



**DECISION OF THE REDUCED HEARING PANEL
IN THE MATTER OF:
THE HONOURABLE ANDREW J. GOODMAN
OF THE ONTARIO SUPERIOR COURT OF JUSTICE
CJC Files: 24-0799 and 24-0818**

**Reduced Hearing Panel Members:
The Honourable Kenneth G. Nielsen, Chairperson
The Honourable Geneviève Cotnam
Ms. Andi MacKay, KC**

March 17, 2026

I. Introduction

[1] Justice Andrew J. Goodman requested, pursuant to s. 104 of the *Judges Act*, RSC 1985, c J-1 (the *Act*), establishment of a Reduced Hearing Panel to review two complaints against him. A Reduced Hearing Panel was duly established pursuant to the *Act*. Justice Goodman now seeks to abandon his request pursuant to s. 104 of the *Act* (the Abandonment Request). This is the Decision of the Reduced Hearing Panel with respect to the Abandonment Request.

II. Background

[2] The Decision of the Review Panel contains a concise statement of the background to the two complaints made against Justice Goodman:

[1] On August 12, 2024, just before the scheduled sentence appeal of Mr. Peter Khill, the Honourable Andrew Goodman of the Superior Court of Justice of Ontario wrote to the Associate Chief Justice of the Ontario Court of Appeal. Justice Goodman explained that in imposing sentence on Mr. Khill on June 6, 2023, Justice Goodman used the wrong version of his reasons, which, in “a momentary lapse of judgment”, led to him reading out a custodial sentence of eight years for Mr. Khill’s conviction for manslaughter when he had intended to impose a sentence of six years. As Justice Goodman explained in his letter, following the delivery of his sentencing decision and after consulting judicial colleagues, he concluded that he was *functus officio*, having formally finalized the judicial task at hand. In other words, Justice Goodman believed that his jurisdiction over the matter was exhausted, such that, until his August 12, 2024 letter (14 months after the pronouncement of sentence), he took no steps to address his error as to the length of sentence imposed.

[2] Two separate complaints were submitted to the Canadian Judicial Council (CJC)...

[3] The Review Panel concluded as follows:

[38] In conclusion, the Review Panel has determined that Justice Goodman’s removal from office cannot be justified. However, in accordance with its jurisdiction under subsection 8.9(2)(c) and (d) of the Review Procedures (2023), by these reasons, the Review Panel now issues a public reprimand to Justice Goodman for his injudicious conduct and orders that within 30 days, he apologize to Crown counsel and counsel for Mr. Khill, with Mr. Khill’s counsel to relay this apology to Mr. Khill in a manner they consider appropriate.

[4] As stated, the Reduced Hearing Panel was established at the request of Justice Goodman to review the complaints.

[5] The applicable legislation is the *Act*. The Canadian Judicial Council (the Council) has passed *Procedures for the Review of Complaints or Allegations About Federally Appointed Judges*. The procedures applicable to the proceedings before the Reduced Hearing Panel are the *Review Procedures (2025)* implemented by the Council, effective April 2025.

[6] A Statement of Allegations pursuant to s. 107 and s. 125 of the *Act* and s. 9.3(1) and s. 9.4 of the *Review Procedures (2025)* was prepared by Presenting Counsel as that term is defined in

the *Act* and *Review Procedures (2025)*. The Statement of Allegations is dated December 23, 2025 and was subsequently posted to the Council website.

[7] The Reduced Hearing Panel prepared Directives to Counsel to govern the proceedings before it. The Directives to Counsel were provided to Presenting Counsel and counsel for Justice Goodman in a draft form, reviewed with them at a Case Management Conference on January 19, 2026, and ultimately finalized on January 22, 2026, and subsequently posted on the Council website.

[8] Section 13 of the Directives to Counsel provides that hearings before the Reduced Hearing Panel are to be public, but the Reduced Hearing Panel may hold all or part of any hearings in private if it considers doing so to be in the public interest. A request to have a hearing or part of a hearing heard in camera must be made by way of motion.

[9] At the Case Management Conference conducted on January 19, 2026, counsel for Justice Goodman advised the Reduced Hearing Panel that Justice Goodman intended to seek to have certain evidence heard in camera and for a sealing order in relation to certain documents (the Confidentiality Motion). Counsel for Justice Goodman advised that he had agreed with Presenting Counsel on a process that could be followed for the Confidentiality Motion. The Reduced Hearing Panel asked counsel for Justice Goodman to set out in writing the process that counsel proposed for the Confidentiality Motion. This was done on January 20, 2026.

