboration de la Demanderesse, le Mis en cause lui accorde jusqu'au 27 août 2024 à midi pour lui remettre les informations demandées, tel qu'il appert de la lettre en **pièce R-1** ;

16. Le 27 août 2024, la Demanderesse informe le Mise en cause -requérant qu'elle va lui transférer via We transfer ses dossiers électroniques urgents, tel qu'il appert du courriel **en pièce P-4**;.

17. Le 28 août 2024, la Demanderesse remet 16 boites contenant des dossiers sous format papier à Mme Patrice Joseph, inspectrice-enquêtrice du Bureau du Syndic, et M. Denis Bédard, inspecteur-enquêteur du Bureau du Syndic, tel qu'il appert du rapport en **pièce R-2**;

18. La Demanderesse a refusé de signer pour valoir signification l'Avis de prise de possession daté du 27 août 2024, ainsi que de signer le procès-verbal de la prise de possession, tel qu'il appert du rapport **en pièce R-2**;

19. Malgré l'Avis de prise de possession et les demandes verbales des inspecteurs-enquêteurs, la Demanderesse a refusé de remettre à ces derniers ses dossiers électroniques;

20. Le 28 août 2024, Me Leila Kadri, informe le Mise en cause-requérant qu'elle ne prendra en charge que les dossiers de nature familiale et possiblement quelques dossiers civils, celle-ci ne pratiquant pas en droit pénal ou criminel, tel qu'il appert de la lettre en **pièce R-3**;

21. En date des présentes, le Mis en cause-requérant n'a pas été mis en possession de l'ensemble des Dossiers de la Demanderesse et considérant le comportement de celle-ci jusqu'à ce jour, il sera impossible d'en prendre possession sans que les ordonnances recherchées ne soient émises;

C) L'intérêt du Mis en cause-requérant

22. La mission première des ordres professionnels, dont le Barreau du Québec, est d'assurer la protection du public;

23. Dans l'exercice de ses fonctions, le Mis en cause-requérant a le pouvoir d'accéder à tout dossier tenu par un professionnel, d'en requérir la remise ou d'en prendre copie, et ce malgré toute obligation de confidentialité à laquelle est tenu le professionnel conformément à l'article 192 du *Code des professions*;

24. Plus précisément, le Mis en cause-requérant, à titre de syndic adjoint, est en droit, voire à l'obligation de prendre possession des dossiers, livres et registres d'un membre du Barreau qui est radié afin d'assurer notamment la protection des droits des clients de celui-ci conformément à l'article 76 par. 2 de la *Loi sur le Barreau*;

25. L'objectif de cette prise de possession est de confier les Dossiers à d'autres membres du Barreau du Québec ou de les remettre aux clients concernés, et ce immédiatement afin d'assurer la protection des intérêts de ces derniers;

26. Le Mis en cause-requérant est en droit de demander l'assistance du tribunal dans l'exécution de ses fonctions et dans le but de protéger l'intérêt du public;

27. Les « dossiers », conformément au *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats* incluent non seulement les dossiers sur support papier, mais également ceux sur support faisant appel aux technologies de l'information (les « dossiers électroniques »);

28. La Cour supérieure a le pouvoir d'émettre toute ordonnance appropriée afin de permettre au Barreau du Québec d'assurer sa mission de protection du public telle que confiée par le Législateur;

29. Par conséquent, eu égard au rôle qui lui incombe de protéger le public et de minimiser tout dommage que ce dernier pourrait subir, le Mis en cause-requérant a un droit clair et l'intérêt nécessaire pour solliciter les ordonnances ci-après requises;

D) Les ordonnances requises

30. À titre d'avocate radiée, la Demanderesse n'a plus aucun droit d'être en possession de ses dossiers, qu'ils soient sur support papier ou électronique;

31. Il s'ensuit qu'une prise de possession des dossiers par le Bureau du Syndic implique également la suppression desdits dossiers électroniques sur les équipements technologiques de la Demanderesse, sur les équipements technologiques auxquels elle a accès, ainsi que sur tout serveur, y compris ceux de nature virtuelle (cloud) auxquels elle a accès;

32. Il est manifeste que la Demanderesse n'a aucune intention de remettre volontairement et en temps opportun l'ensemble de ses dossiers, refusant expressément de remettre les dossiers électroniques au Mis en cause-requérant ou à un représentant du Bureau du syndic du Barreau et refusant leur suppression;

33. À moins que des ordonnances ne soient rendues selon les conclusions recherchées, un préjudice sérieux et irréparable sera ou pourra être subi par les ex-clients de la Demanderesse, que le Mis en cause-requérant a comme mission première de protéger;

34. La perte de droits potentiels des ex-clients de la Demanderesse rend donc urgent le prononcé d'ordonnances effectives immédiatement et nonobstant appel, selon les conclusions demandées ci-après ;

35. Dans les circonstances, le Mis en cause-requérant n'a à sa disposition aucun autre recours aussi approprié, avantageux et efficace que les ordonnances recherchées;

36. La Demanderesse ne subira aucun préjudice si les ordonnances recherchées sont accordées puisqu'elle était de toute façon disposée à les remettre tel qu'il appert de son courriel en pièce R-4, mais n'a jamais donné suite à cet engagement;

37. La balance des inconvénients est par ailleurs clairement en faveur du Mis en cause-requérant;

38. La Demanderesse ne subira aucun inconvénient, puisqu'elle n'est plus membre de l'Ordre et par conséquent plus autorisée à détenir les dossiers, lesquels n'ont plus aucune utilité pour elle maintenant qu'elle est radiée.

39. La cause d'action a pris naissance dans le district judiciaire de Montréal et la présente demande est bien fondée en faits et en droit.

POUR CES MOTIFS, PLAISE À LA COUR :

[1] **AUTORISER** la prise de possession de tous les dossiers professionnels actifs ou fermés de Jacqueline Sanderson qui sont sur support électronique, ainsi que de tous les documents qui lui ont été confiés à titre d'avocat,qui sont également sur support électronique (les « **Dossiers** »),

[2] **PERMETTRE** à un représentant du Bureau du syndic, assisté d'un huissier de justice, d'avoir accès au domicile professionnel de Jacqueline Sanderson qui est également sa résidence principale et/ou à tous casiers, remises, tiroirs et mini-entrepôt s'y trouvant pour prendre possession immédiate des Dossiers, ainsi que de tout ordinateur, système de stockage (incluant les serveurs de type nuagiques), téléphone intelligent ou tablette électronique relié à l'exercice de la profession d'avocat de Jacqueline Sanderson (les « **Équipements technologiques** »);

[3] **DÉCLARER** que la prise de possession implique la suppression des Dossiers sur les Équipements technologiques

[4] **PERMETTRE** à l'huissier de se faire assister par tout serrurier afin d'avoir accès et d'ouvrir toute porte, filière et coffret, et de demander l'assistance des forces de l'ordre si nécessaire;

[5] **ORDONNER** à Jacqueline Sanderson, d'informer et de dire au Syndic adjoint, Me Sébastien Dyotte dès signification de la présente ordonnance, où sont situés tous les Dossiers et Équipements technologiques;

[6] **ORDONNER** à Jacqueline Sanderson, de remettre tous les Dossiers et Équipements technologiques au Syndic adjoint, Me Sébastien Dyotte, ainsi que les mots de passes relatifs à ces derniers;

[7] **PERMETTRE** à l'huissier de se faire assister par tout technicien informatique afin d'extraire les Dossiers des Équipements technologiques;

[8] **PERMETTRE**, si selon le technicien en informatique, il n'est pas possible de reproduire dans un temps raisonnable les Dossiers contenues dans les Équipements technologiques, d'emporter ces derniers avec lui dans le but d'extraire les Dossiers et de remettre à Jacqueline Sanderson, les Équipements technologiques aussitôt la copie des Dossiers complétée;

[9] **AUTORISER** la prise de possession en dehors des jours et heures légaux;

[10] **ORDONNER** que tous les dossiers professionnels actifs ou fermés de Jacqueline Sanderson soient confiés à la garde du Syndic adjoint, Me Sébastien Dyotte et/ou de l'Inspectrice du Bureau du syndic;

[11] **PERMETTRE** au Syndic adjoint, Me Sébastien Dyotte, de traiter, conserver, disposer et confier, s'il y a lieu, à d'autres membres du Barreau du Québec les Dossiers et/ou les remettre aux clients concernés;

[12] **RENDRE** toute autre ordonnance que cette honorable Cour estimera juste et pertinente;

[13] **RÉSERVER au** Syndic adjoint, Me Sébastien Dyotte tous ses autres droits et recours contre Jacqueline Sanderson;

[14] **ORDONNER** l'exécution provisoire, nonobstant appel;

[15] **LE TOUT** avec les frais de justice.

MONTRÉAL, le 29 août 2024

Sarrazin Plourde

SARRAZIN PLOURDE s.a.
Avocats du mis en cause – requérant

Nº : 500-17-129627-246

COUR SUPÉRIEURE
(Chambre civile)
DISTRICT DE MONTRÉAL

JACQUELINE SANDERSON
Demanderesse

c.

ME SÉBASTIEN DYOTTE, *es qualité* de syndic adjoint du Barreau du Québec
Mis en cause – requérant

DEMANDE *SUI GENERIS* POUR PERMETTRE LA PRISE DE POSSESSION DES DOSSIERS D'UNE AVOCATE RADIÉE DU TABLEAU DE L'ORDRE DES AVOCATS
(Art.25, 49 du C.p.c. et art. 192 du *Code des professions*, art. 77 du *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats*, RLRQ c B-1, r.5)

ORIGINAL SUR SUPPORT TECHNOLOGIQUE

Me Sophie Gratton | Tél. 514-360-4354
sgratton@sarrazinplourde.com
N\D :0026-0040 BS2547

CANADA
PROVINCE DE QUÉBEC
District : Montréal
N° : **500-17-129627-249**

PROCÈS-VERBAL D'AUDIENCE

PROCÈS-VERBAL D'AUDIENCE
☐ instruction ☒ contesté
☐ par défaut ☐ non contesté

☒ **COUR SUPÉRIEURE**
☐ **COUR DU QUÉBEC**
Chambre ☒ civile ☐ familiale ☐ commerciale

JACQUELINE SANDERSON — DEMANDEUR

CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC — DÉFENDEUR

ME SÉBASTIEN DYOTTE, ESQUALITÉ DE SYNDIC ADJOINT DU BARREAU DU QUÉBEC — MIS EN CAUSE

Division Pratique Salle n° 2.13

DATE Le 29 août 2024

PRÉSENT : L'Honorable David E. Roberge, J.C.S. (JR2070)

AM

DÉBUT 10h27
FIN 11h07

☒ DEMANDEURS
☒ PRÉSENT ☐ ABSENT

Me Jacqueline Sanderson (Présentiel- se représente toute seule)
jackieclairesanderson@yahoo.ca

☒ DÉFENDEURS
☐ PRÉSENT ☒ ABSENT

Me Sophie Gratton (Présentiel)
sgratton@sarrazinplourde.com

Me Émy Riou (Présentiel)
ariou@sarrazinplourde.com

NATURE DE LA CAUSE (et séquence) : Demande autorisation prise de possession (#012)
Urgent application to order the transfer of all the files of Jacqueline Sanderson (#NC)

GREFFIER : Ibtissam Rachklou, g.a.C.S.

10 h 27	Ouverture de l'audience
10 h 27	Identification de la cause et des procureures
10 h 28	Représentations de Mme Sanderson
10 h 24	**SUSPENSION** de l'audience
11 h 05	**REPRISE** de l'audience
11 h 38	Représentation de Mme Sanderson

SJ-256-1 (2015-06)

CANADA
PROVINCE DE QUÉBEC
District : Montréal
N° : **500-17-129627-249**

PROCÈS-VERBAL D'AUDIENCE

11 h 11	Témoin **(Français) :** Jacqueline Sanderson 200 rue Alexandre-De Prouville Carignan QC J3L 6X2 **Assermentée**
11 h 15	**Objection** de Me Gratton à la référence de Mme Sanderson aux déclarations d'autres avocats
11 h16	**Objection retenue : ouï-dire**
11 h 18	**Objection** de Me Gratton à la référence de Mme Sanderson aux déclarations de ses clients
11 h 18	**Objection retenue : ouï-dire**
11 h 22	Question du tribunal pour Mme Sanderson
11 h 22	**Contre-interrogatoire** de Mme Sanderson par Me Gratton
11 h 24	**Fin de témoignage de Mme Sanderson**
11 h 24	Représentations de Mme Sanderson
11 h 28	Échanges entre le Tribunal et Mme Sanderson
11 h 33	Me Gratton indique que Mme Sanderson témoigne alors qu'elle est dans son argumentation
11 h 34	Représentations de Mme Sanderson
11 h 54	Représentations de Me Gratton
12 h 00	Me Gratton réfère à la pièce **R-2**
12 h 01	**Objection** de Mme Sanderson
12 h 02	Le Tribunal note que le mis en cause souhaite produire les pièces au soutien de sa demande *suis generis* du 29 août 2024. Mme Sanderson soulève une objection à la production de la pièce R-2 au motif de ouï-dire. **Cette objection est prise sous-réserve.**
12 h 03	Me Gratton réfère à la pièce **R-4**
12 h 08	**Objection** de Mme Sanderson
12 h 08	Me Gratton indique que ce sont les courriels de Mme Sanderson auxquels elle réfère
12 h 11	Me Gratton réfère à l'onglet 7 du cahier des autorités
12 h 12	Me Gratton réfère aux articles 29 et 45 du C.p.c
12 h 12	Me Gratton réfère aux paragraphes 29 et 30 à l'onglet 2 du cahier des autorités
12h 15	Me Gratton réfère à l'article 76 de la *Loi sur le Barreau* à l'onglet 7 du cahier des autorités

CANADA
PROVINCE DE QUÉBEC
District : Montréal
N° : **500-17-129627-249**

PROCÈS-VERBAL D'AUDIENCE

12 h 16	Me Gratton réfère à l'article 77 du *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats* à l'onglet 7 du cahier des autorités
12 h 16	Me Gratton réfère à l'article 80 du *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats* à l'onglet 7 du cahier des autorités
12 h 18	Question du Tribunal pour Me Gratton
12 h 19	Réplique de Me Gratton
12 h 19	Me Gratton réfère à l'article 1 du *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats* à l'onglet 7 du cahier des autorités
12 h 23	Me Gratton réfère au paragraphe 179 de la décision sur sanction
12 h 24	Me Gratton réfère à la pièce **P-1**
12 h 28	Question du Tribunal pour Me Gratton
12 h 29	Échange entre le Tribunal, Me Gratton et Mme Sanderson
12 h 31	Question du Tribunal pour Me Gratton par rapport à l'exécution provisoire nonobstant appel
12 h 31	Représentations de Mme Sanderson
12 h 32	Question de Mme Sanderson
12 h 32	Réplique de Mme Sanderson
12 h 44	**SUSPENSION** de l'audience
14 h 22	**REPRISE** de l'audience
14 h 22	Représentation de Mme Sanderson
14 h 23	Représentations de Me Gratton
14 h 25	**JUGEMENT** Jugement annexé au procès-verbal Ibtissam Rachklou, g.a.c.s.
14 h 27	**Fin de l'audience.**

JUGEMENT – ANNEXE AU PROCÈS-VERBAL

[1] **CONSIDÉRANT** la Demande de la demanderesse pour transférer ses dossiers professionnels à une avocate, suivant la décision du Conseil de discipline du Barreau du Québec datée du 19 juillet 2024 de la radier pour une période totale de 22 mois, en vigueur depuis le 20 août 2024;

[2] **CONSIDÉRANT** que la demanderesse a fait valoir un recours à ce sujet auprès du Tribunal des Professions, à titre de forum compétent, sans demande de sursis;

[3] **CONSIDÉRANT** qu'aucune décision n'a été rendue à ce jour par le Tribunal des Professions;

[4] **CONSIDÉRANT** le rôle dévolu au Syndic du Barreau du Québec pour la protection du public et plus particulièrement l'art. 192 du *Code des professions*, l'art. 76(2) de la *Loi sur le Barreau* et l'article 77 du *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats*, lui permettant notamment de prendre possession de tout dossier d'un avocat dont le droit d'exercice est révoqué ou en impossibilité d'agir;

[5] **CONSIDÉRANT** la demande *sui generis* du mis en cause, à titre de Syndic adjoint du Barreau du Québec, pour obtenir les dossiers professionnels de la demanderesse, et vu la déclaration sous serment de Me Sébastien Dyotte et les pièces au soutien de sa requête;

[6] **CONSIDÉRANT** que le rapport d'inspection pièce R-2, sous objection, contient une certaine part de ouï-dire inadmissible mais que la demanderesse reconnaît ne pas avoir remis à ce jour l'ensemble de ses dossiers professionnels au Barreau du Québec, plus particulièrement ses dossiers électroniques;

[7] **CONSIDÉRANT** que le *Règlement sur la comptabilité et les normes d'exercice professionnel des avocats* défini le contenu du « dossier », incluant un volet électronique;

[8] **CONSIDÉRANT** les pouvoirs de la Cour supérieure afin d'émettre toute ordonnance appropriée, notamment afin de prêter concours à un organisme tel le Syndic du Barreau du Québec dans un objectif de protéger l'intérêt du public (*Gauthier* c. *Guimont*, 2010 QCCA 2011);

[9] **CONSIDÉRANT** le droit clair du mis en cause face aux ordonnances qu'il sollicite;

[10] **CONSIDÉRANT** que le recours de la demanderesse entrepris auprès du Tribunal des Professions analysera les décisions rendues par le Conseil de discipline du Barreau du Québec à partir de la preuve constituée dans ledit dossier, auquel la demanderesse peut avoir accès, afin d'exercer son droit à se défendre;

[11] **CONSIDÉRANT** que les autres motifs soumis par la demanderesse pour conserver ses dossiers professionnels ne justifient pas sa demande, celle-ci n'ayant plus à ce jour les privilèges de l'avocat de détenir même des dossiers inactifs de clients et, au contraire, considérant que la demanderesse fait certaines déclarations préoccupantes qu'elle pourrait utiliser pour son bénéfice des informations protégées par le secret professionnel;

[12] **CONSIDÉRANT** que le prétendu cessionnaire pour recueillir les dossiers de la demanderesse, Me Leila Kadri, ne prendrait pas charge de l'ensemble des dossiers de la demanderesse, ce qui à tout événement ne pourrait empêcher le Syndic du Barreau du Québec d'exercer ses fonctions de protection du public;

[13] **CONSIDÉRANT** l'urgence d'émettre une ordonnance, vu le risque de préjudice pour des anciens clients de la demanderesse;

[14] **CONSIDÉRANT** que la demande de délai additionnel de la demanderesse apparaît dilatoire;

[15] **CONSIDÉRANT** qu'il est approprié d'ordonner l'exécution provisoire nonobstant appel du présent jugement, vu le risque de préjudice réel pour des justiciables, l'absence de collaboration de la demanderesse et considérant la protection de l'intérêt du public;

POUR CES MOTIFS, LE TRIBUNAL :

[16] **REJETTE** la « Urgent Application of the Plaintiff to order the transfer of all the files of Jacqueline Sanderson, previous member of the Barreau, to Mtre Leila Kadri, as cessionnaire and to allow Sanderson to transfer her files to her", datée du 28 août 2024;

[17] **ACCUEILLE** la Demande *sui generis* pour permettre la prise de possession des dossiers d'une avocate radiée du Tableau de l'ordre des avocats, datée du 29 août 2024;

[18] **AUTORISE** la prise de possession de tous les dossiers professionnels actifs ou fermés de Jacqueline Sanderson qui sont sur support électronique, ainsi que tous les documents qui lui ont été confiés à titre d'avocate, qui sont également sur support électronique (les « **Dossiers** »);

[19] **PERMET** à un représentant du Bureau du syndic du Barreau du Québec, assisté d'un huissier de justice, d'avoir accès au domicile professionnel de Jacqueline Sanderson qui est situé dans sa résidence principale et/ou à tous casiers, remises, tiroirs et mini-entrepôt s'y trouvant pour prendre possession immédiate des Dossiers, ainsi que de tout ordinateur ou système de stockage (incluant les serveurs de type nuagiques) reliés à l'exercice de la profession d'avocate de Jacqueline Sanderson (les « **Équipements technologiques** »);

[20] **DÉCLARE** que la prise de possession implique la suppression des Dossiers sur les Équipements technologiques;

[21] **PERMET** à l'huissier de se faire assister par tout serrurier afin d'avoir accès et d'ouvrir toute porte, filière et coffret, et de demander l'assistance des forces de l'ordre si nécessaire;

[22] **ORDONNE** à Jacqueline Sanderson d'informer et de dire au Syndic adjoint, Me Sébastien Dyotte, par l'envoi d'un courriel d'ici le 30 août 2024 à 9h00, où sont situés tous les Dossiers et Équipements technologiques;

[23] **ORDONNE** à Jacqueline Sanderson de remettre tous les Dossiers et Équipements technologiques au Syndic adjoint, Me Sébastien Dyotte, ainsi que les mots de passe relatifs à ces derniers;

[24] **PERMET** à l'huissier de se faire assister par tout technicien informatique afin d'extraire les Dossiers des Équipements technologiques;

[25] **PERMET** que, si selon le technicien en informatique, il n'est pas possible de reproduire dans un temps raisonnable les Dossiers contenus dans les Équipements technologiques, d'emporter ces derniers avec lui dans le but d'extraire les Dossiers et de remettre à Jacqueline Sanderson les Équipements technologiques aussitôt la copie des Dossiers complétés, dans un délai d'au plus 96 heures;

[26] **AUTORISE** la prise de possession en-dehors des jours et heures légaux;

[27] **ORDONNE** que tous les Dossiers de Jacqueline Sanderson soient confiés à la garde du Syndic adjoint, Me Sébastien Dyotte, et/ou de l'inspectrice du Bureau du Syndic du Barreau du Québec;

[28] **PERMET** au Syndic adjoint, Me Sébastien Dyotte, de traiter, conserver, disposer et confier, s'il y a lieu, à d'autres membres du Barreau du Québec les Dossiers et/ou les remettre aux clients concernés;

[29] **ORDONNE** l'exécution provisoire du présent jugement, nonobstant appel;

[30] **DISPENSE** le mis en cause de signifier la présente ordonnance à la demanderesse, vu qu'elle est en informée ce jour séance tenante;

[31] **LE TOUT** avec frais de justice.

DERoberge, j.c.s.

L'HONORABLE DAVID E. ROBERGE J.C.S

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No. CA: 500-
SC: 500-17-129627-249

COURT OF APPEAL

JACQUELINE SANDERSON, residing at 200 Alexandre-De Prouville Street, City of Carignan, Province of Quebec, J3L 6X2,

APPELLANT/Plaintiff;

-v.-

Me SÉBASTIEN DYOTTE, situated at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

RESPONDENT/Defendant;

ATTORNEY GENERAL OF QUEBEC, having a place of business at 1 rue Notre-Dame Est, Bureau 8.00, Montréal, Québec, H2Y 1B6,

Impleaded Party;

NOTICE OF APPEAL OF THE APPELLANT
(Sections 30, 31 and 352 *Code of Civil Procedure*)
(Dated September 29th, 2024)

1. The Appellant is requesting permission to appeal a judgment of the Honourable Justice David E. Roberge, dated August 29th, 2024, which ordered the search and seizure in the personal home of the Appellant to obtain both electronic and hard copy files of the previous and current clients of the Appellant, a copy of the said judgment is filed herewith as **Schedule 1**;

2. The hearings were held on both August 28th and 29th, 2024 and the duration of said hearings was approximately 3 hours as confirmed by the minutes of the hearing filed as Schedule 1;

History of Proceedings

3. On November 30th, 2024, the Disciplinary Council of the Quebec Bar convicted the Appellant of various counts of ethical misconduct including not respecting the authority of the courts as confirmed in the copy of the judgment which was filed as Exhibit P-8 in first instance, a copy of which is filed herewith as **Schedule 2**;

4. On March 7th, 2024, the Respondent sent his written pleadings on sentence to the Appellant in which he was requesting 6 months to one year as a sentence plus the payment of all legal costs, a copy of such written pleadings are filed herewith as **Schedule 3**;

5. The Appellant noticing that the sentence requested of 6 months to one year was grossly exaggerated decided to mandate a lawyer to represent her for the sentencing hearing;

6. Furthermore, since the Disciplinary Council did not in any manner consider the defence of the Appellant in the judgment on conviction (Schedule 2), on April 18th, 2024, the Appellant filed a motion before the Superior Court for the judicial review of the judgment on conviction (Schedule 2), a copy of said originating application is filed herewith as **Schedule 4**;

7. On May 16th, 2024, the Appellant filed a motion before the Superior Court to suspend the proceedings before the Disciplinary Councilof the Quebec Bar, a copy of which is filed herewith as **Schedule 5**;

8. On May 24th, 2024, Justice Emery dismissed the motion to suspend the proceedings before the Disciplinary Council based on the representations made by the lawyer of Respondent, being Me Sophie Gratton;

9. Me Gratton pleaded that Sanderson would simply have to appeal the judgment on sentence to the Professions Tribunal which would suspend execution of the judgment on sentence, therefore, there was no need for the Superior Court to intervene with the proceedings before the Disciplinary Council of the Quebec Bar at that time;

10. However, this was untrue because Me Gratton knew or should have known at the hearing before Justice Emery on May 24th, 2024, just 4 days before the hearing on

sentence, that her client, Me Dyotte, was going to ask for the permanent disbarment of Sanderson, a much harsher sentence than he had been asking on March 7th, 2024 (Schedule 3);

11. It is unfathomable that the recommended sentence could go from 6 months to permanent disbarment in such a short period especially considering the conduct at issue of Sanderson;

12. Based on the misrepresentations made by Me Gratton, Justice Emery rendered a judgment on May 24th, 2024, a copy of which is filed herewith as **Schedule 6,** paragraphs 7 and 10 of the judgment provide as follows:

> Quant à la prépondérance des inconvénients, le Tribunal souligne que la demanderesse n'aurait qu'à déposer un appel au Tribunal des professions pour qu'il y ait alors suspension de l'exécution de la décision.
>
> [...]
>
> Quant au préjudice irréparable, le Tribunal souligne que la sanction n'étant pas encore prononcée, il ne peut y avoir de préjudice irréparable d'autant qu'une fois la sanction prononcée, la demanderesse pourra toujours déposer un appel auprès du Tribunal des professions lequel appel suspend l'exécution de la décision du Conseil de discipline.

13. On August 19th, 2024, after working hours, the judgment of the Disciplinary Council which provided for the temporary suspension of Sanderson for 22 months was served on Sanderson (the "**Sentence Judgment**"), a copy of which is filed herewith as **Schedule 7**;

14. On August 20th, 2024, Sanderson was removed from the order of lawyers of the Quebec Bar;

15. It should be noted that the conclusion of the Sentence Judgment provides as follows:

> **ORDONNE** l'exécution provisoire de la présente décision dès sa signification à l'intimée.

16. The conclusion of the sentence does not state "*nonobstant appel*";

17. Since the conclusion did not state execution provisoire nonobstant appel and only stated execution provisoire, Sanderson knew that the appeal to the Professions Tribunal would suspend execution of the sentence, therefore, on August 20th, 2024, Sanderson

quickly prepared her notice of appeal and filed same the same day, a copy of which is filed herewith as **Schedule 8**;

18. Notwithstanding that the conclusion of the sentence judgment did not provide "*nonobstant appel*", the Respondent insisted that the Appellant was disbarred and insisted that she could not transfer her files to another lawyer and must remit same to the Quebec Bar;

19. The Respondent did not file a motion to correct the conclusions of the Sentence Judgment and insisted that Sanderson return all her files, including her files with respect to her income tax mandates which have nothing to do with her legal practice;

20. Sanderson insisted that she should have a right to maintain a copy of her electronic files, especially if her clients would consent to her maintaining a copy;

21. The Quebec Bar insisted that they wanted to come to the personal home of the Appellant to delete all her files and that she was not authorized to keep copies of her files or maintain her income tax mandates;

22. On August 28th, 2024, the Appellant filed a motion to authorize her to transfer her files to another lawyer who had agreed to be the "*cessionaire*" of the files of Sanderson while she was disbarred, a copy of this motion is filed herewith as **Schedule 9**;

23. On August 28th, 2024, Justice Roberge did not have the time to hear the motion (Schedule 9) in chambers in room 2.13 of the Montreal Courthouse, therefore, he asked the parties if it would be acceptable that all be suspended to the following morning at 10:00 A.M.;

24. On August 29th, 2024, at 8:58 A.M., Me Gratton sent a motion to the Justice Roberge that was never served on Sanderson and which did not even have an affidavit attached thereto. The motion entitled « *Demande Sui Generis Pour Permettre la Prise de Possession de Dossiers d'une Avocate Radiée du Tableau de l'Ordre des Avocats* » and the email sent to the Judge are filed herewith as **Schedule 10**;

25. The said motion was never notified to Sanderson nor did Sanderson have a copy before she arrived at the Courthouse because she had already left for the Courthouse at 8:58 A.M.;

26. During the hearing Justice Roberge did not try to contact the lawyer Me Leila Kadri to establish whether or not she was accepting the mandate to represent the clients of Sanderson;

27. Justice Roberge specifically stated during the hearing that he was not going to analyze the merits of either the judgment on conviction (Schedule 2) or the judgment on sentence (Schedule 7);

28. Justice Roberge ordered without any consideration of the constitutional or other rights of the Appellant that the Quebec Bar could enter the personal home of the Appellant with force to seize all her files and her personal computers;

29. The Judge did not impose any limitations in any manner to ensure that the personal files of Sanderson including files that could be subject to professional secrecy (i.e. communication between Sanderson and her own lawyer) were protected;

Grounds for Appeal:

Ground 1

30. The Appellant is appealing the judgment in first instance because the Judge erred at law by not analyzing the Sentence Judgment prior to issuing the search and seizure of a human being who had previously been a lawyer for 25 years;

31. As explained above, the Sentence Judgment provides “ORDONNE l’exécution provisoire de la présente décision dès sa signification à l’intimée” but does not provide in its conclusion “nonobstant appel”;

32. It is submitted that prior to making an order of such magnitude the Judge should have analyzed the wording of the Sentence Judgment and questioned the Respondent on same prior to making an order that could traumatize a person and her family and damage a lawyer’s reputation for eternity;

33. Furthermore, the request of the Respondent was contrary to the normal rules in section 158 of the *Professional Code* which provides as follows in the French version:

> La décision du conseil de discipline imposant une ou plusieurs des sanctions prévues au premier alinéa de l'article 156 est exécutoire à l'expiration des délais d'appel suivant les conditions et modalités qui y sont indiquées, à moins que, **sur demande du plaignant**, le conseil n'en ordonne **l'exécution provisoire nonobstant appel**, dès sa signification à l'intimé.

34. The wording of this provision specifically adds the words "*nonobstant appel*" because there is a difference if it is not indicated. That is, if the words "*nonobstant appel*" are not indicated in the conclusion of the judgment, then after the appeal is filed the sanction is suspended;

35. The Appellant filed an appeal on August 20th, 2024, being Schedule 8;

36. Moreover, a disciplinary sentence which is temporary in nature is only executable notwithstanding appeal AT THE REQUEST of the "plaignant";

37. As noted above, on May 24th, 2024 before Justice Emery, Me Gratton argued that there would be no prejudice to the Appellant because if the sentence was unacceptable to Sanderson she could go on appeal to the Professions Tribunal and same would be suspended as confirmed in the judgment of Justice Emery (Schedule 6);

38. It is submitted that Justice Roberge should have addressed these issues directly with Me Gratton at the hearing of August 29th, 2024, prior to making a judgment to enter with force into the personal home of Sanderson and traumatizing her family and Sanderson and embarrassing her in front of the entire neighbourhood;

39. Justice Roberge, for example, could have asked Me Gratton about the contradiction by stating "Me Gratton how come you argued before Justice Emery on May 24th, 2024, that the appeal would suspend the sentence and you obtained a judgment based on these representations yet 4 days later your client REQUESTED that the permanent disbarment of Sanderson and execution notwithstanding appeal?";

40. Justice Roberge should also have questioned the reason the conclusion of the Sentence Judgment did not specifically provide "nonobstant appel". Was it because the

Disciplinary Council did not add those words because they knew that it was too extreme and that based on the jurisprudence, it would not withstand appeal?

41. It is interesting to note that paragraph 9 of the motion of the Respondent entitled "*Demande Sui Generis Pour Permettre la Prise de Possession de Dossiers d'une Avocate Radiée du Tableau de l'Ordre des Avocats*" incorrectly states that the council "ordonne execution provisoire"…"et ce nonobstant appel" because the actual conclusion of the Sentence Judgment does not state nonobstant appel;

42. There are several decisions in which the disciplinary council of the Quebec Bar used the specific words "*execution provisoire*" without using the words "*nonobstant appel*". It is submitted that the disciplinary council in these cases did not intend that the judgment would not be suspended if the lawyer had gone on appeal;[1]

43. With respect, it would be quite ironic if the Disciplinary Council made such a grave error in the conclusions of the judgment on sanction especially considering that Sanderson was convicted for having written false statements in motions that were never even presented to the Superior Court and that Sanderson had withdrawn said motions before they could have been heard;

44. It is important to remind this Honourable Court of Appeal of the acts in which Sanderson was convicted in the conviction judgment (Schedule 2) especially those related to the "false" statements in a motion filed before the Superior Court;

45. For example, at paragraph 133 of the judgment of the Disciplinary Council, the Disciplinary Council quotes a letter from Justice Ouellet in which he stated "**instruction sera tenue par Teams**". Therefore, Me Sanderson's request to have the hearing in person was refused. Consequently, the reference as such in another motion by Sanderson was accurate;

46. A trial before the court is either in person or by Teams, there is no in between as suggested by the Disciplinary Council and the Respondent. The Judge ordered the hearing

[1] See for example *Comeau v. Daudelin*, 2003 CanLII 54641 (QC CDBQ), *2003 CanLII 54708 (QC CDBQ)*, *Mandron v. Daudelin*, 2003 CanLII 54709 (QC CDBQ), *Guimont c. Peeters*, 2005 CanLII 57451 (QC CDBQ) and *Mandron v. Fernandez*, 2004 CanLII 72530 (QC CDBQ).

by Teams. It is also noteworthy that Sanderson responded to the letter of Justice Ouellet explaining the reason for which her client had requested the hearing in person because he wanted the witnesses to testify in person;

47. It is submitted that Me Gratton made representations before Justice Emery that the sentence would be suspended if Sanderson filed an appeal yet 4 days later her client pleaded the opposite. She also stated in her motion filed before Justice Roberge (Schedule 10) that the Disciplinary Council ORDERED execution provisoire nonobtant appel, however, this is not true;

48. Perhaps the Disciplinary Council intended to add the words nonobtant appel but they did not write those words in the conclusion of the Sentence Judgment after the words “POUR TOUS CES MOTIFS, LE CONSEIL, UNANIMEMENT”;

49. Since the date of the Sentence Judgement, the Respondent has not made a request to correct the said conclusion of the Sentence Judgment nor has the Disciplinary Council rendered a rectified judgment;

Ground 2

50. The Appellant submits that the search and seizure of the personal residence and personal computers of the Appellant was unconstitutional because there were no limitations made by the Judge to ensure the protection of the privacy rights of the Appellant by limiting the scope of the search. That is, the order was much too broad;

51. It is trite law that the search of the personal home or the personal computers of a Canadian citizen should only be ordered in the most extreme cases;

52. It is submitted that the Superior Court could simply have ordered Sanderson to provide an electronic copy of her files. Sanderson has a legal right to maintain a copy of her files of her clients;

53. Sanderson has already obtained the written consent from several clients that she maintain a copy of their electronic files, copies of which are filed herewith as **Schedule 11**. Prior to the hearing of the present appeal, Sanderson plans to have obtained written authorization from the remaining clients;

54. Simply because Sanderson was temporarily suspended does not relieve her of her professional obligation to secrecy from the time when she was actually a lawyer;

55. Moreover, Sanderson has moral rights in virtue of the *Copyright Act* to her works with respect to the legal analysis contained in her written pleadings;

Ground 3

56. The Judge also erred at law by proceeding on the motion of the Respondent notwithstanding that it was not served on the Appellant prior to the hearing in breach of the rules of natural justice;

57. There was absolutely no urgency to proceed with the search and seizure in such an unconstitutional and barbaric manner;

58. The Respondent did not in any manner protect any of the rights of any of the clients of Sanderson;

59. In fact, Sanderson found another law firm, being Brook Legal Inc., the following day, on August 30th, 2024, who agreed to take on all the clients of Sanderson because Me Kadri decided not to take any of the files after all of the proceedings on August 28th and 29th, 2024;

60. Nevertheless, to this date, the Quebec Bar has still not provided all the electronic files to Brook Legal Inc. Actually, certain clients, such as Procopis Leissos, still do not have their files and they have court dates and cannot even prepare for them because the Quebec Bar is retaining their files;

61. Fortunately, notwithstanding the mistreatment of Sanderson, Sanderson assisted her previous clients and Brook Legal to organize all the clients and their court dates otherwise many clients would have lost their rights;

Ground 4

62. The Appellant had pleaded before Justice Roberge that she should be authorized to maintain her income tax related files because those mandates were given to her as a tax advisor and not as a lawyer;

63. Not only did the Respondent refuse to allow Sanderson to keep her income tax files but Me Dyotte expressly told Me Daniel Brook that he was not allowed to work with Sanderson or to allow Sanderson to provide income tax consultations on the files;

64. Sanderson submits that this type of behaviour by the Quebec Bar is simply vengeful and has no legal basis. In fact, it is important for lawyers without any accounting or income tax knowledge to consult with tax advisors. Sanderson recently had a case in which the Federal Court of Appeal refused an appeal because the issue was not raised in first instance and the Federal Court of Appeal specifically stated during the hearing that they were not liability insurance for lawyers who pleaded their case poorly in first instance;[2]

65. Based on the foregoing, the search and seizure order of the home of Jacqueline Sanderson should be quashed.

FOR THESE REASONS MAY IT PLEASE THIS HONOURABLE COURT OF APPEAL TO:

AUTHORIZE the present appeal;

DECLARE unconstitutional the search and seizure of Sanderson's principal residence and personal computers;

QUASH the judgment in first instance.

THE WHOLE WITH COSTS AGAINST THE RESPONDENT

CARIGNAN, September 29th, 2024

J Sanderson

JACQUELINE SANDERSON

Notice of this notice of appeal is given to the Respondent, Me Sebastien Dyotte.

[2] *Clément v. Canada*, 2023 FCA 34 (CanLII), see also *Clément v. Canada*, 2021 FCA 55 (CanLII), in which new evidence was refused on appeal.

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No. CA: 500-
SC: 500-17-129627-249

COURT OF APPEAL

JACQUELINE SANDERSON,

APPELLANTaintiff;

-v.-

Me SÉBASTIEN DYOTTE,

RESPONDENT ENT;

ATTORNEY GENERAL OF QUEBEC

Impleaded Party; Party;

LIST OF SCHEDULES TO THE NOTICE OF APPEAL

Schedule 1

Judgment of the Honourable Justice David E. Roberge, dated August 29th, 2024

Schedule 2

Judgment of the Disciplinary Council of the Quebec Bar convicting Sanderson on various counts of misconduct, dated November 30, 2023

Schedule 3

Written pleadings of the Respondent, dated March 7, 2024 in which Me Dyotte recommended a sentence of 6 months to one year

Schedule 4

Originating application in judicial review of the judgment of conviction, dated April 18, 2024.

Schedule 5

Application to the Superior Court to suspend proceedings before the Disciplinary Council, dated May 16, 2024

Schedule 6

Judgment of the Honourable Justice Emery, dated May 24, 2024, dismissing motion to suspend proceedings expressly confirming that the appeal before the Professions Tribunal will suspend the sentence

Schedule 7

Judgment of the Disciplinary Council of the Quebec Bar sentencing Sanderson to a temporary suspension of 22 months

Schedule 8

Application to the Appellant to appeal the said 2 judgments of the Disciplinary Council, dated August 20, 2024

Schedule 9

Urgent Application of the Appellant to order the transfer of all files to Me Leila Kadri

Schedule 10

Motion of the Respondent entitled “Demande Sui Generis Pour Permettre la Prise de Possession de Dossiers d’une Avocate Radiée du Tableau de l’Ordre des Avocats”

Schedule 11

Authorizations signed by the previous clients of Sanderson to obtain their files

C A N A D A
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

C O U R D ' A P P E L

No. 500-09-031206-246
(500-17-129627-249)

JACQUELINE SANDERSON

Requérante

c.

