

The 'gravamen' of the Case where Karol Madera 'missed the bar,' and the humorous way in which the Chief Justice for British Columbia and his two colleagues very politely called Karol Madera a liar, with all that implies....

Madera v. Law Society of British Columbia, 1993 2770 (BC CA)

1993-06-03

VI01756

BETWEEN:

KAROL FLORIAN MADERA APPLICANT (APPELLANT)

AND:

THE LAW SOCIETY OF BRITISH COLUMBIA THE SOCIETY (RESPONDENT)

T.P. O'Grady, Q.C. and S. Beach appearing for the Appellant (Madera)

E.D. Crossin appearing for the Respondent (BC Law Society)

McEACHERN, Chief Justice British Columbia

[There was] a question of whether the applicant should be enrolled [in the Law Society] and that became transformed into a **question of fitness** for call and admission.

MR.O'GRADY: With great respect, **we submit that the Applicant should not be called upon to give evidence** at this time as he has knowledge of the case against him and has had an opportunity to be confronted by his accusers and that that is required **as a matter of ordinary fairness, that he must know the case against him before he can be called upon to be questioned.** The Applicant says that it is unfair because he has not had an opportunity at the time he is being compelled to give evidence to know, to hear in evidence what "his accusers", in his words, have to say.

McEACHERN, CHIEF JUSTICE, BRITISH COLUMBIA:

Mr. O'Grady argues that it contravenes natural justice to require the applicant to give evidence before he knows precisely what his accusers have said about him under oath. **I cannot accede to that submission. Very full and complete particulars including the names of witnesses were given and original statements or affidavits were furnished. With respect to many of the particulars given by counsel for the Law Society the conduct to be inquired into was very specifically described.**

In my view the applicant did know both generally and in many cases specifically what the witness would likely say. We are not able to predict that result at this stage of the hearing and I would not accede to Mr. O'Grady's submissions based on the natural justice.

Alternatively, Ms. Beach argued the Law Society breached the applicant's right of liberty to pursue admission to the Law Society by means not in accordance with fundamental justice.

I am not persuaded requiring the applicant to give evidence before the other witnesses [is] contrary to the principles of fundamental justice. I am not persuaded that the hearing panel erred. I would accordingly dismiss the appeal and remit the matter to the Credential's Panel to proceed with the hearing as it may be advised.

HUTCHEON, J.A.: I agree.

GOLDIE, J.A.: I agree with what has been proposed by My Lord the Chief Justice.

Among other things, witnesses against Madera have repeatedly asserted that Madera is (in no particular order): a mentally ill drunk and drug addict; a stalker; psychopath; anti-semite; racist; misogynist; a pedophile; a pathological liar; military impostor; con artist; murderer of women and prostitutes; a perjurer; deceiver, and; a false witness; a person who has threatened and stalked several Canadian citizens, and; who is an affiliate of ISIS and al Qaida; who has repeatedly incited the murder of U.S. citizens.

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