[10] However, the procedure proposed by counsel for Justice Goodman was not acceptable to the Reduced Hearing Panel. As a result, on January 28, 2026, the Reduced Hearing Panel issued Procedural Directives setting out a proper process for the Confidentiality Motion. The Procedural Directives are attached hereto as Appendix A.

[11] On January 29, 2025 [*sic* January 29, 2026], counsel for Justice Goodman wrote to counsel for the Reduced Hearing Panel seeking clarification with respect to the Procedural Directives. A copy of the letter from counsel for Justice Goodman is attached hereto as Appendix B.

[12] On February 2, 2026, counsel for the Reduced Hearing Panel emailed counsel for Justice Goodman and Presenting Counsel providing clarification from the Reduced Hearing Panel with respect to the Procedural Directives. The contents of the email from counsel for the Reduced Hearing Panel are attached hereto as Appendix C.

[13] On February 23, 2026, counsel for Justice Goodman wrote to counsel for the Reduced Hearing Panel advising that Justice Goodman had “decided to abandon his request for a review, pursuant to s. 104 of the *Judges Act*”. The letter from counsel for Justice Goodman of February 23, 2026 is attached hereto as Appendix D. The hearings before the Reduced Hearing Panel had been set for March 24 and 25, 2026 and April 2, 2026.

[14] On February 23, 2026, Justice Goodman wrote directly to the Council enclosing a copy of his counsel’s letter of February 23, 2026, advising “I have abandoned my request for a review pursuant to s. 104 of the *Judge’s Act*.” Justice Goodman concluded the letter with the statement, “I would appreciate your confirmation of this letter”. A copy of Justice Goodman’s letter of February 23, 2026 is attached hereto as Appendix E.

[15] It is Justice Goodman’s letter of February 23, 2026 and the letter from his counsel also dated February 23, 2026 which bring the Abandonment Request before the Reduced Hearing Panel and which requires a ruling by the Reduced Hearing Panel.

[16] The Reduced Hearing Panel sought submissions from counsel for Justice Goodman and Presenting Counsel in relation to the Abandonment Request. Submissions were received from counsel for Justice Goodman on March 4, 2026 and from Presenting Counsel on March 5, 2026.

III. Analysis

[17] The Abandonment Request raises several issues for consideration. Each of these issues will be dealt with separately.

A. Stated Reasons for Abandonment Request

[18] The reasons stated by Justice Goodman for the Abandonment Request are set out in the letter from his counsel, Appendix D. In that letter, Justice Goodman alleged that the Procedural Directives for the Confidentiality Motion impaired the truth-seeking function and undermined the fairness of the hearings necessitating the Abandonment Request. For the reasons set out below, these allegations are not a basis to rule in favor of accepting the Abandonment Request.

1. Case Management Conference

[19] As set out previously, the matter of the Confidentiality Motion was discussed at the Case Management Conference conducted on January 19, 2026. The genesis of Justice Goodman’s complaint relating to the Case Management Conference is that the Reduced Hearing Panel did not endorse the process for determination of the Confidentiality Motion that was agreed by both Justice Goodman and Presenting Counsel. This allegation is without merit for several reasons.

[20] First, the Reduced Hearing Panel did not rule on Justice Goodman’s proposal at the Case Management Conference and instead requested that counsel set out precisely what was being proposed in writing for consideration by the Reduced Hearing Panel. Upon reviewing such proposal, the Reduced Hearing Panel issued the Procedural Directives of January 28, 2026 directing a different process for the Confidentiality Motion than that proposed by counsel for Justice Goodman.

[21] Second, the conduct of hearings before a Reduced Hearing Panel are not dictated by processes developed by counsel nor is it determined by consent of counsel. Section 129 of the *Act*, and section 13 of the Directives to Counsel, provide that hearings are to be public except to the extent that the hearing panel may hold all or a part of its hearings in private. Any application to have a hearing or part thereof held in camera must be made on motion to the hearing panel. It is the responsibility of the Reduced Hearing Panel to decide the process to be followed for the filing and presentation of such a motion as was done in this case.