SÉBASTIEN DYOTTE, en sa qualité de syndic adjoint du Barreau du Québec

Intimé

- et -

PROCUREUR GÉNÉRAL DU QUÉBEC

Mis en cause

Extrait d'une audience tenue devant l'Honorable Geneviève Marcotte, J.C.A. en date du 12 décembre 2024.

COMPARUTIONS:

Me Jacqueline Sanderson	se représente elle-même
Me Sophie Gratton Me Aimée Riou	pour l'intimé
Mme Chloé Côté-Sauvageau	Greffière-audiencière

INDEX

PAGE

--- L'extrait débute à 10 h 00

[EXTRAIT DES PROCÉDURES]

LA COUR:

Maître Gratton, vous répondez quoi à l'argument sur l'exécution provisoire?

REPRÉSENTATIONS PAR Me SOPHIE GRATTON:

Me SOPHIE GRATTON
pour l'intimé

Je veux juste déposer la décision finale dans le pourvoi.

LA COUR:

Dans quoi?

Me SOPHIE GRATTON
pour l'intimé

Dans le pourvoi en question.

LA COUR:

Oui. Est-ce que vous avez (indiscernable).

Me SOPHIE GRATTON
pour l'intimé

Non, mais je vais le mentionner. Je suis très, très transparente. Il n'y a pas de problème. Donc, c'est la décision du juge Synnott datée du 25 septembre qui accueille notre demande en rejet du pourvoi et déclare le pourvoi abusif. Cette décision est utile parce qu'il résume toutes les décisions

interlocutoires qui ont eu lieu durant l'été passé dans le pourvoi et notamment le fait qu'à plusieurs reprises, madame Sanderson, on lui a dit que le tribunal... la Cour supérieure n'était pas le tribunal compétent, c'était bien le Tribunal des professions qui était compétent pour trancher toute question concernant la sanction. Il y a un tribunal d'appel.

Ceci dit, madame Sanderson a effectivement été en appel, mais ça lui a pris du temps à faire... à produire une requête en sursis, qui a été débattue lundi... je pense que c'était le 2 décembre... dernier, donc où elle a encore argumenté la question de savoir si la sanction imposée était exécutoire nonobstant appel et a demandé le sursis de l'exécution provisoire devant le Tribunal des professions.

LA COUR:

Quand?

Me SOPHIE GRATTON

pour l'intimé

Lundi dernier, lundi, le 2 décembre. Ç'a été plaidé. On n'a pas encore reçu la décision.

LA COUR:

Donc, il y a un recours devant le Tribunal des

professions?

Me SOPHIE GRATTON

pour l'intimé

Il y a un recours devant le Tribunal des professions. Donc, il y a un... oui, c'est ça.

Je voudrais aussi rectifier que madame Sanderson a effectivement reçu copie de la demande *sui generis* du mis en cause le matin même, mais ce qu'il faut comprendre c'est que la veille, le 28 août, nous nous étions rendus à la cour pour entendre sa requête pour transférer ses dossiers à Me Kadri et qu'à ce moment-là, il avait été décidé que nous allions faire une demande de prise de possession dû à plusieurs facteurs - on n'arrivait pas... le syndic n'arrivait pas à obtenir les dossiers de madame Sanderson - qui a été entendue le lendemain matin. Elle a acquiescé. On a transféré la demande durant la nuit, le matin, puis on a procédé, le 29 août, à cette demande-là. Donc, il n'y a pas eu... ses droits n'ont pas été (indiscernable). C'est le genre de demande...

LA COUR:

Quelle était l'urgence?

Me SOPHIE GRATTON

pour l'intimé

...qui normalement...

LA COUR:

Quelle était l'urgence?

Me SOPHIE GRATTON

pour l'intimé

L'urgence c'était la prise... ben, l'urgence c'est que madame Sanderson était radiée et donc il est prévu... elle ne pouvait plus donc conserver ses dossiers. Ses dossiers clients, je vous l'ai mis dans notre cahier d'autorités, les différents articles de loi, mais l'urgence était pour protéger les clients en cause, qu'il y ait un suivi dans leurs dossiers, qu'il y avait des prochaines étapes à la Cour et les transmettre donc à des avocats.

Madame Sanderson argumente qu'elle a un courriel qu'elle vous a produit. D'ailleurs, toutes les pièces au soutien de son appel, de sa demande d'appel, déclaration d'appel, sont des pièces qui n'ont pas été produites en première instance. Donc, ce sont des pièces nouvelles. Vous pouvez constater au procès-verbal dans le jugement, au procès-verbal, que ça n'a pas été produit.

Et ce que le juge constate au paragraphe 12 de son jugement c'est que Me Kadri ne prendrait pas en charge l'ensemble des dossiers de la demanderesse. En fait, Me Kadri n'agissait pas en criminel. Elle

pouvait prendre certains des dossiers, mais pas tous. Le syndic, il y avait une urgence donc de prendre possession des dossiers électroniques. Elle refusait de les remettre, exigeait de garder une copie. N'étant plus avocate, elle n'avait pas le droit de garder la copie de ces dossiers-là.

Les droits sont clairement prévus à l'article 192 du *Code des professions*, que j'ai reproduit... que je vous ai remis. À l'article 76, alinéa 2 de la *Loi sur le Barreau* il est expressément prévu qu'il a droit de prendre possession... le syndic a :

> « ...droit de prendre possession et de disposer de tout dossier, document ou bien confié à un avocat devenu inhabile, incapable d'exercer ou dans l'impossibilité d'agir, ou détenu par les représentants légaux d'un avocat décédé, nonobstant tous honoraires et déboursés dus à l'avocat. »

À l'onglet 3, sur le Règlement sur la comptabilité et les normes, article 1, alinéa 6, on voit « dossier », ce qui comprend les dossiers papiers et les dossiers électroniques, un dossier client.

À l'article 77 du même règlement, c'est :

« Le syndic prend possession des dossiers, livres et registres de l'avocat en cas de révocation de permis, de radiation, de suspension du droit d'exercice, d'inhabilité ou d'impossibilité d'agir. »

Et finalement à l'article 80 :

« (Il peut) transférer les dossiers dont il a pris possession à un avocat en exercice avant même de donner l'avis prévu à l'article 79 lorsque la protection des intérêts des clients le requiert. »

Donc, ç'a été... tout ça a été plaidé en première instance et c'est ce que le juge Roberge reprend, en fait, dans son jugement.

LA COUR:

En ce qui concerne le droit de conserver son dossier...

Me SOPHIE GRATTON

pour l'intimé

Le droit de conserver...

LA COUR:

...que plaide Me Sanderson, vous dites que c'est contraire à la loi?

Me SOPHIE GRATTON

pour l'intimé

Ben, elle n'est plus... n'étant plus avocate, elle n'a plus l'obligation de secret professionnel. Elle n'est plus liée par toutes ces obligations-là. Et un dossier de client c'est un document confidentiel qui doit être protégé.

Puis on parle de prise de possession, là. C'est pas prise de possession pour la vie. Si Me Sanderson se remet à pratiquer, elle pourra reprendre ses dossiers le cas échéant. Si elle... je veux dire... puis là, je veux pas m'avancer sur les prochaines décisions qui vont être rendues notamment sur le sursis de l'exécution provisoire, mais c'est ça. Et le pouvoir de prise de possession a été reconnu par la Cour d'appel. Il y a des principes importants dans la décision... dans l'arrêt *Gauthier c. Guimont* où on souligne :

> « La compétence de la Cour supérieure de prononcer des injonctions, d'autoriser des saisies, y compris la nature des ordonnances Anton Piller (qui est)

bien établie... »

Puis :

« [...], le pouvoir d'une cour supérieure de rendre toute ordonnance appropriée afin d'aider un organisme, qui est démuni d'un tel pouvoir, à faire respecter la loi est reconnu depuis longtemps. »

LA COUR:

Pour vous, la qualification du jugement Roberge, ça tombe sous quoi, 30, 31? Qu'est-ce que c'est? Un jugement rendu en cour d'instance?

Me SOPHIE GRATTON

pour l'intimé

Ben, c'est sûr que je me suis posé moi-même la question, mais on en est venu à la conclusion que c'est un jugement rendu en cour d'instance qui visait, en fait, qui était dans le cadre du pourvoi. C'était dans ce dossier-là que ç'a été plaidé. Ça peut être plaidé... on vous donne un exemple à l'onglet 5 de notre cahier d'autorités. Ça peut être plaidé... c'est un genre d'ordonnance qui peut être plaidée indépendamment d'un autre... oui, c'est un recours par lui-même et c'est fait... ç'a été fait à

plusieurs reprises où le syndic a dû demander à la Cour supérieure une ordonnance lui permettant de prendre possession de dossiers...

LA COUR:

Dans *Guimont* c'est ça qui est arrivé ou pas? Dans *Guimont* c'était...

Me SOPHIE GRATTON

pour l'intimé

Dans *Guimont*, c'est dans le cadre de son enquête.

LA COUR:

...interlocutoire...

Me SOPHIE GRATTON

pour l'intimé

Oui.

LA COUR:

Dans le cadre d'une enquête.

Me SOPHIE GRATTON

pour l'intimé

C'était dans le cadre d'une enquête, mais je pense que les principes s'appliquent aussi dans le cadre où le syndic roule... il joue son rôle de protection du public. Donc quand c'est prévu dans la loi que si un avocat est radié, ben, il doit prendre possession des dossiers. Il peut prendre possession des dossiers et les confier à des avocats en exercice pour protéger

les clients de l'avocat radié.

LA COUR:

Et vous dites quoi aux arguments de maître... de madame Sanderson concernant le fait qu'on n'ait pas prévu de façon de protéger ses renseignements personnels et/ou ses dossiers d'ordre fiscal qui nécessitent pas... qui sont pas de la nature de dossiers exclusivement réservés aux avocats?

Me SOPHIE GRATTON
pour l'intimé

Oui. Premièrement, effectivement, moi, à la lecture de ce qui était écrit dans notre demande et à la lecture de l'ordonnance, on voit très bien que c'est... vraiment, ils sont autorisés à aller prendre possession de ses dossiers clients. Il y a effectivement une... au paragraphe 25, ce n'est pas possible de reproduire dans un temps raisonnable tous les dossiers. Le juge a permis, a ordonné que l'équipement technologique soit remis... que la personne...

LA COUR:

Gardé par le...

Me SOPHIE GRATTON
pour l'intimé

Oui, gardé...

LA COUR:

Puis pris par le...

Me SOPHIE GRATTON

pour l'intimé

...mais il y avait une limite de 96 heures suite de laquelle tout devait être remis à madame Sanderson.

LA COUR:

Est-ce que c'est le cas? Est-ce qu'ils ont pris l'ordinateur, puis ils l'ont remis après?

Me SOPHIE GRATTON

pour l'intimé

Ils ont tenté de le remettre après et elle n'a pas voulu le reprendre. Ç'a pris du temps et, personnellement, je ne connais pas quand est-ce qu'elle a repris possession.

LA COUR:

Puis est-ce que la question des dossiers d'ordre fiscal, est-ce que ç'a été examiné d'une façon ou d'une autre?

Me SOPHIE GRATTON

pour l'intimé

La question des dossiers...

LA COUR:

Est-ce qu'on a aussi éliminé les dossiers fiscaux? C'est ça ma question, finalement.

Me SOPHIE GRATTON
pour l'intimé
Ça c'est une question, en fait...
LA COUR:
Ça c'est en aval...
Me SOPHIE GRATTON
pour l'intimé
C'est l'exécution...
LA COUR:
C'est en aval... c'est l'exécution, ça.
Me SOPHIE GRATTON
pour l'intimé
C'est l'exécution.
LA COUR:
Ce n'est pas ce qui est devant moi.
Me SOPHIE GRATTON
pour l'intimé
Non.
LA COUR:
On n'est pas devant une demande pour déclarer... pour contester la façon dont l'exécution s'est passée.
Me SOPHIE GRATTON
pour l'intimé
Non.
LA COUR:

On est sur une demande de l'autorisation comme telle...

Me SOPHIE GRATTON
pour l'intimé

Oui.

LA COUR:

...mais comme ça, par curiosité, je me demandais si...

Me SOPHIE GRATTON
pour l'intimé

Mais en fait, le syndic, lui, ce qui l'intéresse c'est les dossiers...

LA COUR:

Expressément...

Me SOPHIE GRATTON
pour l'intimé

...expressément juridiques, là.

LA COUR:

Oui.

Me SOPHIE GRATTON
pour l'intimé

Si un dossier fiscal est juridique aussi, ben, il va être pris parce qu'elle ne peut plus agir comme avocate. Donc c'était une question de savoir... je pense que le dialogue était ouvert. S'il y a un

dossier qui n'est pas fiscal, qui est simplement fiscal, il n'avait jamais été question que le syndic en prenne possession. Si madame Sanderson veut récupérer, elle peut toujours appeler le syndic. Et d'ailleurs, récemment, elle a demandé des documents et le syndic lui a transmis diligemment.

Puis je veux juste revenir au paragraphe 32 de la... de *Gauthier c. Guimont*. Ce qu'on parle c'est que dans le type de... dans le système :

> « Le professionnel ne jouit pas des protections accordées (aux) accusé en matière criminelle ou pénale quant aux saisies, à la contraignabilité et à l'auto-incrimination. »

Il faut pas importer toutes les règles du droit criminel en droit disciplinaire, puis c'est un principe qui est bien établi depuis longtemps. On parle pas d'une saisie au sens criminel.

Puis effectivement, si la Cour supérieure... j'ai une autre décision, mais... désolée, dans *Gauthier c. Deschenes*, au paragraphe 72.

Me JACQUELINE SANDERSON
on her own behalf

Your Honour, with respect, the jurisprudence is

really important now. I've had books being reviewed even if they're four days early.

Me SOPHIE GRATTON

pour l'intimé

Ok. Mais si vous la voulez pas, je vais juste...

Me JACQUELINE SANDERSON

on her own behalf

Justice Savard is very strict about not bringing things the day of the hearing.

Me SOPHIE GRATTON

pour l'intimé

Ben, j'ai...

THE COURT:

So you're suggesting I should not look at this authority?

Me JACQUELINE SANDERSON

on her own behalf

Well, I can plead why it's going to... I can tell you Justice Savard said, "No, you can't refer to any of your authorities because they were filed two days early instead of the delay of four days." Obviously, it's your discretion, but I would like to add that...

THE COURT:

Do you have a copy now? I will give you the opportunity to look at it and reply to same.

Me SOPHIE GRATTON

pour l'intimé

C'était simplement au paragraphe 72, ce que la Cour supérieure dit c'est, en fait, le médecin utilisait à la fois son ordinateur pour des fins personnelles et professionnelles. Donc, en agissant ainsi, je cite la Cour :

> « Dr. Gauthier ne pouvait pas avoir une grande attente au respect de sa vie privée puisque ses informations mixtes se trouvaient à son cabinet médical dans son ordinateur situé sur son bureau. »

Mais donc ce que je veux dire c'est que madame Sanderson a fait le choix d'élire son domicile professionnel, sa résidence personnelle, de partager, de consigner... d'enregistrer ses dossiers clients sur son ordinateur personnel. Ben, c'est sûr que ça va créer une petite complication au moment de la prise de possession des dossiers. Mais de toute façon, on n'est pas... comme on a dit tout à l'heure, on n'est pas au niveau de déterminer si la saisie était abusive. Je pense que l'ordonnance est très claire. C'est vraiment les dossiers clients que le

syndic a pris possession de ce jour-là.
Je voudrais juste rajouter, en fait... ça fait qu'au niveau du droit, si on prend l'article 31, nous soumettons que le jugement de première instance n'a pas décidé, en partie, du litige. Le litige a été tranché au fond et rejeté par le juge Synnott et il l'a déclaré abusif. Et en toute transparence, madame Sanderson a...

LA COUR:

Mais ça c'est arrivé après?

Me SOPHIE GRATTON
pour l'intimé

Après. Oui, c'est arrivé après. Mais ça n'a pas... oui. La Cour supérieure, elle n'a jamais eu compétence...

LA COUR:

Je veux juste comprendre l'argument.

Me SOPHIE GRATTON
pour l'intimé

Oui.

LA COUR:

En fait, ce que soulève votre collègue c'est que vous avez plaidé qu'il n'y aurait pas d'exécution nonobstant appel de la décision à venir sur la sanction.

Me SOPHIE GRATTON
pour l'intimé
Non.
LA COUR:
Et par la suite, c'est ce qu'on lit auprès du juge Emery - j'ai lu les transcriptions - vous dites madame Sanderson n'a pas à s'en faire, il n'y aura pas d'exécution provisoire nonobstant appel. C'est-à-dire ce que vous dites c'est que la décision peut être portée en appel devant le Tribunal des professions, auquel cas il n'y a pas d'exécution provisoire. C'est ça que vous dites.
Me SOPHIE GRATTON
pour l'intimé
Je veux juste préciser que moi, j'étais pas au dossier en première instance. C'est pas moi qui a plaidé le dossier en première instance.
LA COUR:
Non, mais vous avez fait des observations au juge Emery.
Me SOPHIE GRATTON
pour l'intimé
J'ai fait des observations le 24 mai parce qu'elle demandait le sursis de l'instance disciplinaire. Elle voulait pas que ça procède sur la sanction. Tout ce

que j'ai dit c'est de dire qu'en vertu du droit, que le Tribunal des professions était le tribunal compétent et qu'elle avait un droit d'appel et qu'elle avait également, aux articles 158 et puis 166 du Tribunal des professions, si un sursis... si une exécution provisoire est ordonnée par le juge... par le Conseil de discipline, il y a possibilité pour le Tribunal des professions de sursoir à cette exécution provisoire là, ce que madame Sanderson a fait. Le matin...

LA COUR:

Elle l'a fait seulement...

Me SOPHIE GRATTON

pour l'intimé

Le matin où j'ai plaidé, le 24 mai, je n'avais aucune idée de la sanction que Me Dyotte allait imposer. Je le savais pas. Sérieusement, je pense qu'on s'était pas parlé. Tout s'est fait vite et de toute façon, on ne savait pas si ça allait être imposé d'une manière provisoire.

Mais quand on lit le jugement sur sanction, on voit bien que Me Dyotte hésitait, le matin même sur la sanction, à demander une radiation permanente ou des radiations avec exécution provisoire nonobstant appel. C'était loin d'être décidé à ce niveau-là.

LA COUR:

Mais au moment où vous allez devant le juge Roberge, il n'y a pas d'appel au Tribunal des professions ou il y en a un? Parce que lui, il fait état d'un appel au Tribunal des professions.

Me SOPHIE GRATTON

pour l'intimé

Oui. Donc...

LA COUR:

Il y a un appel, mais il n'y a pas eu de demande de sursis, ce qu'il note.

Me SOPHIE GRATTON

pour l'intimé

Non.

LA COUR:

Et cette demande-là a été formulée quand?

Me SOPHIE GRATTON

pour l'intimé

Cette demande-là a été formulée...

LA COUR:

Parce qu'elle a été plaidée lundi, mais elle a été formulée quand?

Me SOPHIE GRATTON

pour l'intimé

Elle a été formulée plus tard, le 26 septembre. Puis

après...

LA COUR:

Le 26 septembre. Et puis une demande de sursis, normalement, c'est entendu rapidement.

Me SOPHIE GRATTON
pour l'intimé

Oui, madame Sanderson a demandé des remises.

LA COUR:

Et ç'a été entendu lundi?

Me SOPHIE GRATTON
pour l'intimé

Lundi, le 2 décembre.

En ce qui concerne les deux critères, je pense pas qu'on est en présence d'une erreur qui mérite l'intervention de la Cour. Il n'y pas de... le droit... les droits d'auteur qu'elle invoque ne s'appliquent pas. On parle de dossier clients. Les dossiers clients appartiennent aux clients. La jurisprudence que madame Sanderson invoque concerne la publication de procédures rédigées par des avocats où la reproduction, des photocopies à la bibliothèque de procédures, savoir combien de... ça s'applique pas au présent dossier. C'est pas des principes qui sont soulevés et qui ont été soulevés de cette manière-là en première instance de toute façon, puis ça

s'applique pas, là. On n'est pas du tout dans ce cadre-là, on est dans une prise de possession de clients, là. Le syndic ne va pas l'utiliser et violer son droit d'auteur. Le dossier client appartient au client.

C'est pas une question nouvelle. Je pense qu'on a... puis c'est ni faisant l'objet de jurisprudence contradictoire. Je pense que la Cour d'appel...

LA COUR:

Bien, le critère sous 30 c'est ça, mais sous 31 c'est le préjudice. Ça dépend sous quel angle on le voit.

Me SOPHIE GRATTON

pour l'intimé

C'est ça, je le sais pas. J'essaie de...

LA COUR:

Oui, mais vous le plaidez par précaution.

Me SOPHIE GRATTON

pour l'intimé

Oui, par précaution. Mais la Cour d'appel a été constante dans la reconnaissance des droits et des pouvoirs et de la mission de protection du public des ordres professionnels et du syndic, et c'est ce que ce qu'a appliqué le juge Roberge dans son jugement. Il le cite expressément. Ce genre d'ordonnance-là est ordonnée, comme j'ai dit, dans des cas même *ex parte*

où les avocats radiés, il y a une dispense de signification et puis dans la décision, en fait, à l'onglet 5, il y avait eu une dispense de signification, si je me souviens bien.

Puis il n'y a pas de déni de la grande justice non plus à la lecture du dossier. Je pense qu'il faut pas s'enfarger dans ce qui s'est passé le 24 mai, mais ce qu'on comprend c'est que c'est... ce qui a été plaidé le 24 mai, c'est vraiment qu'il y a un droit d'appel qui est prévu au Tribunal des professions. J'ai pas mentionné le sursis, mais il était là aussi. Donc même si c'était rendu au... même si la sanction qui allait être imposée allait demander une exécution nonobstant appel, elle avait quand même un recours pour demander un sursis et contester cette décision-là rapidement.

Quant au préjudice irrémédiable, effectivement, je pense que le préjudice c'est surtout à l'instance. On n'a pas un préjudice irrémédiable en ce moment. Au contraire, les clients sont très bien protégés. Madame est radiée. Les clients sont protégés parce que le syndic a en possession les dossiers et il les a effectivement distribués à des avocats en exercice. Le préjudice que madame Sanderson subit c'est un préjudice qui est inhérent au processus disciplinaire

puis à la radiation quand on se retrouve coupable et qu'une telle sanction nous est imposée. Ses droits sont préservés en ce qu'elle agit... elle a fait un appel, logé un appel devant le Tribunal des professions. Elle a fait une requête en sursis qui a été plaidée. On attend la décision.

Donc, en somme, le présent dossier est voué à...

LA COUR:

Et donc si elle avait gain de cause sur le sursis, ça pourrait vouloir dire que la radiation est suspendue et donc elle pourrait ravoir accès à ses dossiers. C'est un peu ça qui est le...

Me SOPHIE GRATTON
pour l'intimé

Je veux pas me prononcer non plus sur ce qui va arriver parce que...

LA COUR:

Ben, normalement...

Me SOPHIE GRATTON
pour l'intimé

Ben, normalement, ça peut être ça. Il peut y avoir une contestation de cette demande-là, de cette décision-là aussi. Je veux pas non plus cacher que probablement qu'il y aurait une contestation, mais je le sais pas. Je peux pas me prononcer sur qu'est-ce

qui va arriver après.
Puis en terminant, donc il est voué à l'échec et je demanderais à la Cour, en fait, de déclarer la permission d'appeler abusive parce que les arguments qui se retrouvent au soutien de...

LA COUR:

Une demande comme ça, normalement, est formulée par écrit.

Me SOPHIE GRATTON
pour l'intimé

Oui.

LA COUR:

Puis donner à la partie la chance de se défendre sur l'abus. Formulée comme ça à l'audience, je vous avoue que...

Me SOPHIE GRATTON
pour l'intimé

Ça sera pas...

LA COUR:

C'est plus un moyen de contestation qu'autre chose, mais normalement vous avez... vous savez, l'abus ici que vous souhaiteriez faire déclarer, il faut que ce soit dans un contexte où ça se répète. Ici, c'est une tentative d'entrée de madame Sanderson en Cour d'appel. C'est pas un long cheminement en appel.

C'est une demande pour venir porter son dossier en... soumettre son dossier en appel. Donc, la question de l'abus, je sais pas si vous lisez un peu les jugements de la Cour, mais on n'est pas friand de déclarer une requête qui est assez balbutiante, puis qui n'est pas... à moins que ce soit un comportement répété, mais là ici c'est votre première incursion à la Cour d'appel dans ce dossier-ci, si je comprends bien?

Me SOPHIE GRATTON
pour l'intimé

Oui.

LA COUR:

Alors normalement ça serait fait par écrit pour que madame Sanderson puisse...

Me SOPHIE GRATTON
pour l'intimé

Je comprends.

LA COUR:

...y répondre.

Me SOPHIE GRATTON
pour l'intimé

Je comprends.

Puis finalement, en ce qui concerne les principes directeurs de la procédure, je pense que puisque

l'appel est voué à l'échec, ça ne sert pas ni l'intérêt de la justice, ni la saine administration de la justice, puis ça concorde pas avec le principe de proportionnalité non plus.

LA COUR:

Est-ce que vous avez d'autre chose à me dire?

Me SOPHIE GRATTON

pour l'intimé

Non.

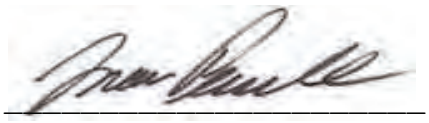
LA COUR:

Merci.

--- L'extrait est conclu à 10 h 26

C E R T I F I C A T I O N

Je, soussigné, Marc Perrault, sténographe officiel, certifie que les pages qui précèdent sont et contiennent la transcription du fichier numérique fait hors de mon contrôle et sont au meilleur de la qualité dudit enregistrement, le tout, selon la loi.
Et j'ai signé :



Marc Perrault

CANADA PROVINCE DE QUÉBEC DISTRICT DE MONTRÉAL No : 500-17-129627-249	PROCÈS-VERBAL D'AUDIENCE Pratique Salle prévue 16.01	COUR SUPÉRIEURE Chambre Civile **Date : le 25 septembre 2024**
L'HONORABLE BERNARD SYNNOTT, J.C.S.		JS1673

Partie demanderesse		**Procureur(s)**	
JACQUELINE SANDERSON	Présent	Se représente personnellement jackieclairesanderson@yahoo.ca	Présent

Parties défenderesse		**Procureur(s)**
CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC	Présent	Me Sophie Gratton sgratton@sarrazinplourde.com Me Émy Riou eriou@sarrazinplourde.com

Mis en cause en reprise d'instance	
Me SÉBASTIEN DYOTTE, ÈS QUALITÉ DU SYNDIC ADJOINT DU BARREAU DU QUÉBEC	

Requête (s)
Demande en rejet de la demande de pourvoi d'une décision rendue par le Conseil de discipline du Barreau du Québec contre Me Jacqueline Sanderson

Greffiers :	Résultat de la cause :
Doris Nsenglyumva, adj. / *g.a.C.S.*	**Décision**

ENREGISTREMENT NUMÉRIQUE

Audition AM :	Début	Fin	Audition PM :	Début	Fin
	9h30	11 h 01		-	-

HEURE

9 :30	**OUVERTURE DE L'AUDIENCE** Identification de la cause et des avocats Échanges préliminaires de part et d'autre
9 :31	Le Tribunal tente de rejoindre la demanderesse qui fait défaut de répondre aux appels
10 :27	**Le Tribunal note** : La demanderesse dûment appelée fait défaut de se présenter.
10 :28	**Demande de remise** La demanderesse est une ancienne avocate;

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

No : 500-17-129627-249

PROCÈS-VERBAL D'AUDIENCE
Pratique

Salle prévue 16.01

COUR SUPÉRIEURE
Chambre Civile

Date : le 25 septembre 2024

L'HONORABLE BERNARD SYNNOTT, J.C.S.

JS1673

	Le 30 novembre 2023, le Conseil de discipline du Barreau du Québec la trouve coupable de 6 chefs d'infraction; La décision du Conseil lui est signifiée le 18 décembre 2023. Insatisfaite d'une telle décision, le 18 avril 2024, elle la conteste au moyen d'un pourvoi en contrôle judiciaire signifié le même jour aux mis en cause; Le 19 juillet 2024, le Conseil de discipline rend une décision sur sanction et impose à la demanderesse des périodes de radiation qui totalisent 22 mois; Entre-temps, le 24 mai 2024, le mis-en cause s'adresse au Tribunal pour obtenir le rejet du pourvoi en contrôle judiciaire; À cette date et alors que la demanderesse est présente l'audition en demande en rejet est fixée à aujourd'hui le 25 septembre 2024; Le 13 septembre 2024, la demanderesse demande la remise de cette audition prétextant qu'elle désire amender ses procédures judiciaires et que pour procéder, elle doit avoir en mains les notes sténographiques d'une audition devant la Cour supérieure ainsi que le procès-verbal de l'audition du 24 mai 2024 ; La demanderesse est alors informée sans délai de la contestation de cette demande de remise. Le Tribunal demande donc à la demanderesse d'être présente devant la Cour le 25 septembre 2024, à 9h15 afin que cette question soit débattue et tranchée; Le 24 septembre 2024 à 17h55, la demanderesse écrit au Tribunal et aux parties pour leur indiquer qu'elle est incapable de se rendre à la Cour en personne le lendemain et qu'en conséquence elle demande une remise; Au soutien de sa demande, elle réitère qu'elle a besoin de l'audio de l'audience du 24 mai 2024 pour procéder; Le soir même le Tribunal demande à la demanderesse d'être présente le lendemain. Le 25 septembre 2024, à 9 h29, la demanderesse écrit aux parties et au Tribunal pour lui réitérer sa demande de remise; Le Tribunal l'informe alors par retour de courriel qu'elle doit être présente au plus tard à 10 h15, à défaut de quoi, le dossier pourrait procéder par défaut; Le Tribunal lui accorde également la permission de procéder via la plateforme Teams à compter de 10h15; À 10 h 32, ce matin, la demanderesse est dûment appelée et fait défaut de se présenter devant le Tribunal. Le Tribunal considère que la demande de remise de la demanderesse n'est pas fondée, qu'elle avait amplement le temps pour se préparer avant l'audition, qu'il s'agit d'une demande de remise purement dilatoire et qu'il n'y a pas de connexité entre l'audition du 24 mai 2024 et la demande en rejet; Dans un tel contexte, les notes sténographiques de cette audition du 24 mai 2024 s'avèrent inutiles pour trancher la question de la recevabilité du recours Pour ces motifs, le Tribunal : CONSTATE l'absence de la demanderesse REJETTE sa demande de remise énoncée dans divers courriels; PROCÈDE par défaut sur la demande en rejet SANS FRAIS de justice.
10 :34	<u>Autres recours</u> Le Tribunal s'adresse à Me Gratton
10 :35	Argumentation de Me Gratton

CANADA PROVINCE DE QUÉBEC DISTRICT DE MONTRÉAL	PROCÈS-VERBAL D'AUDIENCE Pratique	COUR SUPÉRIEURE Chambre Civile
No : 500-17-129627-249	Salle prévue 16.01	**Date : le 25 septembre 2024**
L'HONORABLE BERNARD SYNNOTT J.C.S		JS1673

10 :37	Échanges entre le Tribunal et Me Gratton
10 :40	**Jugement** Le mis en cause, Me Sébastien Dyotte agit en qualité de syndic adjoint du Barreau du Québec. Il demande le rejet du pourvoi en contrôle judiciaire de madame Jacqueline Sanderson, une ancienne avocate du Barreau du Québec. La demande en rejet est fondée sur des articles 167 et suivant du Code de procédure civil ainsi que sur les articles 51 et suivant du Code de procédure civile. Le 30 novembre 2023, la demanderesse est trouvée coupable de 6 chefs d'infractions par le Conseil de discipline du Barreau du Québec. La décision du conseil lui est signifiée le 18 décembre 2023. Insatisfaite de la décision, elle l'attaque le 18 avril 2024, par la signification et le dépôt d'un pourvoi en contrôle judiciaire devant cette Cour. Le 19 juillet 2024, le Conseil de discipline rend une décision sur sanction et impose à la demanderesse des périodes de radiation qui totalisent 22 mois. Entre-temps, le 24 mai 2024, le mis-en cause s'adresse au Tribunal, pour obtenir le rejet du pourvoi en contrôle judiciaire. Le 20 août 2024, la demanderesse en appelle des décisions du Conseil de discipline, et ce, devant le Tribunal des professions qui, faut-il le rappeler, est le seul Tribunal compétent pour entendre un appel d'un Conseil de discipline d'un ordre professionnel. Le mis-en cause demande le rejet du pourvoi judiciaire et soulève l'absence de juridiction de la Cour supérieure, du moins à ce stade-ci. Il plaide également la tardiveté du recours, puisqu'il a été signifié plus de 122 jours après la réception par la demanderesse de la décision du Conseil de discipline la trouvant coupable de 6 chefs d'infraction. Afin de statuer sur l'abus ou non, conformément aux articles 51 et suivant du C.p.c, il convient de souligner qu'à plus d'une reprise, le Tribunal à travers l'évolution du présent dossier a informé la demanderesse qu'il n'avait pas juridiction pour entendre un pourvoi de cette nature, notamment en raison d'article 529 du C.p.c qui se lit comme suit : 529. La Cour supérieure saisie d'un pourvoi en contrôle judiciaire peut, selon l'objet du pourvoi, prononcer l'une ou l'autre des conclusions suivantes: Ce pourvoi n'est ouvert que si le jugement ou la décision qui en fait l'objet n'est pas susceptible d'appel ou de contestation, sauf dans le cas où il y a défaut ou excès de compétence. Le pourvoi doit être signifié dans un délai raisonnable à partir de l'acte ou du fait qui lui donne l'ouverture. Dans la mesure où le Tribunal des professions détient ici la compétence exclusive pour entendre l'appel de Madame Sanderson, son pourvoi en contrôle judiciaire est manifestement mal fondé. Le 24 mai 2024, saisi d'une demande de sursis de la décision du Conseil de discipline, le Juge Benoît Emery s'exprime ainsi dans la présente affaire : « Quant à l'apparence de droit, le Tribunal observe la précarité du recours particulièrement quant au fait que la décision du Conseil de discipline est appelable devant le Tribunal des professions. Or, l'article 529 édicte clairement qu'un pourvoi en contrôle judiciaire est irrecevable si la décision attaquée est susceptible d'un appel sauf dans les cas où il y a défaut ou excès de compétence. La décision rendue par le Conseil de discipline du Barreau du Québec est appelable. D'ailleurs, un tel appel suspend l'exécution de la décision attaquée ».

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

PROCÈS-VERBAL D'AUDIENCE
Pratique

COUR SUPÉRIEURE
Chambre Civile

No : 500-17-129627-249

Salle prévue 16.01

Date : le 25 septembre 2024

L'HONORABLE BERNARD SYNNOTT, J.C.S.

JS1673

Le soussigné fait siens les propos du Juge Emery et considère que compte tenu du droit d'appel devant le Tribunal des professions et compte tenu de l'article 529 C.p.c, la Cour supérieure n'a pas juridiction pour entendre le pourvoi en contrôle judiciaire de la demanderesse.

Le 26 août 2024, le Juge Martin Castonguay saisi d'une demande de la demanderesse voulant que son nom soit ajouté au site du Barreau du Québec indique ce qui suit :

> « Rejette la demande de la demanderesse voulant que son nom soit ajouté sur le site du Barreau du Québec puisque le seul Tribunal compétent pour entendre cette demande est le Tribunal des professions.
>
> Le Tribunal invite Me Sanderson à se présenter devant le bon Tribunal pour faire sa demande ».

Pour une deuxième fois, Madame Sanderson est invitée à s'adresser au Tribunal compétent, mais elle persiste dans sa demande devant cette Cour.

Le 29 août 2024, le Juge David Roberge saisi d'une demande du Barreau du Québec pour remise des dossiers détenus par la demanderesse écrit également :

> « CONSIDÉRANT que la demanderesse a fait valoir un recours à ce sujet, auprès du Tribunal des professions, à titre de forum compétent, sans demande de sursis ».

Pour une troisième fois, le Tribunal informe la demanderesse que le forum approprié pour adresser sa demande est le Tribunal des professions. Malgré tout, elle persiste et insiste pour procéder devant la Cour supérieure - sous réserve évidemment de ses demandes de remises.

Le Tribunal est d'avis que le recours de la demanderesse est manifestement mal fondé puisque la Cour supérieure n'a pas compétence pour entendre son pourvoi en contrôle judiciaire étant entendu que le Tribunal des professions est déjà saisi d'un appel de Madame Sanderson.

Le Tribunal est d'avis que la procédure est manifestement mal fondée au sens de l'article 51 du C.p.c.

De plus, le Tribunal est d'avis que le pourvoi en contrôle judiciaire est tardif, les motifs invoqués par Madame Sanderson pour contrer l'argument de tardiveté n'étant pas satisfaisants. Celle-ci a été en arrêt de travail durant certaines périodes, mais ses arrêts de travail étaient antérieurs à l'expiration du délai raisonnable pour instituer son recours en pourvoi du contrôle judiciaire.

En effet, l'arrêt de travail invoqué a eu lieu entre le 21 juillet et le 7 septembre 2023, bien avant que la décision attaquée n'ait été rendue. De plus, cet arrêt de travail ne l'a pas empêchée d'assister et de faire des représentations devant le Conseil de discipline lors de l'audition sur culpabilité des 25, 26 et 27 octobre 2023.

Seul un document au dossier médical couvre une période incluse entre le 18 décembre 2023 et le 18 avril 2024. Il s'agit d'un document laconique qui ne fait qu'exposer qu'elle a été sous les soins d'un médecin pour cause d'épuisement et trouble d'anxiété entre le 23 février et le 29 février 2024. Ce document n'indique pas en quoi la demanderesse ne pouvait pas respecter le délai raisonnable prévu au Code de procédure civile pour instituer son recours en révision judiciaire, qui de toute façon, n'est pas recevable.

POUR CES MOTIFS, le TRIBUNAL

ACCUEILLE la demande en irrecevabilité et rejet du mis-en cause;

DÉCLARE abusif le pourvoi en contrôle judiciaire de la demanderesse et ce, conformément aux articles 51 et suivants du Code de procédure civile ;

DÉCLARE également irrecevable le pourvoi en contrôle judiciaire pour défaut de juridiction de la Cour supérieure ;

RÉSERVE au mis en cause son droit de réclamer le remboursement des honoraires extrajudiciaires et frais de justice qu'il a dû engager en la présente instance en raison de l'abus de la demanderesse;

FRAIS DE JUSTICE contre la demanderesse.

CANADA PROVINCE DE QUÉBEC DISTRICT DE MONTRÉAL	PROCÈS-VERBAL D'AUDIENCE Pratique	COUR SUPÉRIEURE Chambre Civile
No : 500-17-129627-249	Salle prévue 16.01	**Date : le 25 septembre 2024**
L'HONORABLE BERNARD SYNNOTT, J.C.S.		JS1673

11 :01	Le Tribunal s'adresse aux avocates du mis en cause.
11 :01	**FIN DE L'AUDIENCE**
	Signature numérique de Bernard Synnott Date : 2024.11.08 16:00:09 -05'00'
	L'HONORABLE BERNARD SYNNOTT, J.C.S.
	Doris Nsehgiyumva, adj./g.a.C.S.

