

CANADIAN JUDICIAL COUNCIL ANNUAL REPORT

ON THE **Review of
Complaints**

ABOUT FEDERALLY APPOINTED JUDGES

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Introduction

Judges play a key role in maintaining the rule of law and public confidence in the administration of justice.

Judges are held to high ethical standards in both their professional and personal lives. Canadians rightly expect them to embody the principles of independence, integrity, respect, diligence, competence, equality and impartiality. While judges are not infallible, strong mechanisms of judicial accountability help ensure that justice is rendered according to law and that judges exercise their authority responsibly.

When a person believes a judge has made a legal error, they may appeal to a higher court. The appeal process ensures that judicial reasoning is continually reviewed and refined, reinforcing both fairness and public confidence in the administration of justice.

In contrast, when concerns relate to the conduct of a judge rather than the substance of a decision, they may be raised with the Canadian Judicial Council (Council). The Council has authority over the process for reviewing the conduct of federally appointed judges and administers it in accordance with the *Judges Act*.

About the Canadian Judicial Council

The Council was created in 1971 by Parliament to maintain and improve the quality of judicial services in Canada's superior courts. It has the power and duty to investigate complaints into the conduct of federally appointed judges. The Council is also responsible for the continuing education of judges, as well as for developing other tools and programs to maintain public confidence in the judicial system.

The Council has 44 members, under the chairmanship of the Chief Justice of the Supreme Court of Canada, the Right Honourable Richard Wagner, P.C. Federally appointed chief justices and associate chief justices of Canadian superior courts make up the Council. In addition to the members of the Council, a team of dedicated professionals ensures that the Council operates smoothly and efficiently.

The Council's mission is to improve the administration of justice in Canada's superior courts and to ensure that Canadians benefit from a professional, independent, and highly competent judiciary, responsive to the evolving needs of society.

The Council plays an important role in providing ethical guidance for judges throughout the country. To this end, the Council has adopted and published ***Ethical Principles for Judges***. These *Principles* are aspirational. They describe the high ethical standards that all judges strive to maintain: independence, integrity and respect, diligence and competence, equality, and impartiality. They also recognize the changing context in which judges carry out their duties, and the need to keep pace with society's evolving expectations.

Judges have the duty to uphold and defend judicial independence, not as a privilege of judicial office but as the constitutionally guaranteed right of everyone to have their disputes heard and decided in a fair way by impartial and independent judges. When a dispute is brought before the courts, parties must be confident that the judge will decide on the basis of the law and the evidence, without any external pressure or influence, whether from government, political actors, family members, organizations or other sources.

An independent and impartial judiciary exists for the benefit of the public. It is the right of all and constitutes a fundamental pillar of democratic governance, the rule of law and justice in Canada.

The Judicial Conduct Regime

The Council provides Canadians with a structured and transparent process for reviewing complaints about federally appointed judges. Through a multi-stage screening and review framework grounded in the *Judges Act* and the Council's *Review Procedures (2025)*, complaints are assessed in a way that promotes efficiency, procedural fairness for complainants and judges, and the protection of the public interest.

After a complaint is received, it is typically reviewed by a screening officer. The screening officer determines whether the complaint falls within the Council's jurisdiction and whether it warrants consideration by a reviewing member, having regard to the *Judges Act* and the criteria set out in the Council's *Review Procedures (2025)*. Where a complaint is referred to a reviewing member, and the reviewing member deems the complaint has merit, it will be referred to a review panel. A review panel refers the matter to a full hearing panel if it determines that the judge's removal could possibly be justified. Otherwise, the review panel may dismiss the complaint or take remedial measures as outlined in section 102 of the *Act*:

Dismissal of complaint or action

102 If the review panel does not refer the complaint to the Council under section 101, it may dismiss the complaint or take one or more of the following actions if it considers it appropriate to do so in the circumstances:

- (a) issue a private or public expression of concern;*
- (b) issue a private or public warning;*
- (c) issue a private or public reprimand;*
- (d) order the judge to apologize, either privately or publicly, by whatever means the panel considers appropriate in the circumstances;*
- (e) order the judge to take specific measures, including attending counselling or a continuing education course;*
- (f) take any action that the panel considers to be equivalent to any of the actions referred to in paragraphs (a) to (e);*
- (g) with the consent of the judge, take any other action that the panel considers appropriate in the circumstances.*

If a matter is referred to a full hearing panel, a hearing will be held to hear arguments and evidence, from the judge and others, that led to the complaint. The full hearing panel may decide that the judge's removal from office is justified, may take the remedial measures mentioned previously, or may dismiss the complaint. The full hearing panel's decision can be appealed, at which point an appeal panel will be constituted. The appeal panel's decision may itself be appealed, with leave granted by the Supreme Court of Canada.

If a full hearing panel has decided that a judge's removal from office is justified, they must write a report to the Minister – but only once the previously noted appeal mechanisms have been exhausted or expire. The report sets out the full hearing panel's decision and includes any decision of an appeal panel and the Supreme Court of Canada. The Minister must then respond publicly to the report.

The vast majority of complaints are dismissed or closed at an early stage, often because the matter falls outside of the Council's jurisdiction or does not meet the requirements of the *Judges Act* or the Council's *Review Procedures (2025)*. A common misconception is that the Council is similar to an appeal body and can review judicial decisions. However, conclusions and findings made by a judge in the exercise of their adjudicative duties fall under their judicial decision-making responsibility and discretion, which are not issues of conduct. The appropriate recourse lies with the courts of appeal in such cases. Similarly, the Council does not have authority to review the conduct of individuals who are not federally appointed judges, such as provincial court judges, lawyers, or other legal professionals.

The Council continues to examine ways to ensure that the complaints process remains fair, equitable and efficient. Following sustained efforts by the Council, the entire judiciary, government, and key stakeholders, significant legislative amendments enacted in 2023 modernized the judicial conduct regime and strengthened its effectiveness. The reform reduced delays and costs by replacing judicial review of Council decisions with a clearly defined internal appeal process, after which the only judicial recourse is an appeal, with leave, to the Supreme Court of Canada. They also introduced new measures, including the ability to take actions where the removal of a judge is not warranted but the conduct at issue nonetheless raises concerns, the suspension of pension accrual following a recommendation for removal, and the participation of laypersons at various stages of the complaints review process. Greater transparency was also achieved through the adoption of the ***Council Policy on the Publication of Judicial Conduct Decisions***, the publication of an annual report on complaints, and public reporting on judicial conduct-related expenditures.

Readers are encouraged to consult the Council's website for more detailed information about the judicial conduct regime: <https://cjc-ccm.ca/en/what-we-do/review-procedures>

The Judicial Conduct Committee of Council

Since the Council's creation in 1971, numerous committees have been established to meet the evolving expectations of Canadians, each with membership that may include chief justices, other judges, experts and partners. These committees assist the Council in achieving its objectives through research, establishing policies, writing publications or collaborating on special projects. One such committee is the Judicial Conduct Committee.

The Judicial Conduct Committee is responsible for reviewing judicial conduct matters in a way that is fair, objective and efficient, and in accordance with the *Judges Act* and the *Review Procedures (2025)*. Since these matters may ultimately be brought before the Supreme Court of Canada, the Chairman and Chief Justice of Canada is not involved in the examination of complaints brought to the attention of the Council.

The Judicial Conduct Committee may:

- make recommendations as necessary to the Council for amendments to the Council's procedures and by-laws, if applicable, for dealing with complaints;
- promote understanding by the public and the judiciary of the Council's complaint process including, *inter alia*, producing information materials;
- revise from time to time as necessary the internal practices for dealing with complaints;
- consider and, as appropriate, make recommendations with respect to all other matters relating to the conduct of federally appointed judges.

