Court File #_____

FEDERAL COURT

BETWEEN:

JACQUELINE SANDERSON

As the Applicant

AND

CANADIAN JUDICIAL COUNCIL

As the Respondent

AND

The Honourable Justice Azimuddin Hussain

As the Intervening Party- Mise-en-cause

Notice of Application for the Judicial Review of
A Decision of the Canadian Judicial Council
(Rules 300-303 of the *Federal Courts Rules*)
(Dated February 13th, 2025)

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Regina, Saskatchewan a *place where Federal Court ordinarily sits*.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

February 13, 2025

Issued by:

Address of local office:

The Court House

2425 Victoria Avenue

Regina SK S4P 4W6

TO: Canadian Judicial Council

Canadian Judicial Counsel
Ottawa (Ontario) K1A 0W8

TO: Intervening Party:
Honourable Justice Azimuddin Hussain
1 Notre-Dame Street East
Montréal (Québec) H2Y 1B6

Application

This is an application for judicial review in respect of the decision of the Respondent, Canadian Judicial Council, on January 14, 2025, to dismiss summarily the complaint filed by the Applicant without even reviewing the file.

The Applicant makes application for the return of the file to the Canadian Judicial Council to perform a review of the allegations in the present application.

The grounds for the application are explained below:

1. The Applicant, Jacqueline Sanderson ("**JS**"), is requesting the judicial review of the decision of the Canadian Judicial Council ("**CJC**"), dated January 14, 2025, in which the CJC rejected the complaint made by JS made against the Honourable Justice Azimuddin Hussain without any investigation whatsoever, a copy of the letter of CJC will be filed with an affidavit as **Exhibit P-1**;

2. JS made a complaint against Justice Azimuddin Hussain because he unjustly criticized her in a judgment that he rendered on December 12, 2023, which dismissed an action taken by JS on behalf of one of her previous clients, being Michael Lacoste-Methot, a copy of the judgment of Justice Hussain will be filed with an affidavit as **Exhibit P-2**;

Facts

3. JS was a lawyer from December 1998 until August 20, 2025;

4. During the time that she was a lawyer, JS practiced predominantly taxation law (both planning and litigation), however, she also occasionally did certain criminal and family law files;

5. In January 2017, JS accepted a mandate to represent two co-accused in a criminal file in the District of Longueuil. The accused, being Michael Lacoste-Methot ("**ML**") and Samuel Roberge ("**SR**"), were both accused of conspiracy to traffic drugs. JS did not believe that there was a potential conflict of interest at the time because the plan was simply to argue the insufficiency of evidence and the unreasonable delays due to *Jordan*. Nevertheless, ML and SR signed a waiver for any potential conflict of interest;

6. On April 17, 2017, the trial for both ML and SR was fixed for two (2) weeks beginning on February 5, 2018. It should be noted that the delay in virtue of *R. v. Jordan* would have been 34 months. At the time, ML and SR had renounced to their preliminary inquiries, therefore, it was arguable that the applicable delay was 18 months, however, since the delay was 34 months, the 30-month ceiling had also been breached;

7. A few weeks after the judgment in *R. v. Cody*, on September 7, 2017, the Crown prosecutor who had not been in the file for more than 2 years suddenly sent a letter to JS accusing her of acting in a conflict of interest for various reasons. Since JS simply planned to file a motion for unreasonable delay, the alleged conflicts of interest were irrelevant, therefore, JS did not withdraw from the file and continued to represent both ML and SR before the Court of Quebec in file number 505-01-127883-151;

8. Since JS disagreed with the allegations of a conflict of interest, on September 20, 2027, the Crown filed a motion to have JS declared unable to act for a potential conflict of interest for various reasons including that JS had had an affair with SR in 2012 and 2013 (more than 4 years prior) and that SR and ML had conflicting defences, a copy of the motion will be filed with an affidavit as **Exhibit P-3**;

9. On October 19, 2017, ML and SR signed a waiver for any potential conflict of interest before an independent lawyer, Me Charles Aston, a copy of the waiver will be filed herewith as **Exhibit P-4**;

10. On December 11, 2017, less than 2 months before the trial of ML and SR, Justice Labrie declared JS unable to act for ML (the "**Labrie Judgment**") and he concluded that the potential conflict of interest should not affect the capacity for JS to represent SR. However, he noted in the conclusions that if ML testified at the joint trial which was scheduled for February 5, 2018, then JS would not be authorized to cross-examine ML, notwithstanding the waiver signed by ML and SR, a copy of the judgment will be filed with an affidavit as **Exhibit P-5**;

11. Since the Labrie Judgment is the subject of extensive litigation between ML, JS, the Attorney General of Quebec and the Quebec Bar, the following paragraphs will summarize in detail this Labrie Judgment;

12. The reasons for the Labrie Judgment are contained on pages 28 to 36 of the Labrie Judgment which are reproduced below for ease of reference:

> Les principes juridiques applicables ayant été identifiés, nous reprendrons dans l'ordre les trois (3) prétentions de la requérante dans sa plaidoirie écrite. La requérante soutient les trois (3) problématiques suivantes ; premièrement, que les accusés pourraient avoir des défenses ou stratégies antagonistes ; deuxièmement, que maître Sanderson pourrait préférer la défense de Samuel Roberge, compte tenu de sa relation intime avec ce dernier et ne pas avoir le recul approprié, compte tenu de cette relation ; troisièmement, que maître Sanderson a eu une relation employeur/employé avec l'ACI, cette dite relation ayant été très proche et dont un litige a surgi concernant la possibilité d'un vol de manette.
>
> Première (1ère) allégation de la requérante. La Poursuite allègue que les accusés pourraient avoir des défenses ou stratégies antagonistes. Analyse. Messieurs Michaël Lacoste-Méthot et Samuel Roberge font l'objet d'accusations conjointes

dans la dénonciation principale. Ils sont tous les deux (2) accusés d'avoir comploté ensemble et avec d'autres personnes et d'avoir participé activement au trafic de plusieurs drogues. Ils subiront d'ailleurs un procès conjoint en février deux mille dix-huit (2018).

Premièrement, il est reconnu par la jurisprudence que lorsqu'un avocat ou une avocate représente plus d'un (1) accusé dans un procès criminel conjoint, il y a en soi déjà un potentiel de conflit d'intérêts. Voir l'arrêt *La Reine c. Silvini* de la Cour d'appel de l'Ontario rapporté à 1991 CanLII 2703.