Fait à Montréal le 16/10/2024

À qui de droit,

Objet = Attestation de Suivi psychologique -

Par la présente, j'atteste avoir évalué Madame Jacqueline Sanderson le 25/09/2024. Trois rencontres de suivis ont eu lieu le 30/09; 7/10 et 15/10/2024 - La prise en charge s'inscrit dans des difficultés adaptatives et fonctionnelles suite à sa perte d'emploi ayant entrainé de l'anxiété, de la désorganisation et une dysrégulation émotionnelle. La prise en charge se poursuit. Je reste disponible pour plus d'informations -

Psychologue
11803-11
Antoine de Clermont-Tonnerre

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
File no. 500-17-129627-249

SUPERIOR COURT

JACQUELINE SANDERSON,

Plaintiff;

-and -

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC,

Defendant;

-and-

Me Sébastien Dyotte,

Impleaded Party;

AMENDED APPLICATION FOR THE REVOCATION OF A JUDGMENT OF THE SUPERIOR COURT
(Section 345 of the *Code of Civil Procedure*)

TO ONE OF THE HONOURABLE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF MONTREAL, THE PLAINTIFF SUBMITS THE FOLLOWING:

1. On September 25th, 2024, this Honourable Court rendered a judgment to dismiss the present action;

2. The Plaintiff is requesting the revocation of said judgment because she was unable to attend the hearing due to her medical condition as she was under such anxiety caused by the disciplinary files with the Quebec Bar as confirmed in the medical certificate filed herewith as Exhibit R-1;

3. The Plaintiff continues to have serious anxiety, stress and depression due to the judgment rendered by Justice Roberge on August 29th, 2024, to enter the personal residence of the Plaintiff, Jacqueline Sanderson, especially since said judgment was based on misleading information provided by the Impleaded Party;

3.1 On December 16th, 2025, shortly after the judgment of the Court of Appeal rejecting the Plaintiff's motion for permission to appeal of the said judgment of Justice Roberge which authorized the Quebec Bar to enter her personal home, the Plaintiff developed shingles. However, as she had never had same she went to Jewish General Hospital. During the time that she was at the hospital she went into cardiac arrest

immediately after the resident doctor asked her if she had had a traumatic event in her life which may have caused the shingles. Numerous doctors were called to the room and the Plaintiff spent the day being monitored in emergency;

3.2 The entire event was quite traumatizing and caused the Plaintiff to be in fear for several months especially of the Quebec Bar. As will be explained during the testimony of the Plaintiff at the hearing of the present motion, the Plaintiff is in fear to become a lawyer again unless the Superior Court begins to apply the law properly and protect the rights of the Plaintiff;

3.3 As will be explained in more detail at the trial the Impleaded Party and the Quebec bar have acted inappropriately for many years;

4. In fact, the Impleaded Party, Me Dyotte and his lawyer, Me Sophie Gratton, have been inducing the Court in error since the first day that the parties went to the Superior Court on May 24th, 2024, before Justice Emery;

5. The Plaintiff had filed a motion to suspend proceedings before the Disciplinary Council because it had become obvious that the Impleaded Party was grossly exaggerating the facts of the file and he was asking at that time a sentence for the Plaintiff of 6 months to one year;

5.1 Furthermore, the main conviction against the Plaintiff was for an email which she had intended to send to her client which contained the mention "retarded judgment". An email from a lawyer to her client is privileged. Although Justice Emery did not accept that this email was privileged, this does not mean that the motion for judicial review and the motion to suspend proceedings were abusive. As explained in more detail with specific references to the stenographic notes of the various hearings, it is submitted that the motion for judicial review and even more importantly the motion to suspend proceedings were not abusive;

6. Me Gratton, the lawyer for the Impleaded Party, argued before Justice Emery that there was no need for the Superior Court to intervene because Sanderson would simply have to file an appeal the judgment on sentence to the Professions Tribunal which would suspend execution of the judgment on sentence;

7. However, this was untrue because Me Gratton knew or should have known at the hearing before Justice Emery on May 24, 2024, just 4 days before the hearing on sentence, that her client, Me Sébastien Dyotte, was going to ask for the permanent disbarment of Sanderson, a much harsher sentence than he had been asking on March 7, 2024;

8. More particularly, Me Dyotte had filed written pleadings before the Disciplinary Council, dated March 7, 2024, in which he was asking 6 months to one year and was not asking for execution of such sentence during the appeal, as confirmed in the said document filed herewith as **Exhibit R-2**;

9. It is trite law that a temporary suspension is only executable notwithstanding appeal AT THE REQUEST of the syndic officer, in this case being Me Sébastien Dyotte;

10. It is unfathomable that the recommended sentence could go from 6 months to permanent disbarment in such a short period especially considering the conduct at issue of Sanderson;

11. Based on the said misrepresentations made by Me Gratton on May 24, 2024, Justice Emery rendered a judgment from the bench, a copy of which is filed herewith as **Exhibit R-3**, paragraphs 7 and 10 of the judgment provide as follows:

> Quant à la prépondérance des inconvénients, le Tribunal souligne que la demanderesse n'aurait **qu'à déposer un appel au Tribunal des professions pour qu'il y ait alors suspension de l'exécution de la décision**.
>
> [...]
>
> Quant au préjudice irréparable, le Tribunal souligne que la sanction n'étant pas encore prononcée, il ne peut y avoir de préjudice irréparable d'autant qu'une fois la sanction prononcée, **la demanderesse pourra toujours déposer un appel auprès du Tribunal des professions lequel appel suspend l'exécution de la décision du Conseil de discipline**.

11.1 Since the date of the initial motion in revocation of judgment, the Plaintiff has obtained the stenographic notes of the hearing of May 24, 2024. Therefore, the exact passages in which Me Gratton made misrepresentations to the Superior Court on May 24, 2024 are hereinafter provided. In fact, Me Gratton even made the same misrepresentation in her written pleadings filed before Justice Emery on May 24, 2024;

11.2 It is submitted that if a lawyer and her client have to make misrepresentations and not respect the rules of the Code of Civil Procedures, such as serving documents less than one hour before a hearing, to obtain a favourable judgment, then obviously the initial motion for judicial review cannot be abusive;

11.3 In fact, even the Superior Court in the present file did not follow its own directives contained in section 39 which (was in force in May 2024) provides as follows:

> Une demande en irrecevabilité ou en rejet pour abus dont l'audience prévue est d'une heure ou moins sera déférée par le greffier spécial en salle 2.08 et pourra faire l'objet d'une décision sur le vu du dossier avant le début de l'audience.
>
> Une demande en irrecevabilité ou en rejet pour abus dont l'audience prévue est d'une durée de plus d'une heure est transmise au maître des rôles afin d'être acheminée à un juge pour une décision sur le vu du dossier. Si le juge considère qu'une date d'audience doit être fixée, la demande est transmise au maître des rôles pour la convocation des parties à un appel du rôle provisoire de la pratique civile et des procédures particulières.

This directive was not followed for any of the three motions filed by the Impleaded Party.

History of the Procedures in the Present File of Judicial Review and the Disciplinary Files before the Quebec Bar

11.4 To fully understand the misrepresentations made by the Respondents and the misapplication of the aforesaid procedure by the Superior Court, it is important to understand all the history of the relevant files and controversies between the Quebec Bar and the Plaintiff, which have been ongoing for more than 15 years;

11.5 As will be explained in more detail by the testimony of the Plaintiff at the hearing, the Plaintiff began having problems with the Quebec Bar immediately after she began her private practice in approximately 2009. The first files opened by Me Marie-Claude Thibault related to the divorce of the Plaintiff. Thereafter, the same *syndic* for the Quebec Bar opened several other files in the client files of the Plaintiff. For example, one of the neighbours of the Plaintiff, Mme Lajoie, made a complaint to the Quebec Bar because the Plaintiff was representing her ex-concubine. She claimed that the Plaintiff was in a conflict of interest because the Plaintiff and Ms. Lajoie has walked their dogs together on one occasion and discussed their respective foot surgeries and Ms. Lajoie's daughter had tutored the daughter of the Plaintiff several years prior. Ms. Lajoie had filed motions to declare the Plaintiff unable to act before both the Superior Court and the Court of Quebec in Longueuil but the motions were dismissed;

11.6 Notwithstanding that Ms. Lajoie lost both her motions to declare the Plaintiff unable to act, Me Thibault of the Quebec Bar even held an out-of-court examination against the Plaintiff at the Quebec Bar. She maintained the file open for more than two (2) years;

11.7 In another file, Me Thibault opened an investigation with respect to an invoice of the Plaintiff. Initially, Me Thibault tried to insist that the invoice was not accurate even though the client had written to the Plaintiff to say that the Plaintiff was an excellent lawyer. The client even admitted that the reason she contested the invoice was because she could not afford to pay at the time. Again, Me Thibault, interrogated the Plaintiff out-of-court and eventually after more than two (2) years, the file was sent to arbitration;

11.8 In another file which was open for more than 2 years, Me Thibault accused the Plaintiff of having paid the bail of one of her friends (who was one of her ex-boyfriends) who was not even her client at the time of the alleged infraction. Furthermore, at the time of the alleged infraction, the Plaintiff was working as a tax consultant for PricewaterhouseCoopers LLP and was not even working as a lawyer. The Plaintiff explained to Me Thibault that she had not paid the bail, that she had only put the amount on her credit card because the client's new girlfriend did not want to pay in cash at the courthouse. Notwithstanding the foregoing, Me Thibault maintained the disciplinary file for several years at the Quebec Bar. She even sent an investigator, Patricia Joseph, to the home of the said girlfriend in 2021 when the alleged bail was paid in 2015;

11.9 With respect, just the aforementioned files are solid proof of the harassment and abuse of power by the Quebec Bar, let alone the facts of the 2 files that are presently before the Professions Tribunal and this Honourable Superior Court;

11.10 The first disciplinary file against the Plaintiff which was brought by Me Thibault before the Disciplinary Council began in 2018. It is very well explained in the Amended Notice of Application for judicial review in file number T-1006-25 before the Federal Court which was sent to the Honourable Justice Ian Demers, a copy of the application and the exhibits therein are filed herewith as **Exhibit R-3.1** (hereinafter referred to as the "**Notice of Application**");

11.11 As explained in the Notice of Application, in July 2018 Me Thibault of the Quebec Bar filed a complaint against the Plaintiff for not having respected a judgment in which she was declared unable to act because she was speaking to a client in the hallway of the Longueuil courthouse. She insisted on numerous occasions that she was not alleging that the Plaintiff was acting in a conflict of interest. At paragraphs 33 and following of the Notice of Application, the Plaintiff describes in detail the contradictory positions of the Quebec Bar and the Disciplinary Council in file number 06-18-03126 in the judgment in which the Plaintiff was convicted which is found in Canlii at *Barreau du Québec (assistant syndic) v. Sanderson*[1]. In this case, the disciplinary council of the Quebec Bar, being Me Desgranges, concluded that the conflict of interest still continued on the dates of the infractions even though Me Thibault was not even alleging that the conflict of interest subsided on the dates of the infractions. As absurd as it may be, notwithstanding this blatant contradiction between the judgment of Me Desgranges and the opinion of Me Thibault, the case is still on appeal. A copy of the appeal factum of the Plaintiff in this file is filed herewith as **Exhibit R-3.2**;

11.12 As explained in the Notice of Application, the main issue in that case involving Justice Hussain was the interpretation of the Labrie Judgment (Exhibit P-5 in Notice of Application filed as Exhibit R-3.1). Justice Hussain in the judgment dated December 12, 2023 in *Lacoste-Méthot v. Attorney General of Québec*[2] (the "**Hussain Judgment**") had refused to interpret the Labrie Judgment and simply criticized the Plaintiff without foundation as the legal foundation of the case is quite obvious as described in the Notice of Application;

11.13 The Plaintiff has been trying to get any potential judge of any court to interpret the Labrie Judgment yet this request has been totally futile. As explained at paragraph 38 of the Notice of Application, the Plaintiff filed a motion for her client Michael Lacoste before the original Judge who had made the order, being Justice Labrie. Justice Labrie tried to convince the Crown to agree with the arguments of the Plaintiff, however, the Crown simply stated that Justice Labrie did not have jurisdiction. In fact, it was Justice Labrie who suggested to the Plaintiff to file a motion before the Superior Court at page 21

---

1 2021 QCCDBQ 110 (CanLII)
2 2023 QCCS 4794 (CanLII).

of the stenographic notes of the hearing of February 3, 2023 (Exhibit P-11 of the Notice of Application filed as Exhibit R-3.1);

11.14 It was the same week that the Plaintiff went to this hearing before Justice Labrie, being the first week of February 2023, that suddenly Me Sébastien Dyotte, the Impleaded Party in the present file, suddenly revived an old disciplinary file that dated back to October 2021, more than 1.5 years later;

11.15 It should be noted that contrary to the submissions made by Me Gratton to Justice Emery on May 24, 2024, no person made a complaint against the Plaintiff to the Quebec Bar in the present file before the Disciplinary Council. The Plaintiff asked each of the witnesses at the hearing before the Disciplinary Council in October 2023 whether they made a complaint to the Quebec Bar and they all denied same;

11.16 The Plaintiff was convicted in this new file before the Disciplinary Council on November 30, 2023 in *Barreau du Québec (syndic adjoint) v. Sanderson*[3] by Me Manon Lavoie and two (2) other lawyers as indicated thereon. As explained in the motion for judicial review in the present file, a copy of which is filed herewith as **Exhibit R-3.3**, Me Manon Lavoie made numerous reviewable errors and the rules of natural justice were also breached on several occasions;

11.17 As described at paragraphs 50 to 52 of the motion for judicial review (Exhibit R-3.3), the Plaintiff was not provided the list of exhibits until the end of the first day of the trial. The Plaintiff had written to the Quebec Bar on three separate occasions to explain that the hyperlink did not work, however, the Clerk of the Disciplinary Council did not respond (the emails were filed as Exhibit P-4 of the judicial review). The link was to a strange letter not relevant to the disciplinary file of the Plaintiff, a copy of which was filed as Exhibit P-5);

11.18 Furthermore, the Plaintiff had an inspection by the Quebec Bar which was triggered by the judgment of Justice Charles Ouellet in *Droit de la famille — 212088*[4] (the "**Ouellet Judgment**"). The report from this inspection was never provided by the Quebec Bar to the Plaintiff. Evidently, a report by two (2) lawyers of the Quebec Bar dated 6 months before the hearing was relevant to the proceedings because it related to the main motive to the disciplinary file, that is, the Ouellet Judgment;

11.19 It should be remembered that the Ouellet Judgment condemned the client of the Plaintiff as being abusive, however, the Judge did not even condemn the Plaintiff to costs.[5] Moreover, Justice Ouellet did not even analyze the main motive for the motion to declare the lawyer of the children unable to act being the fact that she did not disclose to the client of the Plaintiff that she represented the brother of the adverse party prior to accepting the mandate. On this issue prior to the hearing of the motion to declare

---

3 2023 QCCDBQ 61 (CanLII).
4 2021 QCCS 4576 (CanLII).
5 In cases in which the abuse is allegedly excessive, the lawyers are condemned to costs, see for example *Charland v. Lessard*, 2015 QCCA 14 (CanLII).

the lawyer unable to act, Justice Villeneuve of the Superior Court provided the following comments which are reproduce at paragraph 21 of the motion for judicial review (Exhibit R-3.3):

> Les déclarations d'inhabilité c'est toujours des questions qui remettent en doute l'intégrité professionnelle. Ça fait pas exception à la cause.
>
> [...]
>
> Mais la question là, il y a toujours, je rappelle les grands principes pour peut-être orienter là, au même titre que les parties parfois demandent la récusation d'un juge, il y a toujours la question de justice et d'apparence de justice. Puis dans les cas des mandats donnés aux avocates, ou aux avocats des enfants, il y a toujours la question d'apparence d'impartialité aussi qu'on veut préserver pour des raisons évidentes, c'est qu'on veut éviter qu'il y ait une influence indue de part de l'un ou l'autre des parents sur l'avocat. Puis s'il y a des mandats qui ont déjà été donnés auparavant, puis ça s'avère avéré, il y a peut-être un problème **qui doit être, à tout le moins, évalué par la Cour.** Puis, je prononce rien Maître Dionne là, je vais juste dire que c'est...
>
> PAR Me MARIO DIONNE
> J'en conviens que ça doit être évalué, Monsieur le Juge.

11.20 Justice Villeneuve confirmed in the above passage that the Plaintiff's client had a right to be heard and the lawyer of the attorney for the children confirmed same. If a judge confirmed that the client had a right to be heard and the lawyer of the attorney confirmed same, then it begs the question "how on earth could the motion be abusive?" It is not surprising that the Disciplinary Council did not mention these comments in the judgment on conviction in *Barreau du Québec (syndic adjoint) v. Sanderson*[6];

11.21 In fact, the Disciplinary Council (Me Manon Lavoie) did not consider the defence of the Plaintiff in any manner whatsoever and did not even analyze her testimony or the documents submitted in her defence. Usually a judge is supposed to at least analyze the proposed defence of the defendant and state in the reasons for judgment why the proposed defence is not acceptable. In the present file, the Disciplinary Council does not even refer to the documents or the testimony of the Plaintiff on any of the important issues, especially the comments of Justice Villeneuve above;

11.22 It is also noteworthy that the Ouellet Judgment is dated October 21, 2021 and the Quebec Bar opened the file in November 2021 yet it took until February 10, 2023, a few days after the Plaintiff took her action against the Quebec Bar for her client in relation to the previous disciplinary file as described above and in the Notice of Application. The follow-up letter from Me Dyotte dated February 10, 2023 is filed herewith as **Exhibit R-3.4**;

11.23 Similarly, if the Plaintiff's actions were so reproachable, then why did the Quebec Bar wait 1.5 years to inspect her files. It should be noted that there was not one error identified in any of the files of the Plaintiff after the inspection. Moreover, the Quebec

---

6 2023 QCCDBQ 81 (CanLII)

Bar did not request the provisional suspension of the Plaintiff yet suddenly the Plaintiff was suspended during the appeal of a sentence which is more than Me Dyotte was even requesting in his written pleadings (see Exhibit R-2);

11.24 Based on these facts, it is not surprising that the Plaintiff was begging this Superior Court to intervene to protect her, yet the Superior Court is refusing to intervene to protect the Plaintiff. As explained above, the Superior Court did not even follow section 39 the directives of the Superior Court;

Hearing of May 24, 2024 to Suspend Proceeds Heard By Justice Emery

11.25 On May 16, 2024, the Plaintiff requested the Superior Court to suspend the proceedings before the Disciplinary Council to protect her because the sentence of 6 months to one year was grossly exaggerated and one of the emails in the evidence was privileged and rules of natural justice had been breached on numerous occasions by the Disciplinary Council, a copy of this motion is filed herewith as **Exhibit R-3.5**;

Me Gratton argued that a breach of the rules of natural justice does not consist of an excess of jurisdiction, however, this is totally false. The reason that the Superior Court always maintains jurisdiction if there is a breach of the rules of natural justice is because the applicant did not have a proper fair hearing, therefore, obviously the judgment is null *ab initio*;[7]

11.26 The motion to suspend proceedings was heard before Justice Emery on May 24, 2024. Initially, Justice Rogers was supposed to hear the motion in room 2.07 but the file was transferred as it has been all the time since that date. That is, the files of the Plaintiff were never heard in a public forum with the other files in room 2.07;

11.27 As explained above, the lawyer for the Quebec Bar, Me Gratton, mentioned on several occasions that the motion to suspend should be rejected because the Plaintiff could always file an appeal and the appeal would suspend execution of the sentence which would be imposed by the Disciplinary Council;

11.28 The written pleadings of Me Gratton submitted to Justice Emery provided at paragraph 15 the following:

> [15] L'appel devant le Tribunal des professions suspend l'execution de la decision du Conseil de discipline.
>
> Code des professions, RLRQ c C-26, art 166 [Onglet 8]

11.29 The written pleadings of Me Gratton of May 24, 2024 filed before Justice Emery on May 24, 2024 are filed herewith as **Exhibit R-3.6**;

11.30 Me Gratton stated that the appeal would suspend execution of the judgment if the Plaintiff filed an appeal to the Professions Tribunal. Although Me Gratton

---

7 See pages 7 and 8 of Exhibit 3.7, being the stenographic notes of the hearing before Justice Emery, dated May 24, 2024

later tried to state that these were hypothetical arguments, as noted in the following passages from the stenographic notes of May 24, 2024, the statements are not in any manner hypothetical because Me Gratton specifically refers to the Plaintiff by name:

> Après, une fois la décision sur sanction rendue, **Me Sanderson, elle a un droit d'appel**, et le droit d'appel devant le Tribunal des professions **suspend automatiquement l'exécution du jugement**. Donc, **elle** ne sera pas radiée si elle loge son appel, tel que prévu, dans le tribunal spécialisé. Ben, son droit d'exercer ne sera pas suspendu avant que l'appel soit entendu.
>
> And at page 15 of the stenographic notes Me Gratton stated the following:
>
> Lorsque la sanction n'a pas été prononcée, il y en n'a pas de préjudice.
> Et comme je viens de le mentionner, l'appel devant le Tribunal des professions suspend l'exécution de la décision du Conseil de discipline.

11.31 As noted above at paragraph 11 of the present motion, Justice Emery relied on these pleadings of Me Gratton to reject the motion to suspend execution of the proceedings before the Disciplinary Council. If the motion of the Plaintiff for judicial review was so frivolous and abusive, then why did Me Gratton have to make misrepresentations to Justice Emery to win her motion. But that is not all. Me Gratton made more misrepresentations before the Court of Appeal on this issue in order to try to cover up the initial misrepresentations made before Justice Emery;

11.32 On May 24, 2024, at 4:31 P.M. just a few minutes after the hearing before Justice Emery terminated, Me Dyotte sent an email to the lawyer of the Plaintiff, being Me Sarto Landry, with the written pleadings (*plan d'argumentation* Exhibit R-2). However, he added a list of authorities in which the last case contained therein was an obscure unpublished judgment referred to as *Blanchard (syndic ad hoc) c. Roy, 06-95-00831*, 18 juillet 1996 on the list of authorities of Me Dyotte. The letter with the link to the list of the authorities and the obscure case from 1996 are all filed herewith as **Exhibit R-3.8**;

11.33 It appears that it is from this 1996 case in which the Disciplinary Council believed that simply indicating "*execution provisoire*" was the same as "*execution provisoire non-obstant appel*" which is the correct notation if you wish the judgment to be executable during appeal. It is noteworthy that such an order has only been made one time in the history of the Quebec Bar Disciplinary Council in the well-known case of *Sylvestre c. Parizeau*[8];

11.34 It should be noted that Me Gratton filed several motions to dismiss in the present file, the first one on May 3, 2024, the second one on May 14, 2024 and supposedly yet another on September 19, 2024. As mentioned above, the directives of the Superior Court in place at that time required that a judge of the Superior Court review such motions and assign them on a special provisional role. This was never done for any one of the motions of Me Dyotte and Me Gratton. Furthermore, based on the minutes of

---

8 2000 CanLII 21206 (QC CDBQ).

the hearing of May 24, 2024 (filed herewith as **Exhibit R-3.9**), it appears that Justice Rogers fixed the motion to dismiss recorded at #5 on the docket for September 25, 2024 and not the amended version of that motion. Therefore, it appears that Justice Synott did not even have the proper motion before him on September 25, 2024. Moreover, Justice Rogers should never have allowed Me Gratton to bypass the directive 39 of the Superior Court because the amended motion (#5) was dated May 14, 2024;

11.35 The Plaintiff submits that the laws of Quebec and Canada apply to the Quebec Bar. The Quebec Bar should not be allowed to by-pass the directives simply because they have influence over the legal system in place in Quebec. Similarly, the Quebec Bar should not be authorized to make misrepresentations or not to respect delays. Finally, if there is an error in a judgment, then the Quebec Bar like any other party should be forced to file a motion to rectify said judgment and cannot rely on the judgment as they so choose if the orders are not made accordingly;

12. On August 19th, 2024, after working hours, the judgment of the Disciplinary Council which provided for the temporary suspension of Sanderson for 22 months was served on Sanderson (the "**Sentence Judgment**"), a copy of which is filed herewith as **Exhibit R-4**;

13. On August 20th, 2024, Sanderson was removed from the order of lawyers of the Quebec Bar;

14. It should be noted that the conclusion of the Sentence Judgment provides as follows:

> **ORDONNE** l'exécution provisoire de la présente décision dès sa signification à l'intimée.

15. The conclusion of the sentence does not state "*nonobstant appel*";

16. Since the conclusion did not state "*execution provisoire nonobstant appel*" and only stated "*execution provisoire*", **the Plaintiff rightfully believed** that the appeal to the Professions Tribunal would suspend execution of the sentence, therefore, on August 20th, 2024, Sanderson quickly prepared her notice of appeal and filed same the same day, a copy of which is filed herewith as **Exhibit R-4**;

17. Notwithstanding that the conclusion of the sentence judgment did not provide "*nonobstant appel*", the Impleaded Party, Me Dyotte, insisted that the Plaintiff was disbarred immediately and insisted that she could not transfer her files to another lawyer and must remit same to the Quebec Bar;

17.1 It should be noted that Me Dyotte and Me Gratton did not file a motion before the Professions Tribunal to correct the alleged error in the conclusions of the Sentence Judgment. If they believed that the Sentence Judgment was incorrect, notwithstanding the statements that they made before Justice Emery sighted above, then they were required to file a motion to request the amendment thereto to the Professions Tribunal.

Moreover, since it is the exception and not the rule, the Sentence Judgment should have been interpreted restrictively until it was correct especially since on May 24, 2024, Me Gratton pleaded that the Sentence Judgment would be suspended just four days before the sentencing hearing which was held on May 28, 2024;

17.2 Furthermore, as explained in more detail below, Justice Marcotte of the Court of Appeal confirmed the error in the Sentence Judgment on December 13, 2024;

17.2 This uncertainty with respect to the wording and interpretation of the Sentence Judgment caused the Plaintiff and Me Dyotte to have certain confrontations over whether or not the Plaintiff was disbarred as of August 20, 2024. With respect, this ambiguity should have been interpreted in favour of the Plaintiff as it is included in a penal sentence. Therefore, the motions in the present file were not in any manner abusive;

17.3 On August 27, 2024, the Plaintiff organized all her physical legal files to bring them to the Quebec Bar. Nevertheless, she had excluded the income tax files which were not to be litigated before the courts, such as notice of objections, etc. However, Me Dyotte of the Quebec Bar refused to allow that the Plaintiff keep these files. In fact, notwithstanding his lawyer's comments to the contrary to the Court of Appeal, Me Dyotte continues to state that the Plaintiff is not allowed to keep her income tax files;

Hearings before Justice David Roberge on August 28 and 29, 2024

17.4 The other issue between Me Dyotte was whether the Plaintiff could keep an electronic version of her files. Me Dyotte insisted that even if the clients of the Plaintiff consented that the Plaintiff could not maintain a copy of her files including the income tax files. With respect, the Plaintiff submits that this is total nonsense and that the Quebec Bar is required to return the copies of the electronic files of the Plaintiff. Lawyers retire on a daily basis and the Quebec Bar does not require that the lawyers send their computers to the Quebec Bar to delete their files;

17.5 Due to this very legitimate controversy between Me Dyotte and the Plaintiff because it had never happened in the history of the Quebec Bar that a lawyer cannot keep a copy of their electronic files, on August 28, 2024, the Plaintiff filed an urgent motion to be heard by the judge in chambers of the Superior Court in the present file, a copy of which is filed herewith as **Exhibit 4.1**;

17.6 The Plaintiff had confirmed that Me Leila Kadri would be the transferee of all her files. Me Kadri does not practice criminal law but she had nevertheless agreed to handle the transfer of the files. This is confirmed in the email which was sent to Me Dyotte by Me Kadri, a copy of which is filed herewith as **Exhibit 4.2**;

17.7 The Plaintiff and Me Gratton appeared before Justice Roberge in chambers to hear the motion to transfer the files. However, Justice Roberge stated that he did not

have time and to return the following morning on August 29, 2024 at 10:00 A.M. He ordered that the parties do nothing until the following day;

17.8 The following day Me Gratton served a motion entitled « *Demande Sui Generis Pour Permettre la Prise de Possession de Dossiers d'une Avocate Radiée du Tableau de l'Ordre des Avocats* » at 9:00 A.M. on the Plaintiff, a copy of which is filed herewith as **Exhibit R-5**) (hereinafter referred to as the "**Violation Motion**"). It should be noted from the onset that had the Plaintiff not opened the present file in judicial review, then the Quebec Bar could never have filed the Violation Motion in the District of Montreal. They would have had to open a separate injunction in the District of Longueuil or St-Jean-Sur-Richelieu and would have been required to serve the Violation Motion by bailiff unless of course if the Superior Court did not apply the law to the Quebec Bar;

17.9 The title of the Violation Motion alone is enough to suggest that it is extraordinary using the words "*Sui Generis*". Moreover, such a motion is unprecedented, excessive, over-reaching and unconstitutional. It is not surprising nor abusive that the Plaintiff contested the Violation Motion;

17.10 The Plaintiff had not even seen the Violation Motion when she arrived in Court before Justice Roberge on August 29, 2024 at 10:00 A.M. because the Plaintiff lives more than one hour from Montreal so she had already left her home at the time that the Violation Motion was served at 9:00 A.M. that morning;

17.11 Although the Plaintiff had not even read the motion, Justice Roberge insisted on proceeding that morning and making an order that day contrary to the right to notice of a hearing which obviously is a breach of the rules of natural justice. As explained in more detail below, Justice Marcotte of the Court of Appeal questioned Me Gratton on the urgency of the motion;

17.12 There was no valid reason whatsoever to not allow the Plaintiff the time to prepare for the motion;

17.13 Nevertheless, the Plaintiff testified at the hearing before Justice Roberge on August 29, 2024 but it was as if her testimony was totally ignored by Justice Roberge. The Plaintiff testified that the main reason for the dispute between herself and Me Dyotte was because he was not allowing her to maintain her income tax files as confirmed in the letter filed herewith as **Exhibit R-5.1**. However, this matter was never considered by Justice Roberge;

17.14 The other reason for the said disagreement between Me Dyotte and the Plaintiff was that Me Dyotte believed that the Plaintiff could not keep a copy of her electronic files. This too is ridiculous because obviously the Quebec Bar does not seize every lawyer's computer when they retire from practising law and are no longer a member of the Quebec Bar. Me Gratton claimed that this was because the Plaintiff would no longer be subject to professional secrecy. This too is total nonsense because of course the Plaintiff is still subject to professional secrecy for her previous files at the

time she was a lawyer. Furthermore, it trite law that a lawyer maintains moral rights in virtue of the *Copyright Act* to all his or her works;

17.15 Me Dyotte claimed that the Plaintiff could not transfer her files to Me Kadri because she did not do criminal law. However, on August 29, 2024, after terrorizing the Plaintiff and searching her personal home, Me Dyotte agreed to transfer all the files of the Plaintiff to Me Daniel Brooks who specified that he did not take legal aid cases or any tax cases. Me Brooks accepted to act in the tax files and the criminal files that the Plaintiff was doing free of charge until the clients of the Plaintiff found other lawyers. This is exactly what Me Kadri had agreed to do but 2 days prior Me Dyotte would not accept same;

17.16 Evidently, if Me Kadri was not acceptable because she could not do the criminal files and was only going to transfer them to other lawyers, then Me Brooks should not have been allowed to accept the files either. Nevertheless, after terrorizing the Plaintiff, Me Dyotte allowed the transfer of ALL the files of the Plaintiff to Me Brooks;

17.17 Notwithstanding the foregoing, Justice Roberge authorized the Quebec Bar to enter WITH FORCE the home of the Plaintiff. Justice Roberge did not authorize the Plaintiff to transfer her files to Me Kadri even though she had confirmed by email (Exhibit R-4.2) that she was planning to accept all the files of the Plaintiff;

17.18 Moreover, Me Leila Kadri was an Impleaded Party on the motion of the Plaintiff (Exhibit 4.1), however, Justice Roberge did not allow the Plaintiff to contact her to allow her to testify, another violation of the right to a fair hearing. It appears that Justice Roberge relied on a comment made in a letter by Me Dyotte which was not even in the Violation Motion or in the affidavit of Me Dyotte in order to indicate that Me Kadri was not able to do the criminal files. This is a flagrant violation of the hearsay rules because neither Me Dyotte nor Me Kadri were present at the hearing of August 29, 2024;

17.19 Justice Roberge did not even analyze the Sentence Judgment and simply presumed that everything stated by the Quebec Bar was accurate. Justice Roberge did not even consider the ramifications on the Plaintiff and the extreme violation of her privacy rights, notwithstanding that the worst thing she did was write in an email that a judgment was retarded. As explained above, the Ouellet Judgment stated that the client of the Plaintiff and the motion filed by the Plaintiff was abusive even though the Plaintiff withdrew the motion, Justice Villeneuve stated that the Plaintiff's client had a right to be heard due to the independence issues and even the lawyer of the attorney of the child stated that it made sense that the Plaintiff's client had a right to be heard;

17.20 Justice Roberge did not in any manner analyze the merits of the Sentence Judgment, notwithstanding that no such order had even been granted in Quebec except for Me Parizeau for acts much more serious than the Plaintiff. It is submitted that a Superior Court Judge should analyze the law and all the judgments and allow a party to present witnesses prior to issuing a warrant to enter the personal home of a

lawyer **with force**. The Judge should have also analyzed whether the Plaintiff had a right to maintain her income tax related files and whether she was authorized to maintain a copy of her electronic files as these were the only two issues remaining to be resolved between the Plaintiff and the Quebec Bar;

17.21 Finally, since the injunction granted by Justice Roberge based on the Violation Motion was "interlocutory", the Plaintiff did not have an automatic right to appeal;

17.22 As explained above, if the present file in judicial review had not been opened by the Plaintiff, then Me Dyotte would have been required to obtain an injunction from a Judge in Longueuil or St-Jean-Sur-Richelieu because the Plaintiff resided in these districts. If an injunction had been ordered, then the Plaintiff would have an automatic right of appeal without requiring leave;

17.23 It is unbelievable that the Quebec Bar benefitted from the file of judicial review of the Plaintiff to file the Violation Motion and that they are now accusing the Plaintiff of being abusive even though no such warrant to enter the premises of a lawyer has ever been granted by the Superior Court in the past. Me Gratton argued that the *Gauthier*[8] case was a precedent, however, Justice Marcotte of the Court of Appeal disagreed with this assertion because the *Gauthier* case happened within the context of an investigation and not after a lawyer was already disbarred;

17.24 Evidently, on September 30, 2024, the Plaintiff filed a motion for permission to appeal due to the aforementioned violations of the rules of natural justice and the breach of the moral and constitutional rights of the Plaintiff, a copy of the motion for permission to appeal and the notice of appeal are filed herewith as **Exhibit R-5.2**. Furthermore, Justice Roberge did not even outline the real issue in his judgment of August 29, 2024. The issue was only whether or not the Plaintiff could keep her income tax files and whether she could keep a copy of the electronic files. The Plaintiff never stated that she would not provide copies of her electronic files to the Quebec Bar. The Plaintiff simply wanted to organize the electronic files and make sure that she had not saved any personal or personal privileged files in the wrong folders;

17.25 After the Violation Motion was granted by Justice Roberge, the Plaintiff was so traumatized she did not even leave the house for many days except to do exercise in hope that this would help to cheer her up. The Plaintiff could not believe that a Superior Court Judge authorized persons to tramp through her personal residence when all the Judge should have done is order the Plaintiff transfer her files on an external hard drive because as will be explained below, the Court of Appeal did not agree that the Quebec Bar should retain the Plaintiff's income tax files;

17.26 In fact, the Plaintiff to this day has still not been able to come to terms with this violation of her rights condoned by the Superior Court. In January 2025, the Plaintiff decided to return to McGill University update her Bachelor of Commerce Degree in

---

8 *Gauthier v. Guimont*, 2010 QCCA 2011 (CanLII)

accounting from 1994. At the present time, the Plaintiff has completed 5 courses and obtained As in all the courses;

17.27 It should be noted that in 2020, after it appeared that the Disciplinary Council was going to continue to pretend the conflict of interest subsided as explained in the Notice of Application, the Plaintiff decided to do her common law degree in order to move to Ontario. The Plaintiff completed her common law degree on August 23, 2024. However, because she was no longer a lawyer and due to the Sentence Judgment allegedly being applicable on appeal, the Plaintiff will have to wait until the sentence is finished to apply to another province;

17.28 On September 26, 2024, the Plaintiff filed a motion to suspend execution of the Sentence Judgment, a copy of which is filed herewith as **Exhibit R-5.3**;

17.29 However, the Plaintiff knew that she would lose this motion unless she could find a manner to insist that the judge of the Professions Tribunal could not ignore the fact that Quebec Bar was initially only asking for 6 months to one year sentence (Exhibit R-2) because to this date every single Judge who has reviewed this file has ignored this fact;

17.30 The Plaintiff believed that the only manner that this would happen is if she could find a journalist who would be willing to write an article on her disbarment. The Plaintiff finally found a journalist, being Tristan Peloquin of La Presse, who was willing to write an article on the issues. Initially, Mr. Peloquin had inserted in the article that on March 7, 2024 the Quebec Bar was only asking for a sentence of 6 months to one year based on Exhibit R-2 (the *plan d'argumentation* signed by Me Dyotte). However, the lawyers of La Presse removed this mention from the article entitled "*Fausse déclaration devant le tribunal Un policier risque un procès*" which was eventually published on November 13, 2025, a copy of which is filed herewith as **Exhibit R-5.4**;

17.31 With respect, it is submitted that this removal of a key aspect in the present file should be viewed as a form of censorship. The Plaintiff has yet to find any one Judge who will even acknowledge the existence of Exhibit R-2;

17.32 On October 8, 2024, the Plaintiff filed a private complaint at the Quebec Bar before the Disciplinary Council against Me Gratton due to the conduct of Me Gratton before Justice Emery on May 24, 2024. At the very least, Me Gratton surprised the good faith of the Plaintiff (*surprendre la bonne fois*) because on May 24, 2024 she stated in Superior Court that the Plaintiff had no prejudice because she could simply appeal the Sentence Judgment. Just four (4) days later on May 28, 2024, Me Dyotte asked for the permanent disbarment of the Plaintiff. It should be noted that on May 29, 2024, the Plaintiff called the Quebec Bar hotline known as "Info-Déonto" and explained the aforementioned facts and the lawyer on call working for the Quebec Bar initially stated that "*oui ça serai surprendre la bonne fois*", however, when she asked the Plaintiff her name and the Plaintiff answered, she immediately hung up after stating that she could not discuss the matter with the Plaintiff!

17.33 A copy of the initial complaint filed by the Plaintiff against Me Gratton is filed herewith as **Exhibit R-5.5**. In addition, to the comments mentioned below, the complaint also contained the false statements contained in the Violation Motion as described below;

18. [...] The Violation Motion also contained certain incorrect allegations including paragraph 9 which provides as follows:

> Le Conseil de discipline ordonne l'exécution provisoire de la décision dès sa signification à la Demanderesse, **et ce nonobstant appel**, tel qu'il appert des paragr. 16, 208 et 217 de la Décision sur sanction pièce P-2

19. [...]

