Canadian Judicial Council Chair, Supreme Court Chief Justice Beverley Maclachlin Retires Amid Police Investigation- Part 1

Never have so many judges lied in order to ensure that a trial will never be heard in a court of law. Since 2015, Ade Olumide has been trying to get his case heard in court to determine if it is legal for a political party to exclude a nomination contestant from the democratic process without giving the reason while at the same time spreading false allegations to justify his exclusion. The common law defines an s3 Charter Right of all Canadians, going beyond the right to vote, to include the "right to be represented in Government". Since only political parties can form a government, every political party is obligated to ensure that their nomination rules equally apply to members.

Our Governor General aptly describes three sine qua non legal principles that "make us free": they are the rule of law, ethics of lawyers and the pursuit of justice. *Justice* demands that the Courts must rescind the 2015 decision of the Party, *rule of law* demands that the Courts must make the Canada Elections Act Charter compliant by ensuring that by 2019 no political party can exclude a contestant without the contestant a reason, *ethics* demands that the government change the Judges Act to create a mandatory sanction for criminal judicial misconduct;

"**Law without the pursuit of justice is just a statement of words**. The rule of law, married to the constant pursuit of justice, is what makes us free. How do we take a strong foundation and make it better? …..I would ensure there is a broad and extensive focus on ethics in law school, to help aspiring lawyers develop a greater understanding of the ethical implications of a proposed course of action and to see their public trustee role", read more at http://www.gg.ca/document.aspx?id=14195

"A judge who likes every outcome he reaches is very likely **a bad judge**..... stretching for results he prefers rather than those the law demands", read more at https://www.nytimes.com/2017/01/31/us/politics/full-transcript-video-trump-neil-gorsuch-supreme-court.html?_r=0

JUSTICE BEVERLEY MACLACHLIN CONFLICT OF INTEREST

Chair of Canadian Judicial Council "CJC" and Supreme Court Chief Justice Beverley Maclachlin is retiring amid a police investigation of court staff that defrauded a statutory right to prosecute the CJC. Likely motivated by Beverley Maclachlin conflict of interest, the Supreme Court Registrar Roger Bilodeau lied that the Supreme Court lacks jurisdiction to issue file numbers for proceedings against persons that include Conservative Party, Canadian Judicial Council, and Supreme Court of Canada.

As Chair of the Canadian Judicial Council, Beverley Maclachlin has unethically stone walled complaints about 200 criminal code offences committed by judges and members of the Canadian Judicial Council that include the Ernst Drapeau Vice Chair of the CJC and Chief Justice of New Brunswick, Austin F Cullen member of the CJC and Associate Chief Justice of the BC Supreme Court.

Justice Beverley Maclachlin conflict of interest includes complaints referencing her refusal to direct withdrawal of Supreme Court service of a court record. This action covered up the party lawyer use of a Federal Court perjured affidavit. In three different courts, party lawyer Paul D'Angelo lied that he never received court records so as to defraud the merits of the case. Each time, Justices that include George Strathy, Anne Mactavish, Sean Harrington, Luc Martineau, David Stratas, and Beverley McLachlin

facilitated criminal code offences. Justice Stratas went to the extent of falsifying court records in order to defraud Canada Elections Act, Judges Act constitutional questions and create an illegal s28 Federal Courts Act jurisdiction. The Supreme Court has previously used words like fraud, corruption, and bad faith to describe the abuse of public power to contravene the objects of the enabling Act.

The citizens of Canada deserve an independent Canadian Judicial Council that is ethical, impartial, accountable and truly focused on preventing and correcting criminal misconduct by judges. This public statement marks the beginning of a campaign to exercise ones inalienable right to act in self-defence by convincing Parliament to legislate a change to the Judges Act. This will ensure that any future criminal misconduct allegations by a judge are automatically referred to the police who should be obligated to provide a Judges Act preliminary or final "record of investigation" within 90 days. If the police confirm that the offence occurred, the inquiry proceedings to remove the judge must be automatically engaged.

As a result of efforts to defraud a right to prosecute the Alberta Court of Queen's Bench, member of the Canadian Judicial Council, for not requesting an investigation of Justice Stratas, the Calgary police agreed to open an investigation. While we wait for the result of the investigation, Judicial Council Judges Act an "inquiry" based on a "record of investigation", is hereby requested.