Members of the Judicial Conduct Committee in 2025

The Honourable Glenn D. **Joyal** (Chair)
Chief Justice of the Court of King's Bench
of Manitoba

The Honourable Tracey K. **DeWare**
Chief Justice of the Court of King's Bench
of New Brunswick

The Honourable Heather J. **Holmes**
Associate Chief Justice of the Supreme Court
of British Columbia

The Honourable Faye E. **McWatt**
Associate Chief Justice of the Superior Court
of Justice of Ontario

The Honourable Catherine **La Rosa**
Senior Associate Chief Justice of the Superior
Court of Quebec¹

The Honourable Kenneth G. **Nielsen**
Associate Chief Justice of the Court of
King's Bench of Alberta

The Honourable Shane I. **Perlmutter**
Associate Chief Justice of the Court of
King's Bench of Manitoba

The Honourable J.C. Marc **Richard**
Chief Justice of New Brunswick

The Honourable Manon **Savard**
Chief Justice of Québec

The Honourable Michael J. **Wood**
Chief Justice of Nova Scotia

¹ Justice La Rosa's mandate ended in October 2025, when she elected to become a supernumerary judge, thereby ceasing to occupy the position of Senior Associate Chief Justice. The Honourable Jean-François Michaud, Associate Chief Justice of the Superior Court of Québec, was appointed to the Committee in February 2026.

Involving Puisne Judges and Laypersons in Reviewing Complaints

Roster of Puisne Judges

The *Judges Act* provides that the Council shall establish a roster of superior court judges to participate in the review of certain conduct matters. These judges on the roster must not be members of the Council and are named on the recommendation of the Canadian Superior Courts Judges Association. The number of judges on the roster is set at the discretion of the Council – the Council has set the number at no more than 50 – and judges remain on the roster for four years unless they cease to hold judicial office or request to be removed.

Below is the roster of superior court judges in 2025:

The Honourable William **Goodridge**, N.L.
The Honourable Valerie **Marshall**, N.L.
The Honourable Alphonsus **Faour**, N.L.
The Honourable Christa **Brothers**, N.S.
The Honourable Pierre **Muise**, N.S.
The Honourable John **Bodurtha**, N.S.
The Honourable Kathleen **Quigg**, N.B.
The Honourable Lucie **LaVigne**, N.B.
The Honourable Ivan **Robichaud**, N.B.
The Honourable Robert **Dysart**, N.B.
The Honourable Marie-Claude **Bélanger-Richard**, N.B.
The Honourable Daniel **Dumais**, Que.²
The Honourable Denis **Jacques**, Que.
The Honourable François **Duprat**, Que.
The Honourable Gary D.D. **Morrison**, Que.
The Honourable Guylaine **Beaugé**, Que.

The Honourable Genevieve **Cotnam**, Que.
The Honourable Louis **Lacoursière**, Que.
The Honourable Serge **Gaudet**, Que.
The Honourable Suzanne **Courchesne**, Que.
The Honourable Jamie **Trimble**, Ont.
The Honourable Gisele **Miller**, Ont.
The Honourable Graeme **Mew**, Ont.
The Honourable John **Sproat**, Ont.
The Honourable Julie **Thorburn**, Ont.
The Honourable Anne **Turner**, Man.
The Honourable Theodor **Bock**, Man.
The Honourable Diana **Cameron**, Man.
The Honourable Kaye **Dunlop**, Man.
The Honourable Grant **Currie**, Sask.
The Honourable Catherine **Dawson**, Sask.
The Honourable Naheed **Bardai**, Sask.
The Honourable John **Little**, Alta.

² Senior Associate Chief Justice Dumais was removed from the roster of puisne judges in November 2025 following his appointment as Senior Associate Chief Justice of the Superior Court of Quebec.

The Honourable Bernette **Ho**, Alta.
The Honourable Johanna **Price**, Alta.
The Honourable Geoff **Gaul**, B.C.
The Honourable Miriam **Maisonville**, B.C.

The Honourable Sheri **Donegan**, B.C.
The Honourable Andrew **Mayer**, B.C.
The Honourable Ronald **Tindale**, B.C.
The Honourable Jonathan **Coady**, P.E.I.

Roster of Laypersons

Maintaining and enhancing the public's confidence in the judiciary is a key pillar of respect for the Rule of Law. In an effort to increase transparency and accountability, the 2023 amendments to the *Judges Act* and the *Council's Review Procedures (2025)* provide a role for members of the public who are not jurists, otherwise known as laypersons, in the review of complaints about judicial conduct. Laypersons participate and bring a valuable outside perspective to the consideration of allegations that reach review panels and full hearing panels.

Laypersons named to the roster remain on it for four years unless they request to be removed or, in the opinion of the Council, they cease to meet the conditions set out in the criteria below. When the four-year term ends, the person may be renamed to the roster.

To be appointed to the roster of laypersons, an individual must:

- Never have been admitted to the bar of a province or of a territory, or to the *Chambre des notaires du Québec*;
- Never have worked as a paralegal in Canada;
- Contribute to the respect for the diversity of Canada's geographical regions;
- Have a university degree or a combination of experience as the academic equivalent;
- Possess knowledge of the Council's mandate;
- Demonstrate the ability to work as part of a team to find common solutions to complex issues;
- Have the ability to communicate effectively, both orally and in writing;
- Be physically and mentally capable of serving on a panel to carry out its objectives (including: the availability to attend meetings, and to travel if necessary; the ability to read long and sometimes complex texts in a limited timeframe, etc.);
- Not have been convicted of an indictable offence, unless they have subsequently been granted a record suspension or pardon under the *Criminal Records Act*;
- Not have been disciplined by a professional body or organization for conduct.

As well, in naming laypersons to the roster, the Council shall take into account that the proceedings of panels may be in either or both official languages. The Council shall also name to the roster laypersons who reflect the diversity of the Canadian population.

Below is the roster of laypersons in 2025:

Jennifer Davis

André Dulude

Jacqueline Foord

Curtis Kleisinger

Mary Kloosterman

Nancy Konan

Clarence LeBreton

Daniel Nadeau

Parand Maysemi

Julia Pavlenko

Pierre Riopel

Disclosure of Information in Complaint Matters

When reporting on complaints and disclosing specific information about complaint matters, the Council must be mindful of the need to constantly balance accountability, privacy, fairness, and transparency. The Council's approach is informed by applicable jurisprudence, notably the 2013 Federal Court of Appeal decision in *Slansky v. Canada (Attorney General)*. That decision recognized that confidentiality in certain aspects of the review process can serve important functions: avoiding disclosure of unsubstantiated complaints that could undermine a judge's functional authority; improving the overall effectiveness of the investigation process and encouraging full and frank disclosure by the judge at an early stage; protecting the judge's privacy concerns; and protecting judicial independence.

It would be unfair to judges if every frivolous or unfounded complaint were to be made public. At the same time, providing Canadians with meaningful information about judicial conduct matters is essential to maintaining public confidence in the justice system. The Council must therefore strike an appropriate balance between transparency, fairness, privacy, and the public interest. These considerations underlie the ***Council Policy on the Publication of Judicial Conduct Decisions***.

Council Policy on the Publication of Judicial Conduct Decisions

Further to the enactment of legislative changes in June 2023, the Council adopted a policy governing the publication of judicial conduct decisions. Disclosure varies across the various stages of the review process:

First Stage – Screening Officer

The Council publishes, in its annual report, anonymized summaries of the types of complaints that were dismissed by screening officers in the previous year.

Second Stage – Reviewing Member

The Council publishes, in its annual report, anonymized summaries of the matters dismissed by reviewing members in the previous year.

Third Stage – Review Panel

The Council publishes review panel decisions on its website.

In exceptional circumstances, at the stages mentioned above, the Chairperson of the Council’s Judicial Conduct Committee (JCC) may determine that less – or more – information should be disclosed regarding a particular matter. Any such determination will be based on the relevant jurisprudence and, notably, in consideration of the following principles: transparency, the public interest, and judicial independence. Such decisions of the Chairperson, if any, will be referred to in the annual report.

Fourth Stage – Hearing Panel

Decisions of a reduced or full hearing panel are published on the Council’s website.

Fifth Stage – Appeal Panel

Appeal panel decisions are published on the Council’s website.

Overview of Complaints Received in 2025

The *Judges Act* legislates that the Council report annually on its work to administer the judicial conduct process. Specifically, it provides the following:

Annual report

160 (1) *The Council shall, within three months after the end of each calendar year, submit a report to the Minister setting out, in respect of the year, the number of*

(a) complaints received;

(b) complaints dismissed by a screening officer;

(c) complaints dismissed by a reviewing member;

(d) complaints reviewed by review panels, hearing panels and appeal panels; and

(e) complaints in respect of which any of the actions referred to in paragraphs 102(a) to (g) were taken.

The reporting period for this report is January 1 to December 31, 2025, marking the second full calendar year of reporting under the new conduct regime, which was enacted in June 2023.