20. As note above, the Disciplinary Council did not ORDER "*nonobstant appel*", the order simply provides "*l'exécution provisoire*". If the syndic or Me Gratton thought this was an error, then they should have filed a motion to correct same but they did not. Moreover, it would only be a Judge of the Professions Tribunal who would have jurisdiction to order such a correction because Sanderson had already filed her notice of appeal (Exhibit R-4);

21. Me Gratton added at paragraph 12 of the Violation Motion that it was Sanderson who had to request the suspension of the sentence in her notice of appeal which is also false because the Disciplinary Council did not order "*nonobtant appel*";

22. With respect, it is hard to believe that an originating application should be dismissed when the lawyer for the Impleaded Party induced the Court in error on more than one occasion in order to obtain judgments in the same file;

23. [...];

Motion to Suspend the Sentence Judgment and Judgment of Justice Dugré of the Professions Tribunal

24. On December 2, 2024, the motion to suspend execution of the Sentence Judgment (Exhibit 5.3) was heard before Justice Melanie Dugré of the Professions Tribunal. The file was transferred to a special room without being called with the other files on the docket in room 14.03. Furthermore, Justice Dugré rushed the Plaintiff and did not accept any of her exhibits. Even though the objection with respect to the exhibits and the motion were taken under advisement, the Plaintiff knew that Justice Dugré would reject her motion immediately after she walked into the courtroom. The Plaintiff could sense that Justice Dugré was against her by the tone of her voice within the first 5 seconds of the hearing;

25. On January 22, 2025, as was expected by the Plaintiff, Justice Dugré rejected the motion to suspend execution of the Plaintiff in the judgment cited as *Sanderson v.*

Barreau du Québec (syndic adjoint) (the "**Dugré Judgment**").[10] It is not surprising that Justice Dugré did not mention the *plan d'argumentation* of Me Dyotte which stated that he was only requesting a sentence of 6 months to one year (Exhibit R-2) because to this date all the Judges have ignored this fact, without explaining the reason for the exclusion of this fact;

26. Justice Dugré did not in any manner analyze the comments made by the Disciplinary Council with respect to the Hussain Judgment, a judgment that was rendered after the conviction of the Plaintiff by the Disciplinary Council, notwithstanding that the provisional execution was for the most part based the Hussain Judgment;

27. Justice Dugré disallowed the recording of the hearing before the Honourable Justice Guy Cournoyer of the Court of Appeal (being the permission to appeal the judgment of Justice Hussain). This objection by Me Gratton was taken under advisement and the reasons for the interlocutory judgment on the objection are contained in footnote 1 of the judgment. There is no legal reasoning to establish the reason that the documents are not relevant. To this date in the Plaintiff's 25-year career, she has never read a judgment on an objection to the relevance of 15 documents in a footnote of a judgment in less than three (3) lines;

28. Justice Dugré even accused the Plaintiff of being a liar at paragraph 56 of the Dugré Judgment which provides as follows:

> [56] **S'il est vrai**, comme le souligne l'appelante, que l'antécédent disciplinaire semblable faisait l'objet d'un appel au moment de la décision sur sanction, ce facteur n'est qu'un parmi plusieurs ayant été évalués par le Conseil dans la détermination de la sanction. Cet argument ne permet pas, à lui seul, de conclure à l'existence d'une faiblesse apparente dans la décision sur sanction

29. If Justice Dugré did not believe that the first disciplinary file of the Plaintiff was still under appeal, then she could have checked the *plumitif*. With respect, Justice Dugré did not in any manner analyze the legal content of either the Sentence Judgment or the judgment on conviction. Furthermore, with respect, the number of paragraphs or pages in a judgment does not constitute legal analysis (see paragraphs 39 and 53 of the judgment of Justice Dugré dated January 22, 2025);

30. Furthermore, there was no legal analysis with respect to the protection of the public which even the journalist recognized in the article in La Presse filed as Exhibit R-5.4. In fact, as explained above, the Dugré Judgment does not even mention the Hussain Judgment, which was the main reason for the suspension of the Plaintiff during the appeal period even though the Hussain Judgment was rendered after the conviction of the Plaintiff on November 30, 2025. The Plaintiff submits that it is not the Plaintiff who is a danger to the public;

---

[10] 2025 QCTP 4 (CanLII).

31. It should be remembered that the Impleaded Party's main argument in the motion to dismiss is that the Professions Tribunal had jurisdiction to hear the appeal from the Disciplinary Council. Based on the Dugré Judgment of the Professions Tribunal, the Plaintiff cannot expect to have a fair hearing before the Professions Tribunal because the Judge clearly did not analyze the Sentence Judgment or the judgment on conviction;

32. Unfortunately, due to the present file before the Superior Court and the health condition of the Plaintiff, the Plaintiff did not request the judicial review of the Dugré Judgment because by the time it would have been heard the sentence of the Plaintiff would have been completed. However, it appears that the Court of Appeal will have the chance to review the issue of suspending a disciplinary sentence on appeal in *Gauthier v. Lamelin*[11], though, contrary to the Sentence Judgment of the Plaintiff, this case involved a lawyer who was permanently disbarred, therefore, the suspension on appeal was automatic;

Hearing before the Court of Appeal on December 12, 2024

33. On December 12, 2024, the motion for permission to appeal the judgment of Justice Roberge with respect to the Violation Motion which was heard before the Honourable Justice Geneviève Marcotte of the Court of Appeal, the stenographic notes of the hearing with respect to the representations made by Me Gratton on behalf of the Quebec Bar are filed herewith as **Exhibit R-6**;

34. Although unfortunately Justice Marcotte did not address all the issues described above in her judgment of December 13, 2024[12], a copy of which is filed herewith as **Exhibit R-7**, Justice Marcotte did confront Me Gratton on the important issues with respect to the misrepresentations made before Justice Emery, the urgency of the seizure of the files and the income tax related files of the Plaintiff;

Discussion at Court of Appeal on Suspend Execution of the Sentence Judgment during Appeal

35. As noted above Me Gratton pleaded before Justice Emery that the sentence of the Plaintiff would be suspended during the appeal. The exchange between Me Gratton and Justice Marcotte on December 12, 2024 is transcribed in the stenographic notes at pages 19 and following and provides as follows:

> Honourable Justice Geneviève Marcotte of the Court of Appeal
>
> En fait, ce que soulève votre collègue c'est que vous avez plaidé qu'il n'y aurait pas d'exécution nonobstant appel de la décision à venir sur la sanction.
>
> Me Sophie Gratton pour l'intimé
> **Non.**

11 2025 QCCA 708 (CanLII).
12 *Sanderson v. Dyotte*, 2024 QCCA 1716 (CanLII)

36. By responding "**non**", Me Gratton initially denied the comment made by Justice Marcotte which is totally false. Consequently, Justice Marcotte responded the following:

> Et par la suite, c'est ce qu'on lit auprès du juge Emery - **j'ai lu les transcriptions** - vous dites madame Sanderson n'a pas à s'en faire, il n'y aura pas d'exécution provisoire nonobstant appel. C'est-à-dire ce que vous dites c'est que la décision peut être portée en appel devant le Tribunal des professions, auquel cas il n'y a pas d'exécution provisoire. C'est ça que vous dites.
>
> Me Sophie Gratton pour l'intimé:
> Je veux juste préciser que moi, j'étais pas au dossier en première instance. C'est pas moi qui a plaidé le dossier en première instance.
>
> Honourable Justice Geneviève Marcotte of the Court of Appeal:
> Non, mais vous avez fait des observations au juge Emery.
>
> Me Sophie Gratton pour l'intimé:
> J'ai fait des observations le 24 mai parce qu'elle demandait le sursis de l'instance disciplinaire. Elle voulait pas que ça procède sur la sanction. Tout ce que j'ai dit c'est de dire qu'en vertu du droit, que le Tribunal des professions était le tribunal compétent et qu'elle avait un droit d'appel et qu'elle avait également, aux articles 158 et puis 166 du Tribunal des professions, **si un sursis... si une exécution provisoire est ordonnée par le juge... par le Conseil de discipline, il y a possibilité pour le Tribunal des professions de sursoir à cette exécution provisoire là**, ce que madame Sanderson a fait. Le matin.

37. The highlighted section above is totally false. Me Gratton never mentioned the possibility that the sentence would not be suspended on appeal. As explained above at paragraphs 11.28 to 11.30 of the present motion, Me Gratton stated to Justice Emery in no uncertain terms that the sentence of the Plaintiff would be suspended during the appeal period;

38. Me Gratton pleaded to Justice Marcotte that she was only speaking generally about the law and that she even mentioned that Sanderson can ask for a "*surcis*", however, this is totally false because Me Gratton never mentioned a "*surcis*" before Justice Emery. The stenographic notes before Justice Emery do not even contain the word "*surcis*" (Exhibit 3.7). These representations to the Court of Appeal are a direct contradiction to the statements made to Justice Emery described at paragraph 11.30 above, such that Me Gratton specifically referred to Sanderson before Justice Emery and was not talking in general terms. The terms used before Justice Emery were not in any manner hypothetical;

39. It should be noted that Me Gratton stated to the Court of Appeal that she was not the lawyer before the Disciplinary Council as if it was acceptable to lie to the Court if you are different lawyers on the same case at different levels. This is astonishing and as will be explained below, Me Gratton does this each time her client, Me Dyotte, does something that is contrary to her statements;

40. Me Gratton went on to state that at the time that she pleaded before Justice Emery in the MORNING (le matin) she did not know what would be the sentence that would be handed down by the Disciplinary Council in the following excerpt at page 21, lines 11 to 25 which provide as follows:

> Honourable Justice Geneviève Marcotte of the Court of Appeal:
> Elle l'a fait seulement.
>
> Me Sophie Gratton pour l'intimé
> Le matin où j'ai plaidé, le 24 mai, je n'avais aucune idée de la sanction que Me Dyotte allait imposer. Je le savais pas. Sérieusement, **je pense qu'on s'était pas parlé**. Tout s'est fait vite et de toute façon, **on**[13] ne savait pas si ça allait être imposé d'une manière provisoire.
> Mais quand on lit le jugement sur sanction, on voit bien que Me Dyotte hésitait, le matin même sur la sanction, à demander une radiation permanente ou des radiations avec exécution provisoire nonobstant appel. C'était loin d'être décidé à ce niveau-là.

41. It should be noted that the hearing before Justice Emery began at 2:43 P.M. in the afternoon, therefore, there were absolutely no pleadings in the morning before Justice Emery. Remember that these statements above are now being made before the Court of Appeal, the highest court of the province of Quebec;

42. Moreover, immediately after referring to the hearing before Justice Emery and answering the above question posed by Justice Marcotte, Me Gratton specifically refers to the word "on" suggesting that she knew her client was asking for the permanent disbarment of the Plaintiff and/or the provisional execution *notwithstanding appeal* of the future sentence of the Plaintiff. This is consistent with the fact that Me Dyotte sent the email with one case that discusses "*execution provisoire*" from 1996 at 4:31 P.M. on May 24, 2024 (Exhibit 3.8), less than 30 minutes after the hearing before Justice Emery terminated;

43. Therefore, obviously Me Gratton knew that Me Dyotte was going to ask for *execution provisoire* (whatever that means for that day) and/or the permanent disbarment of the Plaintiff, therefore, she necessarily knew that when she pleaded in front of Justice Emery IN THE AFTERNOON of May 24, 2024. It is noteworthy that this entire argument discussed before the Court of Appeal does not appear in the judgment of the following day of Justice Marcotte (Exhibit R-7);

44. It is important to note that Justice Emery mentioned that the sentence would be suspended during the appeal on two (2) separate occasions (Exhibit R-3). Consequently, the misrepresentations made by Me Gratton clearly had an impact on the judgment of the Superior Court;

---

[13] This on refers to Me Gratton and Me Dyotte.

Discussion at the Court of Appeal in relation to the Income Tax Files of the Plaintiff

45. But that is not all, Justice Marcotte also confronted Me Gratton with respect to the income tax files of the Plaintiff which to this day remain in the possession of the Quebec Bar because Me Dyotte is still refusing to return same. Me Gratton claimed in the following remarks that the Quebec Bar did not intend to take her income tax files (page 15, line 22 to page 16 line 6 of the Exhibit R-6:

> Si un dossier fiscal est juridique aussi, ben, il va être pris parce qu'elle ne peut plus agir comme avocate. Donc c'était une question de savoir... je pense que le dialogue était ouvert. S'il y a un dossier qui n'est pas fiscal, qui est simplement fiscal, **il n'avait jamais été question que le syndic en prenne possession**. Si madame Sanderson veut récupérer, elle peut toujours appeler le syndic. Et d'ailleurs, récemment, elle a demandé des documents le syndic lui a transmis diligemment.

46. It should be remembered that the main reason for the hearing before Justice Roberge was because the Plaintiff has maintained her non-litigation tax files and she wanted to maintain a copy of her electronic files like all other disbarred lawyers do in the world because contrary to the additional false statement with respect to professional secrecy made by Me Gratton before the Court of Appeal, a disbarred lawyer necessarily remains subject to professional secrecy;

Discussion at the Court of Appeal on Abuse of Process

47. Finally, at the end of the hearing before Justice Marcotte, Me Gratton tried to insist that the motion for permission to appeal was abusive. Justice Marcotte's face was in total shock at this request presumably due the aforementioned issues discussed above:

> Me Sophie Gratton pour l'intimé
> [...] puis en terminant, donc il est voué à l'échec et je demanderais à la Cour, en fait, de déclarer la permission d'appeler abusive parce que les arguments qui se retrouvent au soutien de...
>
> Honourable Justice Geneviève Marcotte of the Court of Appeal
> Une demande comme ça, normalement, est formulée par écrit.
>
> Me Sophie Gratton pour l'intimé
> Oui.
>
> Honourable Justice Geneviève Marcotte of the Court of Appeal:
> Puis donner à la partie la chance de se défendre sur l'abus. Formulée comme ça à l'audience, je vous avoue que...
>
> Me Sophie Gratton pour l'intimé
> Ça sera pas...
>
> Honourable Justice Geneviève Marcotte of the Court of Appeal:

C'est plus un moyen de contestation qu'autre chose, mais normalement vous avez... vous savez, l'abus ici que vous souhaiteriez faire déclarer, il faut que ce soit dans un contexte où ça se répète. Ici, c'est une tentative d'entrée de madame Sanderson en Cour d'appel. C'est pas un long cheminement en appel.

C'est une demande pour venir porter son dossier en... soumettre son dossier en appel. Donc, la question de l'abus, je sais pas si vous lisez un peu les jugements de la Cour, mais on n'est pas friand de déclarer une requête qui est assez balbutiante, puis qui n'est pas... à moins que ce soit un comportement répété, mais là ici c'est votre première incursion à la Cour d'appel dans ce dossier-ci, si je comprends bien?

Me Sophie Gratton pour l'intimé
Oui.

Honourable Justice Geneviève Marcotte of the Court of Appeal:
Alors normalement ça serait fait par écrit pour que madame Sanderson puisse...

Me Sophie Gratton pour l'intimé
Je comprends.

Honourable Justice Geneviève Marcotte of the Court of Appeal:
...y répondre.

Me Sophie Gratton pour l'intimé
Je comprends.

48. By analogy, the Plaintiff should have been given the opportunity to respond to the motion for abuse of process filed before the Superior Court especially since the motion was allegedly served on August 19, 2024, just a few days before the hearing and was not even on the docket when it was heard by Justice Synott. That is, as explained above, the Superior Court directives were not followed for any of the motions of abuse filed by the Impleaded Party, Me Dyotte;

49. Furthermore, if the motion for judicial review was so abusive, then why did the Impleaded Party, Me Dyotte, and his lawyer, Me Gratton have to make so many misrepresentations before the Superior Court to obtain judgments in their favour?

50. In addition, the Plaintiff provided very sound arguments both in law and in fact at all the hearings before the Superior Court. This is echoed by the Court of Appeal because Justice Marcotte confronted Me Gratton on all the issues raised by the Plaintiff. The most obvious example of the abusiveness of the Quebec Bar is the fact that they still have not returned the income tax files of the Plaintiff, notwithstanding the exchanges above AT THE COURT OF APPEAL and the following statements at paragraph 15 of the judgment of Justice Marcotte (Exhibit R-7):

> [15] Finally, regarding the taking of possession of the applicant's tax-related files, I take notice of the fact that the respondent declared at the hearing being open to the possibility of handing over to her some of those files that are not within the exclusive domain of members of the Bar.

51. Furthermore, Justice Marcotte clearly was taken aback by the fact that on May 24, 2024, Me Gratton said that the judgment on the sentence would be suspended during the appeal even if Justice Marcotte did not mention it in her judgment (Exhibit R-7);

52. This should be ample arguments at law and in fact to grant the present retraction of the judgment of Justice Synott of September 25, 2024, however, the story is not finished without the details of the proceedings before the Disciplinary Council of the Quebec Bar in the disciplinary file in the private complaint taken by the Plaintiff against Me Gratton in file number 06-24-65311 for the aforementioned misrepresentations made by Me Gratton before the Superior Court and the Court of Appeal;

Private Complaint against Me Gratton before the Disciplinary Council of the Quebec Bar

53. As noted above, on October 8, 2024, the Plaintiff, filed a private complaint against Me Sophie Gratton for various alleged infractions including making false statements before the Superior Court (Exhibit R-5.5);

54. On October 3, 2024, just a few days prior to that date the Plaintiff also deposited a private complaint against another lawyer, a prosecutor in Longueuil, being Me Eve Malouin, for similar infractions, such as inducing the court in error, a copy of that complaint in file number 06-24-03510 is filed herewith as **Exhibit R-8**;

55. It should be noted that the Plaintiff made a complaint to the syndic of the Quebec Bar against Me Eve Malouin in February 2024 but the Quebec Bar never opened an investigation against Me Malouin. Me Malouin is the prosecutor that is referred to in the article in La Presse (see Exhibit R-5.4);[14]

56. Furthermore, it should be noted that the only client of the Plaintiff that Me Dyotte happened to follow closely after the Plaintiff was disbarred on August 20, 2024 was Samuel Roberge, who also happens to be the client who was referred to in the article in La Presse. On August 26, 2024, Me Dyotte sent an email requesting clarification on the status of this client only, a copy of the email is filed herewith as **Exhibit R-9**. It is questionable the reason for which Me Dyotte was communicating with Me Malouin especially since the Plaintiff had made a complaint against her to the syndic in February 2024;

---

[14] It should be noted that the lawyers for La Presse also removed the reference in the article that Me Malouin was married to a police officer of Longueuil.

57. These two complaints, being the private complaint against Me Gratton in the file number 06-24-03511 and the one against Me Malouin in file number 06-24-03510 were both fixed together for the first time before the Disciplinary Council of the Quebec Bar on the same docket on December 11, 2024 before Me Georges Ledoux, a copy of the minutes of the case management hearings before the Disciplinary Council of the Quebec Bar in both files are filed herewith as **Exhibit R-10**;

58. Both files were postponed until January 22, 2025. As noted on the minutes of the hearing of December 11, 2024 in the file of Me Gratton, being file number 06-24-03511, Me Britten requested a delay to produce a request for details with respect to the complaint. Similarly, Me Ali, on behalf of Me Malouin, mentioned that she wanted to send a request for documents to the Plaintiff;

59. On January 22, 2025, Me Manon Lavoie, was the President of the Disciplinary Council for the two said files of Me Malouin and Me Gratton. On this day, the Plaintiff immediately asked Me Lavoie to recuse herself because she was in conflict of interest because Me Lavoie was the President of the Disciplinary Council in a disciplinary file of the Appellant in file *Barreau du Québec (syndic adjoint) v. Sanderson*, 2023 QCCDBQ 81 (CanLII) and in the sentence which was a 22 month suspension in *Barreau du Québec (syndic adjoint) v. Sanderson*, 2024 QCCDBQ 79 (CanLII). Furthermore, Me Lavoie herself admitted that she previously worked with Me Britten, being the lawyer of Me Gratton before the Disciplinary Council in the said private complaint;

60. The entire complaint against Me Gratton relates to the disciplinary file of the Plaintiff because Me Gratton represents the Quebec Bar in the present file and the appeal to the Professions Tribunal;

61. It was obvious that Me Lavoie should not have been the President of the Disciplinary Council at the hearing in the disciplinary files of Me Gratton and Me Malouin. The minutes of January 22, 2025 (filed herewith as **Exhibit R-10**) provide as follows:

> La présidente dénonce qu'elle a déjà pratiqué avec Me Britten, mais qu'elle n'a jamais eu de dossier avec lui.
>
> Me Britten consent à une demande de remise à un autre appel de rôle demandé par la plaignante. Demande un échéancier.
>
> Présidente accorde à la plaignante jusqu'au 12 février 2025 pour transmettre les informations additionnelles à l'autre partie et après une autre conférence sera fixée.

62. It is important to note that there is no mention of a motion to dismiss to be filed by Me Britten, being the lawyer of Me Gratton and the only mention is that the Plaintiff required an additional delay to obtain more evidence;

63. On January 22, 2025, Me Lavoie was also the President of the case management hearing in the file of Me Malouin in file number 06-24-03510, a copy of the minutes are filed herewith as **Exhibit R-11**. It is important to note that Me Ali, the lawyer of Me Malouin, mentioned that she would present a motion to dismiss because she did not obtain the evidence that she was expecting even though Me Ledoux had told her to file a motion for additional disclosure if she thought she was missing information (as opposed to a motion to dismiss);

64. The minutes of January 22, 2025 in the file of Me Malouin in file number 06-24-03510 provide as follows:

> La plaignante soulève que la présidente est en conflit d'intérêts et ne veut pas procéder devant elle. La présidente précise qu'elle est présente aujourd'hui seulement pour fixer une date d'audition. Plaignante maintient sa demande.
>
> La procureure de l'intimée a demandé une divulgation de la preuve depuis le 17 octobre, n'a reçu que des pièces et non la divulgation de la preuve. Une lettre a été demandée par le président Ledoux au dernier appel du rôle, ceci a été fait le 16 décembre. Expose n'avoir reçu qu'un courriel de la plaignante lui indiquant que sa demande est trop large et de faire une requête en divulgation de la preuve. Soumet qu'elle va présenter une requête en rejet. La procureure souhaite dénoncer qu'elle a déjà travaillé avec Me Isabelle Martel du BPCD.
>
> Présidente ordonne que la **Requête en rejet** doit être transmise et reçue au plus tard le 14 février et la plaignante aura jusqu'au 7 mars pour répondre.
>
> La Requête sera ensuite fixée par courriel par le greffe.

65. On January 22, 2025, Me Lavoie postponed the file of Me Gratton in file number 06-24-03511 until March 12, 2025. In the interim, the Clerk of the Disciplinary Council, Ms. St-Pierre, wrote to the Plaintiff with respect to the next management hearing;

66. The Plaintiff demanded who would be the President and the Clerk responded Me Manon Lavoie. Consequently, the Plaintiff wrote to the Clerk and stated that if Me Lavoie insisted on remaining the President of the management hearings of her files, then she would file a motion before the Superior Court to ask for her removal, a copy of the email is filed herewith as **Exhibit R-12**;

67. On March 12, 2025, Me Lyne Lavergne presided over the management conference in the file of Me Gratton as appears in the minutes of the hearing filed herewith as **Exhibit A-13**. The Appellant was concerned with the tone of Me Lavergne at the hearing and asked her the manner that she was appointed. There were additional issues discussed thereafter and then suddenly (without being prompted by Me Britten) Me Lavergne asked Me Britten when he was going to file his motion to dismiss;

68. The problem with this comment was that Me Britten had never mentioned that he was going to file a motion to dismiss. This implied that Me Lavergne had most probably spoken to Me Manon Lavoie prior to being appointed on the file and that she was going to suggest to her friend, Me Britten, to file a motion to dismiss. However, Me Britten never mentioned that he was planning to file a motion to dismiss on January 22, 2025, in front of Me Lavoie, nor was that written in the minutes of the hearing of January 22, 2025 (Exhibit R-10);

69. On July 7, 2025, the Plaintiff filed a motion for permission to amend the initial complaint against Me Gratton and an amended private complaint, copies of the motion and the amended complaint are filed as **Exhibit R-14**. The Plaintiff also requested an independent President which was a polite manner to ask the recusal of Me Lyne Lavergne;

70. Strangely enough as opposed with hearing the motion to recuse Me Lavergne and amend the private complaint, on July 9, 2025 Me Lavergne simply decided to proceed with the motion to dismiss filed by Me Britten on behalf of Me Gratton, a copy of the said motion to dismiss is filed herewith as **Exhibit R-15**;

71. Even though Me Lavergne refused to hear the motion to recuse herself, the Plaintiff insisted that she was not independent when it became her turn to speak after Me Britten finished pleading his motion to dismiss. At approximately 11:45 A.M., the words exchanged between the Plaintiff and the President, Me Lavergne, were as follows:

> 11:44:55
> Sanderson:
> That is why I thought it should be someone independent [...]
>
> 11:45:58
> President:
> I am not chosen by the Bar, I was appointed by the government [...]
>
> Sanderson:
> You will not go against the Bar
>
> 11:47:50
> Sanderson:
> I can see it the way you suggested to Me Britten you suggested to him "Oh you should do a preliminary is there a preliminary motion"

President:
No No. Understand I was given this file knowing that a date was to be fixed was to be scheduled for this motion that's that was the status of the file when I was given it so I **read** what the minutes of the previous ah role call and/or ah management conference calls were and I saw that **Me Britten wanted to do a motion to dismiss** so that's why I fixed my job was to schedule a date for the motion to dismiss I did not say to him "you should do a motion to dismiss" that was not what I did [Emphasis added by Sanderson]

Sanderson:
It was never discussed in front of Me Lavoie a motion to dismiss

President:
That was raised because that was what I supposed to do there were preliminary motions and what he asked for was a motion to dismiss and a date to be fixed

Sanderson:
It had never been discussed in front of Me Lavoie and it the same thing. I specifically told her [Me Lavoie] the first time she came on that she should not be on ...

President:
That's neither here nor there for me . the moment I was **given** the file this was the status

Sanderson:
She [Me Lavoie] was in a biased position

President:

And that's why she gave it . that why the file was then passed on to me . bottom line is the file was assigned to me.

72. With respect, the remarks above by Me Lavergne that she read in the minutes that Me Britten had mentioned he wanted to file a motion to dismiss are totally false as confirmed by the minutes of the hearing of January 22, 2025 (Exhibit R-11);

73. As noted above, there was no mention of a motion to dismiss prior to Me Lavergne coming on the file. The first mention of such a motion was by the President herself on March 12, 2025 as confirmed on page 4 of Exhibit R-13;

74. Furthermore, based on the foregoing, it is obvious that Me Lavoie "gave" the file to Me Lavergne based on the comments made by Me Lavergne above. It was not a random assignment as should have been the case. Moreover, Me Lavoie should never have been involved whatsoever in the disciplinary file of Me Gratton;

75. With respect, based on the actions of Me Lavoie described above, it is not surprising that the Plaintiff requested the judicial review of the judgment on conviction dated November 30, 2023 rendered by Me Manon Lavoie. She acted during a conflict of interest and thereafter another President, Me Lyne Lavergne, made misrepresentations at a hearing;

76. Furthermore, just because a party does not win a motion it does not mean it is abusive. The legal arguments made by the Plaintiff were and always have been very well done.

FOR THE AFOREMENTIONED REASONS MAY IT PLEASE THIS HONOURABLE SUPERIOR COURT TO:

GRANT the present application; and

REVOKE the judgment of September 25th, 2024;

[...]

DISMISS the action in abuse against the Plaintiff

CARIGNAN, August 25, 2025

Ms. Jacqueline Sanderson

SWORN STATEMENT OF THE PLAINTIFF

I, the undersigned, JACQUELINE SANDERSON, residing at 200 Alexandre-De Prouville Street, in the City of Carignan, Province of Quebec, J3L 6X2 declare that:

1. I am the Plaintiff herein;
2. All the facts mentioned in the present motion are true.

AND I HAVE SIGNED AT CARIGNAN

Ms. Jacqueline Sanderson

Declared solemnly before me at the City of Carignan
on this 25th day of August, 2025

Hélène Otis
244864
COMMISSAIRE À L'ASSERMENTATION
Québec

TO: Me Sophie Gratton
SARRAZIN PLOURDE, s.a.
Email: sgratton@sarrazinplourde.com

NOTICE OF PRESENTATION

TAKE NOTICE that the present application for the revocation of a judgment shall be presented to the Superior Court of the Montréal Courthouse situated at 1, Notre-Dame Street East, Montréal, on **September 3, 2025 at 9:00 AM**, **in room 2.08** of the Montreal Courthouse.

CARIGNAN, August 25th, 2025

Ms. Jacqueline Sanderson

File No.: 500-17-129627-249

SUPERIOR COURT
District of Montreal

JACQUELINE SANDERSON,

Plaintiff;

vs.

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC,

Defendant;

-and-

M[E] SÉBASTIEN DYOTTE,

Impleaded Party;

AMENDED APPLICATION FOR THE REVOCATION OF A JUDGMENT

Ms. Jacqueline Sanderson
200 Alexandre De-Prouville
Carignan (Québec) J3L 6X2
Tél.: 514.473.5725
email: jackieclairesanderson1@gmail.com

Amended application for the revocation of a judgment of the Superior Court, dated August 25, 2025

C A N A D A
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

C O U R S U P É R I E U R E
(Chambre civile)

No. 500-17-129627-249

ME JACQUELINE SANDERSON

Demanderesse

c.

CONSEIL DE DISCIPLINE DU BARREAU DU QUÉBEC

Intimée

- et -

ME SÉBASTIEN DYOTTE, ÈS QUALITÉ DE SYNDIC ADJOINT DU BARREAU DU QUÉBEC

Mis en cause

Extrait d'une audience tenue devant l'Honorable Ian Demers, J.C.S. en date du 3 septembre 2025.

COMPARUTIONS:

Jacqueline Sanderson	se représente elle-même
Me Sophie Gratton Me Aimée Riou	pour le mis en cause
M. Obikoa Daniel Djedji	Greffier

INDEX

PAGE

INDEX DES PIÈCES

--- L'extrait débute à 9 h 01

[EXTRAIT DES PROCÉDURES]

LA COUR:

Alors, selon l'ordonnance que mon collègue, le juge Ferland, a rendue, Madame Sanderson, you testify first for 45 minutes, and then you are being cross-examined for 15 minutes.

MS. JACQUELINE SANDERSON

on her own behalf

Well ---

THE COURT:

Are you ready to proceed?

MS. JACQUELINE SANDERSON

on her own behalf

It's just because if it's a motion to dismiss, shouldn't it be first?

THE COURT:

There's a motion to dismiss and there's a motion on -- oh ---

MS. JACQUELINE SANDERSON

on her own behalf

The motion to dismiss, if it's so ungrateful and malicious and whatever, frivolous, my motion, then the motion to dismiss should be heard first.

THE COURT:

Okay. But ---

MS. JACQUELINE SANDERSON

on her own behalf

I don't know, but ---

THE COURT:

--- I would like to hear the evidence first.

MS. JACQUELINE SANDERSON

on her own behalf

The evidence first?

THE COURT:

Yes.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. So then ---

THE COURT:

And then you will have to testify.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

Whenever you're ready.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Well, it's just that my first witness will be Me Sarto Landry because he is -- he was my lawyer at

the time.

THE COURT:

That was not -- that was not what Justice Ferland ordered. He ordered that you would testify for 45 minutes and Me Landry's testimony was not announced. I will not hear it.

Me SARTO LANDRY:

Donc, je peux quitter, Monsieur le juge?

LA COUR:

Absolument. Vous êtes libéré.

On va noter au procès-verbal : « La demanderesse a voulu faire témoigner Me Sarto Landry, S-A-R-T-O, alors que l'ordonnance rendue le 2 avril 2025 par le juge Ferland ne le prévoit pas. Elle prévoit le témoignage de la demanderesse pendant 45 minutes. »

MS. JACQUELINE SANDERSON
on her own behalf

Okay. So then I'll call as my first witness Me Gratton.

THE COURT:

No, you will testify first.

MS. JACQUELINE SANDERSON
on her own behalf

But why do I have to testify first? I would like to cross-examine her first.

THE COURT:

You'll have a chance to cross-examine in due course. In the Order that was set by Justice Ferland, you are first to testify, so I'm ready to hear you.

In the year two thousand and twenty-five (2025), the third (3rd) day of September, appeared

MS. JACQUELINE SANDERSON

Having made a solemn declaration, deposed and stated as follows:

Q Your name, please?

A Jacqueline Sanderson.

Q And your address?

A My address is 200 Alexandre-De Prouville. It's P-R-O-U-V-I-L-L-E Street in Carignan, J3L 6X2.

THE COURT:

Whenever you're ready.

MS. JACQUELINE SANDERSON

on her own behalf

It's okay?

THE REGISTRAR:

Yes.

EVIDENCE IN-CHIEF BY

MS. JACQUELINE SANDERSON:

Okay. So the reason that I am continuing with the -- I'll first discuss the revocation of judgment and then the abuse.

Initially ---

THE COURT:

Now you're testifying, so you should stick to facts. Legal arguments are ---

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, yeah, yeah. No, but I just ---

THE COURT:

--- your representations at the end of the hearing.

MS. JACQUELINE SANDERSON

on her own behalf

I'll testify on the Order or whatever. Okay. So the reason I couldn't make it the day of September 25th was really because I was still in a very deep trauma because of what happened to me because of the *Barreau du Québec*.

I have two daughters that I support. I'm a single mother, and I've had a lot of stress in my life. I've lived a lot of, you know, hard experiences, and there was no planning. I couldn't plan for the fact that from one day to the next, I was going to be completely unemployed because initially, in the *Plan*

d'argumentation, Me Dyotte had asked for six months, and even based on *R. v. Doré*, *Barreau v. Doré*, all the case law, the -- the -- even the six months to one year I thought was too much. So that's why I hadn't -- I hadn't prepared, but that's why -- I wasn't prepared, but also even that, I thought was too much, and that's why I had filed the judicial review.

The other thing that traumatized me was the search of my house because I couldn't understand, when I testified in front of Justice Roberge, I testified that the files were going to be transferred. All the files could be transferred to Leila Kadri, and that the only files that I had kept were the income tax files and that I wanted to keep a copy of my files because that's what everybody does when they retire or whatever, even if they're not a lawyer. So, those were the things that were *en litige* that day, and it wasn't addressed at all. So that's why it was very stressful for me and, you know, I still hadn't come to the realization of everything, but now, you know, slowly I'm getting better. It's been now one year, and slowly I'm getting better. I've accepted that I can't do litigation and that even when it's finished, that I have to leave, and that's why I had started my

common law in 2020. And I had just finished my common law on August 20 -- August 23rd, 2024. So I was getting ready to go to Ontario, and that also stressed me because I couldn't -- could no longer go and apply in Ontario. So there was so many things that happened that it -- and because it traumatized my daughters and everything, that while, you know, sometimes I spent days and I would just sit on my stairs and I couldn't move, honestly. And even today, sometimes it's hard to think that I can't plead in this province. It's because, you know, I think I did good things for society, and so it's sad that this is what it's come to, but I'm ready to accept that I have to do my common law, and that's why I'm doing my accounting at night, and I'm going back to doing *fiscalité*.

So when the -- I just couldn't face it, and then still today, it's hard for me to come to the *Palais de justice*. It's hard for me to accept that this is what it's come to, that -- to me, it's a great injustice, and when you make a stance in court that, you know, just like Me Gratton when she made a stance in court that the *appel va être suspendu*, to me, an *officier de la justice*, when you take a position, especially in a penal file, you have to respect the

position that you take, and it's the same way of -- because I relied on those positions that they took, and I think that it was a grave injustice that was done.

****

MS. JACQUELINE SANDERSON

on her own behalf

So that's why I should have been heard and I didn't win, but that -- that is why I don't think it was abusive.

THE COURT:

Okay. Just to make ourselves clear, what I understand from the *Barreau*'s application is that this application for judicial review, not the proceedings before the *Conseil*, this application for judicial review is abusive.

MS. JACQUELINE SANDERSON

on her own behalf

Right.

THE COURT:

Not the rest of your proceedings. That's something completely different. And ---

MS. JACQUELINE SANDERSON

on her own behalf

No, but ---

THE COURT:

--- the main argument, if I understand it correctly, is that this Court is without jurisdiction to hear your application for judicial review on the merits because that's for the *Tribunal des professions* to decide. So you're in the wrong forum.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. But that's why I sent that case that's -- was so recent, and that's why I'm trying to explain it over and over again. A breach of the rules of natural justice is considered *un excès de jurisdiction*.

THE COURT:

We all agree with that.

MS. JACQUELINE SANDERSON

on her own behalf

Well, so that's what I was arguing.

THE COURT:

Well, that's not the point. The point is if there's an -- if you have a right to appeal before another court or another jurisdiction, you have to go there first before you come to the Superior Court.

MS. JACQUELINE SANDERSON

on her own behalf

No, not ---

THE COURT:

And to ask that jurisdiction to redress the breach of natural justice. That's what I understand from the *Barreau's* argument.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, but it's not true.

THE COURT:

That's why ---

MS. JACQUELINE SANDERSON

on her own behalf

It says right -- if you look at paragraph 46, I'll read it out:

> "...quant aux motifs limités qui permettent d'écarter l'application de telle clause privative..."

Quarante-six (46) *et suivants* of the most recent judgment.

THE COURT:

What's the reference?

MS. JACQUELINE SANDERSON

on her own behalf

This is the one I sent the other day for *Harvey c. Discipline*, 2025 QCCS 1940, Elif Oral. You said it's

madame la justice ---

THE COURT:

Yes.

MS. JACQUELINE SANDERSON

on her own behalf

--- l'Honorable Elif Oral.

THE COURT:

But you're getting into legal arguments. I asked you to testify about facts.

MS. JACQUELINE SANDERSON

on her own behalf

Right, but that's what I'm -- I'm trying to explain. This is why. Because I believe the rules of natural justice were breached and because they were going to ask for a too large sentence and because of the privileged email, I thought it was the best forum to go to the *Cour supérieure*. And look, I'm right. Now I'm suspended during the appeal and I have no recourse. I -- I'm -- it's been one year, and the sentence was six months to one year. So I have *raison*. In his written pleadings, he wrote six months to one year, and I'm still suspended. So my appeals are not going to be heard until the end, and that's why that you're allowed to go to the Superior Court, because you can go on *urgence* because the

judgment is *ab initio* no good, if you didn't have the right to be heard. Just like you, you're telling me I have the right to be heard today. I never had the right to be heard before the *Conseil de discipline*. So that's why I have a right to go to -- and that's why 46 and forward, that's why it says it.

And just because you don't have *raison*, I only filed one judicial review. After the judgment of January of Dugré, I didn't go back, and I could have gone back in the same file if it was still open. I could have gone back in the same file to do a judicial review of that judgment, but because the timeframe would take so long, I just said, you know what, I'll just ask to come back to the Bar after my thing.

So I was not abusive. I -- I kind of regret it now, that I should have done it, but I didn't, and so now I'm just going to apply to come back to the Bar in a few months, and the appeal probably will not be finished because probably it'll go to the Supreme Court of Canada, but that'll be -- it'll be -- I'll apply to the Bar to come back and -- but just as a lawyer, not in litigation, so that I can go to another province.

The -- just because somebody disagrees with my position in law does not make it abusive. At the

Court of Appeal -- it's still very emotional to me -- that's when -- that day is when I started to develop shingles. I don't know if you ever had shingles, but I had never had shingles. I had chicken pox when I was a very small child, and all the stress that had accumulated, it started accumulating the day I was in the -- the Court of Appeal on December 12th, like in the night, to December 13th, and over the weekend I was like, "Oh my God, oh my God, what is this?" And I developed it on half of my body, so it was -- but mostly on my genital area, on just half, and then in the back. So I went to the Jewish General on the following Monday morning, and I coded -- I -- they were doing samples and checking, and I tried to get the -- a copy of the thing, but because I was here Friday, I was supposed to go yesterday, and then I was here all day again yesterday, so I didn't go get the document, but if I could maybe hold the proof open for a couple of days to try and get that document?

THE COURT:

When did it happen? When did you have shingles?

MS. JACQUELINE SANDERSON

on her own behalf

It lasted -- it started that day, in Dec...

THE COURT:

What day?

MS. JACQUELINE SANDERSON

on her own behalf

December 12th, the day I was in the -- 2024, and it continued and it didn't go away right away.

THE COURT:

You had plenty of time to obtain your medical record. I won't leave the evidence open.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

LA COUR:

On va noter au procès-verbal que le Tribunal rejette la demande de permettre la présentation d'une preuve après la fin de l'audience.

This case has been set down for hearing since April 2nd. You had plenty of time to prepare.

MS. JACQUELINE SANDERSON

on her own behalf

But you don't understand how ---

THE COURT:

I don't understand what? Because you've had plenty of time to prepare?

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but you think it's easy to prepare for something like this when you've gone through shingles and you think it's easy to prepare for something like this when you've gone through this? It's very, very difficult. That's why I asked Sarto to be here with me today, because it's very difficult to -- there is -- you're telling me -- we all know that I'm not the worst lawyer that ever came in Quebec. The only reason you're suspended on is usually when you're *radié permanent*. This has never happened in the history of Quebec. Why?

THE COURT:

Radié permanent, of course it's happened many times.

MS. JACQUELINE SANDERSON

on her own behalf

No, *suspension temporaire de radié en appel*.

THE COURT:

I have no idea what you're talking about.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

And it doesn't make any difference because let's stick to what's before me today.