Deuxièmement, les accusations conjointes de complot peuvent déjà laisser entrevoir des défenses différentes et contradictoires. En effet, il est plausible que les deux (2) défendeurs soutiendront que les complots n'existent pas. En ce sens, leur défense converge, mais subsidiairement, si la preuve révélait que les complots existaient, il est plausible que chacun d'entre eux soutienne ne pas être membre de ces complots.

Il est facile d'imaginer que la défense de l'un puisse évoquer que l'autre coaccusé puisse être impliqué, mais pas lui et *vice versa*. La Cour n'a pas eu l'opportunité de prendre connaissance du contenu de l'écoute électronique. Par ailleurs, l'avocate des deux (2) défendeurs a affirmé à la Cour lors de l'audition ne pas avoir pris connaissance de l'écoute électronique, sauf par le biais du résumé écrit fourni par la divulgation de la preuve.

Il est donc possible que suite à une étude rigoureuse de cette écoute électronique, un moyen subsidiaire de défense puisse être invoqué pour l'un ou l'autre des deux (2) accusés.

Troisièmement, la théorie de la Poursuite est à l'effet que le réseau de trafiquants est une organisation familiale dirigée par un homme, René Raymond, qui a un lien de parenté avec Samuel Roberge, mais aucun lien de parenté avec Michaël Lacoste-Méthot. L'ACI, qui a témoigné, a d'ailleurs affirmé que la tête dirigeante du réseau, René Raymond, considère Samuel Roberge comme son fils. Cette distinction importante appuie encore une fois la possibilité réaliste de conflit.

Les deux (2) accusés ont une position différente dans l'organisation. Il est réaliste de penser que Michaël Lacoste-Méthot puisse avoir des moyens de défense supplémentaires à faire valoir et potentiellement différents de ceux de Samuel Roberge.

Quatrièmement, l'ACI devant témoigner au procès a été entendu lors de l'audition de la présente requête. Il a témoigné concernant l'implication des deux (2) accusés, il a notamment décrit les rôles de Samuel Roberge et Michaël Lacoste-Méthot comme étant différents. Bien qu'il les décrit tous les deux (2) comme étant aussi activement impliqués dans le réseau de trafiquants de stupéfiants, il décrit le rôle de Michaël Lacoste-Méthot comme étant celui d'un employé ou d'un exécutant, tandis que Samuel Roberge aurait un rôle de dirigeant, de patron. Dans ce contexte, encore une fois, ceci laisse entrevoir pour monsieur Lacoste-Méthot des moyens de défense supplémentaires aux moyens communs aux deux (2) défendeurs.

Cinquièmement, l'avocate des deux (2) défendeurs, lors du contre-interrogatoire de l'ACI sur le rôle respectif de ses clients, pourrait même involontairement minimiser l'implication d'un de ces derniers au détriment de l'autre.

Sixièmement, la théorie de la Poursuite est à l'effet que Michaël Lacoste-Méthot aurait été victime d'une agression physique commandée par le plus haut dirigeant du réseau. Il aurait été victime d'une agression à coups de bâton de baseball. Voici encore un autre élément qui distingue de façon marquée les moyens de défense potentiels entre les deux (2) défendeurs. La Cour ne connaît pas toute la preuve, mais ceci pourrait laisser entrevoir la possibilité d'une défense de contrainte de la part de monsieur Lacoste-Méthot.

Septièmement, il existe une possibilité réaliste que l'un des deux (2) accusés

veuille témoigner pour sa défense. Dans cette éventualité, l'avocate aurait un double chapeau à porter, elle mènerait l'interrogatoire principal pour cet accusé désirant témoigner, mais son autre client aurait le droit que son avocate contre-interroge l'autre accusé, afin de faire ressortir tous les points qui lui seraient favorables, quitte à être défavorables à la défense de l'autre accusé. Cette éventualité en soi démontre clairement une possibilité réaliste et plausible de conflit d'intérêts.

Je partage l'opinion de mon collègue le juge Martin Bureau de la Cour supérieure dans l'affaire *La Reine c. Thomas Walsh* rapportée à 2008 QCCS 2794 qui écrivait ce qui suit concernant une situation similaire aux paragraphes 22 à 26 et je cite :

> « *Il n'est pas toujours facile de déterminer, dans le cas où un seul avocat représente plusieurs accusés, s'il y a véritablement possibilité de conflit d'intérêts. Toutefois lorsqu'un risque réel, sans qu'il soit nécessaire d'en faire une preuve hors de tout doute, d'un tel conflit existe, cela est suffisant pour justifier le retrait du procureur. Dans le dossier, la façon dont sont rédigés les actes d'accusation, justifie à première vue l'existence d'un risque sérieux de conflits d'intérêts entre la grande majorité des accusés. Ce risque existe en raison des infractions qui leur sont reprochées et des accusations conjointes portées contre eux. De plus, les liens importants entre certains accusés ou entre certains d'entre eux et d'autres dans des dossiers connexes font en sorte qu'il est possible de façon réaliste qu'à certains moments et dans certaines circonstances il soit difficile pour l'intimé de tous les représenter sans risque de compromettre ses obligations individuelles envers chacun d'entre eux. Il est possible, bien que cela ne soit pas nécessairement probable, que certains des accusés puissent avoir l'intention de témoigner alors que d'autres ne le voudront pas. Pour certains, des plaidoyers de culpabilité pourraient être envisagés et dans de tels cas, avoir des incidences quant à d'autres coaccusés. Que dire si les confidences de l'un peuvent aider la défense d'un autre ou lui être d'un certain secours dans la détermination de la peine en cas d'une éventuelle condamnation. Comment, en raison des actes d'accusation conjoints impliquant entre autres des membres d'une même famille, peut-on éviter des conflits d'intérêts surtout lorsque certains des coaccusés font aussi l'objet d'autres accusations impliquant des accusés différents avec lesquels certains mis en cause n'ont eux-mêmes aucun lien en apparence. Le rôle du tribunal dans un tel cas est de tenir compte d'une part du souci de préserver les normes exigeantes de la profession d'avocat et l'intégrité du système judiciaire et d'autre part, le droit fondamental d'un accusé de retenir les services de l'avocat de son choix, à moins d'une raison valable.* »

La Cour considère que ce passage trouve ici application. Chacun des motifs énoncés précédemment justifie que la Cour déclare l'avocate inhabile à représenter les deux (2) accusés à la fois **lors du procès**. Cependant, les défendeurs ont déposé un consentement écrit à être représentés conjointement par la même avocate. Quel est l'impact de ce consentement ?

