



The Law Society of Upper Canada  
Barreau  
du Haut-Canada

June 21, 2011

**Private & Confidential**

Denis G. Rancourt

Office of the Director  
Professional Regulation

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Toronto, Ontario  
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Dear Dr. Rancourt:

**Re: Subject: Joseph Michel Marc Jolicoeur**  
**Complainant: Denis G. Rancourt**  
**Case No.: 2011-95023**

I am replying in my capacity as Director of Professional Regulation to your emails dated May 23, 2011 and May 24, 2011. I note that you are objecting to the decision of our Intake Department to close your file. This decision was communicated to you by Taryn McCormick, Intake Counsel, by letter dated April 29, 2011. The decision was made on the basis that the allegations raised in your complaint relate to ongoing litigation which is external to the Law Society process. For the reasons set out here, I must inform you that I agree with this conclusion and hence agree with the decision to close your file at this time.

Here is the basis for my decision.

**GENERAL BACKGROUND**

Your complaint against Joseph Jolicoeur arises from the circumstances surrounding the termination of your employment as a professor at the University of Ottawa. You have advised that on December 10, 2008, Dr. Lalonde, Dean of the Faculty of Science, recommended your dismissal. On January 5, 2009, you wrote to Mr. Jolicoeur, Chair of the Board of Governors at the University of Ottawa, advising that the University intended to dismiss you and presenting your position in that regard. You have advised that you requested a meeting with Mr. Jolicoeur and the other members of the Board of Governors. On January 6, 2009, Mr. Jolicoeur responded to you by email indicating that the procedure for dismissal was set out in the collective agreement and that it would not be appropriate to meet individually. Mr. Jolicoeur then assured you that, in the event that the matter came before the Executive Committee of the Board of Governors, the Committee would review and weigh all relevant information.

You have advised that the Executive Committee considered the matter at a meeting on March 31, 2009 and that, prior to the meeting, you offered your submissions to the members of the Committee

by way of email. You have objected to the level of disclosure provided to you in advance of the meeting and you have objected to the fact that Mr. Jolicoeur did not attend the meeting. At the March 31, 2009 meeting, the University made the decision to terminate your employment.

Following your termination, you made a number of *Freedom of Information and Protection of Privacy Act* (FIPPA) requests, which you have since appealed to the Office of the Information and Privacy Commissioner, and you have grieved your termination to the Ontario Labour Relations Board. The law firm Borden Ladner Gervais LLP, of which Mr. Jolicoeur is Managing Partner, represents the University in respect of the FIPPA requests.

In your complaint to the Law Society, you have suggested that, in his email dated January 6, 2009, Mr. Jolicoeur committed to participating in the determination of the issue of your termination and that he failed to do so. You have also alleged that, given that Mr. Jolicoeur was the Chairman of the Board of Governors which made the decision to terminate your employment, it is a conflict of interest for Mr. Jolicoeur's law firm to now act for the University in relation to the matters before the Office of the Information and Privacy Commissioner. Finally, you have alleged that Mr. Jolicoeur failed to respond to your correspondence sent on October 27, 2010, November 6, 2010, and December 13, 2010.

## ANALYSIS

After reviewing the file, I note that Ms McCormick has advised you of the following:

- Where the issues in a complaint are the same as or are related to ongoing external litigation, the Law Society considers whether it is in the public interest to investigate immediately, or to await the conclusion of the legal dispute. In this case, Ms McCormick was not able to identify a compelling public interest in proceeding to investigate your complaint immediately.
- A conclusion to the ongoing legal dispute would likely help any future investigation that the Law Society may conduct.
- The Law Society must ensure that there are not parallel and simultaneous fact-finding exercises being conducted.
- If, after the legal issues are resolved, you continue to be of the view that you wish to make a complaint about Mr. Jolicoeur's conduct, you may bring the complaint back to the Law Society for further consideration.

Due to the fact that the allegations raised against Mr. Jolicoeur relate to matters which are ongoing before the Office of the Information and Privacy Commissioner and the Labour Relations Board, it is appropriate for the Law Society to close your complaint at this time. Once the ongoing litigation is completed, you may bring your complaint against Mr. Jolicoeur back to the Law Society for further consideration.

## CONCLUSION

For these reasons, therefore, I must conclude that the concerns you raise regarding Mr. Jolicoeur do not warrant further regulatory attention by the Law Society at this time. The file will therefore remain closed.

Yours truly,

A handwritten signature in black ink, appearing to be 'Zeynep Onen', written in a cursive style.

Zeynep Onen  
Director, Professional Regulation

cc. Lisa Osak, Manager, Intake Department