Complaints carried over from 2024	=	85 ³
Complaints received in 2025 (including requests for reconsideration)	=	1,399
Complaints dismissed/closed by a screening officer	=	912
Complaints dismissed by a reviewing member	=	50
Complaints reviewed by review panels	=	7 ⁴
Complaints reviewed by hearing panels (reduced or full)	=	0 ⁵
Complaints reviewed by appeal panels	=	0
Complaints in respect of which any of the actions referred to in paragraphs 102(a) to (g) of the <i>Judges Act</i> were taken	=	6 ⁶
Total complaint files closed in 2025	=	974

3 The Council implemented a new complaints management system in early 2025; therefore, this number is approximate.

4 During the reporting period, decisions were issued by review panels in respect of seven complaints. Two of those complaints were considered by a single review panel. In addition to the seven complaints reviewed and decided, two other complaints were referred to a review panel but were closed before a decision was rendered given that the judge had retired, which resulted in the Council losing jurisdiction. Another complaint was referred to a review panel, but the matter had not concluded in the reporting period.

5 A reduced hearing panel was established in October 2025 in the matter of the Honourable Andrew J. Goodman. However, the matter has not concluded in the reporting period.

6 In the reporting period, actions referred to in paragraphs 102(a) to (g) of the *Judges Act* were taken in respect of six of the seven complaints reviewed by review panels. Two of those complaints were considered by a single review panel and concerned the same judge. One complaint was dismissed and did not result in any actions being taken under section 102 of the *Judges Act*.

In 2025, 1,399 complaint files were received. Of those, 912 were dismissed or closed by a **screening officer** under subsection 90(1) of the *Judges Act* because they were deemed to be frivolous, vexatious, made for an improper purpose, or were an abuse of process; or did not meet the justification in section 80 of the *Judges Act*; or did not meet the criteria in subsections 5.5, 5.6(1) or 6.7(2) of the *Review Procedures (2025)*. A sample of complaints closed at the first stage by a screening officer are included in this report.

Of the complaints considered by **reviewing members** in 2025, a total of 50 complaints were dismissed. These complaints, closed at the second stage of the review process, are each summarized later in this report.

As in the previous year, some of the most common reasons for the dismissal of complaints at the earlier stages of the process include the following:

- The complaint challenges the judge's decision rather than their conduct, which should be addressed at the appellate level.
- The complaint questions the exercise of judicial discretion.
- The complaint alleges bias or discrimination that turns out to be unsubstantiated.
- The complaint relates to other matters outside of the Council's jurisdiction, such as a provincially appointed judges; judicial services provided by court staff, lawyers, or other legal professionals that are not judges; police officers; or the justice system, judicial appointments, or the government.

A total of six matters were reviewed and decided by **review panels** during the reporting period. In five cases, the review panel took action under section 102 of the *Judges Act*. These actions included the issuance of a public expression of concern, a public warning, or a public reprimand, ordering a judge to apologize or to engage in mentoring, as well as private measures. In one case, no action was taken against the judge and the complaint was dismissed. Each decision arising from a review panel is published on the Council's website. Summaries of the decisions and website links are provided in this report.

Two additional complaint files regarding the same matter were referred to a review panel in the reporting period. However, the judge who was the subject of the complaints retired before the panel rendered a decision, resulting in the Council losing jurisdiction over the matter. Given that the Council may consider complaints only in respect of judges who hold judicial office, the complaint files were closed.

There were no complaints reviewed by **hearing or appeal panels** in 2025 though, a reduced hearing panel was established in one matter, which has carried over into the following calendar year.

Complaint Summaries

Complaints closed by a Screening Officer (First Stage of the Review Process)

The following section provides a sampling of complaints that were dismissed or closed at the first stage because they were determined by a screening officer to be frivolous, vexatious, made for an improper purpose or were an abuse of process; were trivial or manifestly unsupported or without substance; related to judicial decision-making; did not involve judicial conduct; or contained foul or aggressive language or threats of violence. Other criteria for the dismissal of complaints under the authority of the screening officers and the reviewing member are established in subsection 90(1) of the Judges Act and in subsections 5.5, 5.6(1), 6.7(1) and 6.7(2) of the Council's Review Procedures (2025).

When complaints are closed at the first stage, efforts are made to inform and educate the complainant about the duties and responsibilities of judges and the distinction between judicial conduct and judicial decision-making.

Example 1

The complainant alleged that a judge did not give them enough time to speak and set an inconvenient hearing date. It also alleged that the judge had made an inappropriate remark to the complainant. It was explained to the complainant that the allotment of speaking time and scheduling of hearings are related to judicial discretion, and it is a judge's duty to manage the proceedings and ensure the efficient use of time. With respect to the alleged remark, it was determined that it occurred during a settlement conference in which the complainant was a self-represented litigant and whereby the judge was merely trying to offer advice to the complainant based on their level of legal experience and knowledge of the complainant's case. The complaint was dismissed.

Example 2

The complainant was dissatisfied with a judge's ruling and made several allegations including that the judge had ignored evidence, had denied a motion from the complainant, and had made assumptions reflecting misogyny and bias. It was explained to the complainant that the Council is not a court and has no authority to review judges' decisions and orders; judicial decision-making and the exercise of judicial discretion are not issues of judicial conduct. If a litigant believes that a judge's decisions were incorrect, the appropriate recourse is to appeal to a higher court. Furthermore, it was stressed that judges are presumed to be impartial unless proven otherwise. In this instance, the complainant did not provide any material evidence to support a valid claim of bias. The complaint was dismissed.

Example 3

The complainant alleged a lack of competence or misconduct by a judge for failing to consider arguments in a decision, which was overturned on appeal. Furthermore, the complainant alleged that the judge should have recused themselves from the matter because they had worked for the complainant as a lawyer prior to their appointment and may have been motivated by a personal bias. The complainant was advised that the Council is not an appeal body and has no jurisdiction to review decisions made by judges. Additionally, it was determined that the judge had acted in accordance with the *Ethical Principles for Judges* and further, the complainant failed to provide any cogent evidence of bias. The complaint was dismissed as it was deemed to mainly rest on a disagreement with the judge's exercise of judicial discretion.

Example 4

In this matter, the complainant alleged that a judge's ruling in a court proceeding about a government agency's order to cull livestock was unjustifiable, unscientific, and represented an egregious abuse of power. The complainant demanded that the agency halt its order and have a third party review all future policies involving the killing of animals. The complainant was advised that the Council could only review matters of judicial conduct, not decision-making. The complaint was dismissed.

Example 5

In this matter, the complainant alleged that the judge had behaved arrogantly and had belittled them. The complaint also alleged that the judge had dismissed evidence and caused the complainant financial hardship by ordering them to pay the other party's costs. A review of the complaint determined that the allegations were related to the substance of the case, to judicial decision-making, and to judicial discretion, all of which are outside of the Council's mandate. The complaint was dismissed.

Example 6

This complaint did not include the name of a federally appointed judge, or specific allegations about a judge's conduct. Since the Council requires this information to initiate the review process, the complaint could not be considered and was dismissed.

Example 7

The complainant stated that they were in custody at a detention center and expressed concerns about their medical care. The screening officer informed the complainant that the Council's mandate was to review the conduct of federally appointed judges and suggested alternative points of contact. The complaint was dismissed.

Example 8

The complaint made several allegations regarding a judge's decision in a sexual assault trial. These allegations included claims that the judge had not considered aspects of trauma and power dynamics and had treated one party to the trial unfairly and dismissively, undermining their credibility. The complaint was dismissed due to the allegations being related to the judge's decision-making and exercise of judicial discretion, and due to a lack of evidence supporting the allegations of unfair treatment.

Example 9

In this matter, the complainant submitted a list of allegations against a judge, including mismanagement of trial proceedings and dismissive behaviour. The complainant also alleged that the judge had been biased in favour of the opposing counsel. The complainant requested that the Council disqualify and recuse the judge from their case as well as order further remedial measures. It was explained to the complainant that many of the allegations concerned judicial decision-making and discretion, not judicial misconduct. It was also clarified that the Council does not have any authority to have a judge recused from a matter. After reviewing the transcripts and audio recordings of the hearings, the complaint was dismissed.

Example 10

The complaint alleged that a judge was in contravention of international law under several treaties and principles as well as in violation of core principles of human rights doctrine. The complaint was dismissed as it did not include a clear allegation of misconduct and used aggressive language.