MS. JACQUELINE SANDERSON
on her own behalf
But that ---
THE COURT:
Your application for revocation of judgment and a declaration of abuse.
MS. JACQUELINE SANDERSON
on her own behalf
But that's part of it. The part of the reason I'm not functional is partially because of that, because it is a breach of the rules of natural justice, and that's why the Court of Appeal is intervening. I'm sure that's why, because Guylaine Gauthier, the same thing happened. When you're not suspended provisionally ---
THE COURT:
The Court of Appeal is intervening in what file? In your file?
MS. JACQUELINE SANDERSON
on her own behalf
No, I didn't do the permission to appeal on the *suspension pendant l'appel* because I already had this file open and it was too much. I was already -- I had shingles at the time. I was already too stressed. I couldn't do the motion for judicial

review. I regret it. I should have done it now because now the Court of Appeal has intervened. I cited it in my amended motion. The -- because when you're not suspended on -- no one asked for provisional execution while I was -- like right away when it happened. It also was a year and a half. I explained it in my amended motion. It was also a year and a half since the file had closed that they reopened without a complaint.

THE COURT:

Okay. But what does it have to do with our file, with what's before me?

MS. JACQUELINE SANDERSON
on her own behalf

Because the whole thing relates to the discipline that happened in first instance.

THE COURT:

Yes, but ---

MS. JACQUELINE SANDERSON
on her own behalf

So the reason ---

THE COURT:

In your application for judicial review, you are challenging the decision on *culpabilité.*

MS. JACQUELINE SANDERSON

on her own behalf

Yes.

THE COURT:

That's the only thing that you are challenging. So what you're talking about right now is the provisional execution of the decision, if I'm not mistaken, happened way after, when the sanction was imposed. But that's not in your application for judicial review. It only pertains to the declaration of guilt.

MS. JACQUELINE SANDERSON

on her own behalf

No, but you said why I can't, because I'm non-functional. You said why I couldn't get -- why I can't prepare. It's the same thing why I can't testify today, why I can't concentrate, why I can't continue as a lawyer in Quebec, because of all of this.

THE COURT:

Okay, but it's ---

MS. JACQUELINE SANDERSON

on her own behalf

The stress.

THE COURT:

--- a circular argument. "I'm stressed, so I can't

obtain my medical record, and I can't obtain my medical record to prove that I'm not functional."

MS. JACQUELINE SANDERSON
on her own behalf

Exactly.

THE COURT:

But you're not a doctor, you're not a lawyer. You're no longer a lawyer, but you're not a medical doctor, so you can't testify about your medical condition and what it ---

MS. JACQUELINE SANDERSON
on her own behalf

Well, of course I can. Well, I'm pretty ---

THE COURT:

Not as an expert.

MS. JACQUELINE SANDERSON
on her own behalf

No, I'm testifying on my anxiety and my stress since this happened and the reason for my anxiety and stress. If you're a member of the legal profession and they treat you, excluding you, as not treating you like everybody else, what happened to me is not being treated fairly like everybody else.

THE COURT:

Yes, but Madame Sanderson, you're challenging a

decision rendered in 2023. Your application for judicial review was filed before you developed shingles. So how do the shingles have anything to do with what happened before-wise?

MS. JACQUELINE SANDERSON
on her own behalf

No, because you're asking me why I couldn't obtain my medical records earlier and why I couldn't prepare earlier. That is why I couldn't prepare earlier.

THE COURT:

You had nine months.

MS. JACQUELINE SANDERSON
on her own behalf

I was on medical leave -- yes, but I was on medical leave most of the time. I can't come to court. I don't like being here anymore because I was treated differently from all the other lawyers in Quebec. Why was I treated differently? It's true that I raise issues that you -- that people might dislike, and I'm sure that you dislike me, but just because you dislike me does not mean that I shouldn't be treated fairly like everybody else does. It was -- I was treated unfairly by the system. I should not have been suspended during the appeal process.

THE COURT:

How do you explain that someone so sick as you describe is able to file or draft an application for permission to appeal within hours after my judgment yesterday? You're telling me you're not functional.

MS. JACQUELINE SANDERSON
on her own behalf

I can function intellectually, but I can't function, like going to argue and things like that. Like now, I can't concentrate. Intellectually, I got straight A's, like I mentioned. Going in accounting, I got straight A's. Intellectually, I'm very smart. I can do anything written down, but like today, I can't concentrate on my testimony, and the stress of coming here, sometimes -- like I said, I sat on the stairs for hours after my house was invaded. Do you realize criminals, they get better treatment than I did. They invaded my whole house.

THE COURT:

Okay. But how does that ---

MS. JACQUELINE SANDERSON
on her own behalf

How does that affect me?

THE COURT:

How does that prevent you from simply requesting your medical record?

MS. JACQUELINE SANDERSON

on her own behalf

No, because I didn't concentrate on that part of it.

THE COURT:

Okay. But you're telling me that you're ---

MS. JACQUELINE SANDERSON

on her own behalf

I do have one thing.

THE COURT:

--- fully functional intellectually. All you had to do was send an email or file a form to obtain your medical record.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, I ---

THE COURT:

That's a very simple procedure.

MS. JACQUELINE SANDERSON

on her own behalf

Exactly, but I didn't think of it until last week.

THE COURT:

Ah, that's completely different.

MS. JACQUELINE SANDERSON

on her own behalf

Exactly, but it's the same thing. When I was

redrafting ---

THE COURT:

Yeah, but my colleagues told you many times that your medical arguments or your -- when you invoked your health, it's not documented.

MS. JACQUELINE SANDERSON
on her own behalf

No, it is. I ---

THE COURT:

I understand, but ---

MS. JACQUELINE SANDERSON
on her own behalf

R-1, I have ---

THE COURT:

You may think it is, but my colleagues concluded that your allegations as to your health are unsupported. That's pretty much a hint that you should get your medical record.

MS. JACQUELINE SANDERSON
on her own behalf

No, R-1 in the exhibits today, which are on the key -- did you get the USB key?

THE COURT:

I did.

MS. JACQUELINE SANDERSON

on her own behalf

There's a medical note from a psychologist that I started seeing on that day. Because I was unable to make it to court, I realized I had to do something about it and I went to see a psychologist right away, and the note is in the file. I also put a medical note with the proof of -- before Justice Ferland, I put the proof of shingles. It's in the file. The test results with the medical slip are in the file, and that I can find another -- I can try and print it at *Bureau en gros* or something if you -- or else I can send it by email. That, I have. The ---

THE COURT:

No, I won't allow any further documents after the hearing. I'll deal with the documents that you've given me and given the other party already.

MS. JACQUELINE SANDERSON

on her own behalf

No, but she's had -- she has it already. It's just it's not fair. It's the proof that the shingles, where it was and everything. It even says ---

THE COURT:

Okay. Let me go back to Justice Ferland:

> "De plus, les motifs invoqués par la demanderesse ne seraient donc

pas suffisants pour justifier la remise de l'audience. De plus, la preuve de l'état de santé de madame Sanderson, qui n'a pas fourni de certificat médical à l'appui de sa demande, est insuffisante."

If that's not enough ---

MS. JACQUELINE SANDERSON

on her own behalf

There is a *certificat.*

THE COURT:

Judges get it wrong all the time, I get it. Okay? But it seems to me that ---

MS. JACQUELINE SANDERSON

on her own behalf

He said it wasn't detailed.

THE COURT:

I'm not done.

MS. JACQUELINE SANDERSON

on her own behalf

We can ---

THE COURT:

It seems to me that the judges have told you, and Justice Ferland is probably the last one in line,

that your medical evidence is insufficient to support your allegations. So that, to me, seems to be a hint. You would have to substantiate your allegations, and I think it's pretty clear that, well, my colleagues have doubts about your medical condition. Then ---

MS. JACQUELINE SANDERSON
on her own behalf

It's in the file.

THE COURT:

--- if you have a medical record, support it.

MS. JACQUELINE SANDERSON
on her own behalf

It's in the file. It's in my motion.

THE COURT:

Okay.

MS. JACQUELINE SANDERSON
on her own behalf

Well, could I please see the file then? It's in there. He's just said that the doctor should have explained it, so I testified that that's what it was. But there was the results that proved that I got shingles was also attached to the medical certificate, and it says exactly where it was, actually. It says -- can I look for the certificate

then?

THE COURT:

Well, you could, yes. Yeah.

MS. JACQUELINE SANDERSON

on her own behalf

Because...

THE COURT:

Do you have it?

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, it's right there, and this is what I gave him, the medical certificate.

THE COURT:

Yes, and he found it just to be insufficient. I saw that.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Well, I have another -- okay. So to you, that's not -- there's no point for me to testify then? Because I'm not going to -- I don't want to waste the Court's time. If you don't think that you want to hear me testify, then -- you just keep telling me to shut up practically, so...

THE COURT:

No, that's not what I'm doing. I'm giving you a

chance to explain me what is going on, and I'm telling you my colleagues have decided otherwise. So explain me why I should not follow their conclusions?

MS. JACQUELINE SANDERSON

on her own behalf

Because I never testified to explain the situation and they never saw the other medical certificate that is in the evidence, the anxiety and depression that I went through. It's -- you don't get ---

THE COURT:

You can go back to the witness box.

MS. JACQUELINE SANDERSON

on her own behalf

You don't get shingles from -- you don't get shingles from -- it's from -- really from stress. When I woke up ---

THE COURT:

You're no medical expert. You can't testify on that.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Well ---

THE COURT:

No, you really can't.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Well, when I was in the hospital on December 16th, I went into convulsions when I was on the table, and I could hear them say, "Her blood pressure is going down, down, down," and then I coded, and many doctors came in and they kept me for the day at the Jewish General Hospital. So the reason -- and they even specifically asked me, "Did you go through anything stressful?" And I said, "Yes, I was disbarred." So that's -- and so that's what they said probably triggered it. But ---

Me SOPHIE GRATTON

pour le mis en cause

Je vais m'opposer parce que...

LA COUR:

J'en tiendrai pas compte.

I can't take that into account. That's hearsay. Those medical doctors are not testifying. You're no medical expert. There's pretty much nothing I can do with that because it's inadmissible evidence.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, but the fact that I can testify on my situation, if you ---

THE COURT:

Yes, well, you can't testify about the cause of the

shingles. You may think that it's caused by stress, but ---

MS. JACQUELINE SANDERSON

on her own behalf

Right. Okay.

THE COURT:

--- that's a layperson opinion.

MS. JACQUELINE SANDERSON

on her own behalf

That's fine. Right, okay, that's fine. Well, I mean, there's no -- everyone -- obviously, historically, you can't see, but obviously if you're a single mother taking care of two kids in university and you lose your income and someone searches your house, and you're suspended on appeal for the first time in all of Quebec, then you wonder. So that's why I'm saying that it is a *requête-bâillon* because they're trying to stop me from presenting my case, obviously. Like, it's intimidation. That's exactly what this is.

And the whole thing of how come I was the first lawyer, why am I so different? Why am I the first lawyer that ever happened a suspension during appeal? Why am I the first lawyer that had entrance into their house? Why is that? Because I'm not being

treated like every other lawyer. So obviously that causes stress and, you know, I feel excluded and very saddened by that. So obviously it was very difficult for me to prepare, and it's very difficult for me to come here, just like it's very difficult for me to testify in front of you. And so that's why I was unable to -- I just couldn't come that day ---

THE COURT:

Okay. But ---

MS. JACQUELINE SANDERSON

on her own behalf

--- just like ---

THE COURT:

--- let's go back a little bit. You filed your application for judicial review four months after the decision. What you are explaining to me right now happened way after. So how come in those four months you could not file your application for judicial review within 30 days?

MS. JACQUELINE SANDERSON

on her own behalf

It's -- the delay is not -- it's a reasonable delay. It's not 30 days.

THE COURT:

Yes, but you're certainly aware that the Court of

Appeal has told us many, many, many, many, many, many times that after 30 days, you have to explain the reasonableness of the delay.

MS. JACQUELINE SANDERSON

on her own behalf

Well, and so I put all the medical records in -- there's a full thing of medical records, what happened to me before that, and the whole file of the medical records is in the judicial review. If the judge didn't accept my reason does not make it abusive. That's the -- it's the same thing, like today, if you don't think that that's sufficient, it doesn't make it abusive. You know, it doesn't mean because you don't agree that that's enough, that it's abusive. It's the same thing with Justice Ferland who does not believe that that's sufficient; it doesn't mean that I couldn't -- I didn't have the right to be heard, and I still have not had the right to be heard.

And if you look at the judgment in first instance before the Disciplinary Council, which is what I was on appeal of, then that is where I gave the proof that I didn't get the exhibits. With respect to the email that I'm talking about that was privileged, I argued that it was privileged, and I argued that it

was hearsay because the person that received it should have been present. So that's another breach of the rules of natural justice, because ---

THE COURT:

How come? You wrote the email? You were present?

MS. JACQUELINE SANDERSON
on her own behalf

Yeah. Well ---

THE COURT:

We were presented with the email?

MS. JACQUELINE SANDERSON
on her own behalf

No, they presented it way before I was testifying. Nobody presented it to me. It was already in evidence.

THE COURT:

It was in the record?

MS. JACQUELINE SANDERSON
on her own behalf

It wasn't in the record from me.

THE COURT:

The email was in the record ---

MS. JACQUELINE SANDERSON
on her own behalf

I didn't put it in.

THE COURT:

Of course you didn't put it in; it was against your interest.

MS. JACQUELINE SANDERSON

on her own behalf

Right. So in another file that's already happened, this, they had to prove it or bring the person that received the email. You can't just put in evidence that you want against the adverse party without proving it. It's like a criminal trial. You can't make the person testify first; you have to present your evidence. So when he went to put the email in, I said, "Objection, ouï-dire", because I hadn't testified yet. The person that received the email had to testify; they didn't. And so I said, "Can I please have that person come and testify?" And they refused. That person should have been able to testify because to me, I was planning on that working as *objection, ouï-dire* and objection, privileged, and it didn't work. But -- so those are legitimate legal arguments, and by not allowing them, it's like breaching the rules of natural justice.

So then the same thing, when I didn't get the list of exhibits, I said, "I didn't get any of the exhibits." I have two emails or three emails where I wrote to

the clerk and said, "I don't have the exhibits. I don't have them. You have them as Exhibits P-4 and P-5 with my judicial review." Those emails went unanswered, and because they were unanswered, I never got the exhibits. So I only found out what exhibits were against me the night of the first day of trial. That's when I got them. Nobody understood. There was like a *barrière de la langue* or something, but if you look at the screenshot of what I got, it's a letter to an African embassy. That's what I got, and the screenshot is in front of you. So that is a breach of the rules of natural justice.

So therefore, it's the same thing, when you read the judgment, there's no facts in it.

THE COURT:

What judgment?

MS. JACQUELINE SANDERSON

on her own behalf

My conviction judgment. There's no -- there's no detailed facts. There's -- if you read my motion for judicial review, Justice Villeneuve of the Superior Court of Granby specifically said -- because the whole thing started in -- the initial issue, when the whole thing became a problem of *abusive* was I filed a motion to declare the lawyer for the children unable

to act because I claim she wasn't independent. She hadn't disclosed, and I said there was a *vice de consentement* because my client had consented that she become the lawyer of the children because they -- you know, by consent, because they proposed her, but they had never disclosed the fact that she had represented the brother of -- the brother of the adverse party. So the adverse party, I was representing the father, so the brother of the mother had had this lawyer in the past. So when I presented my motion for *déclaration d'inhabileté,* Justice Villeneuve -- it wasn't heard that day, but he took it upon himself to say in open court, and it's in my judicial review, to say in open court, "*L'avocat des enfants, c'est similaire qu'un juge; il devrait y avoir apparence d'indépendance, pas juste indépendance toute seule, et alors je pense que si ça s'avère d'être vrai, comme si c'est vrai qu'elle a déjà représenté le frère dans le passé, que vous devriez avoir une chance d'être entendu.*"

And the lawyer for the children came up and said, "Je constate", and "I agree". "Je consente"; "I agree, Your Honour."

So how can a motion be abusive if the judge, just analyzing the file, like we do under *procedure 39* --

that was never done in my file, for some reason -- *procedure 39* said, "I'm going to look at the *requête en abus".* So he did that. He said, "You know how I see this?" So he said that, and that's nowhere to be found in my judgment on conviction. You don't think that that's the most important fact that could have possibly existed was that? I do.

THE COURT:

Okay. But you're talking about the merits of the 2023 decision. If you want to contest the merits, that's not an exception for this Court's jurisdiction.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, it is.

THE COURT:

No, it's not.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, because that's what I was saying about the Three-Rivers case. The Three-Rivers case said if you don't consider evidence at all, because my defence wasn't considered at all by the Judicial Council -- if you don't consider evidence whatsoever -- *Université*, whatever, he said it in here, Three-

Rivers, then it's considered part of judicial review, and its *exception: les motifs limités permettent d'écarter l'application de telles preuves,* and it's looking at *article 193 du Code des professions.* Just because nobody agreed with me -- but I still haven't had a chance to be heard, right?

THE COURT:

My other concern, and I would like you to address it in the five minutes that you have left, aren't you duplicating proceedings? Because you are before the Superior Court but also before the *Tribunal des professions*, if I'm not mistaken?

MS. JACQUELINE SANDERSON
on her own behalf

Yes, but ---

THE COURT:

For the very same decisions.

MS. JACQUELINE SANDERSON
on her own behalf

Yes, but this was before the *Tribunal des professions* because ---

THE COURT:

I get it, but I have to take the situation as it is today.

MS. JACQUELINE SANDERSON

on her own behalf

No.

THE COURT:

Well, of course.

MS. JACQUELINE SANDERSON

on her own behalf

No, because she's arguing that it was abusive, my original application that I made in April 2024, before.

THE COURT:

Well, unless I misread the application, all you did afterwards is also considered abusive, including your application for revocation of judgment. So the whole of the case is said to be abusive.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, but ---

THE COURT:

Not just your application right from the start.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, but how can it be abusive after if they had to make misrepresentations to obtain judgment?

THE COURT:

Did you appeal those judgments before our court, my

court?

MS. JACQUELINE SANDERSON

on her own behalf

Which one?

THE COURT:

All of them. You said they made misrepresentations before Justice Emery, before Justice Roberge, well, probably before Justice Ferland. Were -- was any of these judgments appealed?

MS. JACQUELINE SANDERSON

on her own behalf

Well, yes, the ---

THE COURT:

Besides Roberge and Justice Synnott?

MS. JACQUELINE SANDERSON

on her own behalf

Well, no, I didn't appeal Justice Synott, but I did a *révocation de jugement*.

THE COURT:

Yeah, against one judgment, not all of them.

MS. JACQUELINE SANDERSON

on her own behalf

Yes. What -- why -- but then it would be even more abusive if I had gone and -- gone on appeal. I don't understand what you're -- the ---

THE COURT:

Well, you're telling me that they all lie and they lie all the time.

MS. JACQUELINE SANDERSON

on her own behalf

I didn't say that.

THE COURT:

And they lie before every judge. Well, they made ---

MS. JACQUELINE SANDERSON

on her own behalf

I didn't say ---

THE COURT:

They made misrepresentations.

MS. JACQUELINE SANDERSON

on her own behalf

I gave a list ---

THE COURT:

A misrepresentation is when you do not present the reality as it should be or as it is.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Well, she said before Justice Emery, in the afternoon, at 3 o'clock, that the:

> "Maître Sanderson a juste à déposer son appel."

And I quoted it in my motion for amendment word for word from the stenographic notes.

So I don't understand. Of course -- of course it's a misrepresentation. How can it not be? That's exactly what a misrepresentation is. You can't say to someone that "*l'appel va suspendre exécution*" and 30 minutes later, her client sent an email saying *exécution provisoire*, not *exécution provisoire nonobstant appel*, but one judgment that said *execution provisoire*. So then, that's what ---

THE COURT:

And there's a difference between the two?

MS. JACQUELINE SANDERSON
on her own behalf

Yes, it's explained in my motion to suspend execution.

THE COURT:

Yeah, I read that.

MS. JACQUELINE SANDERSON
on her own behalf

Okay. *Exécution provisoire* means ---

THE COURT:

So it applies right away.

MS. JACQUELINE SANDERSON
on her own behalf

Right, but until you file your appeal, then -- if it doesn't say *nonobstant appel*, because there's many judgments where they do *exécution provisoire* at the *Tribunal des professions* so that it's not suspended for the 30 days, that you can do a continuous sentence, and that's when you order *exécution provisoire* and you don't write *nonobstant appel*.

THE COURT:

So what would be the point of decided that it should be executed provisionally, but then if you file an appeal, it's no longer executed provisionally? I don't see the point.

MS. JACQUELINE SANDERSON

on her own behalf

Because -- there's a special case. It's explained in my motion to ex -- motion to suspend proceedings that -- before the *Tribunal des professions*. I put all the case law, and I explained it because when you want to have a continuous sentence, you don't want it to be suspended because the person was perhaps provisionally radiated, right? So they don't want to have 30 days when it's sentenced, then they do *exécution provisoire*, but they don't say *nonobstant appel*, and then it continues. So then it doesn't have that 30 days. And that's when you use *exécution*

provisoire and you don't add the words *nonobstant appel*.

And that's why the Court of Appeal said it's a clerical error. A clerical error has to be corrected in front of or the Superior Court or the *Tribunal des professions*, or the *Conseil de discipline*. And that is why I was going to have Sarto Landry testify, because Sarto Landry was the one that called me right after he got the sentence, and he said, "Do your motion to -- your Notice of Appeal the following day right away." So even though I was finishing my degree and I had to get my essay in on the 23rd of August 2024, I filed my Notice of Appeal on August 20th, 2024 right away, the same day that I got it, because it said only in the *ordonnance exécution provisoire* and it didn't say notwithstanding appeal. Therefore, the moment that I filed my appeal, it should have suspended it. Maybe they meant to write *nonobstant appel*, but you're not 100 percent sure because still to this day, if they meant to write it, why didn't they write it, you know? It's a clerical error in an *ordonnance*. A clerical error in an *ordonnance* has to be corrected, and the person that has an error in an *ordonnance* has to correct it.

THE COURT:

Thank you, Madame Sanderson. You've testified for 45 minutes now.

You will be cross-examined, if the *Barreau* wishes to cross-examine, for 15 minutes.

Me SOPHIE GRATTON

pour le mis en cause

En fait, non, on n'a pas de questions.

LA COUR:

Très bien.

Alors, on peut passer à l'étape suivante, interrogatoire de l'avocate du mis en cause.

Me SOPHIE GRATTON

pour le mis en cause

En fait, puis je veux juste -- c'est un petit peu confus, là...

LA COUR:

Moi aussi.

Me SOPHIE GRATTON

pour le mis en cause

...l'interrogatoire, mais c'est sûr que je vais juste expliquer mes factures.

LA COUR:

Ah, OK, c'est pour le...

Me SOPHIE GRATTON

pour le mis en cause

C’est pour les factures, pis je sais pas si madame Sanderson... je dois avouer qu’il y a juste cette petite confusion-là là-dedans, si elle souhaite m’interroger, me contre-interroger sur les factures ou pas.

Mme JACQUELINE SANDERSON

pour elle-même

Non, elle a signé un affidavit sur des faits dans une requête. J’ai le droit de contre-interroger sur la requête et sur ses... *on her misrepresentations.*

THE COURT:

She just said -- no, she just said -- you want to cross-examine her on her misrepresentations?

MS. JACQUELINE SANDERSON

on her own behalf

Of course I can cross-examine her on her misrepresentations. If -- that’s -- if someone’s going to be credible, they have to be cross-examined on their misrepresentations.

THE COURT:

Normally, if someone files an affidavit, you examine out of court. You don’t examine here.

MS. JACQUELINE SANDERSON

on her own behalf

I asked to examine out of court and the judge said,

"No, you can examine her at the hearing."

THE COURT:

Who said that and when?

MS. JACQUELINE SANDERSON

on her own behalf

Justice Ferland. I can't send out subpoenas. As I mentioned, I can't send a subpoena because I'm not a lawyer.

THE COURT:

Yeah, I know that. You told me.

MS. JACQUELINE SANDERSON

on her own behalf

So, I had asked, and Justice Ferland ---

Me SOPHIE GRATTON

pour le mis en cause

Il y a pas de faits autres que les factures au soutien de ma requête en rejet. Tout ce qui est dans la requête en rejet concerne des éléments qui sont au dossier.

MS. JACQUELINE SANDERSON

on her own behalf

I know. La crédibilité de quelqu'un, ça peut être...

THE COURT:

No, no, no, hold on.

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but we're doing a motion for ---

THE COURT:

I'm telling you hold on. I'm looking at something.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

Do you have any respect for the court process?

MS. JACQUELINE SANDERSON

on her own behalf

Yes.

THE COURT:

By the way, you're seeking -- you're making an application for revocation of judgment, which is akin to an appeal because you want me to quash a decision from my colleague, but whenever I'm trying to help you, look how you act: disrespectfully.

MS. JACQUELINE SANDERSON

on her own behalf

Well, I really don't know ---

THE COURT:

So if you're seeking the Court's help in obtaining redress, you should show some respect for the Court's process. And I'm just trying to look at the motion

to rule on the objection, but you're not even willing to let me do that.

MS. JACQUELINE SANDERSON
on her own behalf

I'm willing to ---

THE COURT:

No, you're not. I have to look at something. I'll do this first.

MS. JACQUELINE SANDERSON
on her own behalf

Okay.

THE COURT:

And then I'll ask for your comments.

MS. JACQUELINE SANDERSON
on her own behalf

Okay. So you can...

THE COURT:

And you would like to cross-examine Me Gratton on what representations? Before the *Conseil de discipline*? I won't allow that.

MS. JACQUELINE SANDERSON
on her own behalf

But she didn't represent him before the *Conseil de discipline*. On the representations that she made before Justice Emery in this file.

THE COURT:

What does it have to do with your application for revocation of judgment and the abuse?

MS. JACQUELINE SANDERSON

on her own behalf

Exactly that. How can something be abusive if someone had to make misrepresentations to obtain judgment? And the misrepresentations before the Court of Appeal are even worse.

THE COURT:

I don't care about the Court of Appeal. Not that I do not care about the Court, but I don't care about the process before the Court of Appeal because it's the Court of Appeal. So I'll -- you'll have to concentrate -- focus on this proceeding before the Superior Court and no other, and if your questions go out of bound, I'll just put an end to your examination.

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but the whole part of the rules of natural justice is the right to confront your accuser. If she's accusing me of being abusive ---

THE COURT:

You have to understand -- didn't you understand what

I just told you? You'll be allowed to cross-examine. What more do you need?

MS. JACQUELINE SANDERSON
on her own behalf

Okay. No, but ---

THE COURT:

What more do you need? Tell me. Explain to me ---

MS. JACQUELINE SANDERSON
on her own behalf

Okay. Well ---

THE COURT:

--- how my decision is unfair, because I'm allowing you to cross-examine on misrepresentations before this Court.

MS. JACQUELINE SANDERSON
on her own behalf

Because she tried to explain what she said to Justice Emery in the Court of Appeal when Justice Marcotte confronted her on it, and she made more misrepresentations.

THE COURT:

I am not seized with that question. I'm seized with misrepresentations ---

MS. JACQUELINE SANDERSON
on her own behalf

It goes to credibility.

THE COURT:

--- before this Court. You're telling me that ---

MS. JACQUELINE SANDERSON

on her own behalf

But it was before this Court because she was explaining what happened in this Court to the Court of Appeal, because Justice Marcotte drilled her exactly on that.

THE COURT:

Okay. I will allow you to cross-examine on alleged misrepresentations before this Court.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

LA COUR:

Maître Gratton?

But must tell you that you're on a very thin line because I don't see the relevance of it. Really, I don't see the relevance of it.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

I'm allowing you to cross-examine. You don't have to

convince me further.

MS. JACQUELINE SANDERSON

on her own behalf

It's $40,000 of legal fees which has never been done before in ---

THE COURT:

It doesn't allow you to do anything you want. It doesn't allow you to cross-examine on pretty much anything that you see fit.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, but I just told you that I'm broke because of the representations that she made.

THE COURT:

Okay. Madame Sanderson, if you're not willing to cross-examine, tell me right now; I'll put an end to it.

MS. JACQUELINE SANDERSON

on her own behalf

No, I ---

THE COURT:

Because I've allowed you twice already.

MS. JACQUELINE SANDERSON

on her own behalf

Thank you.

THE COURT:

Remember a few minutes ago, I told you about respect for the Court?

MS. JACQUELINE SANDERSON

on her own behalf

Yes, I understand, and I apologize.

THE COURT:

And manifestly, you don't have any respect for the Court because even though I make a decision that is favourable to you, you still -- you keep on arguing. So we've lost 10 minutes on that, so your cross-examination time will be cut from 30 to 20 minutes. Make good use of it.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Thank you.

LA COUR:

Oui, on va l'assermenter, s'il vous plait.

Me SOPHIE GRATTON

pour le mis en cause

J'ai le cahier de pièces en version papier.

LA COUR:

Oui.

Me SOPHIE GRATTON

pour le mis en cause

Et on a réimprimé 3.2 avec des... la 3.2 c'est les factures de la dernière semaine... ben, le temps enregistré...

LA COUR:

Oui.

Me SOPHIE GRATTON

pour le mis en cause

...avec des... en quadrillé, qui est plus facile pour la lecture.

LA COUR:

Oui.

Me SOPHIE GRATTON

pour le mis en cause

Donc, je vais vous remettre ça, puis j'en ai une copie pour vous, Madame Sanderson, si vous en voulez une.

Mme JACQUELINE SANDERSON

pour elle-même

OK, merci.

LA COUR:

On va noter au procès-verbal : « Le Tribunal restreint l'interrogatoire... en fait, le contre-interrogatoire aux procédures qui se sont déroulées devant la Cour supérieure. »

Before you start, it will be absolutely important

that when you ask a question, you let the witness finish her answer.

MS. JACQUELINE SANDERSON
on her own behalf

Okay.

THE COURT:

If you keep obstructing her like you obstruct me all the time, I'll put an end to your cross-examination. You're advised.

MS. JACQUELINE SANDERSON
on her own behalf

Okay, thank you. Okay.

THE COURT:

Because the way you're acting is not a proper way of acting in court, and as a former lawyer, you should know better.

MS. JACQUELINE SANDERSON
on her own behalf

Yes, but it's different when it's yourself.

THE COURT:

I don't want your explanations.

MS. JACQUELINE SANDERSON
on her own behalf

I apologize.

THE COURT:

I'm telling you ---

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

--- how to behave, and I'm telling you the consequences of not behaving like I told you to.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Thank you.

THE COURT:

Is that clear enough?

MS. JACQUELINE SANDERSON

on her own behalf

Yes, thank you.

LA COUR:

On va assermenter Me Gratton.

Dans l'année deux mille vingt-cinq (2025), le troisième (3e) jour du mois de septembre, a comparu

SOPHIE GRATTON :

Après avoir fait une déclaration solennelle, dépose et dit :

LE GREFFIER :

Q Votre nom, s'il vous plait?

R Sophie Gratton.
Q Votre adresse professionnelle, s'il vous plait?
R Oui, mon adresse professionnelle c'est le 485, rue McGill, suite 500. Le code postal, je le sais pas.

LA COUR:

C'est pas grave, on le trouvera.

Me SOPHIE GRATTON

pour le mis en cause

C'est bon? OK. Je pense que je l'ai ici. Je pense. Non? C'est bon?

CONTRE-INTERROGÉE PAR Mme JACQUELINE SANDERSON :

Q OK. Devant monsieur...
R Je veux juste une dernière... parce que moi, je veux faire un petit témoignage sur mes factures...

LA COUR:

Vous aurez la chance de le faire.

Me SOPHIE GRATTON

pour le mis en cause

Après? OK.

LA COUR:

Oui, absolument.

PAR Mme JACQUELINE SANDERSON :

Q Vous, devant le juge Emery... est-ce que vous pouvez... vous pourrez regarder monsieur le juge. Devant le juge Emery, vous avez plaidé que les règles

de justice naturelle ne peuvent pas être révisée en *judicial review...* sorry, my French is a bit -- I've lost my French in the last year. But you mentioned that you can't use -- it's not considered an excess of jurisdiction to breach the rules of natural justice, and you mentioned it on several times, including in your ---

THE COURT:

What is the question?

MS. JACQUELINE SANDERSON
on her own behalf

Well, it's just 'cause she's not -- she shouldn't be referring ---

Me SOPHIE GRATTON
pour le mis en cause

Je le regarde... c'est parce que je veux regarder mon plan d'argumentation.

THE COURT:

You're asking her to remember something she said to Justice Emery, and if she has an outline or a *plan d'argumentation*, she can look at it.

MS. JACQUELINE SANDERSON
on her own behalf

Yeah, but she has to say, "Okay, I'd like to look at my *plan d'argumentation.*"

THE COURT:

Yeah, but you didn't ask a question.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, but that's what I was trying to ask.

Q In front of Justice Emery, did you mention that you cannot go on judicial review for a breach of the rules of natural justice?

R En fait, je vais référer à mon plan d'argumentation, ainsi... devant le juge Emery?

Q Le 24 mai 2024.

R OK. Je vais juste regarder. Bon, j'ai mon plan d'argumentation du 24 mai et... je m'excuse de prendre mon temps. Ça c'est 24 septembre. Devant le juge Emery, donc on était pour la requête en sursis de l'instance disciplinaire. On était... elle voulait pas qu'il y ait l'audition sur sanction qui était prévue quelques jours après. J'ai plaidé sur l'apparence de droit, effectivement. J'ai parlé :

> « En droit disciplinaire, la possibilité de recourir au contrôle judiciaire... »

Et je lis mon plan d'argumentation :

> « ...est expressément limitée aux questions de compétence, lorsque

> le pourvoi n'est pas ouvert, lorsque la demanderesse dispose un droit d'appel à un tribunal spécialisé. »

J'ai référé à l'article 529. J'ai également référé à la décision *Landry c. Tribunal des professions* 2007 QCCS 4498, où effectivement dans cette décision-là... je l'ai sortie tout à l'heure... on parle de la compétence de la Cour supérieure et je vais... je citais le paragraphe 20, le paragraphe 34 à 37. Donc, je vais lire le paragraphe 20, une partie du paragraphe 20, les reproches, qui est surligné, et qui avait été remis au juge :

> Les reproches formulés par le demandeur concernent l'application des règles de droit pertinentes en matière de radiation provisoire, le non-respect des règles de justice naturelle, le non-respect des droits reconnus par la *Charte*, le droit à la présomption d'innocence, le droit à une défense pleine et entière et la règle *audi alteram partem*. »

Et ce qu'il conclut dans cette décision-là c'est que

le Tribunal des professions... donc, c'est des moyens d'appel que le Tribunal des professions peut trancher.

Q OK. Mais si je vous montre paragraphe 46, alors, de ce jugement le plus récent, est-ce que vous avez lu qu'est-ce que j'ai envoyé?

R Quel jugement le plus récent?

LA COUR:

Quel jugement?

Mme JACQUELINE SANDERSON

pour elle-même

C'est le jugement que j'ai référé de Me Harvey. J'ai envoyé...

Me SOPHIE GRATTON

pour le mis en cause

Il n'a pas été plaidé ce jour-là. J'ai pas eu à...

THE COURT:

No, but you're talking -- if you're trying to convince her that your legal argument is right, that's not cross-examination, that's a debate. If you want to -- you asked me to cross-examine her on her alleged misrepresentations before Justice Emery. Of course, that case had not been decided yet. It can't be used; it wasn't available.

Mme JACQUELINE SANDERSON

pour elle-même

La jurisprudence, ça date de 1980. C'est *Three-Rivers*.

THE COURT:

She answered you. You may not like the answer; then you ---

Mme JACQUELINE SANDERSON

pour elle-même

Non, non, c'est correct.

THE COURT:

--- shall go on to your next question.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q OK. Alors, à votre connaissance, vous ne savez pas qu'une clause privative, ça peut être un excès de juridiction? Vous savez pas ça, que ça peut être un excès de juridiction de briser... brimer les droits naturels?

Elle regarde...

R Non, non, c'est parce que c'est ma jeune collègue, je lui ai demandé... qui commence, là. Donc, elle...

Me AIMÉE RIOU

pour le mis en cause

C'est pas pertinent à la question qu'on... qu'on a à trancher aujourd'hui, là, donc je pense que...

THE COURT:

Madame Sanderson, you asked the witness what she told Justice Emery, and you think it's misrepresentations. Your cross-examination should be restricted to facts. She told you what she told Justice Emery.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

If you think it's misrepresentations, that's for argument.

MS. JACQUELINE SANDERSON

on her own behalf

Right, right, okay, okay.

THE COURT:

You're arguing with the witness.

MS. JACQUELINE SANDERSON

on her own behalf

No, no, okay.

THE COURT:

You should cross-examine.

MS. JACQUELINE SANDERSON

on her own behalf

Yes.

THE COURT:

Ask questions about facts.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, yes.

Q OK. Alors, vous avez mentionné que ça serait Me Sanderson, elle, va avoir le droit d'appel. N'est-il pas vrai que vous avez dit à justice Emery, « Me Sanderson, elle, elle va avoir le droit d'appel, alors elle aurait aucun préjudice » ? N'est-il pas vrai?

R Ce que j'ai plaidé c'est que, effectivement, il y avait un droit d'appel prévu devant le Tribunal des professions.

LA COUR:

Je vais simplement vous demander de ne pas taper sur la table.

Me SOPHIE GRATTON

pour le mis en cause

Je m'excuse.

LA COUR:

C'est pour l'enregistrement.

Me SOPHIE GRATTON

pour le mis en cause

Oui. Qu'il y avait un droit d'appel, effectivement. Je sais que j'ai lu... j'ai parlé, dans les notes

sténographiques, j'ai mentionné que le droit d'appel suspend l'exécution de la sanction qui est imposée en première instance.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q OK, mais n'est-il pas vrai que vous avez dit : « Donc elle ne serait pas radiée si elle loge son appel, tel que prévu dans le Tribunal spécialisé. Ben, son droit d'exercer ne serait pas suspendu avant que l'appel soit entendu. »

R Si vous lisez les notes sténographiques, oui, j'ai dû dire ça. Le contexte étant... c'était pas la question en jeu, là. La question en jeu c'était le droit apparent et le préjudice c'est... j'ai pas fait une dissertation sur toutes les sanctions possibles et impossibles. L'exécution... la sanction n'avait pas été prononcée ce jour-là. Elle n'avait même pas été plaidée ce jour-là. Donc, je veux pas non plus nuire au secret... j'avais un secret professionnel avec mon client à cette date-là, là, mais je... pis... donc, ce jour-là, on savait pas ça allait être quoi la sanction. On n'avait aucune idée. Si Me Sanderson avait voulu creuser plus sur son droit d'appel, elle avait le droit de mentionner que non, si c'était exécutoire ou pas exécutoire, radiation permanente ou

pas, que ça changeait les règles. J'ai pas fait une dissertation sur l'ensemble.

Q OK.

R J'ai juste dit que vous aviez un droit d'appel parce qu'on était en train de vouloir suspendre une instance disciplinaire en plein milieu, avant le prononcé de la sanction. Et ce qui a été plaidé c'est que c'était le processus disciplinaire. Donc, c'était préférable que le processus disciplinaire suive son cours.

Q OK. Mais est-ce que je peux juste lire après, une fois la décision sur...

LA COUR:

Vous lisez de quoi?

Mme JACQUELINE SANDERSON

pour elle-même

Les notes sténographiques, page 10, R-3.7, les notes sténographiques devant le juge Emery.

LA COUR:

You should put them before the witness.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

Q Est-ce que vous voulez lire, s'il vous plait?

LA COUR:

C'est le sens de votre objection?

Me AIMÉE RIOU

pour le mis en cause

Pardon?

LA COUR:

Est-ce que c'était le sens de votre objection?

Me AIMÉE RIOU

pour le mis en cause

En fait, moi, je... je voulais m'objecter parce que je sens... t'sé, les questions vont sur la... la demande de sursis qui a été plaidée devant le juge Emery, sauf qu'ici on est sur la demande en rétractation de la décision du juge Synott, qui a accueilli notre demande en rejet parce que la Cour n'a pas compétence. Donc, toute la question de l'audience devant le juge Emery, ce n'est simplement pas pertinent...

LA COUR:

Oui.

Me AIMÉE RIOU

pour le mis en cause

...pour... pour la décision aujourd'hui.

LA COUR:

Je vais prendre l'objection sous réserve. Il reste quand même quelques minutes au contre-interrogatoire.

Vous pourrez me le replaider dans les représentations à la fin.

So what part of the notes you would like to -- of the transcript you would like the witness to look at?