CRIMINAL CODE OFFENCES COVERED UP BY CANADIAN JUDICIAL COUNCIL CHAIR CHIEF JUSTICE BEVERLEY MACLACHLIN

On September 4, 2015 Justice Hackland made the following statement "I think you are using this, these limitations both as a layperson and as someone who has go some English limitations, as a device to mislead". This is similar to the same visible minority stereotype strategy used at the Party nomination interview. Unfounded allegations of fake degrees and foreign residency skeletons that would cause the Party to lose the riding. Members of the nomination committee also seemed very concerned to know if Olumide has been long enough in Canada. Once the Party received evidence (security clearance that includes prior residences before immigrating to Canada 17 years ago and accreditation of Nigerian and UK degrees by the University of Toronto) Olumide was still not approved. Furthermore, the Party's nominee continued spreading these falsehoods to justify his exclusion.

All government legislation is subject to a positive obligation to exercise any discretion in a manner that is compliant to the Canadian Charter of Rights, this include the Judges Act which is binding on the Canadian Judicial Council Chair and Supreme Court Chief Justice. Canadian Judicial Council Executive Director Norman Sabourin, used Justice Hackland "English limitations" comment as justification for fraud. Justices Johane Trudel, Sean Harrington, and David Salmers also made disparaging comments relying on the stereotype that visible minorities lie about racism, to, in order to justify Olumide exclusion from the democratic process. Justice Mireille Tabib ensured Olumide exclusion would continue by defrauding a Canada Elections Act constitutional question that force parties to give a reason for excluding any Canadian. Clearly if CJC Chair Justice Beverley Maclachlin does not support misconduct, there would be a Judges Act "record of investigation" and an "inquiry" for the complaints.

1. Justice Hackland can grant or deny relief sought based on the facts and the law, what he cannot do is deliberately moot a relief in order to defraud a litigant. Justice Hackland deliberately abused the case management process by illegally mooting a relief to contest in the 2015 election. Thus by

preventing a hearing before the Canada Elections Act statutory deadline for submitting the name of the party nominee to Elections Canada, contrary to s380(1) of the Criminal Code.

2. To moot the relief, Justice Hackland violated rule 1.09 out of court communication, by coming out of vacation to remove a hearing date given by motions coordinator Tina Johanson. This was done by contradicting motions coordinator Tina Johanson on how he received lawyer Paul D'Angelo request to moot relief by removal of hearing date without input from Olumide. When confronted by Olumide, the motions coordinator Tina Johanson said it was an email, Justice Hackland contradicted the motions coordinator during an August 18 case conference by saying that he just happened to come into the office during a vacation, contrary to s380(1) of the Criminal Code of Canada.

Communications Out Of Court 1.09 When a proceeding is pending before the court, no party to the proceeding and no party's lawyer shall communicate about the proceeding with a judge, master or case management master out of court, directly or indirectly, unless, (a) all the parties consent, in advance, to the out-of-court communication; or (b) the court directs otherwise.

3. Justice Hackland made verbal final orders, but refused to issue the orders so as to defraud s6(1) Courts Justice Act statutory right to appeal:

a) "Court is not going to be interfering with the election process in the Kanata riding"
b) "Request for Court hear the matter and motion to strike in writing, is dismissed"
c) "Respondent shall leave the motion to strike date open for a hearing date to be determined by the master on september 21st is the best idea"
d) "It's not possible for the court to be quashing or setting aside the Conservative Party's decision to exclude you"
e) "Order that I made last week that vacated that hearing date and directed that the matter proceed before the case management Master on September the 21st, that stands"
f) Made an oral January 4 costs order but refused to issue the order,

contrary to s380(1) of the Criminal Code of Canada.

4. Justice Hackland lied that judges have absolute immunity for lying to defraud Canada exclusive criminal law jurisdiction: Constitution Acts 1867 to 1982 Legislative Authority of Parliament of Canada 91 'Criminal Law… including the Procedure in Criminal Matters / 482 (1) "may make rules of court not inconsistent with this or any other Act of Parliament… incidental to any such prosecution, proceeding, action or appeal", contrary to s362 of the Criminal Code of Canada.