Complaints closed by a Reviewing Member (Second Stage of the Review Process)

At the reviewing member level, the Council publishes in its annual report anonymized summaries of the matters dismissed in the previous year.

Some summaries may encompass multiple complaints submitted by the same complainant and originating from the same court proceedings.

1. The Council was asked by a complainant to reconsider the dismissal of a complaint. Since the judge who was the subject of the complaint had retired by the time the request for reconsideration was received, the matter no longer fell under the Council's jurisdiction, which applies only to judges holding office. As a result, the request for reconsideration could not be considered.

2. This complaint related to allegations of racism and discrimination against a judge. The allegations related to a case prior to the judge's appointment when they were practicing as a lawyer. More specifically, the complaint alleged the judge had them sign a paper stating they were not Indigenous and told them that they would not have access to their children if they did not sign it, resulting in their Indigenous heritage being denied. In their decision, the reviewing member explained that the judge's actions related to their exercise of discretion and handling of a case as a lawyer, meaning that the allegations did not involve judicial conduct. Consequently, the complaint was dismissed.

3. This matter was a request to reconsider a previous complaint that had been dismissed. In the original complaint, the complainant had made several allegations, including that the judge had treated them unfairly, been biased, discriminated against the complainant on the grounds of race and gender, and made fun of their mental health. When the complaint was previously dismissed, the complainant was informed that the complaint was unsubstantiated and without merit.

In the request for reconsideration, the complainant reiterated their previous allegations. The complainant further alleged that the judge had acted in ways consistent with racial stereotyping, and that their vulnerability due to their permanent resident status and financial dependence on their spouse, had been weaponized against them. Furthermore, the complainant alleged that the court's decision to restrict their access to their child had impacted on their child's rights. The complainant also requested that the Council consider systemic discrimination and public interest.

The request for reconsideration was dismissed because it did not present any new evidence. Furthermore, the reviewing member concluded that the ultimate responsibility for determining the best interests of the complainant's child lay with the judge and that any disagreement would be a matter for a court of appeal. The request for reconsideration was dismissed.

4. This was a request to reconsider a dismissed complaint. The original complaint related to a hearing about a request for the complainant's teenage daughter to travel abroad alone, which the complainant had opposed. In the request for reconsideration, the complainant made several new allegations. The complainant alleged that the judge had smiled when ordering them to pay the opposing side's legal fees and had not considered the fact that these fees had been inflated. The complainant also alleged that the judge had discriminated against them based on their religion and race. Further allegations of unequal treatment and partiality were also made.

Apart from the allegations of discrimination and lack of impartiality, the reviewing member reminded the complainant that the other allegations did not fall within the Council's mandate as they referred to a judge's judicial discretion in the decision-making process. The reviewing member explained that the Council did not have the authority to review a judge's decision and that the appropriate recourse was with the courts of appeal. Regarding the allegations of bias and unequal treatment, it was noted that the complainant had not provided any cogent evidence to support them. The request for reconsideration was dismissed.

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5. This was a second request for reconsideration of a dismissed complaint. Initially, the complaint was dismissed because the allegations amounted to dissatisfaction with the judge's decision or disagreement with how the judge exercised their judicial discretion. In the first request for reconsideration, the complainant had made new allegations, including procedural mistakes such as failing to acknowledge the opposing side's misleading statements or refusing to admit new evidence. The complainant also alleged unequal treatment based on their sex and their status as a self-represented litigant as well as that the judge had met privately with the opposing party.

In their comments to the reviewing member, the judge had denied discussing the proceedings with the opposing party privately. The judge had also affirmed that their decisions were not influenced by bias and expressed regret that the complainant had felt they were treated differently based on their gender. In addition, the reviewing member had explained that the Council did not have authority to review any court matters and that it was the judge's duty to rule on the admissibility of evidence and submissions from the parties, and to control the proceedings.

The second request for reconsideration repeated the allegation that the judge had made errors during the proceedings. The reviewing member explained that a request for reconsideration must include new evidence that was not available when the initial decision was made, and which could persuade them to come to a different conclusion. It was held that the second request for reconsideration did not meet this criterion and that all aspects of the complaint had already been considered. Therefore, the second request for reconsideration was dismissed.

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6. The complainant requested a reconsideration of a dismissed complaint. The original complaint had made a set of allegations including that a judge had treated the complainant dismissively and unfairly, had misapplied legal principles, and had been biased against the litigant due to their self-representation, and had not accommodated their disability. The complainant also alleged that the judge's behaviour raised concerns about discrimination against persons with disabilities within the judicial system. The request for reconsideration reiterated the same allegations.

The reviewing member explained that the Council does not have the authority to get involved in court matters, and that dissatisfaction with how a judge controls court proceedings is not an issue of judicial misconduct and therefore does not fall within the Council's mandate. The reviewing member also dismissed the allegations of bias as the complainant had not provided any cogent evidence to support them. It was emphasized that a mere allegation of discrimination was not sufficient, and that the complainant had not established *prima facie* discrimination by the judge. In their decision, the reviewing member also found that the judge had reasonably accommodated the complainant. Therefore, the request for reconsideration was dismissed.

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7. This complaint alleged that a judge had taken an excessive amount of time to deliver various decisions.

In their decision, the reviewing member first set out the *Ethical Principles for Judges*, acknowledging that judges are expected to deliver their decisions and reasons for judgement as soon as is reasonably possible and that reserved judgments should be delivered within a maximum of six months, except in special circumstances.

The judge who was the subject of the complaint acknowledged their obligation to issue decisions promptly and accepted that the delays experienced by the complainant did not meet these standards. However, the judge explained that the cases and decision-making processes in question were complex, which slowed down the process of issuing decisions. Furthermore, in their response, the judge reported having had personal and health-related challenges, contributing to the delays. The judge had not informed their Chief Justice or Associate Chief Justice of these challenges, nor had they sought any type of accommodation for them. Ultimately, the judge said to be feeling better and to be working on issuing the reserved decisions. The reviewing member also sought comments from the Chief Justice and Associate Chief Justice of the court, who described the issue of outstanding judgments as a serious institutional concern. They also expressed some dismay at the judge's decision not to inform them of their personal and medical challenges. However, they were encouraged by the judge's acknowledgement of the problem and recognition of the seriousness of the issue at hand.

The reviewing member determined that the judge had failed to meet expectations by not issuing decisions in the two matters referenced by the complainant in a timely manner. The judge's acknowledgment that the delays were unacceptable and their regret at failing to carry out their judicial duties were also emphasized. The reviewing member found that it would not be in the public interest and contrary to the administration of justice to refer the complaint to a review panel. Therefore, the complaint was dismissed.

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8. The complainant alleged discrimination based on their gender identity and expression. More specifically, the complainant alleged that a judge had repeatedly misgendered them despite multiple requests not to do so. In its review, the reviewing member found that the complainant had communicated their request in writing to court staff. However, the evidence submitted by the complainant only showed court staff misgendering the complainant, not the judge. The reviewing member explained that it was not customary within courts for communications from litigants to be passed on directly to the judiciary and that the failure of court staff to communicate the request to the judge was outside of the Council's mandate. The reviewing member added that it was also outside of the Council's mandate to review the conduct of court staff. Therefore, the reviewing member found no evidence that the judge was responsible for misgendering the complainant, and the complaint was dismissed.

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9. This complaint alleged that a judge had sent a personal cease-and-desist letter to the complainant using their judicial email address and that this constituted an abuse of status and judicial office to advance a personal interest. Furthermore, the complainant submitted copies of social media messages, including a photograph of a court order, allegedly sent by the judge to them. The complainant alleged that these messages contained comments by the judge of a sexist and racist nature and disclosed details of an ongoing trial and other legal matters.

During the review, the judge provided hundreds of pages of personal messages exchanged with the complainant over a span of several years, demonstrating a friendship with the complainant as well as aspects of mentorship. The judge did not recall the alleged sexist or racist comments attributed to them by the complainant, and noted the complainant never took exception at the time the comments were made. The judge expressed their regret if they had made any comment considered crude or offensive. The judge also acknowledged that the cease-and-desist letter should not have been sent from their judicial email account, apologized, and regretted any concern this may have caused.

The reviewing member noted that judges must be cautious about what they say and how they express themselves. In the matter at hand, however, it was also important to consider the context that the comments were made in private conversations between friends. Even

if the judge had made the comments alleged by the complainant, the reviewing member was not satisfied that they raised issues of judicial misconduct given the circumstances. It was also noted that the court order submitted by the complainant was a publicly accessible document.