BY MS. JACQUELINE SANDERSON

on her own behalf

Q It's highlighted; it's page 10 of Exhibit R-3.7, and I think it's line ---

R Ben, il y a rien de faux dans ce que je dis, là. Je dis :

« Une fois la décision sur sanction rendue, elle a un droit d'appel et le droit d'appel devant le Tribunal des professions suspend l'exécution du jugement automatiquement. »

Q OK.

R « Donc, elle ne sera pas radiée si elle loge son appel, tel que prévu dans le Tribunal spécialisé. »

Q OK.

R Donc, la décision n'ayant pas été rendue, je ne savais pas non plus... et comme je... la décision n'ayant pas été rendue, il y a rien de faux dans ce que je viens de dire. C'est vrai que si on a un cas

particulier d'exécution provisoire, on verra, mais... puis nonobstant appel, mais...

Q N'est-il pas vrai qu'exécution provisoire c'est seulement au demande du plaignant que vous, vous représentez devant le juge Emery?

R J'ai pas compris la question.

Q N'est... n'est-il pas vrai que exécution provisoire pour une suspension c'est seulement si... si c'est demande... à la demande de Me Dyotte et pas automatique, jamais, sauf radiation permanente? Alors, c'est juste si votre client aurait demandé, et c'était quatre jours avant la sentence. Alors si votre client veut demander ça et c'est pas dans sa plaidoirie écrite, n'est-il pas vrai que vous savez qu'il va demander ça?

THE COURT:

What is the question? Because you ---

MS. JACQUELINE SANDERSON

on her own behalf

Okay, well, it's because in ---

THE COURT:

You're commenting on your question and commenting on yourself, and then asking a second question.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

You should restrict yourself to a question that is understandable.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Because -- well, maybe if I said it in English, and then maybe you could help me?

THE COURT:

No, I won't help you because the Supreme Court in *Mazraani* told us that we are not interpreters. If you need an interpreter, you have to bring one with you.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

Q Par le code de profession, si vous voulez avoir exécution provisoire nonobstant appel, ça doit être à la demande du plaignant?

R Il faudrait que je relise l'article, là.

THE COURT:

It's simply logic.

Me SOPHIE GRATTON

pour le mis en cause

Oui.

THE COURT:

It's simple logic. Would a professional ask for provisional execution of a judgment that sanctions him?

MS. JACQUELINE SANDERSON

on her own behalf

No, it's ---

THE COURT:

Would you? When the section was made, would you ask for provisional execution of the decision?

MS. JACQUELINE SANDERSON

on her own behalf

No, it's by the -- Me Dyotte had to ask for it, and in the written pleadings ---

Q Est-ce que vous avez vu les plaidoiries écrites?

R Je peux juste dire que selon mon expérience et de ce que je connais du droit disciplinaire, c'est le Conseil de discipline qui a le dernier mot puis qui impose la sanction. Ils ne sont pas liés par les recommandations des parties. Donc, un conseil de discipline... puis là je suis en train de vous donner un cours de droit, là, mais... peut décider de s'écarter des...

Q Mais ça c'est exactement...

R Puis j'étais pas en première instance. Comme vous

l'avez dit tout à l'heure, je n'étais pas en première instance du tout. J'ai été appelée juste pour le pourvoi.

Q OK.

R Et je devais répondre à... mon mandat consistait à m'opposer au sursis.

Q OK. Mais c'est seulement aux demandes de Me Dyotte que ça peut être exécution provisoire nonobstant appel. Ça c'est dans la loi. Vous n'êtes pas au courant de ça?

R Je... dans la loi? Si vous pouvez me pointer quel article? Je sais pas là, est-ce qu'on fait un débat sur le droit?

Q C'est 158. C'est 158. Ça dit... vous savez pas ça?

THE COURT:

Is that a question?

Me SOPHIE GRATTON

pour le mis en cause

Je le sais pas, là.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q Est-ce que vous êtes au courant alors... vous êtes pas au courant que c'est juste au plaignant qui peut demander ça?

THE COURT:

It's only logical. It's only logical. The professional that is under a disciplinary proceeding will never ask for provisional execution of a judgment against himself.

MS. JACQUELINE SANDERSON
on her own behalf

Yes, but the Disciplinary Council cannot grant it unless it's asked for by the *plaignant*.

THE COURT:

That's a legal argument and Me Gratton was not involved in that proceeding, so what's the point?

MS. JACQUELINE SANDERSON
on her own behalf

No, but she's representing -- making representations before the Council.

THE COURT:

No. I asked you to restrict your questions to the Superior Court ---

MS. JACQUELINE SANDERSON
on her own behalf

Not before the Council, before Justice Emery with respect to ---

THE COURT:

She answered your question and you don't like the answer.

MS. JACQUELINE SANDERSON

on her own behalf

No ---

THE COURT:

Then go on to your next question.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. The ---

THE COURT:

You have two minutes left.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q J'ai vu la semaine passée, quand j'étais ici, quand on... moi, j'ai regardé à vous, assise dans la salle en train de travailler pendant qu'on était ici devant le juge Brossard. N'est-il pas vrai que vous travailliez pendant que vous attendez à la cour?

THE COURT:

What's this question? Your question ---

MS. JACQUELINE SANDERSON

on her own behalf

It's called double billing. She billed for the full day here and she worked on other files while she was waiting, and I saw her doing it last week and this morning as well.

Me SOPHIE GRATTON

pour le mis en cause

Je travaillais. Je sais pas si vous regardiez mon écran, mais je travaillais sur votre dossier parce que je voulais me préparer pour cette semaine et la requête la semaine dernière.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q Et vous n'avez jamais travaillé sur d'autres dossiers?

Me AIMÉE RIOU

pour le mis en cause

Encore une fois, je vais m'objecter pour la pertinence.

LA COUR:

Objection accueillie.

That's a fishing expedition. You're going nowhere.

Mme JACQUELINE SANDERSON

pour elle-même

Avec tout respect, Votre honneur, si quelqu'un...

THE COURT:

I just granted the objection.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

You're going nowhere.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q Vous avez facturé pour la saisie et la journée à la cour et toute la préparation pour la saisie. Si on avait un débat, c'était sur est-ce que je pouvais transférer les dossiers à Me Kadri. Est-ce que vous avez oublié de mettre le courriel devant justice Roberge, le courriel qui est déposé en preuve qui dit qu'elle va prendre tous les dossiers?

Me AIMÉE RIOU

pour le mis en cause

Encore une fois, moi, je vais m'objecter parce qu'on est ici pour la rétractation. C'est pas pertinent.

THE COURT:

And how is this relevant?

MS. JACQUELINE SANDERSON

on her own behalf

Because she didn't put the evidence before -- she's charging me for fees, but she didn't put all the evidence before Justice Roberge.

THE COURT:

Well, you were asking to be allowed to transfer your files to Me Kadri, then you were the one who should

have adduced the email as evidence, no?

MS. JACQUELINE SANDERSON

on her own behalf

No.

THE COURT:

Yes. Well ---

MS. JACQUELINE SANDERSON

on her own behalf

Because she's saying that they can't be transferred, so I was simply -- I had put her as a party in the motion, and it was never heard, as it's explained in my motion. She was never brought as a person.

Q N'est-il pas vrai que Me Kadri est jamais venue à l'audience?

THE COURT:

I'm not satisfied with the explanation. I'll grant the objection.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

And your cross-examination is finished. It's been over 20 minutes now. I cut it down to 20 minutes because you were wasting my time before you cross-examined. You may sit down.

Alors, Maître Gratton, vous aviez des explications à me fournir sur...

Me SOPHIE GRATTON

pour le mis en cause

En fait, sur les factures. On voulait juste expliquer parce qu'il y a différents formats. Je veux juste montrer ici à madame Sanderson, je me suis fait des notes sur les montants puis les honoraires parce que je voulais être sûre. Ça c'est les montants qui sont repris dans le... dans les factures.

MS. JACQUELINE SANDERSON

on her own behalf

But can I ask questions about this?

Me SOPHIE GRATTON

pour le mis en cause

Oui, je vais... mais là je vais parler de mes factures.

THE COURT:

Of course, but first I'd like to hear Me Gratton. If you have questions after she's testified about the bills, the billing, I'll -- you'll be granted five minutes to ask questions, but no more than five minutes because you did not make a very good use of your time previously.

LA COUR:

Très bien.

Do you have any questions for Me Gratton?

MS. JACQUELINE SANDERSON

on her own behalf

Yes.

CONTRE-INTERROGÉE PAR Mme JACQUELINE SANDERSON

pour elle-même

Q Vous chargez les frais pour votre propre requête. Est-ce que votre propre requête était abusive?

R Ma propre requête était abusive?

LA COUR:

La requête pour autorisation de... pour autorisation de pénétrer dans la demeure, saisir les ordinateurs. That's what you're referring to?

MS. JACQUELINE SANDERSON

on her own behalf

Q Yes.

R OK. Est-ce que ma propre requête était abusive?

THE COURT:

That's not a question, and you know the answer. The answer will be no.

Me SOPHIE GRATTON

pour le mis en cause

Non.

THE COURT:

You ask a proper question. I know where you could be going with that question.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

But that's not a proper question to ask. If you ask someone, "Is it abusive?", the answer is "No." If I ask you, "Is your proceeding abusive?" You're telling me, "No." I know the answer already. So ask a question ---

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

--- that will lead to an answer that will learn me something.

BY MS. JACQUELINE SANDERSON

on her own behalf

Okay, okay.

Q J'ai mal formulé, je m'excuse. Je vais essayer de le formuler correctement. N'est-il pas vrai que les factures pour la requête pour rentrer chez moi c'est votre propre requête, alors ça ne peut pas être

exclus... inclus dans les extraordinaires...

THE COURT:

That's a legal argument. You're not asking a question, you're debating with the witness. The first part of your question was correct: "Are you claiming fees for a motion that you made?"

MS. JACQUELINE SANDERSON

on her own behalf

Okay, okay.

THE COURT:

But besides that, it's legal argument.

BY MS. JACQUELINE SANDERSON

on her own behalf

Okay.

Q Est-ce que vous réclamez des frais pour une requête que vous, vous avez faite extrajudiciaire pour une requête que vous-même vous avez faite?

R Pour une requête que j'ai faite, oui.

Q OK, mais d'habitude...

THE COURT:

No, you're arguing with the witness. Do you know what a cross-examination is? Apparently you've litigated for 25 years and more.

MS. JACQUELINE SANDERSON

on her own behalf

No. No, I haven't litigated for 25 years.

THE COURT:

Oh no?

MS. JACQUELINE SANDERSON

on her own behalf

No.

THE COURT:

Well, then -- now it's too late, but manifestly, you're not asking questions, you're arguing with witnesses, and this is not how a cross-examination should go.

MS. JACQUELINE SANDERSON

on her own behalf

No, but I had all my questions prepared and I couldn't ask the questions that I had already prepared. I didn't ask any ---

THE COURT:

You wasted your time and you're still wasting your time. Ask questions. If you have questions, I can hear them. If you don't have questions, then I'll put an end to your cross-examination because it's going nowhere.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q Est-ce que vous savez exactement c'est combien le

montant qui était pour les extrajudiciaires pour votre propre travail pour cette requête-là?

R Je le sais pas par cœur. Il faudrait que je regarde, mais c'est inscrit dans la facture. Je pense que c'est très bien détaillé. C'est facile de... d'additionner les montants, là. C'est très détaillé sur quoi on travaille à chaque fois.

Q OK. Et si la remise était... n'est-il pas vrai que la remise était donnée par justice Ferland? Est-ce que vous avez facturé pour une remise qui était donnée parce que vous, vous avez fait une requête tardive en abus?

R Je vais... je pense que c'est encore une question de droit, là. On peut lire la décision de Ferland. Je suis pas d'accord sur votre prémisse. Je...

Q Mais est-ce que vous avez inclus...

R Vous avez transmis...

Q ...les frais pour la demande...

R ...si je me souviens bien, pis là... OK, le...

LA COUR:

Avant d'essayer de répondre à une question qu'on ne comprend pas...

You rephrase the question. What is it that you want to know?

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q Est-ce que vous avez chargé les frais pour une remise qui était donnée par justice Ferland parce que lui, il a dit que votre requête en abus était tardive, était pas inscrite sur le rôle?

R Je vais reprendre la décision du juge Ferland.

Q Mais est-ce qu'il n'a pas donné la remise?

THE COURT:

You let the witness answer.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

You asked a question. There was no objection. Then you wait for the witness' answer.

Mme JACQUELINE SANDERSON

pour elle-même

Non, non, mais je pensais qu'elle a posé...

THE COURT:

Madame Sanderson, stop arguing.

MS. JACQUELINE SANDERSON

on her own behalf

No, I'm not arguing.

THE COURT:

In the sense that, no, you are always arguing and

always trying to have the last word. It's unnecessary, completely unnecessary. I said that the witness should answer, and wait for the answer.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

Me SOPHIE GRATTON

pour le mis en cause

Si je me souviens bien, là, puis ce que je comprends du jugement, là, en fait, le Tribunal est saisi d'une demande de remise prévue pour vendredi, le 4 avril. Il souligne également qu'elle constate que cette audience a été fixée depuis plusieurs mois. Donc, il... en fait, ce qu'il commente dans les deux premiers paragraphes c'est que la demande de remise était insuffisante, était pas... les motifs invoqués étaient insuffisants et, effectivement, nous avons, suite à la demande de remise de madame Sanderson, déposé une demande en rejet, ainsi qu'une demande de déclaration d'abus de procédure suite à sa demande de remise. Et une fois devant le Tribunal, on a décidé d'entendre les deux en même temps. Donc, la demande de remise a été accordée pour cette raison-là et donc, oui, j'ai chargé mon temps. Je réclame le temps parce que, encore une fois, c'est injustifié de... je

vais le plaider tout à l'heure, là, de réclamer. Nous considérions que c'était injustifié encore, l'investissement de temps et d'argent qui était mis dans ce dossier.

THE COURT:

One last question?

PAR Mme JACQUELINE SANDERSON

pour elle-même

Q Est-ce que vous êtes au courant... vous avez représenté beaucoup de fois le Barreau. Est-ce que vous avez déjà réclamé des frais ou est-ce que vous êtes au courant de réclamer des frais extrajudiciaires à aucun avocat dans le passé ou ex-avocat?

R Je peux pas répondre à la question parce que j'ai pas fait une recherche exhaustive à ce sujet-là. Je suis désolée, là.

Q Mais dans votre connaissance personnelle, est-ce que c'était déjà fait?

THE COURT:

The witness has answered already; she doesn't know.

Mme JACQUELINE SANDERSON

pour elle-même

Non, mais dans sa connaissance personnelle à elle, est-ce qu'elle a déjà fait ça?

THE COURT:

How is this relevant? There's always a first time to anything. When the *Code of Civil Procedure* came into force in 2016 and the new provisions on abusive procedure were -- came into force as well, well, there was a first time and you may be the first time. It doesn't have any relevance whatsoever to the declaration of abuse that the *Barreau* is seeking. If you're abusing the process, I'll declare that you're abusing the process, no matter what, if you're the lawyer -- the first lawyer to be condemned to such an amount. It will not make any difference.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. So you answered the question then. Thank you.

LA COUR:

Alors, fin du contre-interrogatoire. Merci, Maître Gratton.

Alors, selon l'échéancier que le juge Ferland nous avait donné, ce serait le temps des représentations, 75 minutes chacune.

Me SOPHIE GRATTON

pour le mis en cause

Oui.

PAR Mme JACQUELINE SANDERSON

pour elle-même

Oui.

LA COUR:

Alors, je suggère qu'on prenne une pause jusqu'à 11h00 et on reprendra les représentations. Alors, il y a une demande en rejet, en irrecevabilité. Je vais vous entendre d'abord, Maître Gratton, et ensuite, Madame Sanderson, sur votre demande en rétractation de jugement. Alors...

Me SOPHIE GRATTON

pour le mis en cause

Vous voulez que je plaide... c'est ça, juste la demande en rejet en premier? Je vais replaider une deuxième fois ou...

LA COUR:

Vous aurez chacune l'occasion de le plaider une deuxième fois en réplique de l'autre, de façon à ce qu'on ait vraiment tout couvert.

Me SOPHIE GRATTON

pour le mis en cause

Mais est-ce que je peux plaider tout d'un coup ou...

LA COUR:

Oui, oui, oui, je vous encourage à plaider tout d'un coup. Les deux sont interreliées.

Me SOPHIE GRATTON

pour le mis en cause

Est-ce que vous voulez... j'ai un plan d'argumentation... les autorités?

LA COUR:

Oui, je peux le prendre maintenant.

Me SOPHIE GRATTON

pour le mis en cause

Le plan d'argumentation est ici. Parfait. Maître Sanderson... Madame Sanderson.

Mme JACQUELINE SANDERSON

pour elle-même

Merci.

THE COURT:

Do you have an outline or authorities?

MS. JACQUELINE SANDERSON

on her own behalf

What I have, it's on -- I just have it with links on it, so I can send it by ---

THE COURT:

Yes, you can send it by email.

MS. JACQUELINE SANDERSON

on her own behalf

--- by email.

THE COURT:

Yes, send it to me, please. So after the break, 75

minutes for the *Barreau*, 75 minutes for you; reply, 10 minutes; reply, 10 minutes, and then the hearing will be over.

So recess until 11 o'clock.

LE GREFFIER:

Veuillez vous lever. L'audience est suspendue.

(SUSPENSION DE L'AUDIENCE/RECESS)

LA COUR:

Maître Gratton?

MS. JACQUELINE SANDERSON
on her own behalf

Your Honour, I feel so uncomfortable. I feel that you -- you already made your decision. You only took notes on what she said. You even took notes on specific amounts. You didn't take notes on anything I said, and then you answered that question just like that.

THE COURT:

Okay.

MS. JACQUELINE SANDERSON
on her own behalf

I don't feel that it's an impartial -- that it's as if you made your judgment already.

THE COURT:

Of course. You probably didn't see me take notes while you were testifying. I took down pretty much everything you said.

MS. JACQUELINE SANDERSON
on her own behalf

It's just the comment that you just made that it's going to be the first one in Quebec.

THE COURT:

No, I'm telling you ---

MS. JACQUELINE SANDERSON
on her own behalf

That's what you said.

THE COURT:

--- it could be the first time because there's a first time to everything.

MS. JACQUELINE SANDERSON
on her own behalf

Yeah, but ---

THE COURT:

There's a first time to everything. It may be you, it may not be you, but to me, it has no relevance whatsoever.

MS. JACQUELINE SANDERSON
on her own behalf

How could it not be relevant that Me Harvey did seven *pourvois*?

THE COURT:

The sixth was declared abusive, so ---

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but not with any *frais extrajudiciaires*. That's why I asked her that.

THE COURT:

You'll argue it when it's your -- when your time -- when your turn comes. You may sit down now.

Maître Gratton

THE COURT:

You may start.

SUBMISSIONS BY MS. JACQUELINE SANDERSON

on her own behalf

Okay. So the main reason that Me Gratton is saying that it was abusive is because of *absence de compétence*, so I want to start with that right away even though -- because that is the main reason for the initial motions, et cetera. It's just not true. First of all, one of the main reasons in the suspension motion before Justice Emery was with

respect to the privileged email. Just because you don't win doesn't make it abusive. And the most important -- and I've sent all the cases just now, and they're not new cases; that's what mindworks me -- is because they're cases on -- with respect to breach of the rules of natural justice, date back to the '90s. So the most important one is *Université de Québec à Trois-Rivières v. Larocque:*

> "And that is not true, however, in cases where, as occurred here in the submission of the Respondent, the arbitrator's decision on the relevance of evidence had the effect of breaching the rules of natural justice. A breach of the rules of natural justice is regarded in itself as an excess of jurisdiction and, consequently, there is no doubt that such a breach opens the way to judicial review that brings to the point at issue in case."

Therefore, this case was before the sentence and was before -- and that is the reason -- the main reason in the first judicial review was that.

THE COURT:

Suppose I agree with you, that's a ground of appeal. If you -- we -- because you have to argue your revocation as well. Suppose -- you may be right for the abuse, but that's not a ground for revocation, that's a ground of appeal.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. So right, right, okay. So I'm going ---

THE COURT:

You go as you want, but ---

MS. JACQUELINE SANDERSON

on her own behalf

No, no, okay, so you're right.

THE COURT:

There's a limit to that argument.

MS. JACQUELINE SANDERSON

on her own behalf

Right, okay. So if you want to go to the revocation, there's a doctor's note and my testimony. Being disbarred when you have a huge practice and you've been practising not only in litigation, but for 25 years I was practising but as -- I do tax law as well as the other things.

With respect to the file taking, my testimony was

clear today and was clear in front of Justice Roberge. I had already -- and it's in the letters -- I had already brought back my income tax file -- all the files except the income tax files. All the physical files had been brought back in a pickup truck and brought to the *Barreau*.

THE COURT:

Are you going to argue that my colleague was wrong? Because if it's that, it's not relevant.

MS. JACQUELINE SANDERSON

on her own behalf

No, no, I'm not saying that. I'm saying she's saying that that motion is *abusive*. She said I didn't bring back all my files. I had already brought back all my files on the 27th. The 27th, I had organized it, and the 28th, early in the morning, I had brought them back. In the hearsay evidence deposited, it specifically said the only issue is of keeping a copy of the files, and bringing back the physical files were already done. So that's why it's -- I'm just correcting Me Gratton on what she -- the statements that she made with respect to that motion. Therefore, whether I legally won or not does not make it abusive, that motion. How could it be abusive if the interpretation of whether I could keep a copy of

my records, which every single lawyer does, and I had already brought back all the physical files, and I was only keeping the income tax files. And if you read the judgment of the Court of Appeal, it specifically said that I should have been able to keep them, and Me Gratton made representations before the Court of Appeal that I could keep the income tax files, and I still don't have them. So that -- to use that as part of her argument that it's abusive, it's not -- it's not right.

With respect to the revocation, obviously whether it's right or wrong, someone entering your house when it takes a -- when someone is -- especially someone that practises criminal law, when the criminal has the protection where nobody can go in their house and they have to have reasonable grounds, and then for the *Barreau* to be able to go right into my house, no, I'm sorry, I ---

THE COURT:

Okay.

MS. JACQUELINE SANDERSON

on her own behalf

Whether it's right or wrong, it still caused severe stress, and that's ---

THE COURT:

Madame Sanderson ---

MS. JACQUELINE SANDERSON
on her own behalf

--- what I testified on.

THE COURT:

Madame Sanderson, you're not seeking revocation of the judgment of Justice Roberge, you're seeking a revocation of the judgment of Justice Synott.

MS. JACQUELINE SANDERSON
on her own behalf

And I couldn't function after that happened. That is what ---

THE COURT:

Can I finish my question?

MS. JACQUELINE SANDERSON
on her own behalf

Yes.

THE COURT:

Are you sure?

MS. JACQUELINE SANDERSON
on her own behalf

Yes, sorry, I just was trying to reexplain what I was trying to explain, that's all.

THE COURT:

No, but I'm going to explain you, but you should

listen first.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

This has not -- what you're telling me has nothing to do with the judgment of Justice Synott because you're seeking the revocation of the judgment of Justice Synott, not Justice Roberge. You appealed that, and permission was not granted. So that's out of the picture for revocation. So you're seeking revocation of the judgment made on September 25, 2024 by Justice Synott. So what are your grounds for revocation of that judgment?

MS. JACQUELINE SANDERSON

on her own behalf

That's exactly what I'm saying.

THE COURT:

No, you're talking about Justice Roberge's decision and the consequences of his decision. That's ---

MS. JACQUELINE SANDERSON

on her own behalf

That's what I testified on, that I had become non-functional. I told you I sat for several days, just sat on my stairs, looking at the door to see if

anyone was going to come in. You know, I delete all my text messages now. I delete every single thing in my phone. I have a brand-new computer. I couldn't use any of the computers that were taken by ---

THE COURT:

Okay, let's go back again.

MS. JACQUELINE SANDERSON
on her own behalf

Okay. No, but I was going to read ---

THE COURT:

Madame Sanderson, listen.

MS. JACQUELINE SANDERSON
on her own behalf

Okay.

THE COURT:

You have to place yourself back to September 25, 2024. I don't care if today you delete all your emails and text messages. It has no relevance whatsoever to the revocation of a judgment that was made one year ago.

MS. JACQUELINE SANDERSON
on her own behalf

But I have a doctor's note from that day.

THE COURT:

Yes, and it's -- it was deemed to be insufficient ---

MS. JACQUELINE SANDERSON
on her own behalf
No.
THE COURT:
--- and it is insufficient. There's nothing in there.
MS. JACQUELINE SANDERSON
on her own behalf
No, that's the other doctor's note in front of Justice Ferland. Exhibit R-2, I don't have a hardcopy, but I could show you ---
THE COURT:
How come you don't have a hardcopy? You're supposed to have a hardcopy because it's a court of record.
MS. JACQUELINE SANDERSON
on her own behalf
Well, I don't have it. I don't have a hardcopy with me, I'm sorry.
THE COURT:
You have litigated for 25 years and more, and you told me, "No, no, no, I don't litigate much." Your name pops up at least 100 to 125 times as counsel on record in CanLII. You've argued approximately as many cases that I have argued in my lawyer's career. You know the rules. You know that a Superior Court

is a court of record and you know that you can't just send documents electronically. You have to have a hardcopy for the file.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, I was going to get everything printed out, but I spent the whole day here on Friday and then the whole day here yesterday, so I had no time to send it to the *Bureau en gros* with a *clé USB*.

THE COURT:

This hearing was set six months ago. Don't tell me that you could never have time during those six months to print the documents that you would like to use.

MS. JACQUELINE SANDERSON

on her own behalf

No, but I just changed all the documents this week. It's the -- the rule is that you can amend. I know that you didn't allow me to amend, but the rule is that you can amend right up until the last week.

THE COURT:

And?

MS. JACQUELINE SANDERSON

on her own behalf

And so I amended the motion and added a whole bunch

of exhibits.

THE COURT:

Yes, but if you want to amend until the last minute, you have to be prepared to bring hardcopies of the exhibits you want to use. It's not because you may amend until the day of the hearing without preauthorization that you're exempted from bringing hardcopies to the court.

MS. JACQUELINE SANDERSON
on her own behalf

I know. I wanted to ---

THE COURT:

If you know, then why is there no hardcopy of those documents?

MS. JACQUELINE SANDERSON
on her own behalf

Because I was hoping to be able to do it today, after, because I couldn't go yesterday or on Friday.

THE COURT:

Today is the hearing, so you perfectly know that you should bring your material before the hearing starts and not after. That's how it works.

MS. JACQUELINE SANDERSON
on her own behalf

There was no ---

THE COURT:

It's been working like that for at least 100 years.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, but I explained it to many judges in the past that I couldn't get a hardcopy and it was acceptable to bring it the same day, and judges have left evidence open for me in many cases, not just for -- to bring an extra document if need be. It's not exceptional. If something happens and you need an extra delay to bring a document, judges have always granted it because that is the right to be heard.

THE COURT:

Nothing -- you're abusing the right to be heard here and you were given an extension. That is unacceptable.

MS. JACQUELINE SANDERSON

on her own behalf

Well ---

THE COURT:

It's not -- there's nothing exceptional because all those documents, you had them before and you could have printed them and filed them with the court.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, I ---

THE COURT:

In due time, not under your rules of procedure but under the Court's rules of procedure.

MS. JACQUELINE SANDERSON
on her own behalf

Okay, but then if the rules of procedure are so important, then how come they don't have to have an affidavit with their motions? How come they ---

THE COURT:

Because they don't need it. Well, they had an affidavit ---

MS. JACQUELINE SANDERSON
on her own behalf

Only in the last one, and it wasn't on the *rôle*. The one that's on the *rôle* for that day was the 005. They brought an affidavit that wasn't on -- a motion that had no -- the one that was fixed 005, *cotte 005* that was heard before Justice Synott had no affidavit, zero.

THE COURT:

You don't need it because it's a legal argument. Because when you seek dismissal of a motion or an application for judicial review, you have to take the facts for granted, and there must be no legal basis

for the Court to entertain that application. So ---

MS. JACQUELINE SANDERSON

on her own behalf

Exactly.

THE COURT:

--- it's here.

MS. JACQUELINE SANDERSON

on her own behalf

But it's not true, there is a legal basis.

THE COURT:

Hey, hey, I'm not done.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

That explains why there's no need for an affidavit, and in fact, an affidavit is inadmissible in support of an application to dismiss. So ---

MS. JACQUELINE SANDERSON

on her own behalf

Okay. And ---

THE COURT:

--- there's no breach of the rule there.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. What about section 39? It was never respected by the Superior Court. How come that was never respected? How come all the rules, like even how much time I can have, everything is restricted? There's no amending anything, but section 39 of the *directive* wasn't applied once, not once, for any one of their four motions?

THE COURT:

What does it change? The motions were heard on merits.

MS. JACQUELINE SANDERSON
on her own behalf

What do you mean, "what does it change"? That is a rule that wasn't applied. How come only in my file a rule isn't applied and it's okay?

THE COURT:

Okay. But then you would put the Court on trial.

MS. JACQUELINE SANDERSON
on her own behalf

What do you mean?

THE COURT:

The Court is not on trial. Because it's for the Court to apply Rule 39, not for the parties. That's our rule of procedure.

MS. JACQUELINE SANDERSON

on her own behalf

No.

THE COURT:

Yes.

MS. JACQUELINE SANDERSON

on her own behalf

No, but if ---

THE COURT:

Yes, a party cannot ask the Court to send an application to dismiss to a judge for a preliminary review. That's how the Court functions. But if the Court doesn't do it and sends the application for a hearing on the merits, then it's heard on the merits.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, but the one that was on the *rôle* is 005. They wouldn't give me a copy. The real thing that was on the *rôle* was 005, *cotte 005*. It's not all the amended one that Me Gratton added, and that's what was pleaded in front of Justice Synott.

THE COURT:

Okay.

MS. JACQUELINE SANDERSON

on her own behalf

It was the wrong motion. Therefore ---

THE COURT:

The wrong motion? And where is that in your pleadings? Have you argued that before today?

MS. JACQUELINE SANDERSON

on her own behalf

Yes, I even wrote it in the emails.

THE COURT:

Okay.

MS. JACQUELINE SANDERSON

on her own behalf

I wrote it in the emails and I -- when I was here, trying to get the file, and it wasn't available when it was -- with your assistant, I went downstairs and went to the *maître des rôles* and asked for a copy to prove that it wasn't on the *rôle* and that's when I wrote to you that I'm still trying to get it, and you told me that I had to do my own proof. Well, they wouldn't give me a copy at -- and I can't send a subpoena. But if you look on the exhibit that I put of Justice Roberge of -- it's R-9, I think -- the PV says *cotte 005*, and that's not what was pleaded before Justice Synott, and that is what is on the *rôle* and I got a copy of the *rôle*, but they wouldn't let me take a picture of it. So Me Gratton amended the motion less than a week before, on September

19th, and that's where she asked for legal fees or something like that. She amended it one week before, and it wasn't on the *rôle*. So he -- Justice Synott ---

THE COURT:

What are you talking about?

MS. JACQUELINE SANDERSON
on her own behalf

Her motion was amended on ---

THE COURT:

What motion? Be precise.

MS. JACQUELINE SANDERSON
on her own behalf

The motion for abuse that she presented to Justice Synott was amended on August -- on September 19th, and that's what she -- the motion that she gave to Justice Synott even though it wasn't on the *rôle*. What was on the *rôle* was what Justice Rogers fixed 005, *cotte 005*. And it was not the one that was -- that she gave to Justice Synott and not the one that said about requesting legal fees and all that. It was the initial motion for abuse of May 2024 that was on the *rôle*, and Justice Mainville told Me Gratton, again by email, in April, in front of Justice Ferland that that -- and the emails are in the file because I

-- when I videocameraed it last week, the emails from Justice Mainville were specifically there. She said you can't. That's how I got the idea about looking for the Rule 35 and what was on the *rôle*, because Justice Mainville said -- Johanne Mainville said, "Maître, you can't just add it, you have to follow the procedure."

THE COURT:

Okay. In the original motion to dismiss filed in May, early May 2024, there is a conclusion that your application for judicial review be declared abusive.

MS. JACQUELINE SANDERSON
on her own behalf

Yes, just declared abusive, not asking for *extrajudiciaires*.

THE COURT:

No, that came afterwards. Well, no, no -- yes, *"Condamner la demanderesse à payer les honoraires extrajudiciaires et les frais de justice que le mis en cause a dû engager en la présente instance."*

MS. JACQUELINE SANDERSON
on her own behalf

Yes, but that's ---

THE COURT:

Well, that was requested.

MS. JACQUELINE SANDERSON

on her own behalf

It dates back to that day.

THE COURT:

I'm not done.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, sorry.

THE COURT:

That was requested right from early May 2024.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, but only on that day. Then it was amended several other times, and there were several other motions. So it's only that one that got heard on September 25th, not all the other ones.

THE COURT:

And?

MS. JACQUELINE SANDERSON

on her own behalf

Well, so obviously she can't charge all the fees after that one.

THE COURT:

Why not?

MS. JACQUELINE SANDERSON

on her own behalf

Because it's that motion that was heard before Justice -- and he reserve the right for that motion that's dated May -- early May. So it's the fees up until early May.

THE COURT:

If I'm not mistaken, but you'll correct me if I'm wrong ---

MS. JACQUELINE SANDERSON

on her own behalf

No, it's like you're trying to help them do something that's exceptional, out of this world, and you're trying to help them. Why ---

THE COURT:

No, it's just that your arguments do not fit the record.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, they do.

THE COURT:

And I'm trying -- no, they do not.

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

And I'm trying to get your explanation because what I also see is a motion filed around March 28, 2025, *Demande du mise en cause en rejet de la demande de retractation et en déclaration d'abus de procédure par la demanderesse*. So that was six months ago, and the conclusions to that motion ---

MS. JACQUELINE SANDERSON
on her own behalf

Yes.

THE COURT:

--- include to order you to pay a certain amount of legal fees.

MS. JACQUELINE SANDERSON
on her own behalf

Yeah, but that wasn't before Justice Synott. That's after.

THE COURT:

Yes, and?

MS. JACQUELINE SANDERSON
on her own behalf

Okay, because she -- that -- it's not the same thing. You have to look at all the different -- the other *étapes*. So if that motion came after, then it means that it's only after. You can't look at it retroactively.

THE COURT:

Well, of course we can. We do that all the time. Suppose that they're hearing an action on the merits and a party seeks legal fees because the whole process has been abusive, most of the time, the application or the demand for legal fees comes at the very end of the process and we look at how a party acted throughout the proceedings, and then we declare an abuse or not and which part of the process was abusive. We do that all the time.

MS. JACQUELINE SANDERSON

on her own behalf

But right now we're looking at just the retraction. That's what I'm saying. Then, after, you can look at, oh, is the retraction abusive, but for the retraction, what was supposed to be heard before Justice Synott was *cotte 005*. And I saw with my own eyes the -- on -- it says the *cotte 005* is what Justice Rogers fixed on May 24th and it's what was supposed to be before Justice Synott, but then she gave him a motion that she amended on September 19th. So he didn't even have the motion -- the proper motion in front of him.

THE COURT:

Well, you just told me earlier that there's a right

to amend up until the hearing.

MS. JACQUELINE SANDERSON

on her own behalf

Yes.

THE COURT:

Isn't it the same for the *Barreau*? They can amend their proceedings up until the hearing, and then ---

MS. JACQUELINE SANDERSON

on her own behalf

Yes, but then ---

THE COURT:

--- the amended application is heard.

MS. JACQUELINE SANDERSON

on her own behalf

No.

THE COURT:

Oh no? Okay.

MS. JACQUELINE SANDERSON

on her own behalf

Then the new process starts again, and it's exactly what Johanne Mainville refused to put her motion on the *rôle* when she put it a week before the date that was in April. And that's why we had the postponement to today, because she wanted to continue on her motion for abuse, the new motion, and Justice

Mainville said, "No, you only sent it last week, you can't have a new motion like that." And so the procedure that was supposed to apply when she put the new one in was that it was refixed. So you only -- Justice Synott could only look at the motion that was from *cotte 005* and not the other motion. And she ---

THE COURT:

What other motion? Now, there's so many motions you have to be more precise.

MS. JACQUELINE SANDERSON

on her own behalf

The motion from September 19th. It had to be the one from May 2024, *cotte 005* on the *plumitif*. That's the only one that he was allowed to hear.

THE COURT:

All right. So ---

MS. JACQUELINE SANDERSON

on her own behalf

Especially since I wasn't present.

THE COURT:

--- if I follow your argument ---

MS. JACQUELINE SANDERSON

on her own behalf

Well, it's exactly the argument that Johanne ---

THE COURT:

I'm not done with my question. If I follow your argument, when this hearing today was fixed, I would have to decide only the applications as they were drafted on the date they were fixed. All further modifications could not be entertained, including yours.

MS. JACQUELINE SANDERSON

on her own behalf

No, because it's the -- the reason is because of *Directive 39*, not because of the *Code de procédure civile*. That's why Johanne Mainville did that, because she said, "No, you can't -- it's exceptional *abus de procédure*, therefore you cannot get it on the *rôle* like that." And it's true that if Me Gratton had contested my amended motion, then I would have to, within the 10 days, then I would have had to explain why I need to amend it. But the rule is you're usually always granted amendments, except for *abus*. Then it goes through the process, like Justice Mainville refused to allow her to put it on the *rôle*, and that's why we weren't heard on it in front of Justice Ferland. And that was why the wrong motion was in front of Justice Synott, because I -- Justice Mainville didn't interfere on that day, but she did it in the emails, presumably to protect me. She did

it, and that's when I found out about it.

THE COURT:

What emails? I barely see the name of Justice Mainville anywhere.

MS. JACQUELINE SANDERSON

on her own behalf

I saw it in the -- it's in the -- Justice Mainville sent it in the emails to both -- to us, but it was in the file, and there's several exchanges.

THE COURT:

On what date?

MS. JACQUELINE SANDERSON

on her own behalf

Just before the other hearing on March -- I saw it in the file when I was looking through it last week, in March, and that's the only reason that we weren't heard in front of -- so my -- that's what I'm explaining. That's why I was asking about the *demande de remise*. And so I even wrote and I copied Me Gratton on the email. After the hearing in April, I wrote to Justice Mainville and I said, "Could I please have copies of all those rules" or whatever she was explaining, and she said she no longer had the file, but I -- you know, so I couldn't look.

THE COURT:

What are you looking for?

MS. JACQUELINE SANDERSON

on her own behalf

The emails with Justice Mainville. They're with Lise Tobin. So they come up when you type Lise Tobin, but she's *adjointe de l'honorable Johanne Mainville*. She wrote:

> "*Maître Gratton, si la cause procède, le juge saisi du dossier décidera s'il entend ou non votre demande, laquelle n'est pas inscrite au rôle de la Cour. Dans l'éventualité où la demande de Madame Sanderson est remise, vous ne pourrez pas procéder sur votre demande en rejet et déclaration d'abus. Celle-ci...*"

This email is in the file.

THE COURT:

What date?

MS. JACQUELINE SANDERSON

on her own behalf

April 1st at 8:29 a.m., Tuesday, April 1st, 8:29 a.m.:

> "*Celle-ci, en vertu du 39 des Directives de la Cour supérieure*

qui prévoit qu'une telle demande doit être accompagnée d'une déclaration commune pour fixation d'audience prévue et d'une durée de plus d'une heure et être acheminée au juge de la..."

So there was never a *déclaration commune* filed in any of the motions for abuse, none. And Justice Mainville specifically told Me Gratton of that, and we still never did one. There's not one *déclaration commune*, and she says *"doit"*. It doesn't seem too optional in my opinion.

THE COURT:

Okay. So I'm trying to understand where this argument goes.

MS. JACQUELINE SANDERSON
on her own behalf

Well, it ---

THE COURT:

My colleague, in April, decided that both the application for abuse and your application for revocation of judgment would be heard today.

MS. JACQUELINE SANDERSON
on her own behalf

Yes.

THE COURT:

So assuming there's no *déclaration commune*, what does it change?

MS. JACQUELINE SANDERSON

on her own behalf

What does it change?

THE COURT:

He made an order that replaces a *déclaration commune*.