5. Justice Hackland lied that judges have absolute immunity for lying to; act without jurisdiction, refuse jurisdiction, defraud appellate jurisdiction, act in bad faith, violate existing orders in order to "obstruct, pervert or defeat the course of justice", contrary to s362 of the Criminal Code of Canada

6. Ottawa Justice of Peace P. Brecher was convinced of the merit of Olumide's application and ordered a full day trial. Ontario Attorney General delegates intervened to overrule Justice of Peace Brecher to a 15 minutes hearing, doing this off the record while Olumide was out of court obeying the JP's order to secure a full day concealed their bad faith fear that the application will succeed. In order to circumvent his lack of jurisdiction to prevent a mandatory criminal code hearing. Justice Hackland lied that Criminal Code s507.1 "private prosecution.. shall.. heard and considered .. informant.. evidence of witnesses", 551.3(1g) "Canadian Charter of Rights" constitutional question "incidental to .. prosecution",

683(2) ".. Parties entitled to adduce evidence and be heard," 774 "proceedings in criminal matters by way of … mandamus" is not a criminal proceeding, contrary to s362 of the Criminal Code.

7. Justice Hackland lied about Recusal application before him in order to fraudulently conceal conflict of interest interception of prosecution of Canadian Judicial Council for refusing to investigate his own actions, contrary to s341 of the Criminal Code of Canada.

8. Justice Hackland fraudulently intercepted Chief Justice Criminal rule 6.02 assignment duties by ordering trial coordinator Tina Johanson not to disclose that Justice Hackland order removal of application hearing date, out of concern for being asked to mislead a litigant, she escalated the matter to the Regional Senior Judge James E. McNamara who called a meeting that included Justice Hackland, it seems obvious that neither were able to convince Hackland to allow the application follow the normal assignment process. Justice Hackland's actions are contrary to s139(1)(2)(3a) of the Criminal Code.

9. Justice Hackland refused to disclose identity of a future witness that caused him to rush to trial coordinator Tina Johanson to say he "heard Ade Olumide is back" in order to intercept application before a Superior Court file was created, contrary to s22 of the Criminal Code.

10. Justice Hackland ignored letters to the Superior Court Chief Justice Heather Smith and Justice Hackland explaining that it is illegal for Justice Hackland to seek out and usurp Chief Justice case assignment duties in order to cover up his own crimes. The Superior Court Chief Justice who is a member of the Canadian Judicial Council must have known that since the CJC was the subject of the prosecution, the Chair of the CJC would approve of the criminal misconduct. Despite her power to request an investigation of Justice Hackland or reassign the case to a judge who is not in conflict of interest, Superior Court Chief Justice Heather Smith did nothing to comply with CJC Chapter 6 below: "Impartiality (Chapter 6): Conflicts of Interest; 1. Judges should disqualify themselves in any case in which they believe they will be unable to judge impartially" 2. Judges should disqualify themselves in any case in which they believe that a reasonable, fair minded and informed person would have a reasoned suspicion of conflict between a judge's personal interest … and a judge's duty", Justices Hackland and Smith actions are contrary to s139(1)(2)(3a) of the Criminal Code.

In conclusion, this type of criminal misconduct is only a tip of the iceberg regarding judicial criminal misconduct complaints that are currently before the Chair of the Canadian Judicial Council, Chief Justice Beverley Maclachlin. Rather than act in good faith by requesting a "record of investigation" of the complaints, her inaction continues to tarnish the reputation of the Canadian judiciary. This, in itself is a breach of sections 21b, 23, s22.2, 25.1(11b) of the Criminal Code;

a) Parties to offence 21(1) Every one is a party to an offence who (a) actually commits it; (b) does or omits to do anything for the purpose of aiding any person to commit it; or (c)abets any person in committing it.

b) 22.2 .. an organization is a party to the offence if, with the intent at least in part to benefit the organization, one of its senior officers (a) acting within the scope of their authority, is a party to the offence; (b) having the mental state required to be a party to the offence and acting within the scope of their authority, directs the work of other representatives of the organization so that they do the act or make the omission specified in the offence; or (c) knowing that a representative of

the organization is or is about to be a party to the offence, does not take all reasonable measures to stop them from being a party to the offence.

c) Protection of Persons Administering and Enforcing the Law 25.1 … Limitation (11) Nothing in this section justifies…(b) the wilful attempt in any manner to obstruct, pervert or defeat the course of justice;

d) Accessory after the fact 23 (1) An accessory after the fact to an offence is one who, knowing that a person has been a party to the offence, receives, comforts or assists that person for the purpose of enabling that person to escape.