The reviewing member acknowledged that given the cease-and-desist letter related to a personal matter, it should not have come from a judicial email. However, it nonetheless did not demonstrate an attempt to improperly use the weight of judicial office given the long relationship between the judge and the complainant.

The complaint was dismissed as without substance and not in the public interest to consider further.

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- 10.** This complaint related to a trial held over several hearings, in which the complainant had been a third party to the proceedings. The complainant made a series of allegations, including that the judge failed to ensure procedural fairness, for example, by repeatedly cutting off one of the litigants or dismissing the litigant's repeated requests for legal representation. Furthermore, the complainant alleged that on another occasion, the litigant had been denied entry to the courtroom and was prevented from participating in the proceedings. The complaint also alleged that the judge had failed to accommodate the litigant's post-traumatic stress disorder (PTSD) and procedural rights.

In their decision, the reviewing member found the litigant had not been denied legal representation but given ample time to engage legal counsel. Regarding the exclusion from one hearing, it was determined that the judge had rescheduled the hearing as a telephone conference upon a request from the litigant's legal counsel and had not been responsible for the litigant's absence. Regarding the issue of procedural fairness, the reviewing member explained that the judge's approach was grounded in their duty to ensure the efficient use of court time. Furthermore, it was found that the judge had granted the litigant an adjournment upon learning of their disability and that the litigant had not taken any steps to get assistance in carrying on the litigation. The complaint was dismissed.

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- 11.** This matter was a second request for reconsideration. The original complaint had made several allegations about a judge, including unfair treatment, bias and discrimination against the complainant, and failure to accommodate their disability. The first request for reconsideration had reiterated the same allegations.

In the dismissal of the first request for reconsideration and of the original complaint, it had been explained that dissatisfaction with how a judge controls court proceedings was not an issue of judicial misconduct and therefore did not fall within the Council's mandate. The reviewing member dismissed the allegations of bias and discrimination as the complainant

had not provided any cogent evidence to support them. It was also found that the judge had reasonably accommodated the complainant.

In the second request for reconsideration, the complainant repeated the original allegations and added further allegations regarding the dismissal of the first request for reconsideration. The reviewing member determined that all aspects of the complaint had already been considered, and that the complainant had not provided new evidence. The complaint was dismissed.

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- 12.** This complaint comprised a series of allegations of mistreatment by a judge relating to a family law matter, some of which were dismissed during the early screening of the complaint as they related to judicial decision-making, which falls outside of the mandate of the Council. The remaining allegations of unfair treatment of the complainant's legal counsel and of bias and discrimination against the complainant based on race and sex were further assessed.

The reviewing member determined that no evidence was provided to support the allegations that the complainant's legal counsel had been treated unequally or unfairly. It was explained that judges were responsible for controlling proceedings, managing the debate and conduct of parties, and deciding which documents and testimony to rely on. It was also clarified that these functions fell within the area of judicial discretion and were not matters of judicial conduct.

Regarding the allegations of bias and discrimination against the complainant, the reviewing member similarly determined that they were partly related to judicial discretion, not judicial misconduct, and that they were wholly unsupported. The complaint was dismissed.

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- 13.** The complainant alleged that the judge had held a private meeting with the opposing counsel, resulting in negative bias towards the complainant throughout the trial. The complainant further alleged that the judge had ignored relevant financial information, given preferential treatment to the opposing counsel, and made adverse credibility findings about the complainant.

The reviewing member found that the submitted evidence, as well as the electronic transcripts of the hearings, did not support the allegation of a private meeting between the judge and the opposing counsel. The judge who was the subject of the complaint also denied this allegation. Furthermore, the reviewing member explained that the allegedly erroneous credibility findings were outside of the Council's mandate, as it did not have the authority to review a judge's decision. The remaining allegations were determined to fall within the ambit of judicial discretion and the reviewing member reiterated that the proper recourse for the complainant was at the appellate level. The complaint was dismissed.

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- 14.** The complainant in this matter alleged that the judge had been neither impartial, fair, nor objective during a hearing. Furthermore, the complainant alleged that the judge had acted inappropriately by engaging in *ex parte* correspondence with the opposing counsel, who had requested to amend an order that was issued.

The reviewing member determined that the recording of the hearing did not support the complainant's characterization of the judge's conduct. Regarding the second allegation, it was found that the judge was unaware that the complainant had not received a copy of the request to amend the order, and that the complainant had failed to object when the amended order was reissued. Furthermore, the reviewing member emphasized that the decision to amend the order was a matter of judicial discretion and therefore outside the Council's mandate. Consequently, the complaint was dismissed.

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- 15.** This matter arose from several hearings, in which the complainant was a third party. The complainant made a number of allegations that a judge had mistreated one of the two litigants, including that the judge had refused the litigant's request for legal representation at one hearing, had repeatedly interrupted the litigant, and had denied them entry to the courtroom on another occasion. Furthermore, the complainant alleged that the judge had failed to accommodate the litigant's medical condition.

The reviewing member found that the judge had not denied the litigant legal representation, and that the latter had disposed of almost a month to engage a legal counsel. On the allegation of denying entrance to the courtroom, the reviewing member established that the judge had rescheduled the hearing to a telephone conference and had not been responsible for the litigant's absence. The judge was also not presented with evidence concerning the litigant's medical condition until a later hearing and further, upon learning of this, the judge had granted an adjournment to accommodate the litigant. Regarding the allegations of interruptions, the reviewing member explained that it seemed the judge had interrupted the litigant to ensure the efficient use of court time. The reviewing member found no evidence to support the allegations and the complaint was dismissed.

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- 16.** In this matter, the complainant raised several allegations against a judge. The complainant, who was not involved in the litigation, alleged among other things that the judge had treated one litigant unfairly, had not accommodated the litigant's disability, had denied various adjournment requests and motions, had demonstrated partiality during the trial, and had commented disparagingly on their health. The complainant also alleged that the judge had denied the litigant entry to the courtroom on one occasion and resumed court proceedings in the litigant's absence on another.

The reviewing member advised the complainant that it could not rule on several of the judge's decisions as they did not relate to judicial misconduct and referred the complainant to the appellate level. The reviewing member further noted that they could not review a judge's use of judicial discretion and that it is a judge's duty to control the proceedings and debate at a hearing, to rule on the admissibility of evidence, and to interpret and apply the rules of the court. It was found that the judge who was the subject of the complaint had not denied the litigant legal representation nor entrance to the courtroom, and that the litigant had been reasonably accommodated for their disabilities.

The reviewing member did not find any evidence supporting the allegation of preferential treatment. Furthermore, the reviewing member determined that the judge had refused several requests for adjournment and motions due to concerns about the delay in administering justice and the litigant's consistent defiance of court orders. The reviewing member emphasized that these decisions did not constitute judicial misconduct and determined that the judge's comments were neither disparaging nor demeaning. The complaint was deemed without merit and dismissed.

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- 17.** The complainant, who was a third party to a trial, made several allegations against a judge. Among others, it was alleged that the judge had treated one of two litigants unfairly and dismissively, excluded them from some proceedings, denied one of their motions, mishandled evidence, forced them to disclose medical information, and proceeded with the trial despite the litigant having submitted complaints about the judge to the Council.

The reviewing member advised the complainant that the Council cannot review a judge's decision, for example to disallow a motion, as this did not relate to judicial conduct. Furthermore, they explained that the judge's decision to proceed with the hearings in the litigant's absence fell within the judge's discretion and was not an issue of conduct that the Council could review. The reviewing member found that the judge had proceeded in the litigant's absence due to what the judge considered to be the litigant's persistent refusal to follow court orders, and to ensure the timely administration of justice.

It was found that the judge had not excluded the litigant from a hearing. The reviewing member also determined that the judge had not treated the litigant unequally or dismissively but had merely pointed out their failure to provide court-ordered documents and reminded them of general practices in Canadian courts. During their review, the reviewing member found no mishandling of evidence nor a request for the litigant's medical information. The complainant was advised that previous complaints to the Council were irrelevant to the proceedings at hand and that there was no indication that the judge had considered them when making a decision. The complaint was dismissed.