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but why is he allowed to do that? It says "*doit*" -- "*doit être accompagnée d'une déclaration commune pour fixation d'audience prévue et d'une durée de plus d'une heure et acheminée à un juge pour une décision sur vue du dossier.*"

No one looked at the file. No one ever looked at the file, and still to this day, no one is taking into account -- and it's not just Three-Rivers, it's specifically judicial review is available on *clause* -- the *clause privative* does not apply. 193 of the *Code des professions* does not apply if there's an allegation of breach of the rules of natural justice. That's why I keep telling you that it's not *absence de compétence* like she keeps saying. It's not. And I'm reading out, this is -- he cites several authors.

She -- you said it's she. It's paragraph 45:

> "Quand un motif intimé a permis d'écarter l'application de telle clause privative complète..."

Complète.

> "...certains auteurs de doctrines les résument ainsi..."

Therefore, if a judge had reviewed the file properly, they would have noticed that I was alleging and I would have the right to be heard on that.

THE COURT:

And how is this a ground for revocation of judgment? It seems to me a ground of appeal, not a ground for revocation.

MS. JACQUELINE SANDERSON
on her own behalf

Well, okay, but I mean ---

THE COURT:

That's completely different because I can't sit in appeal from my colleague's judgment. I can only revoke a judgment.

MS. JACQUELINE SANDERSON
on her own behalf

No, right. Okay, so I understand ---

THE COURT:

The grounds for revocation are limited in the *Code of Civil Procedure*, and if it's ground of appeal -- suppose that my colleague was completely wrong and got it wrong on the jurisdiction part, then you have to appeal that judgment.

MS. JACQUELINE SANDERSON

on her own behalf

No, you can't appeal if you didn't do it, if you weren't present.

THE COURT:

Why not?

MS. JACQUELINE SANDERSON

on her own behalf

Well, first, you have to do a -- *évoquer tous les recours*. You first have to do a revocation of judgment, then you go on appeal, because if you have no defence and you weren't even there, you can't do a -- you can't go on appeal.

THE COURT:

Yeah.

MS. JACQUELINE SANDERSON

on her own behalf

You first have to do a *révocation de jugement* and lose your *révocation de jugement*.

THE COURT:

But to obtain revocation you have to submit a ground for revocation, and you are submitting a ground of appeal.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. I -- no ---

THE COURT:

The fact that -- the fact that my colleague's judgment is wrong -- suppose it is wrong -- is not a ground to revoke his judgment.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. That, I agree, but then it comes to the -- before Justice Synott, she didn't put any *extrajudiciaires*, so I'm allowed to go against the *extrajudiciaires* based on not being abusive, especially since the motion was after and never was put before. So on the grounds for *révocation*, it's my medical note and my testimony of today. And, you know, I'm going to read the medical note. You might not think it's sufficient, but I don't know who in their -- like, think about it, if someone came in your house, it's the biggest violation. If you look at any *Charter* -- *Charter* motions, *Charter* judgments of the Supreme Court of Canada, the biggest violation

possible, *R. v. Vu*, is the violation of your house and then the violation of your computer, and they put them both at the same level. So to think that I could -- I'm still surprised that I'm sane and I'm surprised that I made it through school the last nine months. So believe me, it's lucky that they didn't have to take me off in a straitjacket because I was suicidal after, and that is in the note that is filed as R-2.

THE COURT:

What's in the note?

MS. JACQUELINE SANDERSON

on her own behalf

It says:

> "Par la présente, j'atteste avoir évalué madame Jacqueline Sanderson, le 29 septembre 2024. Trois rencontres ont eu lieu. La prise en charge s'inscrit dans les difficultés adaptives et..."

I can't read it.

> "...suite à sa perte d'emploi, entrainée de l'anxiété, de la dépression et... la prise en charge..."

And I testified to that. I was still in shock on that day over what happened. I'm still in shock today. It's never happened. The Supreme Court of Canada says what the criteria is to go in someone's house and to seize their computer, and it still shocks me because I am so legal oriented, because I have -- my motions are all well argued in law. I would never do anything abusive, with respect, never. I've never ever filed an abusive motion in my entire life. Most of my motions are all legally sound with legal arguments in every single one and, you know, I'm extremely bright and I, you know, I got straight A's in accounting and *magna cum laude* with my degrees. I just finished my common law last summer and I got A in Ethics. So ---

THE COURT:

I'm not judging you on your résumé, I'm judging you on the file as it is.

MS. JACQUELINE SANDERSON

on her own behalf

Exactly.

THE COURT:

I'm not -- I'm not concerned whether you're a good person or a good student. Actually, it has no relevance whatsoever with what I have to decide.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, it does because ---

THE COURT:

No, it doesn't.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, because -- okay, say you say that my medical -- medical certificate is not sufficient for -- for a *révocation*, but I think it is because it's -- it's from a psychologist. It even says, "*Je reste disponible pour plus d'information.*" And Me Gratton never asked me to bring him as a witness.

THE COURT:

That would be for you to bring her as a witness. She doesn't have to lead evidence in your favour.

MS. JACQUELINE SANDERSON

on her own behalf

No, but the certificate says, and I did testify, so even if you don't accept that that is sufficient grounds for revocation, which I would be surprised because of the stress that I was under and am still under, it doesn't -- you can't -- just because someone doesn't convince a court of something does not make it abusive. That's where I see -- she's

saying that the *révocation* is abusive. How can it be abusive if there's a medical certificate that says I'm under pressure and I testified? You might not think it's sufficient. As you say, you're going to look at whatever Justice Ferland said even though I didn't testify in front of him. The -- just because you don't agree that it's sufficient for a *révocation de jugement*, it doesn't make it abusive. That's another step, and that's what I'm saying.

THE COURT:

Okay. I think I've heard these arguments many times now. You may go on to new arguments, just to make sure you have enough time to cover all your arguments, because you've repeated all I've heard so far during your testimony, which was more of a legal argument.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. So I also submitted in my -- both in my -- in my amended motion and in the *plaidoirie écrite* that I sent you, there's links to it with respect to the -- what abuse of process. I put some excerpts. I thought there was one good summary by Justice Lussier, which discusses *comportement contraire aux pénalités du système de justice, témérité,*

l'inexistance de fondement juridique. If all those legal arguments are in the motion and you're even saying that I could have gone on appeal to the -- because based on the *excès de compétence* ---

THE COURT:

That's not what I'm saying. I'm saying it's a ground of appeal. I'm not saying you -- you could have gone to appeal, and I'm not saying that you would have succeeded. I'm saying it's a ground of appeal. That's the only thing I'm saying.

MS. JACQUELINE SANDERSON
on her own behalf

Yes, but ---

THE COURT:

Don't distort my comments.

MS. JACQUELINE SANDERSON
on her own behalf

Yeah, but if a ground of an appeal exists, then -- and there's a controversy, then it's not abusive. How can it be *téméritaire* if there's two divisions?

THE COURT:

No, no, no, I'm only saying it qualifies as a ground of appeal. It may have no success whatsoever. I'm not judging the value of the ground of appeal. I'm only telling you that as a ground of appeal, it's not

a ground for revocation. That's the only thing I'm saying.

MS. JACQUELINE SANDERSON

on her own behalf

Yes.

THE COURT:

Don't distort my comments.

MS. JACQUELINE SANDERSON

on her own behalf

No. What I'm saying is the revocation is with respect to my physical state, my mental state. That is, whether it's *suffisant*, I think it's *suffisant*. It's never happened in the whole history of the Bar that someone is suspended on appeal. It's never happened in the whole history of the Bar that there's been a seizure in their house. Therefore, the fact that I couldn't withstand and I couldn't operate after such happenings is completely normal and not -- and is explainable and reasonable.

THE COURT:

What's the evidence between -- what's the medical evidence between the day that the *Conseil de discipline* found you guilty and the day you filed your application for a judicial review? Because you concentrate most of your evidence on September 25,

but your application for judicial review was also dismissed because of unreasonable delay in filing it.

MS. JACQUELINE SANDERSON
on her own behalf

No, it wasn't.

THE COURT:

Okay.

MS. JACQUELINE SANDERSON
on her own behalf

No, because the -- and that was actually in front of Justice Emery. He didn't understand how she could say it's *prématurе* and late at the same time. Which one is it? You're allowed to or you're not. My whole medical file is filed as an exhibit, and I don't even think it was under seal. I don't think I put it under seal. It's Exhibit R-3.3.

THE COURT:

If you read page 4 of the *procès-verbal* of September 25, 2024, right in the middle:

> "De plus, le Tribunal est d'avis que le pourvoi en contrôle judiciaire est tardif. Les motifs invoqués par madame Sanderson pour contrer l'argument de tardivité n'étant pas satisfaisant. Celle-ci

a été en arrêt de travail durant certaines périodes et ces arrêts de travails étaient antérieurs à l'expiration du délai raisonnable pour instituer son recours en pourvoi judiciaire. En effet, l'arrêt de travail évoqué a eu lieu entre le 21 juillet et le 7 septembre 2023, bien avant que la décision attaquée n'a été rendue. De plus, cet arrêt de travail ne l'a pas empêchée de citer et de faire des représentations devant le Conseil de discipline lors d'une audition sur culpabilité les 25, 26, 27 octobre 2023."

I think, unless I'm mistaken, and you may show me wrong, but it seems to me that the judge concluded that this is an unreasonable delay in filing the application for judicial review.

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but that's not the *motif pour abus*. The *motif pour abus* is ---

THE COURT:

You're mixing up things here. I'm talking about, and I was picking up on your comment ---

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

--- as to the revocation of that judgment, Justice Synott found that the delay in filing the application was unreasonable because your medical evidence was unsatisfactory. Is there a ground for revocation against that conclusion?

MS. JACQUELINE SANDERSON

on her own behalf

Well, I mean, the medical file, it's very extensive. It's not months. It's very extensive, and it's exactly that. Obviously, I was in no state to plead my case on the 25th, 26th and 27th, and it's in the judicial review -- the judicial review motion. I specifically write that -- and probably the comments of Justice Lavoie said, "You're not prepared" several times during the hearing, et cetera. So, no ---

THE COURT:

Okay. It's now 12:30. You've used 40 minutes of your time. After the break, you'll have 25 minutes left and 10 minutes each for the reply. Have a good

lunch.

(SUSPENSION DE L'AUDIENCE/LUNCH RECESS)

LA COUR:

Bon après-midi à toutes les deux. Vous avez perdu votre collègue?

Me SOPHIE GRATTON

pour le mis en cause

Oui, elle avait un autre...

LA COUR:

Pas de souci.

Madame Sanderson, je vous écoute.

MS. JACQUELINE SANDERSON

on her own behalf

Yes. So, Your Honour, I would like to ask for a suspension to prepare a motion for recusal, and I would ask that I would be -- I'm going to also make a complaint to the *Conseil de la magistrature* and ask that they become a *mis en cause*, and I would like the time to prepare it in writing and order the stenographer notes from this morning, yesterday and Friday. I feel like my evidence was limited.

THE COURT:

Your Motion is dismissed.

MS. JACQUELINE SANDERSON

on her own behalf

But I'd like time to -- to prepare the motion in writing.

THE COURT:

This is the second time in two days that you are asking my recusation. This is only a *mesure dilatoire*. I haven't expressed any opinion whatsoever in your case. I've asked many questions because I'm required to ask questions and understand your case. So what are the grounds for your motion for my recusation?

MS. JACQUELINE SANDERSON

on her own behalf

I could -- I would rather do it in writing with all the proof and the stenographic notes. When I asked a question, you answered the question for the -- that's just the most recent one. And during her *plaidoirie*, you let her plead the whole thing, and for me, you continuously interrupted. And I don't have to give all the reasons, and I'm allowed to ask for time to do a written ---

THE COURT:

You're allowed to ask and your motion is dismissed, and your motion for recusation is dismissed and your motion for *mettre en cause le Conseil de la*

magistrature is also dismissed. That's not the way it works. If you want to file a complaint, you file a complaint with the *Conseil de la magistrature*. I think you know how it works. So all your motions are dismissed, and you still have 25 left -- 25 minutes left for your arguments.

MS. JACQUELINE SANDERSON
on her own behalf

So I'd like to go on appeal then, to suspend to go on appeal of that judgment because I'm allowed to suspend, to ask time to prepare a motion to recuse.

THE COURT:

That's not a right, and I have the discretion to allow you to make a formal motion. It is manifestly baseless. You have no grounds for recusation. I will dismiss your application. It's only one among other things that you've done to delay a decision, a final decision in this file, and I will not allow it.

MS. JACQUELINE SANDERSON
on her own behalf

So ---

THE COURT:

So you have 25 minutes left for argument.

MS. JACQUELINE SANDERSON
on her own behalf

I'm not trying to delay anything.

THE COURT:

I made my decision.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Could I suspend for two minutes?

THE COURT:

No.

MS. JACQUELINE SANDERSON

on her own behalf

Just to call my lawyer?

THE COURT:

No, if you wanted a lawyer present, you had to call him or make sure that he would be available.

MS. JACQUELINE SANDERSON

on her own behalf

Well, I'm sure he's available. I can just call him right now.

THE COURT:

I told you no, and I don't -- I know that you have difficulty taking no for an answer. We're here to proceed.

MS. JACQUELINE SANDERSON

on her own behalf

I understand. Okay. Thank you.

THE COURT:

So you have 25 minutes left of argument.

MS. JACQUELINE SANDERSON

on her own behalf

That's okay.

THE COURT:

You forego it?

MS. JACQUELINE SANDERSON

on her own behalf

Well, there's no point.

THE COURT:

You think there's no point. How do you know? I haven't made my decision.

MS. JACQUELINE SANDERSON

on her own behalf

You said you're going to be the first judge to order that I pay legal fees. You didn't let me ask her the question of whether it's ever happened in the past to her knowledge. That's what a cross-examination is about, "To your knowledge? Okay. No? Yes? Maybe?" That's it.

THE COURT:

Okay. But still, it has to be relevant. You can't cross-examine on any topic that you like.

MS. JACQUELINE SANDERSON

on her own behalf

It's for every ---

THE COURT:

No, it's not, and I ruled -- I ruled that it's not.

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but she didn't make an objection. That's the other thing.

THE COURT:

Now you're arguing my decision. You can't do that.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. But that's the same thing ---

THE COURT:

The mere fact -- I'm not finished -- the mere fact that I accepted an objection to your question does not mean that I'm prejudiced against you. It has nothing to do with that. And again, you're distorting my comments. I said ---

MS. JACQUELINE SANDERSON

on her own behalf

Well, that's ---

THE COURT:

--- whether or not you are the first lawyer to be ordered to pay damages has no relevance whatsoever.

There's a first time to everything. If you are the first, then you are the first, but first I have to be convinced that there's an abuse of process and that the legal fees are reasonable. And to that, I haven't decided.

MS. JACQUELINE SANDERSON
on her own behalf

Okay, but every time I was trying to make my arguments, you interrupted me the whole time, and it was hard to concentrate, and that is a reason for breach of the rules of natural justice. I understand that you think I'm inter -- I'm argumentative, but I'm in court and I'm supposed to be arguing to defend myself.

THE COURT:

And during argument, you're supposed to see -- also to be ready to answer questions.

MS. JACQUELINE SANDERSON
on her own behalf

Yes, but I mean ---

THE COURT:

And I have many questions, and you're mixing up things. You're mixing up the revocation and the abuse, which are two completely separate applications, and trying to ascertain whether some of

your statements are true. You told me, for example, that Justice Synott had not decided your application about the reasonableness of the delay. I doubted that. I had to interrupt you because that's not accurate. He decided plainly for that reason to dismiss your application for judicial review. So if I'm not asking you any questions, what will happen is that I will find my own answers, and you'll complain to the Court of Appeal that I didn't ask you the proper questions in due time and give you the opportunity to explain what I see as a discrepancy.

MS. JACQUELINE SANDERSON

on her own behalf

Yes ---

THE COURT:

But because I've done it, then you would like me to recuse myself.

MS. JACQUELINE SANDERSON

on her own behalf

But there's a difference between that. During her testimony, she was talking to the other lawyer and looking at documents. You can't do that. That is total decorum -- like, totally not acceptable.

THE COURT:

You're talking about decorum, really?

MS. JACQUELINE SANDERSON

on her own behalf

Well ---

THE COURT:

Seriously? You have little respect for decorum. You have little respect for the rules of procedure, but you're complaining that on one occasion the other party did not respect the rules of procedure?

MS. JACQUELINE SANDERSON

on her own behalf

It wasn't one occasion. The entire time, she wanted her to object to questions I was asking and she wasn't objecting, so she was talking to her to try and object.

THE COURT:

Right. Yes, she did, exactly.

MS. JACQUELINE SANDERSON

on her own behalf

So that ---

THE COURT:

But I've already dismissed your motion for recusation and I've already asked you many times, for the last five minutes, to go on with your argument. You have 25 minutes left. It's time now.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, but I wanted to just ask my lawyer for two minutes a question before I -- before I proceed. I don't understand why I can't take five minutes to just call my lawyer, and you can deduct it like you deducted my other times.

THE COURT:

I did not deduct it this time.

MS. JACQUELINE SANDERSON

on her own behalf

I absolutely don't mind ---

THE COURT:

I'm still letting you use the 25 minutes, but if you want, I can cut it down to 20 minutes.

MS. JACQUELINE SANDERSON

on her own behalf

But can I talk to my lawyer for five minutes then?

THE COURT:

What for?

MS. JACQUELINE SANDERSON

on her own behalf

Because I want to know what I should do. Obviously, I don't know what to do.

THE COURT:

You don't know what to do?

MS. JACQUELINE SANDERSON

on her own behalf

No, I don't know what to do.

THE COURT:

Well, I'll dismiss your motion and I -- the hearing will continue whether or not you participate.

MS. JACQUELINE SANDERSON

on her own behalf

I know, but I just want to ---

THE COURT:

So you should participate.

MS. JACQUELINE SANDERSON

on her own behalf

I just want to ask him what I should do.

THE COURT:

All right.

MS. JACQUELINE SANDERSON

on her own behalf

It'll take me two minutes to ---

THE COURT:

All right. Recess until 2:15. This is highly inappropriate.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, forget it, forget it.

THE COURT:

No, no, you asked for a recess; you have the recess.

(SUSPENSION DE L'AUDIENCE/RECESS)

SUBMISSIONS BY Me JACQUELINE SANDERSON (CONT'D)

on her own behalf

Okay. So I think I was at a point, and I was trying to explain not to go on appeal of the judgment of Justice Roberge but to tell the facts that were before him when the judgment was rendered. So when ---

THE COURT:

And how is this relevant to the applications that are before me?

MS. JACQUELINE SANDERSON

on her own behalf

Because, first of all, she's saying it's abusive, that hearing, and if it's abusive, then you have to know the facts. So each -- each one ---

THE COURT:

Okay. But does it have anything to do with the revocation?

MS. JACQUELINE SANDERSON

on her own behalf

Well, no, the revocation is solely based on the medical note and the -- it does a little bit because

of the stress that I told you that I had because they entered my house, and because the facts were not considered, and that is what it was. What happened, and it's contrary to what Me Gratton said, I had already returned -- it's in the exhibits that were before Justice Roberge. In the exhibits, it specifically says in the letter that you can't keep your tax files, and that was the debate. I had already given back all the other physical files, except during my cross-examination, Me Gratton had remembered that I had said, oh, I had some files from like 2010, and I didn't even know what they were. So the only physical files that I still had were files from -- that were like way older than seven years, from 2010, and my income tax files.

The only other thing was how the transfer of the electronic files was supposed to be done. There was -- I wasn't not cooperating. The only thing was can I keep a copy of my files so that I can use it for my -- like, as a precent because, you know, I do tax files or whatever, so to use like tax precedent and to continue to work on my tax files and the thing. So when there was an Order to go to my house, it's like taking a sledgehammer to go do a thing. So that stressed me out very much, and that's why I couldn't

-- I couldn't function. And it was only after the shingles happened that I could, you know, realize -- and I went into cardiac arrest at the Jewish. It was only because of that that I said, okay, now you know you have to take your life into your hands, and that's when I went back to school. So I'm doing my CPA, and I put that in my motion. So that was when I started to be able to start organizing, but at the same time, shingles, you have to -- you have to like not have stress in your life to make it go away, or else it stays. I was lucky that it stayed only on one side of my body, but it's like a -- it's like having herpes all over your body, that you would get on your lips all over your body, and it only heals if you relax.

THE COURT:

Remember that you're no medical expert and I can't take your opinion as a fact.

MS. JACQUELINE SANDERSON

on her own behalf

No, but this is what happened to me. So I went back to school, and that's what happened. But the -- that was why I couldn't be at the court on the 25th of September, because of the stress up until that day, and I think that that is sufficient for a revocation

of a judgment when you have it in default.

With respect ---

THE COURT:

On that ---

MS. JACQUELINE SANDERSON

on her own behalf

Okay.

THE COURT:

--- did it prevent you to even show up on Teams and argue your motion for a postponement?

MS. JACQUELINE SANDERSON

on her own behalf

No, I didn't -- honestly, I didn't see those emails. Now -- she mentioned it now, but I didn't see the other emails and I didn't know that they proceeded after.

THE COURT:

You read ---

MS. JACQUELINE SANDERSON

on her own behalf

I didn't ---

THE COURT:

If I'm not mistaken, on the same day, you answered an email informing my colleague that you would not show up.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, I said I couldn't show up, but I didn't know after that I could go by Teams to ask for the postponement. I didn't know. I couldn't -- I didn't -- I wasn't -- I didn't go back and check the emails. I, right away, said, "This is ridiculous; I have to do something" and I right away got an appointment. Right away, I was going to check myself in because I couldn't -- I couldn't manage the stress, and that's why I right away got a psychologist and I right away did something about it. It wasn't like I waited. I realized I couldn't go, and that's why I went.

THE COURT:

So ---

MS. JACQUELINE SANDERSON

on her own behalf

I don't want to be ---

THE COURT:

So you're telling me that you sent an email on September 25 at 9:49 explaining that you would not show up, but you did not receive the judge's answer 15 minutes later?

MS. JACQUELINE SANDERSON

on her own behalf

No, not in enough time. I did later that day, but I didn't see it, that I could go, and honestly, I couldn't think of going to court after what happened. It was a long time before I was able to go back into this building. And even now, you know, obviously it's -- you know, as I testified, I don't think I'll ever want to plead before a judge in this -- for sure not in this building until this is a very long time over. That's what I pleaded, and I don't plan on -- you know, it's not a minor thing. It's huge because it's the only -- the reason why it was such a big deal, and I explained it during my testimony, is because it's never happened in all of Quebec. Why just me? What I did does not warrant this kind of treatment. That's exactly what Justice Roberge says, "I'm not going to analyze the merits of the case." But you have to analyze the merits of the case. You have to analyze it, read the judgment of November 30th, read the judgment of Justice Ouellet. You have to. You have to read the judgment of Justice Villeneuve or the stenographic notes of Justice Villeneuve where he says, "*Oui, vous avez le droit à être entendue" et l'avocate de l'avocate* said, "*Oui, vous avez le droit.*" You have to read the whole judgment because many people have read it now, and

they're like, "Okay, a few emails." I can tell you, you see the way I am, *pratique déloyale* is not in my vocabulary.

THE COURT:

Okay. But you know I can't go there?

MS. JACQUELINE SANDERSON

on her own behalf

Of course.

THE COURT:

No, I can't because that's for the *Tribunal des professions* to decide if indeed the sanction is correct or not.

MS. JACQUELINE SANDERSON

on her own behalf

No, because you have to read the sanction. In the bottom, in the orders, it says, "*exécution provisoire*". It doesn't say "*exécution provisoire nonobstant appel*". And there ---

THE COURT:

Madame Sanderson, you did not challenge the sanction in this case. You challenged the declaration of guilt. Your application for judicial review is directed at the first decision, not the second.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, and I explained that.

THE COURT:

So I can't delve into the merits of the second decision. It's not even before me.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, you can because Justice Roberge has the sentence in front of him and so does Justice Castonguay. That's why I went back to them, because there's an interpretation issue. They didn't interpret it in my favour. Justice Roberge refused to even look at it. He said, "I'm not here to look at it." But you have to look at it.

THE COURT:

Okay.

MS. JACQUELINE SANDERSON

on her own behalf

I don't understand why you think that you don't have to look at it. If there's an interpretation issue of the *ordonnance*, it's not the only place to go is the *Tribunal des professions*. It's not true. That is the whole point of the Superior Court. That's exactly what it says in all the judgments that I cited and that I submitted. And then with respect to the abuse, I put a 42-page *plumitif* -- and I have the

hardcopy for the file of R-17. So if I could deposit the hardcopy for the file?

LA COUR:

Pièce R-17.

PIÈCE R-17: Copie papier de l'extrait du plumitif des révisions judiciaires de Me Harvey

MS. JACQUELINE SANDERSON
on her own behalf

R-17, ça c'est le plumitif de juge les révisions judiciaires, six, même pas les appels de toutes les révisions judiciaires de Me Stéphane Harvey avec son consentement.

THE COURT:

How is this relevant to you abusing the process in this case?

MS. JACQUELINE SANDERSON
on her own behalf

I don't understand how you can see it's not relevant.

THE COURT:

Well, if I'm asking the question, it's because I don't see it, and if I don't see it, that's why I'm asking the question. So ---

MS. JACQUELINE SANDERSON
on her own behalf

Because he ---

THE COURT:

--- I need the answer.

MS. JACQUELINE SANDERSON

on her own behalf

Because he did seven, and it wasn't *abusive*, and he didn't have even a request to have -- to have -- a request to have *extrajudiciaires*, and that's why I was asking her that question ---

THE COURT:

But the six ---

MS. JACQUELINE SANDERSON

on her own behalf

--- if she was aware of a time -- and he was a lawyer. He wasn't even suspended during his appeal, and he had *appropriation de fonds*, all kinds of stuff. I was suspended.

THE COURT:

Okay. But I'm not here to impose a sanction because that's not my role, and his sixth application for judicial review was declared abusive.

MS. JACQUELINE SANDERSON

on her own behalf

Yes, but not -- no, it wasn't -- the last one isn't abusive. The last judgment of June 6th, I have it

right in front of me. There's no *déclaration d'abus*.

THE COURT:

It's not the ---

MS. JACQUELINE SANDERSON

on her own behalf

« Rejette la demande de sursis. »

THE COURT:

Yes, but it's not been finally decided. It's still at the interlocutory stage. It's a motion to stay; it's not a final judgment. Me Harvey moved to have the decision suspended during the application for judicial review, and my colleague said no.

MS. JACQUELINE SANDERSON

on her own behalf

Right, but this one, they did ask to have it *déclaré abusive*, this one as well, but it wasn't. It's all *déclare et abus*, and there's no -- and the most important thing is the *clause*.

THE COURT:

The what?

MS. JACQUELINE SANDERSON

on her own behalf

The *clause* -- the *mention de la clause* 46 and following, when you're allowed to have exception, and you just mentioned that it's only before, but she's

saying that all my motions are abusive, after the sanction and everything. When I went back to the Superior Court, it was to interpret the judgment of the sentence because I had already filed my appeal.

THE COURT:

So you filed an appeal against the sentence, but you're asking the Superior Court to interpret the judgment even though you're appealing it, if I understand you correctly?

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, because the -- there was already a file open with judicial review, and because it didn't -- it said just *exécution provisoire*. And if you look at my motion to suspend, I explain the difference between each of them. And the Court of Appeal specifically said that there's an *erreur cléricale*. Of if there's an *erreur cléricale*, it has to be corrected. So it doesn't -- it can't be abusive if there's an *erreur cléricale*. That's what I'm trying to explain. There's obviously ambiguity if it doesn't say it in the *ordonnance*. It's not as cut and dry as it is.

THE COURT:

Yeah, but what gives me the power to interpret a

decision that you're not challenging before this Court? This Court is not a legal office where you can ask for a legal opinion as to the meaning of a paragraph in a decision. The only challenge -- the only decision that you challenge in your application for judicial review is the first decision, the declaration of guilt. So what gives me the power to make an opinion ---

MS. JACQUELINE SANDERSON
on her own behalf

A safeguard order. The Superior Court, I was asking for a safeguard.

THE COURT:

Yeah, I know, but in the course of a proceeding, challenging the first decision.

MS. JACQUELINE SANDERSON
on her own behalf

Yeah. But it's the same ---

THE COURT:

So it's like an open buffet and you can ask for the suspension of any other decision in the proceedings before the *Conseil de discipline* simply because you opened a file in the Superior Court against the first decision?

MS. JACQUELINE SANDERSON

on her own behalf

Why not? It's the Superior Court. It's a safeguard order to protect the interest. If there's ambiguity, you can ask for declaratory judgment, and that's exactly what it is. To me, Me Gratton said that in my motion -- my Notice of Appeal, I had to put a *demande de suspendre, exécution nonobstant appel*, but I didn't. Why did I not have to? Because it just said *exécution provisoire*. So the minute I filed my Notice of Appeal, it suspended just *exécution provisoire*. If they wanted to fix the clerical error, they had to do the motion before, because I rushed -- intentionally, I rushed so that they couldn't go back to the *magistrature* because in the *Code of Civil Procedure*, under the correction code, under 161 or 162, there's a place where it says -- it's like the motion that you can do for correcting before the Superior Court. It says before the appeal, you can go back to the *Conseil de discipline* and ask them to correct it. So I wanted to block them to not be able to go ask to do the clerical error. So I filed my Notice of Appeal the same day. It's an interpretation issue. It's not abusive. I lost the interpretation. Actually, Justice Castonguay didn't even hear my safeguard order. He

didn't waste any time; he was one second in, one second out. But he should have heard my -- I still believe to this day that he should have heard my safeguard order because it's a clerical error. You know, if you read the stenographic notes, the full stenographic notes before Justice Marcotte, you'll see that she does not in any way think that I'm abusive. She said, "*C'est la première fois qu'elle vient en appel*," and this is in December. She doesn't comment on any of the other motions. They're all in front of her. She sees everything I've done. She says -- because she tried to do a verbal motion for abuse. She said, "*C'est la première fois qu'elle vient en appel dans ce dossier. Elle n'a pas eu le temps de préparer. Pourquoi c'est abusif?*" I spent one minute in front of Justice Castonguay.

THE COURT:

In fact, 15. I just checked.

MS. JACQUELINE SANDERSON
on her own behalf

Whatever. So ---

THE COURT:

Well, it makes a difference.

MS. JACQUELINE SANDERSON
on her own behalf

Well, it seemed like one minute.

THE COURT:

Ah!

MS. JACQUELINE SANDERSON

on her own behalf

You can see that ---

THE COURT:

I don't work with impressions. I work with facts.

MS. JACQUELINE SANDERSON

on her own behalf

--- it was very, very short. We didn't do a lot of *plaidoiries*. He didn't look at my motion. He didn't read my motion at all, and it was a safeguard. It was a safeguard to interpret the judgment. I still think that they had *compétence* because of the safeguard *compétence* of the Superior Court because in the conclusions, it said *exécution provisoire,* not *nonobstant appel.* And as I explained earlier today, those two words appear many times, because I did obviously the search like you said you did on my name, I did it in CanLII. And if you do just *exécution provisoire* in a disciplinary bank, then you get all these decisions that have a meaning. So it could have meant that that was *exécution provisoire*.

THE COURT:

And the clerical decision that you keep referring to, what is it about the *exécution provisoire*? We're talking about the provisional execution.

MS. JACQUELINE SANDERSON
on her own behalf

The Court of Appeal judgment of Justice Marcotte?

THE COURT:

No, I have that. You keep referring to the Court of Appeal decision about provisional execution and provisional execution notwithstanding appeal. There seems to be a difference between the two, so what is that judgment?

MS. JACQUELINE SANDERSON
on her own behalf

Oh, it's not the Court of Appeal. I did the search in the *base de données*, and it's in -- I list all of them.

THE COURT:

No, that's not my question.

MS. JACQUELINE SANDERSON
on her own behalf

Okay.

THE COURT:

My question is you keep referring -- you keep talking about a judgment from the Court of Appeal that said

there's a difference between provisional execution and provisional execution notwithstanding appeal, and that the *Conseil de discipline* or any other *conseil* should correct its judgment.

MS. JACQUELINE SANDERSON

on her own behalf

Because that's the Court of Appeal.

THE COURT:

Yes.

MS. JACQUELINE SANDERSON

on her own behalf

Justice Marcotte wrote there's a clerical error in paragraph -- in the conclusion. She specifically used -- in the English version of the judgment that she sent me because I'm not a lawyer, she sent me an English version and she uses the word "clerical error". So because there's a clerical error, obviously it can't be so cut and dry. There's some ambiguity which leaves room for non-abuse. Therefore, my motion to ask for an interpretation of a judgment that has a clerical error is not abusive. The difference ---

THE COURT:

Okay. Do you have any authorities supporting your view that as a Court, I have authority to interpret a

decision that is not challenged before the Court? Like very wide-open general jurisdiction over pretty much anything that concerns you, you can address the Court and ask for the interpretation, even though that second decision is not before us?

MS. JACQUELINE SANDERSON

on her own behalf

The provisions on ---

THE COURT:

It's not challenged.

MS. JACQUELINE SANDERSON

on her own behalf

The provisions on declaratory judgment that allow you to address the Superior Court on declaratory judgment and the Superior Court's powers, general powers.

THE COURT:

No, I'm asking for an authority. I know these provisions. For an authority within a proceeding challenging a decision. Where is my authority to interpret a second decision that has not been challenged before this Court at any time?

MS. JACQUELINE SANDERSON

on her own behalf

Well, I mean, to me, it was already challenged at this Court.

THE COURT:

It can't because at the time you filed your application for judicial review, the decision on sanction had not been made.

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, I know, but I mean, I didn't give it ---

THE COURT:

And you never amended the application for judicial review to challenge that second decision as well.

MS. JACQUELINE SANDERSON

on her own behalf

Yeah, but that was obviously what my intent was when I did the interpretation. I would have amended it if I had -- to me, it was the same thing. You can't say that they're two so completely different judgments. The reason I wanted to ---

THE COURT:

How many Notices of Appeal did you file in the *Tribunal des professions*? You filed two, one against the first decision, one against the second decision?

MS. JACQUELINE SANDERSON

on her own behalf

No, they -- it's only one Notice of Appeal.

THE COURT:

Only one?

MS. JACQUELINE SANDERSON

on her own behalf

You only have to do one Notice of Appeal for both judgments. That's the -- you only -- you don't do the Notice of Appeal. That's the whole problem is that I couldn't do just a Notice of Appeal of the conviction; you have to wait until after you're sentenced, like a criminal trial, to do the appeal. Oh no, not after sentence. That's true. It's not in a criminal trial, but ---

THE COURT:

No, it's not a criminal trial.

MS. JACQUELINE SANDERSON

on her own behalf

No. Yeah, it's not the -- criminal, you can appeal just the conviction. And actually, I almost did a Notice of Appeal in my other one, in my other file, and I wrote to the -- Me Thibault and I said, "I'm just interpreting this. Do you agree with my interpretation to be sure that you don't have to?" And she said, "Yeah." So you don't have to.

THE COURT:

You have five minutes left.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. So it's R-3.5 is the application to suspend proceedings before -- it's R-5.3 is the -- in that motion, I put all the legal arguments and all the different -- explain the differences between all the jurisprudence in support of it, explaining the difference of the *exécution provisoire nonobstant appel*. So if you read in paragraph 7 of that motion, Exhibit 5.3, R-5.3, section 158 of the *Professional Code* is actually cited and it says:

> "La décision du Conseil de discipline imposant une ou plusieurs des sanctions prévues aux alinéas de... et exécution à l'expiration des délais d'appel suivant les conditions et modalités qui y sont jugées adéquates, à moins que,..."

And it says :

> "...sur demande du plaignant."

That's what I was explaining before.

> "...sur demande du plaignant, le Conseil n'en ordonne exécution provisoire nonobstant appel..."

And it ha to be all four of those words. And it's

only on the *demande* of *le plaignant*. So:

> "...dès sa signification à l'intimé."

So it's only if Me Dyotte would have asked it that it comes into force. The *Conseil* cannot order it of its own volition, and it has to be all four of those words. And in the jurisprudence cited on page 2, there's *Comeau v. Dodelin (phon.)* and it explains what the difference is between *exécution provisoire* just by itself, and I put -- okay, so it says -- the first case that I put was:

> "Impose à l'intimé sur chacun des deux chefs de la plainte une radiation temporaire se terminant le 13 août 2004; ordonne que toutes les périodes de radiation imposées à l'intimé dans les dossiers portant le numéro... soient purgées concurremment; ordonne conformément à 158 du *Code des professions* l'exécution provisoire de la présente décision dès sa signification à l'intimé."

So not *exécution provisoire nonobstant appel* means something different.

THE COURT:

Okay.

MS. JACQUELINE SANDERSON

on her own behalf

So that's -- okay, so they didn't agree with me, but honestly, it's -- I know I'm right because ---

THE COURT:

Of course.

MS. JACQUELINE SANDERSON

on her own behalf

Well, no one has analyzed that issue yet. It's only on appeal that it's going to be analyzed. No one analyzed the difference between *exécution provisoire* and *exécution provisoire nonobstant appel*. No one has analyzed the actual difference with these cases, citing these cases. So I didn't win, but it doesn't make it abusive because of the ambiguity in the conclusions. That is the only reason that I'm saying it's not abusive. I went to the Superior Court to say, "Please interpret just *exécution provisoire* which doesn't say *nonobstant appel*." How could I know that I had to put in "notwithstanding appeal" in my Notice of Appeal when I did it the next day? I did do a new motion after, later on, the one I'm reading, but how was I supposed to know that I had to

know to do that? I was just trying to block it so that they had to go to the *Tribunal des professions* to get the correction because, technically, after that, they had to -- they couldn't go to the *Conseil de discipline* to get -- to correct the clerical error, they could only go to the Superior Court. In this file, they could have gone. It's the same thing. You're saying ---

THE COURT:

But why not the *Conseil* itself? It can correct its own decision if it's a clerical error.

MS. JACQUELINE SANDERSON

on her own behalf

They could have, but in the *Code* it says you can't after the appeal is lodged. That's why I did the appeal so fast, so that they couldn't go back and do a motion before the *Conseil*. It goes into the hands of the *Tribunal des professions*. So it's them -- the ball was in their court to do the motion to correct the conclusion.

And on top of it, you're saying, "Why are they doing at Superior Court?" They added a motion. They had nothing in my file. Why did they do an injunction against me in my file? It's the same thing. There was nothing in their judgments. They weren't on

appeal, so how could they do a safeguard motion and get an injunction in my file? And like I said, that was unfair because it was in the wrong jurisdiction because it was in Montreal, and if I was the defendant with a real injunction, it would have been on the South Shore if they had to get a real injunction, and on top of it, I would have -- all injunctions are *appels de plein droit*. So I would have had an *appel de plein droit*, and with the comments made about the income tax files by Justice Marcotte and the suspension -- the comments made by Justice Emery, I would have most likely been heard on appeal of an injunction if they had taken a separate injunction in a real Superior Court.

THE COURT:

In a real Superior Court? This court is not a real Superior Court?

MS. JACQUELINE SANDERSON

on her own behalf

No, no, but I mean in a real, like, separate file. If they had to do open -- go to the ---

THE COURT:

Okay, but I get your argument. I was foreseeing it. So what's the difference between your situation where you're asking the interpretation of a decision that

you're not challenging and the injunction they're seeking? If it's good for you, it's good for them.

MS. JACQUELINE SANDERSON

on her own behalf

Exactly.

THE COURT:

Well, then, you were at the wrong place asking the interpretation of the second decision that you were not challenging anyway.

MS. JACQUELINE SANDERSON

on her own behalf

Well ---

THE COURT:

If they're in the wrong place asking for injunction, in your challenge of the first decision, you were in the wrong place asking for the interpretation of the second decision that you've never challenged before this Court.

MS. JACQUELINE SANDERSON

on her own behalf

Exactly. So, it's so ambiguous and there's so much confusion, then how can it be abusive? It means *aucune* -- what did they say, *témérité* or -- I just want to read some of the words.

THE COURT:

You've exceeded your 25 minutes, so I'll ask you to conclude.

MS. JACQUELINE SANDERSON

on her own behalf

So that's what I'm saying, all the things, there's ambiguity. So when it's ambiguous and when -- okay, I shouldn't have taken my motion here, but they shouldn't have taken their motion there. To be honest, I had already opened a file, so I was asking for interpretation of a judgment that took less than half a second, or 15 minutes, like you said. It didn't take any time. And they opened up a completely new injunction that's never been done before in my file. So ---

THE COURT:

Thank you.