REFERENCES FOR COURT POWER TO SET ASIDE PARTY DECISION

Alberta Soccer Association v. Charpentier, 2010 ABQB 715 "Hofer: First Test:….Did the society's rules (as applied) violate a law? Are the society's rules (as applied to individuals) unreasonable, arbitrary or capricious? or Do the society's rules jeopardize a matter of public policy so significant it has province-wide or national effect?..... does the society's breach under the second part of the First test violate a fundamental right under the Constitution of Canada (e.g. s.15 of the Canadian Charter of Rights and Freedoms)?"

University of Victoria Students' Society v. Canadian Federation of Students, 2011 BCSC 122 [34] … It is clear that the court is entitled to intervene in some circumstances to set aside decisions made within private associations. It necessarily follows that the court must also have the power to make ancillary or consequential directions.

Kaplan v. Canadian Institute of Actuaries, 1994 CanLII 9065 (AB QB), [1994] A.J. No. 868 (Q.B.); aff'd 1997 ABCA 310 (CanLII), [1997] A.J. No. 874 (C.A.), … the court possesses broad enough powers … to grant the remedy it considers appropriate to the particular case, including the setting aside of an invalid decision or action.

Knox v. Conservative Party of Canada, 2007 ABQB 180[41] "Whether the Party and the Association are statutory bodies or not, the Court has jurisdiction to consider whether their decisions were made according to their own by-laws and regulations and according to the rules of natural justice … As the courts have noted, a consensual tribunal's jurisdiction is founded on contract... [44] …. I conclude that this court must have the authority to review the Nomination Committee's decision, particularly in the absence of an impartial "disciplinary " tribunal …

Lakeside Colony of Hutterian Brethren v. Hofer, 1992 CanLII 37 (SCC), [1992] 3 S.C.R. 165, … It is not incumbent on the court to review the merits of a decision to expel. It is, however, called upon to determine whether the purported expulsion was carried out according to the applicable rules, with regard to the principles of natural justice, and without mala fides.

B.C. Supreme Court …decision…National Hockey League as it re…coach Patrick Quinn.…[13] The review by the court of orders made by an unincorporated association such as the N.H.L… its power is narrow and it may only interfere If the order was made without jurisdiction (or against the rules) or if it was made in bad faith or contrary to the rules of natural justice.

Falk v Calgary Real Estate Board Co-operative Ltd, 2000 ABQB 296 (CanLII), 265 AR 60, [13] [22] Ms. Falk argued that a private organization, such as the Board, cannot rely upon such an exclusionary clause to oust the jurisdiction of the court..... [23] I agree that it is against public policy to recognize clauses which purport to exclude entirely the jurisdiction of the court. …In other words, if sued, a party cannot raise as a defence that the other party agreed that resort would not be had to the courts. [24]... is founded on contract, express or implied, nevertheless the parties are not free to make any contract they like. There are important limitations imposed by public policy.. but they cannot make it the final arbiter on questions of law. They cannot prevent its decisions being examined by the courts ..

Houle v Canadian national bank, 3 SCR 122, 1990 CanLII 58 SCC Bad faith or malice in the exercise of a contractual right is no longer the only criterion for assessing whether such a right has been abused. The standard of the prudent and reasonable individual can also form the basis for liability resulting from an abuse of contractual rights. An abuse of rights may occur when the contractual right is not exercised in a reasonable manner, i.e. in accordance with the rules of equity and fair play. The abuse of a contractual right gives rise to contractual liability…that two parties have contracted, however, does not shield them from their extra-contractual responsibilities to those outside the contractual sphere... A right taken too far becomes an injustice… Every right has a particular purpose: it is conferred to meet social imperatives or economic needs, not to assuage instincts of vengeance or spitefulness… If one looks at the true spirit of our civil law, it is clear that contractual rights cannot be totally absolute. Contracting parties do not foresee all eventualities expressly and so their formal accord is limited to the essential… The Implicit Contractual Obligation of Good Faith Contractual obligations are not limited to those expressly mentioned in a contract, as enunciated in art. 1024 C.C.L.C.: 1024. The obligation of a contract extends not only to what is expressed in it, but also to all the consequences which, by equity, usage or law, are incident to the contract, according to its nature. …Good faith has been regarded as one such implicit, necessary obligation in all contractual relationships. Even in Roman law, an implicit obligation to execute contracts in good faith was found to exist.