13. It is important to note that the only reason retained by Justice Marco Labrie for the disqualification of JS as the attorney for ML was that ML and SR **may** have different facts to put forth for their respective defenses (*i.e.* strategic or conflicting defenses). Although there are seven (7) reasons cited above by Justice Labrie, they are all in relation to strategic defences, which only occur in a joint trial before the same Judge;

14. It is obvious that these reasons only apply to the joint trial that was first scheduled to begin on February 5, 2018 because both ML and SR were initially supposed to stand trial together.[1] That is, the POTENTIAL conflict only arises when the two (2) accused stand trial

[1] See also page 42, line 17 of the Labrie Judgment which again confirms that the potential conflict was based on "*défenses ou strategies antagonistes*" also known as *défense traitresse.*

together before the same judge (and/or jury);

15. Justice Labrie specifically noted later at page 42 of the Labrie Judgment that there was not a real or actual conflict of interest and it was simply a potential conflict of interest if JS represented both ML and SR at the same time at the same joint trial:

> Par conséquent, la Cour estime, considérant l'ensemble de la preuve et des arguments présentés, qu'il existe un risque sérieux de nuire de façon appréciable à la représentation conjointe de ces deux (2) accusés. Nous sommes évidemment dans le domaine de l'apparence de conflit et non de la certitude de l'existence d'un conflit.
>
> Cependant, il existe clairement une possibilité réelle, voire plausible de préjudice pour au moins un (1) des deux (2) accusés si maître Sanderson continue de représenter les deux (2) accusés à la fois. Cette possibilité réaliste de préjudice repose notamment sur le fait que les deux (2) accusés pourraient avoir des défenses ou stratégies antagonistes. La Cour se doit donc de la déclarer inhabile à représenter les deux (2) accusés à la fois.

16. Based on the foregoing passages of the Labrie Judgment, if ML and SR had separate trials with separate judges, the conflict would no longer exist, especially if the trial of one of the accused, being SR, was completed on February 16, 2018. Additionally, SR did not even testify at his trial in his own defense;

17. Justice Labrie also rejected the waiver signed by ML and SR without in any manner analyzing the bright line rule. Justice Labrie added that 2 co-accused could not renounce to the potential conflict of interest based on public order. This conclusion was at page 40, line 18 of the Labrie Judgment was based on a 2011 Court of Quebec case, namely *The Queen v. Charbonneau*, notwithstanding that there had been an abundance of jurisprudence on the bright line rule established in a criminal case by the Supreme Court of Canada in *R. v. Neil*, [2002] 3 S.C.R. 631 and *CN v. McKercher LLP*, [2013] 2 S.C.R 649;

18. It is also important to note that the bright line rule was initially established by the Supreme Court of Canada in *R. v. Neil*;

19. ML filed a writ of certiorari against the Labrie Judgment but could not appeal same because it was an interlocutory judgment. The said writ was dismissed by the Court of Appeal;

20. AFTER THE JUDGMENT OF THE COURT OF APPEAL, the trials of ML and SR were severed on February 9, 2018 on which day that the potential conflict of interest ceased;

21. Notwithstanding that the conflict ceased the Crown prosecutor, Me Vicky-Anik Pilote, in the criminal file before the Court of Quebec made a complaint to the Quebec Bar to prevent JS from even speaking to ML outside of the courtroom, a copy of the complaint will

be filed with an affidavit as **Exhibit P-6**;

22. In July 2018, the Quebec Bar opened disciplinary file #06-18-03126 against JS for not having respected the Labrie Judgment during the period from March 9, 2018 to March 16, 2018 (after the criminal files of ML and SR were severed) by having spoken to ML in the hallway of the Courtroom in Longueuil. It should be noted that the time frame referred to for the infractions is after the files of ML and SR were severed and the potential conflict of interest no longer existed;

23. It should be noted from the onset that throughout the proceedings before the Quebec Bar Disciplinary Council the lawyer for the Quebec Bar, Me Marie-Claude Thibault, continuously admitted that she was not alleging that JS had acted during a conflict of interest that she was only alleging that JS had not respected the Labrie Judgment;

24. Query: How can someone not respect a judgment that no longer applied because the potential conflict of interest does not exist anymore?

25. For example, during the hearing before the Disciplinary Council on September 26th, 2019, at 11:41 AM during the cross-examination of Me Vicky-Anick Pilote, Me Thibault "*mentionne qu'il ne lui ait pas reproché de s'être place en conflit d'intérêts, mais bien de ne pas avoir respecté un jugement*";[2]

26. Again on December 5th, 2018, the lawyer for the Quebec Bar, Me Thibault "*plaide que le Conseil devra déterminer lors de l'audition sur le fond si elle [JS] a contrevenu à l'ordonnance et non de déterminer s'il y a existence de conflit d'intérêt*";[3]

27. Based on the foregoing comments by the lawyer for the Quebec Bar, Me Thibault, knew that there was no potential conflict of interest on the alleged dates of the infractions by JS, being March 9, 2018 and March 16, 2018. Moreover, the disciplinary files against JS was opened in July 2018;

28. Notwithstanding these non equivocal comments by the Quebec Bar that the issue was not with respect to a potential conflict of interest, on August 9, 2018, Me Vicky-Anick Pilote, the Crown prosecutor in the file of ML, in response to a motion filed by JS to declare her able to act, Me Pilote continued to insist to the Court that the conflict of interest lived on;

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[2] See the minutes of the hearing before the Disciplinary Council in file number 06-18-03126, dated September 26th, 2019 at page 8 last paragraph.

[3] See the minutes of the hearing before the Disciplinary Council in file number 06-18-03126, dated December 5, 2018 at page 8, 6th paragraph. The minutes of December 5, 2018 and September 26, 2019 will be filed herewith as **Exhibit P-7**;

29. The motion of Me Pilote entitled "*Réponse de l'intimée à la requête pour faire déclarer Me Sanderson habile à représenter le requérant rétroactivement au 9 février 2018*" provided as follows at paragraph 5*:* "*l'intimée soumet également que, dans les circonstances, le réquérant ne démontre pas que Me Sanderson puisse le représenter sans qu'il n'y ait apparence de conflit d'intérêts et que sa requête doit donc être rejetée*";

30. At paragraph 41, Me Pilote pleaded "*Contrairement à ce qu'affirme le requérant, le conflit engendré par les défenses potentiellement opposables de Samuel Roberge et du requérant n'est pas le seul motif à l'appui de la décision de l'honorable Labrie, j.c.q. Il a également fait référence à la possibilité de stratégies antagonistes et a tenu compte de la relation entre Samuel Roberge et Me Sanderson, motifs qui s'ajoutent au soutien de sa décision*…";[4]