THE COURT:

You have 10 minutes.

REPLY BY MS. JACQUELINE SANDERSON

on her own behalf

Okay. I said in my testimony I had the income tax files. I had returned all the other physical files, and we were debating over whether I had to delete the hard drive or not. And it's in the letters that Me

Gratton deposited, R-1, R-2, R-3 and R-3(a) and R-3(b) in front of Roberge. So even initially, he was -- Me Dyotte initially was going to allow the transfer of all the files, if you read those letters. He was going to allow the transfer of all the files, and suddenly in hearsay that he put in the motion, he said, "She couldn't do the criminal files." But it's not true that a lawyer cannot do just criminal files. You can still transfer them as the *cessionnaire* and when you look at the *Pièce R-3(a)* and R-3(b), it was a sample letter that Me Kadri was supposed to send. So:

> "La présente a pour but de vous informer que madame Jacqueline Sanderson n'est plus membre du Barreau du Québec depuis sa radiation temporaire effective à compter du 21 août. La soussignée..."

So:

> "Dans les circonstances, vous avez l'obligation de vous trouver un nouvel avocat ou de comparaitre personnellement."

It was just to send this. It doesn't need to be that

she could do criminal files or not, and that's why I mentioned the thing about Me Brooks, that Me Brooks doesn't do tax files either.

THE COURT:

Who is Me Brooks? He's not been mentioned even once today.

MS. JACQUELINE SANDERSON

on her own behalf

No, Me Brooks is in the affidavit. I mentioned it in my amended motion, in the amend...

THE COURT:

Yes, but he's not been a subject of any argument or fact or testimony today. How come he comes up at the very last minute?

MS. JACQUELINE SANDERSON

on her own behalf

Well, because it's in my motion. I signed an affidavit. Me Gratton didn't -- I didn't testify on every single thing in my motion. It would have taken me 'til tomorrow if I testified on every single thing in my amended motion. That's why I said that I wanted Me Brooks to come and testify, was because he doesn't do tax and he didn't do the free files, but they allowed him to take the files 10 minutes after the *Barreau* left, before the files were even downtown

Montreal, before they had even taken my computers. I had spent the day trying to find someone to do it, so finally, he had agreed. But Me Leila Kadri had also agreed, and the email that Me Gratton is referring to says I will take all the files. It doesn't even -- it doesn't even qualify it at all. That's why I'm saying that there was conf -- there was confusion. Confusion means it can't be abusive. I know you're not writing anything and that everything I say doesn't mean anything, but once there's confusion ---

THE COURT:

Madame Sanderson, I have taken notes throughout your arguments, and I just stopped taking notes two seconds ago.

MS. JACQUELINE SANDERSON

on her own behalf

Okay, but this is really important.

THE COURT:

No, no, no, but you are blaming me for not listening to you and not taking notes, and making nothing of your arguments.

MS. JACQUELINE SANDERSON

on her own behalf

Well ---

THE COURT:

This is baseless. This is a baseless accusation, and it is disrespectful for the Court. You have been heard today throughout the day. This matter was heard from 9 o'clock this morning until -- it's 3 o'clock now.

MS. JACQUELINE SANDERSON
on her own behalf

Yeah, but there was no reason that Me Landry couldn't have testified, and it would have taken 10 minutes for Me Brooks to testify on that issue. He could have come on by Zoom.

THE COURT:

I made my decisions.

MS. JACQUELINE SANDERSON
on her own behalf

No, I understand.

THE COURT:

Now, you go on with your arguments. You have only a few minutes left.

MS. JACQUELINE SANDERSON
on her own behalf

Okay, so -- but that's what I'm saying, in those *pièces* that she put and in my exhibits, there's a -- so it's R-4.2 and it specifically says -- okay, it's on -- it's actually sent to Me Dyotte after he sent

me a letter. He wrote:

"Vous recevez... veuillez trouver ci-jointe une correspondance..."

In answer :

"Bonjour, Me Dyotte."

This is from Me Leila Kadri:

"Nous confirmons la présente est cessionnaire de tous les dossiers de Me Jacqueline Sanderson. Nous sommes présentement à l'extérieur du bureau, de retour demain, mais demeurons disponibles sur cellulaire au..."

Et ils ont écrit leurs numéros.

"...au besoin."

Me SOPHIE GRATTON

pour le mis en cause

Je veux dire, c'est de la preuve, là, mais... ça c'est de la preuve. Il y a eu d'autre preuve administrée devant le juge Roberge, d'autres courriels. J'ai l'impression...

Mme JACQUELINE SANDERSON

pour elle-même

Non, non, il y avait pas autres courriels. Je m'excuse, mais il y avait juste un téléphone que Me

Dyotte a eu supposément qui est...

THE COURT:

You keep arguing to me.

Mme JACQUELINE SANDERSON

pour elle-même

...qui est le ouï-dire, que j'ai objecté, et que l'objection était prise sous réserve et jamais répondue par le juge Roberge, alors il pouvait pas utiliser cette preuve-là. Mais le ouï-dire, c'était un appel téléphonique supposément entre... supposément parce que Me Dyotte est pas venu témoigner et j'ai pas eu la chance de contre-interroger...

THE COURT:

Okay, enough with that. I know I dismissed your application. I'm perfectly aware of that because I'm the one who dismissed it. Now, you go on to something else.

MS. JACQUELINE SANDERSON

on her own behalf

No, but what -- this is the -- before Justice Roberge. The hearsay was that he called her, and she said she didn't know how to do criminal files. But he knew that she didn't know how to do criminal files, just like Me Brooks didn't know how to do

certain criminal files and could not do the income tax files. So that's why that email was important. And the emails that were put in place, the ones that are in as R-3(a) and 3(b) in front of Justice Roberge specifically give explanations to Me Leila Kadri what to do to send to the things. And then suddenly, we couldn't go through with that anymore. So there was obviously contradictions. I'm not saying that whatever Justice Roberge or whatever -- I'm not saying the judgments are wrong or whatever, but they're -- there's no way that it was abusive because of the context. There was a rush. There was a supposed rush because Justice Marcotte specifically asked -- Geneviève Marcotte specifically asked Me Gratton, "What is the rush?" And in the stenographic notes, Me Gratton said because I wasn't *liée* par le *secret professionnel* anymore. That was the rush. Which obviously I'm still *liée* today by the *secret professionnel* of my clients that I was when I was a lawyer. So the sudden rush, I don't know what it was, but initially it was okay for Me Leila Kadri. But all I'm saying, not to go back on the judgments, just to say how can I be responsible for the *extrajudiciaire* fees for these files when there was ambiguity? The minute there's any ambiguity and you

need a court to *trancher* on interpreting a clerical error, on which court has jurisdiction, on the *clause privative*, then obviously there's not *extrajudiciaires*. I can -- you know, you -- the reason that I'm here today is not to reopen the file. The reason I'm here today is just to say that it's not abusive.

THE COURT:

Thank you.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. Can I just ---

THE COURT:

No, your time is up.

MS. JACQUELINE SANDERSON

on her own behalf

Okay. No, because I just wanted to read out the paragraph of -- because she brought it up, of Marcotte.

THE COURT:

Yes, but you've argued for 10 minutes; your reply is done.

Très bien. Alors, je vous remercie de vos représentations. Je vais prendre l'affaire en délibéré. Passez une bonne journée.

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No. CA: 500-09-031726-250
500-09-031727-258
500-09-031691-256
500-09-031696-255
SC: 500-17-129627-249

COURT OF APPEAL

JACQUELINE SANDERSON,

APPELLANT/Plaintiff;

-v.-

DISCIPLINARY COUNCIL OF THE QUEBEC BAR,

RESPONDENT/Defendant;

Me SÉBASTIEN DYOTTE,

-and-

ATTORNEY GENERAL OF QUEBEC,

Impleaded Parties;

APPLICATION FOR POSTPONEMENT OF THE HEARING OF FEBRUARY 27, 2026 TO OBTAIN STENOGRAPHIC NOTES OF THE HEARINGS BEFORE THE SUPERIOR COURT

TO ONE OF THE HONOURABLE JUDGES OF THE COURT OF APPEAL, THE APPELLANT IS REQUESTING A POSTPONEMENT FOR THE FOLLOWING REASONS:

1. The Appellant is requesting permission to postpone the hearing of the above-captioned files which are fixed for February 27, 2026 because she will be unable to obtain the stenographic notes of all the hearings prior to the date;

2. The Appellant received the recordings of the hearings on January 9, 2026 because of the back-log of requests in Montreal. Moreover, it is very difficult to find a stenographer especially because the Appellant is no longer a lawyer;

3. The Appellant submits that it is imperative that the transcripts of the hearings be filed before the Court of Appeal, as Justice Demers demonstrated bias and effectively acted on behalf of the Quebec Bar during the hearings. In these circumstances, it would be

unconscionable to order the Appellant to bear the legal costs arising from such proceedings. Moreover, the Judge failed to analyze the Appellant's testimony in any meaningful manner, particularly with respect to the medical issues raised. This can only be demonstrated by the stenographic notes of the hearing of September 3, 2025;

4. Although the Appellant could not obtain the stenographic notes, the following is a summary of the interventions which were made by Justice Demers on September 3, 2025 based on the recording thereof. It is necessary to amend the motion for permission to appeal to add these outbursts and objections made by the Judge in first instance. Moreover, although there are no authorities in Quebec, there are several authorities in the other provinces that these interventions by Justice Demers were unacceptable;[1]

5. Justice Demers made more than 20 objections with respect to evidence on behalf of the Quebec Bar. He also made 4 threats and several sarcastic comments and he even went as far as using the word "we" when he referred the arguments of himself and the Quebec Bar against the Appellant;

6. In the first fifteen minutes of the hearing during the testimony of the Appellant, the Appellant was explaining that a judge can exceed his competence by breaching the rules of natural justice thus opening the door to judicial review by the Superior Court. Justice Demers exclaimed: "**We** all agree with that." His comments thereafter confirmed that from the onset he was in agreement with the Quebec Bar that the Superior Court did not have jurisdiction even for a breach of the rules of natural justice (which at law is incorrect);

7. The threats made by Justice Demers were **before** the Appellant began the cross-examination of Me Gratton, the lawyer for the Quebec Bar. The Judge restricted it by stating that the Appellant could only ask questions with respect to the misrepresentations made by Me Gratton in the Superior Court and not with respect to the misrepresentations made before the Court of Appeal. He stated loudly "I do not care about the Court of Appeal". This limitation was also contrary to the rules of natural justice because obviously cross-

---

[1] See *Lennox v. Arbor Memorial Services Inc.*, (ON CA), *Sloboda v. Sloboda*, (ON CA), *Osterbauer v. Ash Temple Ltd.*, (CanLII)

examinations are not limited by levels of court due to the right to attack the credibility of the adverse party;

8. At fifty-seven minutes into the hearing, the Judge said if the questions go "out of bound", then he will put an end to the cross-examination and a minute later he stated you are "on a very thin line cause I do not see the relevance". Less than a minute later he said that "it will be imperative that you let her finish her questions[2] (*sic*) because if you obstruct her like you do to me all the time I will put an end to your examination" "YOU ARE ADVISED"... "I am telling you how to behave and the consequences of not behaving how I told you to". He also stated at 1 hour and thirty-three minutes into the hearing: "ask questions or I will put an end to your cross-examination because it is going nowhere". It is important to note that these threats were before the Appellant began the cross-examination;

9. Justice Demers made the following objections with respect to the evidence without the intervention of the lawyer for the Quebec Bar which we all know is contrary to the adversarial court system in Quebec and Canada:

i. In the first three minutes of the hearing, Justice Demers disallowed the first witness of the Appellant, Me Sarto Landry, and refused to allow the Appellant to call the adverse party as the first witness without Me Gratton having said one word;
ii. At twenty-one minutes into the hearing, Justice Demers refused the Appellant's request to leave the evidence open to deposit a medical certificate without asking the adverse party first if she objected;
iii. At twenty-five minutes into the hearing, the Judge stated that the Appellant could not testify on her medical conditions and shortly after Justice Demers started arguing about the application while the Appellant was simply trying to explain the reason she could not attend the hearing of September 25, 2024;
iv. At thirty-five minutes into the hearing, Justice Demers stated on two (2) occasions that the Appellant was not an expert before Me Gratton said any objection and when she finally said "*je vais m'objecter*" he interjected and said that the comments were hearsay without letting Me Gratton finish her objection;
v. At 1 hour and fourteen minutes into the hearing, the Appellant reworded one of her questions and it was obvious that Me Gratton understood the question but the Judge

[2] I believe the Judge meant let her finish her answers to my questions.

objected nevertheless;

vi. A few seconds later, the Appellant reworded another question and the witness answered in French "I will have to reread my code" and the Judge added "it is simple logic" answering for the witness and adding "would you ask for provisional execution". The Appellant tried again to direct a question at the witness (as opposed to the Judge) but the Judge again answered "its only logical";

vii. At 1 hour and 17 minutes the Judge stated again "that is a legal argument" and "Me Gratton was not involved in that proceeding"... "You have two (2) minutes left";

viii. Because the Quebec Bar was asking for their legal fees to be covered, the Appellant asked the lawyer if she was double billing because the Appellant had seen her working while they were in court together waiting to be heard. Justice Demers immediately stated "what is this question?". The nervous laugh then made by Me Gratton was enough to doubt her credibility but Justice Demers would not allow the question for no legal or apparent reason;

ix. Shortly after the Appellant asked Me Gratton if she had deposited an email into evidence which confirmed that another lawyer had accepted to take over my files. Although Me Gratton's lawyer objected to the question, she did not provide a valid reason so the Judge immediately stated that it was the Appellant who should have deposited the email into evidence before Justice Roberge. However, the Appellant could not have deposited the email because she only received a copy of the motion of the Quebec Bar at 10:00 A.M., being after the hearing began (yet another breach of the rules of justice (*i.e.* the right to notice));

x. At 1 hour and 31 minutes into the hearing, the Appellant asked whether the motion to enter her residence was abusive implying that the Appellant should not have to pay for the legal fees to draft same. Justice Demers intercepted and said that it was not a proper question. I tried to rephrase the question even though the Judge admitted that "**he knew where I was going with my question**". The Judge again stated that is a legal question however, he admitted the first part of the question was correct but immediately he added that the Appellant was arguing with the witness;

xi. At 1 hour and thirty-four minutes into the hearing, Justice Demers stated "*avant de répondre à une question qu'on ne comprends pas*" but it was clear that Me Gratton was ready to answer the question and added "you refer to a question what is it that you want to know?";

xii. Justice Demers' very best objection was when the Appellant tried to ask the lawyer for the Quebec Bar if she was aware of any other cases in which the Quebec Bar had asked for the reimbursement of its legal fees in penal proceedings. She answered that she had not done any research and the Appellant said in her personal knowledge and the Judge stated:

> she already answered your question. How is this relevant? There is always a first time to anything ...when the new code came into force in

> 2016 on abusive procedures well there was a first time and you may be the first time and it does not have any relevance whatsoever. That does not have any relevance whatsoever to the declaration of abuse that the Barreau is seeking . if you are abusing the process, then I will declare that you are abusing the process no matter what if you are the first lawyer to be condemned to such an amount, it will not make any difference".
>
> So then I said "so you answered the question then, thank you".

10. A Judge should not intervene with cross-examination as confirmed by the Court of Appeal of Ontario in *Ross v. Hern*, (ON CA):

> [11] It has always been accepted that on occasion it is not only desirable but necessary that the trial judge question a witness for the purpose of clarification of the evidence. However, it is appropriate to recall the words of this court in *Majcenic v. Natale*, 1967 CanLII 267 (ON CA), [1968] 1 O.R. 189 (C.A.), where the court addressed the issue of interventions by a trial judge. At p. 205, the court stated:
>
> > When a judge intervenes in the examination or cross-examination of witnesses, to such an extent that he projects himself into the arena, he of necessity, adopts a position which is inimical to the interests of one or other of the litigants. His action, whether conscious or unconscious, no matter how well intentioned or motivated, creates an atmosphere which violates the principle that "justice not only be done, but appear to be done". Intervention amounting to interference in the conduct of a trial destroys the image of judicial impartiality and deprives the Court of jurisdiction. The right to intervene is one of degree and there cannot be a precise line of demarcation but if it can be fairly said that it amounted to the usurpation of the function of counsel it is not permissible.
>
> [12] In the present case, the trial judge crossed the line set out in Majcenic. The questions were not only numerous but were of such a character as to amount to an unwarranted interference with counsel's conduct of the trial. The trial judge effectively took the case into his own hands and out of the hands of counsel: see *J.M.W. Recycling Inc. v. Attorney-General of Canada (1982)*, 1982 CanLII 1947 (ON CA), 35 O.R. (2d) 355 at p. 362 and *Farrar v. Farrar* (2003), 2003 CanLII 15943 (ON CA), 63 O.R. 141 (C.A.) at paragraph [25].
>
> [13] This court has stated on numerous occasions that in appeals based on undue interventions in the examinations of witnesses, the test is not so much prejudice but whether the image of impartiality was destroyed: see for example *Shoppers Mortgage & Loan Corp. v. Health First Wellington Square Ltd.* (1995), 1995 CanLII 1069 (ON CA), 23 O.R. (3d) 362 (C.A.). This is such a case.
>
> [14] For these reasons, I would allow the appeal, set aside the judgment below and direct a new trial. The costs of the first trial are to be in the discretion of the judge presiding at the new trial. The defendants are entitled to their costs of this appeal, fixed at $10,000.00, all inclusive.

11. After the break at 11:00 A.M., the Appellant noted that another lawyer, being Me Stéphane Harvey, had done 7 motions for judicial review and delicately tried to explain to Justice Demers that he should not answer the questions for Me Gratton because he was not impartial;

12. At thirty minutes into the hearing, Justice Demers said "All the Judges get it wrong all the time I get it". At forty-seven minutes and fifteen seconds, he said "you are telling me that they all lie all the time" but the Appellant never made these statements;

13. Justice Demers also raised his voice on several occasions during the hearing. At fifty-three minutes into the hearing, Justice Demers said loudly "hold on...I am looking for something....do you have any respect for the court process?..you are trying to obtain a revocation of judgment which is akin to an appeal but whenever I am trying to help you look how you act...disrespectfully".

14. As will be demonstrated by the stenographic notes, the Appellant was not disrespectful. Furthermore, these comments implied that if a party requests justice or a favourable judgment from this Judge, then he or she has to act in the manner that Justice Demers wants him or her to act and that justice is not with respect to the application of the law;

15. At 1 hour and thirty-two minutes he said condescendingly "do you know what a cross-examination is? Apparently you have litigated for 25 years and more" ...and added "you have wasted your time and you are still wasting your time";

16. At 11:58 A.M., the Judge admitted that he did a research on CanLII on the name of the Appellant and said "your name pops up 100 to 125 times as counsel on record in CanLII..you argued approximately as many cases as I argued in my lawyer's career". With respect, all of these comments by a sitting judge are inappropriate;

17. At 12:14 P.M., there was a discussion between the Judge and the Appellant with respect to the fact that Justice Johanne Mainville had told Me Gratton that she could not put her motion for abuse on the docket. The Judge essentially concluded that he did not care whether the Superior Court followed its own directives and it was not relevant;

18. Furthermore, Justice Demers said that because we lost time, the cross-examination of Me Gratton would be reduced from 30 minutes to 20 minutes. Moreover, during the cross-examination, Me Gratton even admitted that she was trying to get her colleague to make objections for her by making little faces and whispering to her. Me Gratton justified

her inappropriate conduct by stating that her colleague was a "*jeune avocate*" but Justice Demers did nothing to stop Me Gratton from making these inappropriate gestures and practically stated that she was allowed to do this;

19. Based on the foregoing, the Appellant made two formal requests to recuse Justice Demers[3], however, he refused;

20. Since the Appellant was condemned for the first time in Quebec history to pay the legal fees of the Quebec Bar, it is important that the Judge of the Court of Appeal hearing this permission to appeal have the stenographic notes to the hearings as it is obvious that the hearing before Justice Demers was not fair and the Judge was biased;

21. The Appellant was also suspended for the first time in Quebec history on appeal and has not had a normal income for almost 2 years. The amount of $18,000 which she was condemned to pay is very significant;

22. It was not the fault of the Appellant that she could not obtain the stenographic notes as both obtaining recordings and obtaining stenographic notes takes numerous months especially now that the Appellant is no longer a lawyer;

23. Consequently, the Appellant is asking for a postponement until April 24, 2026 for the hearing for permission to appeal or any other later date fixed by the Court of Appeal.

FOR THESE REASONS MAY IT PLEASE THIS HONOURABLE COURT OF APPEAL TO:

POSTPONE the hearing of February 27, 2026 to allow the Appellant to obtain the stenographic notes and to amend her motions.

CARIGNAN, this 13th day of February, 2026

Jacqueline Sanderson

Ms. Jacqueline Sanderson
3 Place Ville Marie, Suite 400,
Montreal (Quebec) H3B 2E3
Tel.: 514.473.5725
Email: jackieclairesanderson1@gmail.com

[3] *Droit de la famille — 171196*, (CanLII)

SWORN STATEMENT OF THE APPELLANT

I, the undersigned, Jacqueline Sanderson, having a place of business at 3 Place Ville Marie, Suite 400, Montreal (Quebec) H3B 2E3 hereby solemnly declare that:

1. I am the Appellant herein;
2. All the facts mentioned in the present motion are true.

AND I HAVE SIGNED AT CARIGNAN

Jacqueline Sanderson

Declared solemnly before me at the City of Carignan on this 13th day of February, 2026.

Hélène Otis
244864
COMMISSAIRE À L'ASSERMENTATION
Pour le Québec et pour l'extérieur du Québec
Québec

NOTICE OF PRESENTATION

To: Me Sébastien Dyotte and his lawyer Me Sophie Gratton

To: Attorney General of Quebec

PLEASE TAKE NOTICE THAT the present motion for a postponement shall be presented before a Judge of the Court of Appeal at the Court of Appeal of Montreal on **February 20, 2026 at 9:30 A.M.** in room RC-18.

CARIGNAN, this 13th day of February, 2026

Jacqueline Sanderson

Ms. Jacqueline Sanderson

File No.: 500-09-031727-258
500-09-031726-250
500-09-031691-256
500-09-031696-255

COURT OF APPEAL
District of Montreal

JACQUELINE SANDERSON,

APPELLANT/Plaintiff;

vs.

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC,

RESPONDENT/Defendant;

-and-

M[E] SÉBASTIEN DYOTTE,

-and-

ATTORNEY GENERAL OF QUEBEC,

RESPONDENT/Impleaded Parties;

MOTION TO REQUEST A POSTPONEMENT

Ms. Jacqueline Sanderson
3 Place Ville Marie, Suite 400
Montreal (Quebec) H3B 2E3
Tél.: 514.473.5725
email: jackieclairesanderson1@gmail.com

Application for postponement of the hearing of February 27, 2026, to obtain the stenographic notes of the hearing before the Superior Court

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No. CA: 500-09-031726-250
500-09-031727-258
500-09-031691-256
500-09-031696-255

COURT OF APPEAL

JACQUELINE SANDERSON,

APPELLANT/Plaintiff;

-v.-

DISCIPLINARY COUNCIL OF THE QUEBEC BAR,

RESPONDENT/Defendant;

Me SÉBASTIEN DYOTTE,

-and-

ATTORNEY GENERAL OF QUEBEC,

Impleaded Parties;

APPLICATION TO RESPECTFULLY REQUEST THE RECUSAL OF THE HONOURABLE JUSTICE GENEVIEVE MARCOTTE J.A. OF THE COURT OF APPEAL DUE TO THE MAXIM *NEMO JUDEX IN CAUSA SUA*

TO THE HONOURABLE JUSTICE GENEVIEVE MARCOTTE, THE APPELLANT IS RESPECTFULLY REQUESTING YOUR RECUSAL FOR THE FOLLOWING REASONS:

1. The Appellant is requesting the recusal of Justice Marcotte for the reasons that were briefly explained in Court on February 25, 2026 and which are fully described below;

2. The principal ground supporting this request is that Justice Marcotte has already sat as a judge of the Court of Appeal in an interlocutory appeal arising from the same Superior Court file number, involving the same parties and closely related factual and legal issues, namely the appeal from the judgment of the Honourable Justice Roberge authorizing the Quebec Bar to enter the Appellant's residence with force, seize her computers, and search her personal home pursuant to a sui generis motion;

3. Notwithstanding that Justice Roberge breached procedural fairness because the Appellant was not provided notice because she only received a copy of the motion after

she entered the courtroom, Justice Marcotte, did not grant permission to appeal the judgment even though she even questioned Me Gratton on the urgency issue and Me Gratton did not have a valid response. Her response was that Ms. Sanderson was not subject to solicitor client privilege because she was no longer a lawyer;

4. In fact, Justice Demers even noted that the sui generis motion to search the home of the Appellant was taken in the wrong district at paragraph 67 of the judgment (Schedule 20):

> [67] Du total, il faut retrancher 6 427,40 $ dévolus à la préparation de la demande *sui generis* autorisant le syndic adjoint à perquisitionner le domicile et saisir certains biens de M^me^ Sanderson, une demande qui n'a rien à avoir avec le pourvoi et ne répond pas à l'abus de procédure[72]. La demande *sui generis* **aurait dû être présentée dans le district de Longueuil plutôt que le district de Montréal puisque M^me^ Sanderson tenait sa pratique à Carignan**[73].

5. However, that is not all. Justice Roberge did not in any manner consider the defence of the Appellant. That is, that all lawyers were allowed to maintain a copy of their electronic files due to copyright laws and moral rights and that because the Appellant had tax files that were unrelated to her legal practice that she had a right to keep these files;

6. Notwithstanding that Justice Marcotte agreed with the submission that the Appellant should have been able to retain her tax matter files, Justice Marcotte did not grant permission to appeal. She noted the following at paragraph 15 of the judgment:

> [15] Finalement, en ce qui concerne la prise de possession des dossiers de la requérante en matière fiscale, je prends acte de l'ouverture exprimée par l'intimé, à l'audience, afin d'examiner la possibilité de lui remettre certains de ces dossiers qui ne relèveraient pas exclusivement du ressort des membres du Barreau.

7. As explained to Justice Marcotte yesterday on February 25, 2026, and in which Me Gratton did not respond in her submissions, the Quebec Bar has still not returned the Appellant's tax files, notwithstanding the foregoing and still does not feel any obligation to do so;

8. These continuing effects underscore that the issues addressed in the interlocutory appeal were not merely theoretical or procedural, but had concrete and ongoing implications for the Appellant, including her ability to earn a living, an issue expressly discussed during the hearing before Justice Marcotte on December 12, 2025;

9. Furthermore, Justice Marcotte questioned Me Gratton on the representations that she made before Justice Emery. Justice Marcotte asked Me Gratton why she told Justice Emery that Ms. Sanderson would not have a prejudice because she could simply go on appeal of the sentence and the sentence would be suspended. Me Gratton also stated that she was simply stating the general law in the *Professions Code*. However, she never mentioned the word *surcis* to Justice Emery on May 24, 2024;

10. This issue was a major contention before Justice Demers because the Appellant wanted to question Me Gratton on these representations made to Justice Marcotte, however, Justice Demers stated that the Appellant could only ask questions with respect to the representations made before the Superior Court and not the Court of Appeal. At page 52, lines 11 to 18 of the stenographic notes of the hearing before Justice Demers of September 3, 2025 which provide as follows:

> I don't care about the Court of Appeal. Not that I do not care about the Court, but I don't care about the process before the Court of Appeal because it's the Court of Appeal. So I'll -- you'll have to concentrate -- focus on this proceeding before the Superior Court and no other, and if your questions go out of bound, I'll just put an end to your examination.

11. The stenographic notes of the hearing of September 3, 2025, are filed herewith as **Schedule 26**;

12. Justice Marcotte did not mention any of the misrepresentations made by Me Gratton in her judgment of December 13, 2024 notwithstanding that they main focus of the present appeal. Furthermore, Justice Marcotte and Justice Demers did not take notice of the documents signed by the Quebec Bar, Me Dyotte, that he was only asking for a sentence of 6 months to one year;

13. The Appellant is arguing that her motion for judicial review could not be abusive nor could her motion to suspend the proceedings before the Disciplinary Council if Me Gratton had to make misrepresentations to Justice Emery to obtain a favourable judgment. That is, Justice Emery stated in three different places in his judgment that there was no prejudice to the Appellant because the sentence would be suspended on appeal (see Schedule 22 at page 38 of the Notice of Appeal dated October 19, 2025) which provides as follows:

> Quant à l'apparence de droit, le Tribunal observe la précarité du recours particulièrement quant au fait que la décision du Conseil de discipline est appelable devant le Tribunal des professions. Or, l'article 529 C.p.c. édicte clairement qu'un pourvois en contrôle judiciaire est irrecevabke si la décision attaquée est susceptible d'un appel SAUF DANS LES CAS OÙ IL Y A DÉFAUT OU EXCÈS DE COMPETENCE [*i.e.* breach of the rules of natural justice as alleged by the Appellant]. Or, la décision rendue par le Conseil de discipline du Barreau du Québec est appelable. D'ailleurs, **un tel appel suspend l'exécution de la décision attaquée**.
>
> Quant à la prépondérance des inconvénients, le Tribunal souligne que la demanderesse n'aurait qu'à déposer un appel au Tribunal des professions pour qu'il y ait alors **suspension de l'exécution de la décision**.
>
> [...]
>
> Quant au préjudice irréparable, le Tribunal souligne que la sanction n'étant pas encore prononcée, il ne peut y avoir de préjudice irréparable d'autant qu'une fois la sanction prononcée, la demanderesse pourra toujours déposer un appel auprès du Tribunal des professions **lequel appel suspend l'exécution de la décision du Conseil de discipline**.

14. Justice Emery expressly relied on the existence of such an alleged suspension in assessing several of the criteria relevant to his decision to suspend the proceedings, as reflected in his judgment (Schedule 22). These findings demonstrate that the same representations and their legal consequences permeate multiple stages of the present file;

15. This was the very basis of the motion for judicial review because in the originating application the Appellant alleged various important breaches of the rules of natural justice being the right to notice, the right to full disclosure (*i.e.* the withholding the report prepared by Me Marcil) and the right to a fair and impartial judge. More particularly, the Disciplinary Council did not in any manner consider her defence including her testimony and the 35 documents deposited in her defence;

16. In these circumstances, Justice Marcotte ought to recuse herself from hearing the present motion for permission to appeal, as the principle that no judge should review or sit in judgment of matters in which she has already exercised adjudicative functions applies. The present proceedings would require a reconsideration, directly or indirectly, of issues on which Justice Marcotte has already ruled;

17. Finally, it bears noting that had the sui generis motion been presented in the proper judicial district, it would have constituted an injunction appealable as of right, further illustrating the substantive nature of the interlocutory appeal previously decided and reinforcing the appearance that Justice Marcotte has already adjudicated core aspects of

the present file;

18. The Appellant emphasizes that an application for recusal is not an allegation of personal bias, impropriety, or bad faith on the part of a judge. Rather, it is a procedural safeguard rooted in the fundamental principle that justice must not only be done, but must also be seen to be done, in order to preserve public confidence in the administration of justice. Recusal is therefore not a taboo subject, nor an exceptional or adversarial remedy. It is an integral component of judicial independence and impartiality, particularly in circumstances where a judge has already exercised adjudicative functions in the same file or on substantially the same issues;

19. Litigants must be able to raise concerns relating to reasonable apprehension of bias openly and respectfully, without apprehension or discomfort, especially where the concern arises from prior judicial involvement rather than any allegation of personal predisposition. This institutional imperative is of particular importance where a party is self-represented and where the proceedings involve repeated judicial interventions across multiple stages of the same file. In such circumstances, the appearance of impartiality assumes heightened significance;

20. The Appellant notes that, during the hearing held on February 25, 2026, in the context of her application for postponement in order to obtain the stenographic notes, Justice Marcotte commented on the judicial interventions of Justice Demers as described in the Appellant's motion for postponement, characterizing them as insignificant or not warranting concern;

21. With respect, the interventions summarized in the Appellant's motion for postponement, include repeated objections made on behalf of one party, restrictions on cross-examination, expressions of impatience, and comments bearing on credibility and relevance, which, taken cumulatively, far exceed the level of judicial intervention examined in the persuasive authorities cited therein;

22. In those authorities, appellate courts emphasized that the applicable test is not whether actual prejudice is established, but whether the cumulative effect of judicial interventions undermines the appearance of impartiality. The Appellant submits that the

conduct described in her motion for postponement exceeds that threshold by a significant degree;

23. The fact that Justice Marcotte has already expressed a view minimizing the gravity or relevance of these interventions, which form a central component of the grounds of appeal, reinforces the objective concern that the present proceedings would require her to revisit matters on which she has already formed an opinion;

24. This circumstance is not raised as a criticism, but as a further illustration of why a reasonable and informed observer could apprehend that Justice Marcotte may be perceived as having pre-judged issues that are now squarely before the Court, including the seriousness of the alleged breaches of the rules of natural justice. For example, within seconds of the hearing Justice Demers refused to allow Me Sarto Landry to testify without Me Gratton having objected, a flagrant breach of the maxim *audit alteram partem*;

25. In light of the foregoing, the Appellant respectfully submits that the cumulative effect of prior adjudicative involvement, prior engagement with the merits, and recent comments made in the course of related proceedings supports the application of the principle *nemo judex in causa sua* and warrants recusal in order to preserve the appearance of impartiality.

FOR THESE REASONS MAY IT PLEASE THIS HONOURABLE COURT OF APPEAL TO:

RECUSE a the Judge for the hearing of the permission of appeal scheduled for February 27, 2026.

CARIGNAN, this 26th day of February, 2026

Jacqueline Sanderson

Ms. Jacqueline Sanderson
3 Place Ville Marie, Suite 400,
Montreal (Quebec) H3B 2E3
Tel.: 514.473.5725
Email: jackieclairesanderson1@gmail.com

SWORN STATEMENT OF THE APPELLANT

I, the undersigned, Jacqueline Sanderson, having a place of business at 3 Place Ville Marie, Suite 400, Montreal (Quebec) H3B 2E3 hereby solemnly declare that:

1. I am the Appellant herein;
2. All the facts mentioned in the present motion are true.

AND I HAVE SIGNED AT CARIGNAN

Jacqueline Sanderson

Declared solemnly before me at the City of Carignan on this 26th day of February, 2026.

Hélène Otis
244864
COMMISSAIRE À L'ASSERMENTATION
Pour le Québec et
Québec

NOTICE OF PRESENTATION

To: Me Sébastien Dyotte and his lawyer Me Sophie Gratton

To: Attorney General of Quebec

PLEASE TAKE NOTICE THAT the present motion for a postponement shall be presented before a Judge of the Court of Appeal at the Court of Appeal of Montreal on **February 27, 2026 at 9:30 A.M.** in room RC-18.

CARIGNAN, this 26th day of February, 2026

Jacqueline Sanderson

_____

Ms. Jacqueline Sanderson

File No.: 500-09-031727-258
500-09-031726-250
500-09-031691-256
500-09-031696-255

COURT OF APPEAL
District of Montreal

JACQUELINE SANDERSON,

APPELLANT/Plaintiff;

vs.

DISCIPLINARY COUNCIL OF THE BARREAU DU QUEBEC,

RESPONDENT/Defendant;

-and-

M^E^ SÉBASTIEN DYOTTE et al.,

RESPONDENT/Impleaded Parties;

APPLICATION FOR RECUSAL

Ms. Jacqueline Sanderson
3 Place Ville Marie, Suite 400
Montreal (Quebec) H3B 2E3
Tél.: 514.473.5725
email: jackieclairesanderson1@gmail.com

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No. CA: 500-09-031726-250
500-09-031727-258
500-09-031691-256
500-09-031696-255

COURT OF APPEAL

JACQUELINE SANDERSON,

APPELLANT/Plaintiff;

-v.-

DISCIPLINARY COUNCIL OF THE QUEBEC BAR,

RESPONDENT/Defendant;

Me SÉBASTIEN DYOTTE et al.

Impleaded Parties;

LIST OF AUTHORITIES

Permission to Appeal – Injustice Applies Sometimes

1. *Droit de la famille — 251504*, 2025 QCCA 1249 at paragraph 9 (#10 SC)
2. *Beauregard v. Boulanger (Succession de Boulanger)*, 2021 QCCA 728
3. *Robichaud v. Hadd*, 2024 QCCA 1297
4. *Brazil c. Boileau*, 2020 QCCA 84
5. *Clément v. Agence du revenu du Québec*, 2025 QCCA 1507, paragraph 17

Personal Cases of Discipline of the Appellant

6. *Lacoste-Méthot v. Attorney General of Québec*, 2023 QCCS 4794
7. *Lacoste-Méthot c. Procureur général du Québec*, 2024 QCCA 894
8. *Barreau du Québec (assistant syndic) v. Sanderson*, 2021 QCCDBQ 110
9. *Droit de la famille — 212088,* 2021 QCCS 4576
10. *Droit de la famille — 212457,* 2021 QCCA 1959
11. *Droit de la famille — 25736*, 2025 QCCS 2255, paragraphs 13 to 18
12. *Sanderson v. Barreau du Québec (syndic adjoint)*, 2025 QCTP 4
13. *Sanderson v. Gratton*, 2025 QCCDBQ 103
14. *Sanderson v. Barreau du Québec (syndic adjoint)*, 2025 QCTP 45

17 Cases Granting Abuse by Justice Demers (3 with Punitive Damages)

15. *Lalani c. Ismail (Succession d'Ismail)*, 2024 QCCS 4683
16. *Sandoval Rio De La Loza v. Commission for Environmental Coop,* 2024 QCCS 1595, 2024 QCCA 1097
17. *Breton-Aird c. Cour du Québec, division des petites créances*, 2025 QCCS 1529
18. *Droit de la famille — 24893,* 2024 QCCS 2265
19. *Naydenov c. Lazar*, 2025 QCCS 4731
20. *Darcon et cie inc. c. Desjardins Assurances générales inc.*, 2025 QCCS 892
21. *Fogaing c. Coopérative d'habitation La Porte du Bourg*, 2025 QCCS 93
22. *M.J. v. GDS National Sporting Authority*, 2024 QCCS 3846
23. *Droit de la famille — 241069*, 2024 QCCS 2665
24. *Sanderson v. Conseil de discipline du Barreau du Québec*, 2025 QCCS 3331
25. *Media Reps v. Simpletél inc.*, 2025 QCCS 888
26. *Compagnie immobilière Revere ltée v. Abandonato*, 2026 QCCS 65
27. *Sikorski v. Flynn*, 2025 QCCS 3334
28. *Olongo v. Dollarama*, 2025 QCCS 4713
29. *Robichaud v. Sénécal*, 2024 QCCS 3108
30. *Hendou v. Abdallah*, 2025 QCCS 4052

One Case not Granted Indicates Indicate Fault in the Motion (s. 1457 CCQ)

31. *Groupe Immoplex inc. c. Ville de Mercier*, 2024 QCCS 3384

Déchéence de L'Autorité Parentale (Extreme Order)

32. *Droit de la famille — 241086*, 2024 QCCS 2683

Justice Demers as a Lawyer – Judge says Not Abusive – To the contrary

33. *3488055 Canada inc. c. Attorney General of Canada*, 2021 QCCS 2898

Competence of the Superior Court for Judicial Review

34. *Harvey v. Conseil de discipline du Barreau du Québec*, 2025 QCCS 1940, paragraphs 46 to 50
35. *Gauthier v. Lemelin*, 2025 QCCA 1400 at paragraphs 21-25

Quérulence

36. *Barreau du Québec c. Srougi*, 2007 QCCS 685

Reasonable Apprehension of Bias

37. *Ross v. Hern*, 2004 CanLII 16950 (ON CA)
38. *Lennox v. Arbor Memorial Services Inc.*, 2001 CanLII 4868 (ON CA),
39. *Osterbauer v. Ash Temple Ltd.*, 2003 CanLII 6614 (ON CA),
40. *Sloboda v. Sloboda*, 2007 SKCA 15

Request for Recusal

41. *Droit de la famille — 171196*, 2017 QCCA 859

Foundation of Abuse

42. *Charland v. Lessard*, 2015 QCCA 14, paragraphs 183 and following