

THE LAW SOCIETY OF MANITOBA

IN THE MATTER OF:

VIBHU RAJ JHANJI

- and -

IN THE MATTER OF:

THE LEGAL PROFESSION ACT

Hearing Date: September 17, 2019

Appearances: Vibhu Raj Jhanji, Self-Represented
Rocky Kravetsky, Counsel for the Law Society of Manitoba

**DECISION OF THE CHAIRPERSON OF THE
DISCIPLINE COMMITTEE**


Mr. Jhanji has requested that I issue a Subpoena (see s. 71(1)-1 of *The Legal Profession Act* and para. 12(b) of the Discipline Hearing Guidelines) directing the Chief Justice of Manitoba to testify at the upcoming Discipline proceedings concerning the applicant currently scheduled to be heard on November 26, 27, 28 & 29, 2019 and December 9, 10 & 11, 2019.

I decline to do so for two fundamental reasons. Firstly, the involvement of the Chief Justice of Manitoba in the proceedings consisted simply of an expression of concern about Mr. Jhanji's competence in a proceeding before the Court of Appeal. The Law Society then, as is its practice, conducted an independent investigation (see paragraphs 11 and 12 of the Brief of the Law Society of Manitoba dated September 17, 2019) and charges of professional incompetence eventually followed based on its own process. In this context, the Chief Justice's early and limited role is irrelevant to the question whether the charges are valid.

Secondly, whatever information was communicated by the Chief Justice of Manitoba in that capacity to the Law Society is clearly protected by judicial immunity (see *R. v. Hahn* at para. 31, Ottenbreit JA at document E and *Hamalengwa v. Duncan* at document G at paras. 10-11 and para. 33 of the Brief of the Law Society of Manitoba dated September 17, 2019)

For the foregoing reasons, I declined to issue the Subpoena.

DATED this 24 day of September, 2019.



Mr. Richard J. Scott
Chairperson of the Discipline Committee