31. Me Pilote knew full well when she wrote these comments that there was no potential conflict after the criminal files of ML and SR were severed because she was already working with the lawyer from the Quebec Bar, Me Thibault (who is not even a criminal lawyer), and Me Thibault knew the potential conflict of interest no longer existed;

32. This is the crux of the matter at hand in this judicial review. Notwithstanding that the aforesaid two important lawyers, namely Me Pilote and Me Thibault, working for the government with important positions of power intentionally breached the most fundamental right of an accused, that is the right to be represented by the attorney of his or her choice, Justice Hussain ignored these issues and criticized JS in his judgment of December 12, 2023;

33. But the saga goes on. On December 9, 2021, JS was convicted by the Disciplinary Council for having breached the Labrie Judgment in *Barreau du Québec (assistant syndic) v. Sanderson*, 2021 QCCDBQ 110 (CanLII). The Disciplinary Council did not provide any legal analysis but concluded that the potential conflict of interest subsisted after the files were severed in paragraph 282 and following which are repeated below for ease of reference:

> [281] Nevertheless, the Council has to interpret Justice Labrie's decision to delimit its scope of application including whether it prohibited Respondent from representing M.L.-M. outside the courtroom, and if it was still in force during the period covered by the complaint.
>
> [282] In concluding that Respondent was disqualified from representing M.L.-M. for the purposes of file number 505-01-127883-151 and by ordering her to cease representing him in that file (the first conclusions), Justice Labrie did not limit the scope of his ruling to the representation of M.L.-M. by Respondent in the courtroom.

[4] See also paragraph 50 and 51 of the said motion of Me Pilote which will be filed as **Exhibit P-8**.

[283] Indeed, the appearance of conflict of interest could be present whether Respondent was representing M.L.-M. in or outside the courtroom in that file. Interpreting Justice Labrie's first conclusions otherwise would be emptying them of their raison d'être and allowing them to be easily circumvented.

[284] On February 9, 2018, a judge of the Court of Quebec ordered that the Defendants be trialed (sic) separately further to the DCPP's (sic) request.

[285] The fact that Respondent was representing both Defendants in a joint trial was part of Justice Labrie's rationale, but he also took into consideration other grounds that were still present during the period covered by the complaint such as the fact that the Defendants were still subject to criminal charges for joint conspiracy under file number 505-01-127883-151 and the different roles that they played in the alleged network of drug traffickers.

[286] During the period covered by the complaint, M.L.-M.'s trial on conviction had not yet taken place and Justice Greffe had set S.R.'s matter to April 5, 2018, in order to determine the date for the oral pleadings on conviction.

[287] Justice Labrie took care to mention that each of the grounds that he had listed, which were seven in total, justified that the Court declares Respondent to be disqualified from representing both accused "à la fois lors du procès ». He did not specify during a joint trial.

[288] The Council interprets Justice Labrie's comments as referring to concurrent representation of both accused ("représentation simultanée")121. The bright line rule holds that concurrent representation of clients directly adverse in legal immediate interest whether the matters for the clients are related or not, attracts a clear prohibition, **unless the clients in question consent**122. In the event that "a situation falls outside the scope of the rule, the applicable test is whether there is a substantial risk that the lawyer's representation of the client would be materially and adversely affected"123.

[289] Furthermore, the personal relationship between Respondent and S.R. was an additional ground «[s'ajoutant] aux motifs précédemment énoncés et justifiant unedéclaration d'inhabilité à représenter monsieur [M.L.-M.] »124. This ground still existed during the period covered by the complaint.

[290] In his first conclusions, Justice Labrie did not indicate that they were conditional upon the Defendants standing trial together. That is not the choice that he made. He chose to simply disqualify Respondent from acting for M.L.-M. in the file number 505-01-127883-151.

[291] The Council comes to the conclusion that the first conclusions of Justice Labrie's decision still applied after the severance of the criminal trial.

[292] Regardless of whether or not this issue needs to be specifically addressed, the Council is of the opinion that Respondent was still in a situation of appearance of conflict of interest between March 9 and 16, 2018.

34. This judgment of the Quebec Bar Disciplinary Council is extremely peculiar because

they concluded that the conflict of interest continued to apply even though the lawyer for the Quebec Bar agreed with JS that there was no more potential conflict of interest after the criminal files of ML and SR were severed. How can this be? Even better the file is still on appeal and Me Thibault refuses to concede that the file should be dismissed against JS;

35. Moreover, as opposed to analyzing the dated case law used by Justice Labrie in the Labrie Judgment, the Disciplinary Council decided to incorrectly apply the bright line rule. Strangely enough at paragraph 288 above, the Disciplinary Council notes that the alleged persons subject to the potential conflict can consent to the joint representation. The waiver signed by ML and SR is exactly that. Moreover, the application of the Labrie Judgment is extremely limited[5] and definitely does not apply outside the courtroom as suggested by the Quebec Bar and confirmed by the said Disciplinary Council;

36. On July 1, 2022, ML filed a motion before the Court of Quebec to request the interpretation of the Labrie Judgment once and for all, a copy of the motion will be filed as **Exhibit P-9**;

37. In the meantime, on August 22, 2022, JS filed an appeal of the conviction judgment of the Disciplinary Council, a copy of the notice of appeal will be filed as **Exhibit P-10**;

38. On February 3, 2023, JS pleaded the motion to interpret the Labrie Judgment before Justice Labrie. Justice Labrie reread the Labrie Judgment and sated the following to the Crown prosecutor:

> Alors, peut-être juste là-dessus vous entendre en poursuite sur… - parce que, évidemment là, moi, vous savez, vous avez certainement un meilleur souvenir que moi, parce que moi, ce dossier-là, il est loin. Là, j'ai quand même lu la requête, puis j'ai lu la transcription de ma décision dont je me souviens et je me souviens que c'était effectivement un procès avec deux (2) coaccusés. Le procès, à la date de procès, si je me souviens bien, s'en venait. Alors, qu'avez-vous à répondre sur l'argument de votre collègue à l'effet qu'au moment où la Cour a prononcé cette ordonnance-là, il y avait le risque effectivement des défenses traitresses, il y avait le risque que l'un témoigne contre l'autre, c'était des situations qui pouvaient arriver dans un procès conjoint? Le coaccusé a été déclaré coupable, il y a plus de procès conjoint, que, dans le fond, les risques soulevés par la Cour à l'époque n'existent plus, vous répondez quoi à ça, vous, en poursuite?
>
> PAR ME VICKY PILOTE-HENRY :
>
> Écoutez, Monsieur le Juge, nous, nous considérons que votre jugement est très clair, on ne croit pas que ç'a besoin de précisions. Effectivement, comme la Cour le souligne, on était dans une situation où les deux (2) accusés étaient coaccusés, effectivement, il y avait un risque de défenses traitresses, les dossiers sont terminés, la probation est terminée depuis un peu moins d'un (1) an, donc on voit pas… on ne voit pas en quoi on aurait besoin de donner des précisions. Ma collègue, ma consoeur parle du Barreau qui va lui mettre des menottes pour jamais parler à monsieur, écoutez, je pense que le Barreau est capable de lire votre jugement et que le Barreau va trouver que votre jugement également est très clair et s'appliquait dans ce dossier-là plus spécifiquement là.
>
> PAR JS:

[5] Justice Cournoyer of the Court of Appeal expressed this comment during a hearing on July 4, 2024 as described below.