REFERENCES FOR CANADIAN JUDICIAL COUNCIL POSITIVE OBLIGATION

Johnston et al. v. Prince Edward Island, 1995 CanLII 10509 (NL SCTD) [302]…. *City of Kamloops v. Nielsen*, 1984 CanLII 21 (SCC), [1984] 2 S.C.R. 2, at p. 24, by Wilson, J.,... : 'In my view, inaction for no reason or inaction for an improper reason cannot be … bona fide exercise of discretion. Where the question whether the requisite action should be taken has not even been considered by the public authority, or at least has not been considered in good faith…,

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84… rights include a positive dimension, such that they are not merely rights of non-interference but also what might be described as rights of "performance", then they may be violable by mere inaction...

REFERENCES FOR LIMITS TO JUDICIAL POWER

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121, …. no such thing as absolute and untrammeled "discretion", … "Discretion" necessarily implies good faith in .. public duty; … any clear departure from its lines or objects is just as objectionable as fraud or corruption.

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, … "good faith" …" and "it does not mean arbitrarily and illegally attempting to divest a citizen.. absence of good faith can be deduced and bad faith presumed"

Bourbonnais v. Canada (Attorney General), [2006] 4 FCR 170, 2006 FCA 62 (CanLII) [26]…. judicial immunity does not apply where it is shown that a judge knowingly acts beyond his jurisdiction.…[28]… "Of course, if the judge has …has perverted the course of justice, he can be punished in the criminal courts." [30] ….It is clear from some of the cases discussed above, however, that the immunity of judges from criminal liability is not total. In this respect the law of England is the same as that of the USA. Excepting the general principles of immunity discussed above, any judicial officer who violates the criminal law would be as liable therefore as any other private person. … "a judge can, of course, be made to answer, and in a proper case, pay dearly, for any criminal misconduct. …" This is because "criminal conduct is not part of the necessary functions performed by public official". …

Gonzalez v. Ministry of Attorney General, 2009 BCSC 639 (CanLII) [40] Mr. Taylor appealed this decision and the Appeal Division of the Federal Court upheld the decision of the Trial Division. In the course of its judgment, Sexton J.A., writing for the court, concluded that the so called **"bad faith" exception to the principle of absolute judicial immunity was good law in Canada**.

Morier et al. v. Rivard et al (1985), 1985 CanLII 26 (SCC), 23 D.L.R. (4th) 1 (S.C.C.), the majority considered the extent and nature of the immunity conferred on superior court judges in Canada, and concluded that it is essentially absolute, allowing for potential liability only where a judge is shown to have **knowingly exceeded his jurisdiction in bad faith**.

Piper v. Pearson, id., 2 Gray 120. It is no more than the **act of a private citizen, pretending to have judicial power** which does not exist at all. In such circumstances, to grant absolute judicial immunity is contrary to the **public policy expectation that there shall be a Rule of Law**.

Ableman v. Booth, 21 Howard 506 (1859)."**No judicial process,** whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and **an attempt to enforce it beyond these boundaries is nothing less than lawless violence**."

Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872)"**Where there is no jurisdiction, there can be no discretion**, for discretion is incident to jurisdiction."

Rankin v. Howard, (1980) 633 F.2d 844, cert den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.When a judge knows that he lacks jurisdiction, or acts in the face of **clearly valid statutes expressly depriving him of jurisdiction**, judicial immunity is lost.

Id. at 368-69 (Stewart, J., dissenting) (quoting Pierson v. Ray, 386 U.S. 547, 554 (1967)) .. Powell noted that the *Bradley* Court accepted the injustices the doctrine of judicial immunity sometimes imposes because those injustices are usually mitigated by the availability of appeal. But **where a judicial officer acts in a manner that precludes all resort to appellate or other judicial remedies that otherwise would be available, the underlying assumption of the *Bradley* doctrine is inoperative...**

Written By Ade Olumide, June 20, 2017