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- 18.** The complainant submitted a list of allegations against a judge following a family division trial. These allegations included denying the complainant accommodation for a disability and legal representation, giving preferential treatment to the opposing party, delaying the complainant's other legal proceedings, denying requests for adjournment and motions, as well as showing a video in court that the complainant alleged was obtained by cyberbullying by another party.

In the decision, the complainant was advised that the Council cannot review a judge's decisions, including the denial of various adjournment requests and motions. Similarly, regarding the allegations of unfair treatment, it was explained that a judge's approach to managing proceedings, for example continuing a hearing in a litigant's absence, also fell within the judge's discretion and was not an issue of conduct. The reviewing member found that the judge's decisions were made to avoid unreasonable delays.

Regarding the alleged delay to other legal matters, the reviewing member determined that these had been assigned to a different judge and were therefore beyond the control of the judge subject of the complaint. In addition, the reviewing member found no evidence of the judge failing to accommodate for the litigant's disability or denying them legal representation. Finally, it was determined it was open for the judge to enter the video as an exhibit in the trial and further that it was publicly available, providing no basis for the allegation that it was obtained through cyberbullying. The complaint was dismissed.

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- 19.** This request for reconsideration followed a complaint which had been dismissed because the complainant's allegations related to the judge's decision-making or handling of the proceedings. The reviewing member had found no evidence in the original complaint to support the allegations that the judge was biased, prejudiced, or had discriminated against the complainant based on race.

In the request for reconsideration, the complainant brought forth new allegations against the judge and against legal counsel present at the proceedings. The complaint was dismissed since the Council has no authority over lawyers and no new evidence was offered to support the new allegations of misconduct.

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- 20.** The complainant alleged that the judge had made procedural errors and had behaved disrespectfully, by interrupting the complainant or refusing to allow them to submit evidence. The complainant also alleged bias based on race.

In the decision, the reviewing member advised the complainant that the Council could only review allegations of misconduct, and not whether judicial decisions are correct in substance or whether the correct procedures were followed; errors of substance or procedure may be reviewed by an appeal court. With respect to the allegation that the judge was disrespectful, the reviewing member determined that the judge had behaved respectfully towards the complainant and explained that judges have a duty to ensure efficient court processes. The reviewing member found no evidence to support the allegation of bias or discrimination based on race. The complaint was dismissed.

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- 21.** This matter was a second request for reconsideration of a dismissed complaint, which had included allegations of disrespectful behaviour, discrimination, and procedural errors against a judge. Since the complaint only repeated allegations made in the original complaint and the first request for reconsideration, it was dismissed.

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- 22.** This complaint included a number of allegations related to the substance of a court case involving the complainant, as well as judicial decision-making. The complaint also included allegations of bias, prejudice, and discriminatory comments. The comments were determined to be in no way discriminatory. The reviewing member also found the complainant failed to provide cogent evidence of a reasonable apprehension of bias and that the allegations seemed to mainly rest on the complainant's disagreement with how the judge exercised their judicial discretion. The complaint was dismissed as being manifestly unsupported, relating to the substance of judicial decision-making, and not involving judicial conduct.

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- 23.** The complaint alleged that a judge had breached several ethical principles, including by making a donation to a political party in 2013, failing to disclose business relationships with four of the complainant's opposing parties, deliberately presiding over cases despite apparent conflicts of interest, evicting the complainant from their home in retaliation for a complaint, and engaging in disrespectful behaviour.

Upon reviewing the evidence and the judge's comments, and after engaging an investigator, the reviewing member concluded that the judge had used appropriate and respectful language. It was also found that the judge had no business associations with the parties

mentioned by the complainant. Furthermore, the reviewing member explained that the judge had transferred all business interests into a blind trust prior to their appointment and that they were not involved in any operations.

Regarding the allegation of a political donation, the judge stated that they had not made a donation, and that they had only become aware of it when they reviewed their income tax files. In addition, it was determined that the eviction had been served by a different court to that of the judge, making any involvement impossible. The reviewing member also explained that it was not up to a trial judge to determine which hearings they presided over, therefore dismissing the allegation in that regard. The complaint was dismissed.

24. In this matter, the complainant made several allegations, including that the judge had not been impartial, had treated them differently based on sex and race, had deliberately delayed the complainant's proceedings, and had erroneously struck parts of the complainant's affidavit. Furthermore, the complainant alleged that the judge had a conflict of interest regarding the opposing party and may have been bribed. The complainant was advised that the Council could not review any parts of the judge's decision-making, for example, the decision of striking parts of the complainant's affidavit. Furthermore, the reviewing member found that the complainant did not submit any evidence to support their allegations of bias, discrimination, the presence of a conflict of interest, or bribery. In addition, the judge denied giving the other party preferential treatment or unreasonably delaying the proceedings, which the reviewing member also found no evidence for. Therefore, the complaint was dismissed.

25. The complainant filed complaints against four judges who had been members of a divisional court panel, which had dismissed the complainant's application for judicial review. In two instances, the reviewing member determined that it did not have the authority to review the complaint since the judge had already retired. In another instance, the Council determined that the complaint was related to judicial decision-making, not judicial misconduct. The fourth complaint included an allegation of bias and discrimination against the judge. However, the reviewing member determined that the evidence submitted by the complainant did not support this allegation. Furthermore, since there had not been an oral hearing at the complainant's request, the reviewing member had also reviewed the written reasons for the decision but found no evidence of discrimination. Therefore, all complaints were dismissed.

26. The complainant had filed complaints against three judges who had composed a panel of a provincial court of appeal that had dismissed the complainant's application for leave to appeal a lower court's decision. The complaint alleged unfair treatment and racial discrimination. It was determined that the allegations, except for the allegation of discrimination, related to the judges' exercise of judicial discretion or to the rulings and practices of the court. Furthermore, the reviewing member found no evidence to support the allegations of discrimination and bias and concluded that the complaints were wholly without merit. The complaints were dismissed.

27. This complaint was filed after a judge rejected the complainant's application for leave to appeal to a higher court as well as their subsequent motion to reconsider this decision. The complainant alleged unfair treatment and failure in the execution of judicial office as well as racial discrimination. The complaint was dismissed as there was no evidence to support the allegations.

28. This case concerned a request for reconsideration of a dismissed complaint. The original complaint had alleged that a judge had mistreated and harassed the complainant, dismissed their motions, violated their *Charter* rights, and failed to accommodate their disability. Furthermore, the complainant asked the Council to assist with their appeal.

In its original decision, the complainant had been advised that the Council could not get involved in judicial decision-making or the judge's control of court proceedings and had been directed to the appellate level as the proper recourse. The reviewing member had found no evidence of bias, discrimination or unfairness. In the request for reconsideration, the complainant repeated the same allegations but failed to submit any new evidence. Therefore, the request was dismissed.

29. In this matter, the complainant alleged that a judge had failed to behave courteously and had made offensive remarks to them as a self-represented litigant. The reviewing member determined that there was no evidence to support the complainant's allegations. The complaint was dismissed.

30. The complainant alleged that a judge had violated the open court principle by communicating with counsel in their absence without placing these conversations on the record. These communications concerned the drafting of the jury charge and responses to questions from the jury during their deliberations. The complainant also alleged that the judge impaired the openness, fairness, and transparency of their trial by inviting their lawyer and Crown counsel to lunch on one occasion.

In its decision, the reviewing member explained to the complainant that trial management, including obtaining input from counsel on draft jury instructions and responses to jury questions, does not constitute judicial misconduct and could therefore not be reviewed. Regarding the lunch invitation, the judge confirmed that it had taken place at a public restaurant and that the trial had not been a topic of discussion. The reviewing member concluded there were no implications on the openness or fairness of the trial, nor had it undermined the appearance of judicial impartiality. The complaint was consequently dismissed.

31. In this complaint, the complainant alleged that they had waited for over a year for a decision from a judge regarding a judicial review, and that the judge had refused to issue any response or explanation for the delay. In their comments to the reviewing member, the judge explained that the judicial review was being heard despite it being moot. Therefore, the judge had decided to prioritize other cases involving live issues, which partly explained the delay in issuing the decision. Furthermore, the judge explained that they had experienced personal and health-related circumstances affecting their ability to issue decisions. The judge apologized for being unable to issue the decision within the general timeline for reserved decisions set by the Council. The reviewing member agreed with the judge's approach to prioritize live issues and acknowledged the special circumstances that had increased the delay. Therefore, the reviewing member dismissed the complaint.