> Mais pourquoi vous dites « ce dossier-là »? Monsieur le Juge vient de dire : les défenses contradictoires sont terminées au mois de février. Alors, réponds à monsieur le juge la question qu'il a posée.[6]

39. It is not surprising that the Crown prosecutor continued to mention "*ce dossier la*" as opposed to agreeing that the potential conflict of interest no longer existed after the files of ML and SR were severed.

40. This conduct is unbecoming of a lawyer who works for the government and the lawyer should not have avoided the direct question posed by Justice Labrie. Notwithstanding the foregoing, Justice Hussain at paragraph 39 of his judgment dated December 12, 2023 (Exhibit P-2), copied the following paragraphs but then omitted a big part of the debate before Justice Labrie. In this part of the discussion, JS was trying to convince Justice Labrie to acknowledge that the conflict was only for the trial and not for the entire file of ML and SR;

41. Shortly after this judgment of February 3, 2023, ML filed an action requesting a declaratory judgment before the Superior Court, a copy of which will be filed as **Exhibit P-12**;

42. JS filed a motion to enter new evidence on appeal of the decision of the Disciplinary Council of the Quebec Bar before the Professions Tribunal. On June 16, 2023, although Justice Zoar of the Professions Tribunal did not allow the new evidence, she decided to suspend the proceedings on the appeal before the Professions Tribunal and in her judgment she provided the following comments at paragraphs 40 and following:

> [40] Par ailleurs, l'appelante a raison de dire que si la demande en jugement déclaratoire reçoit un accueil favorable par la Cour supérieure, il y a un danger que le Tribunal des professions se prononce sur le droit des parties avant que la Cour supérieure n'ait pu le faire.
>
> [41] Cette prétention de l'appelante explique la raison d'être de sa conclusion recherchant la suspension des procédures en appel jusqu'à ce qu'un jugement final soit rendu par la Cour supérieure dans le dossier 500-17-123929-237.
>
> [42] La suspension d'instance a notamment pour fonctions de réduire le risque de jugements contradictoires et de favoriser une utilisation optimale des ressources judiciaires. Afin de préserver l'accès à la justice et d'éviter une mise en veilleuse indue de la compétence de la Cour du Québec, il y a cependant lieu d'interpréter restrictivement le pouvoir accordé au tribunal par cette disposition.
>
> [43] Pour l'avoir mentionné, un jugement favorable à M.L.-M devant la Cour supérieure pourrait avoir un impact significatif sur l'appel interjeté par l'appelante devant le Tribunal des professions.
>
> [44] Dans ces circonstances, le Tribunal estime qu'il serait inapproprié d'engager de part

[6] Pages 9 to 12 of the stenographic notes of the hearing of February 3, 2023 held before Justice Labrie which will be filed as **Exhibit P-11**.

> et d'autre les ressources nécessaires afin de confectionner les mémoires. Il vaut, au nom d'une saine gestion de l'instance et une utilisation judiciaire des ressources de suspendre le dossier d'appel, non pas jusqu'à un jugement final de la Cour supérieure ayant force de chose jugée, mais jusqu'à jugement final par la Cour supérieure dans le dossier 500-17-123929-237.
>
> [45] Cela dit, le Tribunal tient pour acquis que l'appelante prendra les moyens nécessaires pour être entendue avec célérité par la Cour supérieure.[7]

43. Prior to the Zoar judgment, ML amended his civil suit against the Attorney General of Quebec to add the Quebec Bar as a defendant and to add damages as opposed to requesting a declaratory judgment. That is, in order to determine whether the Attorney General of Quebec, being Me Vicky-Anick Pilote, and the Quebec Bar, being Me Marie-Claude Thibault, had committed a fault, the Judge of the Superior Court, in this case Justice Hussain, would have to interpret the Labrie Judgment to establish at which point the Labrie Judgment ceased to apply. Consequently, the request for a declaratory judgment became moot;

44. Justice Hussain refused to interpret the Labrie Judgment and cited the judgment of the Disciplinary Council as if it was a finally decided judgment, notwithstanding that Justice Zoar had specifically suspended the proceedings before the Professions Tribunal to allow the Superior Court to decide on this issue. The fact that Justice Hussain refused to interpret the Labrie Judgment but rendered a final judgment is unfathomable;

45. But that is not all. At paragraphs 41 to 43 Justice Hussain criticized JS with the following comments:

> [41] At the end of the hearing before the undersigned, perhaps sensing the weakness of his position, the Plaintiff put a gloss on the Amended Originating Application by asserting that the declaratory component is no longer as relevant given the addition of the damages claim, and that its relevance is tied to the determination of fault.
>
> [42] This new position stands in contrast with an allegation in the Amended Originating Application whereby it is the declaratory relief that is presented as the primary claim and the damages component as secondary, going so far as to say, curiously, that the damages amendment was made at the behest of the Attorney General:
>
> > 43.Initially, the Plaintiff did not request damages in the present action. However, since the Attorney General of Quebec is insisting that the Plaintiff proves the fault of the Attorney General of Quebec in order to prove the importance of the matter, the Plaintiff decided to amend the present action to add damages resulting from the malicious acts performed by the Defendants;
>
> [43] The abusive trajectory of the file is predictable: the Plaintiff will try to circumnavigate obstacles by shifting the focus of the action in what will amount to a constantly moving target for the Defendants. These are the hallmarks of an abusive action that lacks a juridical foundation.

46. These unfounded criticisms found resurrection is a sentence rendered by the Quebec

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[7] The judgment of Justice Zoar is available on CanLII at *Sanderson v. Barreau du Québec (syndique adjointe)*, 2023 QCTP 35 (CanLII).

Bar against JS as explained in more detail below.

47. As explained above, Me Pilote and Me Thibault both knew that the potential conflict of interest no longer existed yet they insisted on continuing with the charade. That is, Me Pilote continued to contest that JS represent ML in the Court of Quebec in the criminal file to the point at which he had to plead guilty on October 19, 2019 in his criminal file;

48. Moreover, Me Thibault is continuing to contest the appeal before the Professions Tribunal even though all along she admitted that she was not pleading that JS acted during a conflict of interest. In fact the appeal at the Professions Tribunal is ongoing;

49. Even in the motion to dismiss filed by the Quebec Bar and pleaded before Justice Hussain on December 5, 2023, the Quebec Bar at paragraph 42 of the document entitled "*Demande du défendeur, Barreau du Québec, pour le rejet de la demande introductive d'instance*" provided as follows:

> En l'expèce, la Plainte disciplinaire ne reproche pas à Me Sanderson de s'être placée en conflits d'intérêts, mais lui reproche de ne pas s'être conformée au Jugement en déclaration d'inhabileté.

50. The said motion entitled "*Demande du défendeur, Barreau du Québec, pour le rejet de la demande introductive d'instance*" will be filed as **Exhibit P-13**;

51. Based on the foregoing, with respect, it is difficult to comprehend the reason for which Justice Hussain took the position that there were insufficient allegations with respect to fault of the Me Pilote and Me Thibault (paragraph 60 and 65 of Exhibit P-2);

52. With the foregoing facts before Justice Hussain, his judgment of December 12, 2023 provided as follows at paragraph 52 and following:

> [52] The Plaintiff alleges that the motion to disqualify Mtre. Sanderson in the criminal proceedings "was abusive and was only filed with the intent to prevent Lacoste and Roberge from having a lawyer to file a motion in virtue of *R. v. Jordan*".[18]
>
> [53] The Plaintiff adds as an aggravating factor the allegation that the prosecutors continued to prevent Mtre. Sanderson from representing the Plaintiff after the Court of Québec had split the criminal proceedings against the two co-accused, resulting in separate proceedings against each.[19] The conflict of interest no longer existed once the two individuals ceased to be prosecuted as co-accused, the Plaintiff alleges.
>
> [54] The Plaintiff alleges that Mtre. Pilote misled the Court of Québec on 9 March 2018 during her representations at the hearing on that date, in that she prevented Mtre. Sanderson from representing the Plaintiff "even though she knew that the potential conflict of interest had ceased to exist".[20]
>
> [55] Yet, the Amended Originating Application does not attach the transcript for that hearing and does not specify what exactly was said by Mtre. Pilote and how it would constitute a civil fault. A pleading must "state the facts on which it is based" and "must also state anything which, if not alleged, could take another party by surprise or raise an unexpected debate".[21] Mtre. Pilote and her employer the Attorney General, as two of the three Defendants, have a right to know what exactly is being alleged as her wrongful words at the hearing before the Court of Québec on 9 March 2018.

[56] The fact that the Amended Originating Application is not specific in this regard is not a flaw that can be remedied by a simple amendment. Rather, the disregard for an essential element of the cause of action of civil liability in the present case is symptomatic of a deeper problem with the pleading: it is clearly unfounded and therefore it is to be expected that it is lacking the requisite level of precision and clarity in its allegations.

[57] In contrast, the Disciplinary Council in its decision against Mtre. Sanderson actually does provide a detailed description of what Mtre. Pilote said and did on 9 March 2018. Referring to Mtre. Sanderson as the Respondent and to Mr. Lacoste-Méthot as M.L.-M., the Council made the following observations:

> [168] After taking over the prosecutor's role in the Defendants' file and prior to asking the Barreau's intervention, various events happened at court, notably on March 9 and March 16, 2018, which made Me Pilote feel uneasy.
>
> [169] The Council considers that Me Pilote tried in good faith to fulfill her duty by doing what was necessary in order for Respondent to cease acting for M.L.-M. as per her understanding of Justice Labrie's decision. Me Pilote had not yet been assigned to the MARIOLLE file when two other prosecutors filed the DPCP Motion.
>
> […]
>
> [261] In conclusion, the version of facts offered by Me Pilote carries such a degree of conviction that the Council dismisses Respondent's version of the events that happened during the period covered by the complaint. Respondent's version is not trustworthy. Her testimony is neither credible nor reliable.
>
> […]
>
> [305] During the *pro forma* hearing in M.L.-M.'s case on March 9, 2018, Respondent submitted a verbal request to Justice Greffe of the Court of Quebec to act as *amicus curiae* for M.L.-M. Me Pilote replied that she has issues with the request considering that Respondent had been disqualified from representing M.L.-M. Justice Greffe said that she will not "régler cela sur un *pro forma*".
>
> […]
>
> [316] On March 9, 2018, as for S.R.'s case, Me Pilote indicated that Justice Beauchemin had sent an email, that the latter had rendered a decision on the abuse of process and that she understood that Respondent did not intend to submit a defense. Respondent, however, said she had not received Justice Beauchemin's email. Justice Greffe suspended the hearing in order for her to print the email for Respondent's benefit.
>
> [317] Respondent then asked Me Pilote whether she could eventually act as *amicus curiae* for M.L.-M.'s benefit. The latter answered that it was not possible as she was declared to be disqualified from representing him and a lawyer could not act as *amicus curiae* when a specific judgment prohibited him from representing a client.
>
> [318] Respondent and Me Pilote returned before Justice Greffe in S.R.'s case. Justice Greffe then set the matter to April 5, 2018, in order to determine the date for the oral pleadings on conviction.
>
> [319] Afterwards, Respondent suggested that maybe they could proceed with M.L.-M.'s case. She argued that the only conflict of interest was on the basis of a contradictory defense. She added that as she did not present a defense for S.R., she thought she could at least act as *amicus curiae* for M.L.-M.
>
> [320] Me Pilote said that that she has issues with Respondent's request considering that the latter had been disqualified from representing M.L.-M. and that "Justice Beauchemin was clear". She referred to the judgments previously rendered. Justice Greffe said to Respondent that she was not going to "régler cela sur un *pro forma*.
>
> [321] M.L.-M. addressed Justice Greffe to say that he signed the waiver. Respondent started to argue about interlocutory judgments. Justice Greffe

said that they will not start the debate over again that day. She did not allow Respondent to act as *amicus curiae* for M.L.-M.