32. The complainant alleged that the judge had behaved in a discriminatory manner and demonstrated bias against the complainant's disability, based on comments found in the judge's decision. The complainant also alleged that the judge had not included all of their testimony in the decision and had reached conclusions that they felt were unwarranted. The reviewing member explained to the complainant that it could not review the judge's decision as it did not relate to judicial conduct. Furthermore, upon reading the decision, no discriminatory language was found. The complaint was dismissed.

33. In this matter, the complainant alleged that the judge had not issued a decision in a timely manner, thereby causing them undue hardship. In their comments to the reviewing member, the judge noted that they had delivered the judgment shortly after the complaint was filed. In addition, the judge apologized for the delay and took responsibility. However, the judge also noted that the issues raised by the trial were complex and had slowed down the decision-making process. The judge also explained that their ability to deliver judgements had been severely impacted by personal circumstances. The reviewing member also invited the respective Chief Justice to submit comments, who acknowledged the inordinate delay, but emphasized the judge's general reliability and expertise. Both the judge

and the Chief Justice said they took the obligation to render timely decisions very seriously, and the reviewing member noted that everyone involved would strive to avoid similar delays in the future. Taking these explanations and circumstances into account, the complaint was dismissed.

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- 34.** This complaint alleged that a judge had facilitated the manipulation of an outcome of proceedings by granting another judge's requests for extensions to unduly delay the proceedings, and that the judge had not responded to the complainant's inquiries for information, except in one case. The complaint also made allegations of unfairness and discrimination.

It was emphasized that the judge's decision to grant the extensions was within their judicial discretion and did not constitute a matter of judicial conduct. The reviewing member also noted that any allegation of unfairness must be supported by cogent evidence in support of such claim, which the complainant did not provide. Furthermore, the reviewing member determined that the allegations of discrimination were unsupported and lacked evidence. Therefore, the complaint was dismissed.

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- 35.** In this matter, a judge had presided over two appearances in a divorce proceeding. The allegations related to the judge's behaviour; for instance, they had not allowed the parties to explain their positions, behaved disrespectfully, or had not engaged in discussions about areas of concern. In their decision, the reviewing member explained that the two appearances, a triage appearance and a case management conference, provided a specific context in which the judge's behaviour had to be evaluated. For example, unlike a trial, it was within the judge's role to offer opinions, including on the merits of a party's position, or to seek clarification of the factual and legal issues. While the judge acknowledged that they may have used sharp language, it was determined that the judge's comments, behaviour, and decisions concerning the management of the appearances were based on judicial experience and matters of judicial discretion. Furthermore, the reviewing member found no evidence of disrespectful language. Therefore, the complaint was dismissed.

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- 36.** In this matter, a complaint was filed about a judge in their capacity as a reviewing member of the Council. The judge had previously dismissed two complaints from the same complainant, who alleged that they had been discriminated against by the judge. The complainant alleged that the judge had omitted significant allegations in one case. Furthermore, the complainant alleged that the second complaint should not have been assigned to the judge, since they had already filed a complaint against them, constituting an abuse of position.

It was determined that the complainant had not submitted any evidence to support their allegations of discrimination. Furthermore, it was explained that the judge had not omitted any allegations but had responded to them in general terms as they had related to judicial decision-making and discretion, not issues of conduct. It was also held that the judge had not abused their position, since they had not been made aware of any complaint filed against them by the complainant at the time of making their decision. The complaint was dismissed.

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- 37.** In this matter, the complainant raised several allegations against a judge, including claims of discrimination based on the complainant's sex, post-traumatic stress disorder (PTSD), and physical health. The complainant also alleged unfair treatment during the trial, the rendering of an unjust decision, and an undue delay in the release of the decision.

The reviewing member concluded that the judge's decisions were not based on discrimination but were instead grounded in evidence and applicable law. In responding to the complaint, the judge reaffirmed that their decision was not influenced by prejudice or discriminatory considerations. The reviewing member further found that the alleged delay did not exceed the time limit of six months, set by the Council's *Ethical Principles for Judges*, and resulted from the judge's efforts to balance their obligations to parties in other matters. Finally, the allegations concerning the fairness or correctness of the judge's decision were determined to relate to judicial decision-making rather than judicial conduct and therefore fell outside of the Council's authority. The complaint was dismissed.

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- 38.** This complaint alleged that a judge took nine months to render a final judgment in a family case and that this judgment contained several significant errors. Furthermore, the complainant alleged that the judgment lacked important findings, making an appeal practically impossible. Nevertheless, the complainant admitted in the complaint that a partial judgment had been obtained four months after the trial.

In their decision, the reviewing member explained that they could not review the merits of a judicial decision and that this had to be raised before a court of appeal. In their response to the reviewing member, the judge acknowledged having prioritized the partial judgment that concerned an urgent issue of the trial. Subsequently, the judge experienced a medical issue that forced them to withdraw from work for several months, which explained the several-month delay in the final judgment. Upon their return, the judge provided the reasons regarding the outstanding issues. It was determined that the judge's management was appropriate and reasonable, given their medical challenges. Therefore, the complaint was dismissed.

39. The complainant alleged that a judge discriminated against them because of their mental health. The reviewing member, however, found no evidence supporting these allegations and noted that the judge had shown sensitivity and caution during the complainant's testimony. Therefore, the complaint was dismissed.

40. This complaint alleged that a judge did not allow enough speaking time for the complainant and interrupted them at one point. The complaint also alleged that the judge mocked the complainant and seemed to know the counsel for the opposing party. After reviewing the transcript of the hearing in question, the reviewing member dismissed the complaint due to a lack of evidence to support these allegations.

41. The complainant alleged that a judge mocked them because of their last name, thus demonstrating a lack of respect, dignity, and impartiality. Furthermore, the complainant alleged that the judge's behaviour was discriminatory. According to the judge, the comments about the complainant's last name were intended to create a friendly atmosphere, not to show a lack of respect. The reviewing member found no evidence to support the complainant's allegations. The complaint was therefore dismissed.

42. In this complaint, the complainant made several allegations against a judge, including that they held a grudge against counsel for the complainant, had constantly interrupted them, and had lacked impartiality. Furthermore, the complainant alleged that the judge had deliberately rendered a judgment only one year later so that the complainant would pay as much interest as possible.

The reviewing member explained to the complainant that the judge is responsible for controlling the debate and the conduct of the parties to ensure the efficient use of time. In their comments to the reviewing member, the judge in question specified that the counsel had appeared before them only once, allowing the reviewing member to conclude that the allegation of bias was without merit.

Furthermore, the reviewing member noted that the complainant had not specified how the judge had demonstrated impartiality and reminded them that a subjective assessment could not serve as the basis for a valid complaint. Regarding the allegation that the judge had delayed their decision in order to impose additional costs on the complainant, it was found that the allegation was not linked to a violation of the *Code of Civil Procedure* or the ethical standards of the Council, but rather to the judge's intention to impose additional costs. However, no evidence supporting this allegation was found. The judge in question had also indicated to the reviewing member that this delay was due to personal reasons beyond their control. Therefore, the complaint was dismissed.

43. The complainant alleged that a judge had been involved in several controversies before their judicial appointment, including complaints of retaliation, a discrimination proceeding, and grievances. The complainant alleged that they should therefore not have been appointed as a judge. Furthermore, the complaint alleged that the judge had failed to disclose relevant information for the assessment of their application and that their involvement in ongoing civil actions called their conduct into question. The complainant then asked that the judge be removed.

The reviewing member determined that the proceedings related to the first allegation only involved the judge indirectly, due to their former position, and that they had neither been a litigant nor personally or professionally implicated. Furthermore, it was determined that the judge did not fail to disclose relevant information in their application. The complaint was therefore dismissed.

44. The allegations in this complaint had been dismissed during the earlier screening of the complaint, except for one allegation of discrimination on which the reviewing member then focused. Following a review, the reviewing member determined that the judge in question had denied a motion from the complainant. However, they found no evidence of discrimination on the part of the judge. Furthermore, the reviewing member explained that the allegation of discrimination was not clearly articulated, and that the complainant had been invited to provide more details by the Council's screening officer. In the absence of facts supporting the allegation of discrimination, and lacking evidence, the complaint was dismissed.