[322] M.L.-M. then described the steps he had taken to find a lawyer. He said that he would represent himself. Me Pilote mentioned that the expected duration for his trial was four or five days and that the evidence was substantially the same as in S.R.'s case.

[323] Justice Greffe invited the parties to go see the coordinating judge's secretary in order to find a date for that length of time. She explained where the office was located. Respondent offered again to act as *amicus curiae*. Justice Greffe replied that she would rather that she not get involved considering all the proceedings.

[324] M.M.-L. told Justice Greffe that he had a request to make. He made a comment about paragraph 9 of his release conditions. Justice Greffe replied that he needed to talk with the prosecutor first as she did not have jurisdiction. She added that he can come back and that if she could, she would do it, but if she could not, he would have to go elsewhere.

[325] After leaving the courtroom, Respondent told Me Pilote that "il faudrait changer" M.L.-M.'s release conditions. Me Pilote replied that Respondent could not represent him, nor act for him. Me Pilote turned to M.M.-L. and told him that if he wanted to discuss his release conditions with her, there would be no problem. They could see what they could do about his conditions.

[326] Me Pilote then had some discussions with M.M.-L. in anticipation of the trial in order to assess its duration. She explained his options to him. She told him that he pleaded not guilty and that they were going to trial. She informed him that he still could change his position and plead guilty and that they could negotiate a sentence. She also said that he had the right to a trial. She explained her evidence, how it would be disclosed, the possibility of making admissions but that he had the right to admit nothing.

[327] When Me Pilote was talking about the trial to M.L.-M., in some instances, she asked him questions and did not have answers to provide to her. He did not seem really familiar with the judicial system. On a few occasions, maybe three or four times, their discussions stopped, he went to see Respondent and returned to Me Pilote with a position to provide to her. On one occasion, Me Pilote and Mr. Beaudoin were physically close to where M.L.-M. and Respondent were talking and Me Pilote overheard Respondent telling M.L.-M. "n'accepte rien, avec moi, c'est acquitté ou bien on fait le procès".

[328] These preliminary discussions took place in the cubicles and in the hallway of the Longueuil Courthouse after the hearing before Justice Greffe.

[329] After getting the dates and prior to going into the courtroom before Justice Labrie, Respondent came closer to Mr. Beaudoin and Me Pilote. Respondent told them that she would continue to represent M.L.-M. outside the courtroom, that she would help him with his *Jordan* motion and the trial's preparation, that she would do everything for him and that in any event she still had a delay of about 30 days within which to initiate an appeal to the Supreme Court in reference to the judgment declaring her unable to act.

[330] Me Pilote and M.M-L. appeared before Justice Labrie. M.M-L. asked to set the dates of his trial as soon as possible. He added that unfortunately, he would have to represent himself. Justice Labrie reiterated the possibility of M.M-L being represented by a young lawyer and the Jeune Barreau's referral service. He mentioned the possibility of setting a five day trial or holding another case management conference.

[331] Justice Labrie informed M.L-M. that he could find a lawyer even though the trial date was set. He asked the clerk to provide him with dates. The latter offered the week of November 5. Justice Labrie mentioned that he considered that week to be too far away. He adjourned the case to March 16, 2018, in order to set M.L-M.'s trial's date so as to allow sufficient time to see with the Coordinator judge about finding a closer date.

> [332] M.L.-M. then made a request to Justice Labrie to remove his duty to sign at the police station every Wednesday as he needed to leave from work early to do so given the time the police station closed. Justice Labrie told him to ask the prosecutor's consent because he did not have jurisdiction to change his conditions without her consent.
>
> [333] M.L.-M. said that he did not believe that she would agree as she had requested "a paper" which he did not have and she was "against him". He compared himself to the other accused who did not have any reason for making the same request and thus believed he had a greater chance of obtaining the removal of his duty to sign.
>
> [334] Me Pilote mentioned to Justice Labrie that she had asked that M.L.-M. provide proof of his employment, in order to consider the options, such as a change in the time of reporting. She added that he refused to provide her with such proof of work.[22]

[58] While the Court does not comment one way or another on Mtre. Sanderson's chances of success on her appeal of the above decision before the Tribunal des professions, the level of detail in the decision of the Disciplinary Council regarding the events of 9 March 2018 serves as an example of the level of detail that was possible in the allegations contained within the Amended Originating Application.

[59] The Plaintiff goes on to allege that on 19 March 2018, Mtre. Pilote filed a complaint with the Barreau "to assist her in preventing Me Sanderson from representing Lacoste even though she knew that the potential conflict of interest had ceased".[23]

[60] Yet, the Plaintiff does not specify how exactly this would be a fault, especially since the Barreau went forward with the complaint and, on top of that, one administrative tribunal, i.e. the Disciplinary Council, has already made a finding of breach of professional conduct on the part of Mtre. Sanderson. In that decision, the Council makes no adverse finding about the conduct of Mtre. Pilote. To the contrary, it concludes that she acted appropriately.[24]

[61] Again, the Court does not comment one way or another on the chances of success of Mtre. Sanderson's appeal of that decision, but the point here is that the circumstances required a greater level of specificity as to what exactly Mtre. Pilote did that would constitute a fault against Mr. Lacoste-Méthot.

[62] The Plaintiff then alleges that Mtre. Pilote even acted wrongfully in the context of the criminal proceedings against his former co-accused, Mr. Roberge, by ostensibly insisting at a hearing at the Court of Québec on 9 August 2018 that the issue of conflict of interest applied at the sentencing hearing of Mr. Roberge.[25]

[63] The Court does not see what standing the Plaintiff has to allege that a fault was committed by Mtre. Pilote against a third party.

[64] The allegations against Mtre. Pilote culminate with the following paragraph in the Amended Originating Application:

> 50.A prosecutor has an obligation to act independently and honestly and not to induce the Court in error. Consequently, Me Pilote committed a fault. It is submitted that she knowingly acted against the internal rules of her employer. Consequently, she became personally responsible for her actions;

[65] The allegation that a prosecutor misled the court is a serious one, it cannot be made lightly, and it requires detailed factual allegations to support such a conclusion. As reviewed above, the Court concludes that not only are those factual allegations missing, but in light of the findings of fact made by the Disciplinary Council, the Plaintiff was under a heavier obligation to allege with the greatest of specificity exactly how he considers that Mtre. Pilote acted to "induce the Court in error" (i.e., misled the Court of Québec), "committed a fault", and "knowingly acted against the internal rules of her employer". He failed to do so and therefore the Court must dismiss his action at this preliminary stage.

53. Justice Hussain made all these comments without interpreting the Labrie Judgment which was the most important task at hand and was the *raison d'etre* for which Justice Zoar had suspended the appeal at the Professions Tribunal. Furthermore, Justice Hussain took the judgment of the Disciplinary Council as finally decided notwithstanding that as

explained above, the Disciplinary Council concluded that the conflict of interest still applied after the files were severed. Additionally, the Disciplinary Council misapplied the bright line rule from *CN v. McKercher*;

54. However, the worst part of the judgment is that Justice Hussain implied that JS's chances for success her appeal were limited because the judgment of the Disciplinary Council was detailed. This is a new approach to legal analysis recently applied in Quebec. Even though the heart and centerpiece of the judgment of the Disciplinary Council of the Quebec Bar was whether or not the potential conflict existed on the dates of the infractions by JS, Justice Hussain intentionally ignored this issue. Moreover, Justice Hussain even commented on the chances of success with respect to the appeal to the Professions Tribunal without properly analyzing the issue;

55. With respect, based on the foregoing, it is quite evident that Justice Hussain was trying to mask whether or not two (2) lawyers who represent important positions in the legal justice system acted wrongly to prevent ML from being represented by the lawyer of his choice;

56. Since Justice Hussain concluded that the action was abusive, the appeal was no longer automatic and ML was forced to request permission of same. The notice of appeal was extremely detailed will be filed as **Exhibit P-14**;

57. The appeal was heard before Justice Cournoyer on July 4, 2024 and the judgment can be found on CanLII at *Lacoste-Méthot v. Procureur Général du Québec*, 2024 QCCA 894 (CanLII). Although Justice Cournoyer dismissed the permission to appeal, he specifically noted that he was not required to analyze the legal content of the judgment of Justice Hussain;

58. JS ordered the stenographic notes of the hearing of July 4, 2024, before Justice Cournoyer because there is not even a minute notion that the action was abusive as confirmed in the notes which will be filed as **Exhibit P-15**. In fact, neither the lawyer for the Attorney General of Quebec nor the Quebec Bar argued that the action was abusive;

59. The reason that the Applicant is including these comments is because Justice Hussain criticized JS to such an extent in his judgment. These comments were even one of the main sources by the Disciplinary Council having disbarred JS in August 2024 as explained in more detail below;

60. Not only does Justice Cournoyer not even hint that the action was abusive but at page 19 of the stenographic notes he states "*On s'entend que c'est pas une jurisprudence contradictoire parce que le litige tel que mu devant la Cour supérieure est novateur*";

61. At page 13, Justice Cournoyer implied that it was an unusual lawsuit, however, he even compared JS to himself and did not in any manner criticize JS. Justice Cournoyer stated as follows:

> Maitre Landry, laissez-moi vous poser une question candide, et je vais l'introduire de la manière suivante. J'ai été, moi aussi, à certains moments dans ma pratique, créatif, essayant de sortir des sentiers battus. Vous l'avez été aussi. Mais une requête pour demander à la Cour supérieure d'interpréter les jugements rendus par un juge de la Cour du Québec il y a sept ans, dans les annales judiciaires, on ne trouve pas beaucoup d'exemples de ce type-là. Est-ce que je me trompe?

62. Finally, the most important comment by Justice Cournoyer was that he stated that if a judge does not specifically order that a person cannot do something then it is not prohibited. Justice Cournoyer stated the following in regards to the Labrie Judgment:

> Une question là-dessus, Maitre Landry, compte tenu du vieux principe que ***ce qui n'est pas interdit est permis***, comment pouvons-nous arriver à la conclusion que monsieur Méthot pouvait penser qu'il ne pouvait pas être représenté par Me Sanderson? En d'autres termes, ***la portée du jugement du juge Labrie était extrêmement limitée***, pourquoi présumer qu'il y avait un empêchement à la représentation de monsieur Lacoste-Méthot par Me Sanderson plus tard? [Emphasis added]

63. This is exactly the issue that was posed before the Disciplinary Council yet the Quebec Bar insisted that JS was in contradiction of the Labrie Judgment by speaking to ML in the hallway of the courthouse even after the files of ML and SR had been severed and the potential conflict no longer applied;

64. As explained, both the lawyer for the Quebec Bar and the lawyer for the Attorney General knew that the potential conflict was no longer applicable yet they continued to go against JS and ML in any manner to prevent ML from being represented before the Court of Quebec;

65. The Applicant submits that Justice Hussain avoided the issues and criticized JS in his judgment to avoid shedding light on the improper conduct of the lawyers for the Quebec Bar and the Attorney General of Quebec;

66. By intentionally avoiding the true facts of the case and criticizing JS, Justice Hussain was clearly biased. The Applicant asks this Honourable Federal Court the rhetorical question, how could the CJC not even review the facts if a Judge of the Court of Appeal had repercussions and was forced to retire for making sarcastic remarks before the Court of Appeal about her future endeavours during her retirement? It is submitted that this

conduct is much worse as JS had serious disciplinary measures as a result of the comments made by Justice Hussain and the disciplinary file described herein;

67. In August 2024, JS was disbarred from the practice of law. Initially, the lawyer for the Quebec Bar was only asking for a 6-month suspension as confirmed in the written pleadings which will be filed herewith with a new sentence against JS from the Quebec Bar. After referred to the judgment of Justice Hussain and the disciplinary file described above, the Quebec Bar asked for the permanent disbarment of JS in a large part based on the comments above made by Justice Hussain;

68. The sentence judgment of JS specifically makes reference to the judgment of Justice Hussain at paragraphs 37 to 39 and 180 to 187 in order to request the suspension of JS during the appeal period of the sentence. It should be noted that a lawyer is not usually suspended during an appeal of a disciplinary sentence and has only been ordered one time in the history of the Quebec Bar in *Sylvestre v. Parizeau*, 2000 CanLII 21206 (QC CDBQ);

69. It is submitted that unfounded personal criticism by a judge against a lawyer should not come within the purview of untouchable “judicial discretion” especially if the unfounded comments made by the judge against the lawyer cause disciplinary measures against the lawyer with no chance to defend herself.

FOR THE AFOREMENTIONED REASONS THE APPLICANT IS REQUESTING THAT THE DECISION OF THE CANADIAN JUDICIAL COUNCIL TO DISMISS SUMMARILY THE COMPLAINT MADE BY THE APPLICANT BE QUASHED AND THE FILE BE RETURNED FOR ANALYSIS THEREOF.

Signed at the City of Carignan by the Applicant on this 13th day of February, 2025.

Jacqueline Sanderson

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