45. This complaint consisted of a request for reconsideration of a previously dismissed complaint that had alleged discrimination by a judge. The request presented additional arguments in support of the complaint. The reviewing member dismissed the request, explaining that no additional facts had been presented that persuaded them to reconsider the dismissal of the previous complaint.

Complaints reviewed by a Review Panel (Third Stage of the Review Process)

At the review panel level, the Council publishes decisions on its website pursuant to the **Council Policy on the Publication of Judicial Conduct Decisions**.

During the reporting period, decisions were issued by review panels in respect of seven complaints. Two of those complaints were considered by a single review panel. In addition to the seven complaints reviewed and decided, two other complaints were referred to a review panel but were closed before a decision was rendered given that the judge had retired, which resulted in the Council losing jurisdiction. Another complaint was referred to a review panel, but the matter had not concluded in the reporting period. The full decisions are available on the Council website.

1. Decision of the Review Panel regarding the Honourable Bernard Tremblay

This matter stemmed from a complaint lodged by the Honourable Marie-Anne Paquette, Chief Justice of the Superior Court of Québec, having received information that a former staff member of the court had alleged, after being informed of the termination of her employment, that she had been sexually harassed. While the review of the complaint was underway, other allegations of misconduct on the part of Justice Bernard Tremblay involving three additional individuals were also brought to the attention of Chief Justice Paquette by third parties. None of the persons involved wished to lodge a complaint. Three of the four individuals made no real reproach of misconduct and the fourth did not provide any detail of the allegations.

The review panel concluded that while Justice Tremblay's actions did not justify removal from office, they fell short of proper judicial conduct; while judges are entitled to privacy, they remain judges at all times and the role of judge requires irreproachable conduct as public confidence in the institution depends on it. The review panel also stressed that reluctance to file a complaint does not in itself justify the end of an investigation into judicial conduct, and that the Canadian Judicial Council has a duty to maintain public confidence in the administration of justice, as well as to ensure the integrity of the judiciary.

The review panel decided to take two actions against Justice Tremblay pursuant to section 102 of the *Judges Act*. It issued a warning to Justice Tremblay, sending a clear and formal message that a similar situation must not reoccur in order to prevent more serious actions in the event of recurrence. The review panel also imposed upon Justice Tremblay mentoring on the application of the *Ethical Principles for Judges*, with regard to conduct that reaches the highest level of respect and professionalism towards staff.

Read the full decision here: **Decision of the Review Panel regarding the Honourable Bernard Tremblay**

2. Decision of the Review Panel regarding the Honourable François Huot

This matter stemmed from a complaint made by the Barreau du Québec concerning remarks made by Justice François Huot while imposing a sentence on an accused facing charges of sexual assault and first-degree murder of a 19-year-old girl. The complainant alleged that Justice Huot did not treat the accused “with courtesy and respect” in the performance of his judicial duties.

The review panel dismissed the complaint, noting that any assessment of impugned behaviour must take into account the entire context, including the judge’s response to the complaint. In this case, Judge Huot acknowledged that his comments fell short of the ethical standards expected of judges and offered his sincere apologies. Moreover, although the judge’s reprimands of the accused were inappropriate, the review panel accepted that they had been influenced by human emotions in the circumstances. The review panel added that it must be recognized that emotions can run high in the courtroom and that judges must retain a certain degree of freedom to express themselves without being held to an impossible standard of weighing their every word, especially in cases where a judge is speaking extemporaneously. Having considered the file as a whole, the review panel agreed with Justice Huot that his conduct had not lived up to the high standards set out in the *Ethical Principles for Judges*, but determined that his conduct did not constitute judicial misconduct warranting formal sanctions.

Read the full decision here: **[Decision of the Review Panel regarding the Honourable François Huot](#)**

3. Decision of the Review Panel regarding the Honourable Earl Wilson

This matter stemmed from a complaint alleging that Justice Earl Wilson had unfairly treated, intimidated, and humiliated one of the parties during a hearing concerning a proposed restraining order.

The review panel concluded that there was no basis on which Justice Wilson’s removal from office could be justified in the circumstances, nor could the complaint be dismissed. The review panel agreed with and adopted the reviewing member’s explanations that Justice Wilson’s interventions went beyond what is usually considered the exercise of proper firmness and did not preserve the honour and dignity of both the individual proceedings and the administration of justice more generally, in accordance with the Council’s *Ethical Principles for Judges*. In addition, the review panel agreed that maintaining civility and respect requires judges to ensure a proper balance between upholding the right of parties to be heard and ensuring the efficiency of the process, and that Justice Wilson’s comments in court did not have the effect of maintaining such a proper balance. The review panel

therefore concluded that an action of a private nature pursuant to section 102 of the *Judges Act* was appropriate in the circumstances.

Read the full decision here: **Decision of the Review Panel regarding the Honourable Earl Wilson**

4. Decision of the Review Panel regarding the Honourable Marc St-Pierre

This matter stemmed from a complaint alleging that Justice Marc St-Pierre had made personal remarks about the complainant during a hearing to which the complainant was not a party, exceeding his duty of reserve and calling into question his judicial impartiality and neutrality, particularly with regard to the complainant.

The review panel concluded that there was no basis on which Justice St-Pierre's removal from office could be justified in the circumstances, nor could the complaint be dismissed. The review panel noted that Justice St-Pierre's words were contrary to the standards set out in the *Ethical Principles for Judges*, particularly those relating to courtesy and respect. However, the review panel agreed that any assessment of impugned behaviour must take into account the entire context, including the judge's response to the complaint. In this case, Justice St-Pierre acknowledged that he had breached his duty of reserve and sincerely apologized. In addition, he took steps to ensure it would not reoccur and he attended a seminar on bias. The review panel therefore concluded that two measures of a private nature under section 102 of the *Judges Act* were appropriate in the circumstances.

Read the full decision here: **Decision of the Review Panel regarding the Honourable Marc St-Pierre**

5. Decision of the Review Panel regarding the Honourable Andrew Goodman

This matter stemmed from two complaints involving an incident whereby Justice Andrew Goodman delivered the wrong version of a sentencing decision and failed to address his error until 14 months after the pronouncement of the sentence.

The review panel concluded that there was no basis on which Justice Goodman's removal from office could be justified in the circumstances, nor could the complaint be dismissed. The review panel noted that Justice Goodman could and should have taken more proactive steps following his recognition of his mistake, as his delay in disclosing it undermines the openness and accountability required to assist in enhancing the integrity of the administration of justice. While the review panel accepted there was no evidence that Justice Goodman was acting in bad faith, the conduct and circumstances at hand required that he, in addition to members of the judiciary and the public, see a clear and strong message of

condemnation of such conduct. The review panel therefore concluded a public reprimand under section 102 of the *Judges Act* was appropriate in the circumstances – the most severe sanction available short of a recommendation for removal. In addition, the panel ordered Justice Goodman to issue an apology to Crown and defence counsel, with defence counsel to relay this apology to the accused.

Read the full decision here: **Decision of the Review Panel regarding the Honourable Andrew Goodman**

**After receiving notice of the review panel decision, Justice Goodman requested that the Council establish a reduced hearing panel to review the complaint.*

6. Decision of the Review Panel regarding the Honourable Negar Azmudeh

This matter stemmed from a complaint alleging Justice Negar Azmudeh’s involvement in a workplace complaint and investigation at the Immigration and Refugee Board of Canada (IRB), where Justice Azmudeh worked prior to her judicial appointment. The complainant alleged among other things that Justice Azmudeh had failed to disclose the IRB complaint and investigation on her application for judicial appointment.

The review panel concluded there was no basis on which Justice Azmudeh’s removal from office could be justified in the circumstances, nor could the complaint be dismissed. The review panel noted the complainant provided no evidence of Justice Azmudeh engaging in the alleged conduct or intervening in the IRB complaint as he had alleged. However, Justice Azmudeh’s failure to disclose the ongoing IRB workplace investigation in her judicial application form undermined to a certain degree the integrity of the assessment process for applicants for the federal judiciary. While such non-disclosure can be serious and can undermine the judicial selection process, the review panel accepted there was no intention on the part of Justice Azmudeh to deliberately mislead the Judicial Advisory Committee responsible for assessing her application, and noted she was proactive in disclosing other complaints in her application. The review panel therefore concluded that issuing a public expression of concern under section 102 of the *Judges Act* was appropriate in the circumstances.

Read the full decision here: **Decision of the Review Panel regarding the Honourable Negar Azmudeh**