[22] Third, the proposal presented by counsel for Justice Goodman did not comply with the test and requirements established by the Supreme Court of Canada in *Dagenais v Canadian Broadcasting Corp.*, [1994] 3 SCR 835, *R v Mentuck*, [2001] 3 SCR 442 and *Sherman Estate v*

Donovan, [2021] 2 SCR 75. As a result, the Reduced Hearing Panel adopted the Procedural Directives to ensure compliance with such governing legal authorities.

[23] The Directives to Counsel and the Procedural Directives, Appendix A, as clarified on January 28th, 2026, Appendix C, were established to balance the requirement that the hearings are to be public against the privacy interests of the party seeking to hold some or all of the hearings in camera. For this reason, the Directives to Counsel provided that notice of any application to consider the holding of a hearing in private must be given to all interested parties, including representatives of the media, and that the interested parties and the media be invited to make submissions based on a redacted version of said application.

2. Inadvertent Disclosure

[24] Counsel for Justice Goodman in the letter of February 23, 2026, Appendix D, indicated that there was “no assurance that the applicant’s [Justice Goodman’s] unredacted motion record would not be made public at any time”. The Procedural Directives developed by the Reduced Hearing Panel ensured there would be no publication of confidential information unless authorized following a hearing. Even if a disclosure order was made in some form, Justice Goodman was specifically invited to determine if he still wished to proceed with his Confidentiality Motion and whether any portion of the Confidentiality Motion should nonetheless remain redacted prior to publication (see Appendix C). Procedures similar to the Procedural Directives are made in Superior Courts across the country on a regular basis.

3. Truth Seeking Function and Fairness of the Hearing

[25] Counsel for Justice Goodman in the letter of February 23, 2026, Appendix D, states the following:

In our respectful view, this undermines the truth-seeking function of the process and undermines the fairness of the hearing.

[26] While this may be the view of Justice Goodman and his counsel, the Procedural Directives ensured that all relevant evidence was before the Reduced Hearing Panel, while also protecting the privacy interests of Justice Goodman and the interests of the public.

[27] Similarly, counsel for Justice Goodman asserts that Justice Goodman did not include any confidential information in his responses to the screening officer or the Review Panel as there were “no statutory or codified processes or mechanisms” to provide confidential information at these earlier stages. However, there is nothing before the Reduced Hearing Panel to suggest that Justice Goodman sought to obtain assurances that any confidential information provided to either the screening officer or the Review Panel would not be published or disseminated. Justice Goodman was at liberty to make the decision not to submit such information (as he did before the Reduced Hearing Panel) but clearly, he did so based on his own assessment and without knowing what protections could be put in place at those earlier stages.

4. Conclusion on stated reasons for Abandonment Request

[28] Having regard to all of the foregoing, the Reduced Hearing Panel finds that the reasons given on behalf of Justice Goodman for seeking the Abandonment Request as set out in the letter from counsel of February 23, 2026, Appendix D, do not support the abandonment of the review pursuant to s. 104 of the *Act*. Justice Goodman seeks to abandon his request to establish a Reduced Hearing Panel for his own reasons and based on his own assessments. That, however, does not dictate that the Abandonment Request must be accepted by the Reduced Hearing Panel or for the reasons advanced by Justice Goodman.

B. Unilateral termination of a Reduced Hearing Panel

[29] The Abandonment Request raises the issue of whether it is open to a judge to unilaterally cause the termination of an already constituted Reduced Hearing Panel.

[30] Both the *Act* and the *Review Procedures (2025)* are silent on the ability of a judge who has made a request pursuant to s. 104 of the *Act* to seek to withdraw or abandon that request.

[31] Pursuant to the *Act*, the Reduced Hearing Panel shall refer the complaint to the Council for the establishment of a Full Hearing Panel if it determines that the removal from office of the judge could be justified. Failing such a determination, the Reduced Hearing Panel can either dismiss the complaint or it may take one or more actions set out in s. 102(a) to (g) of the *Act*.

[32] The new statutory regime adopted with the amendments to the *Act* in 2023 provides that all levels of review and hearings are to be conducted in accordance with the processes set out in the *Act*, with the ultimate review power by the Supreme Court of Canada (with leave). If a review is mandated to be undertaken by Council, or is initiated by a judge, such review must be conducted and completed within the procedures provided in the *Act* or the subordinate legislation of the *Review Procedures (2025)*.

[33] The new statutory regime permits a Reduced Hearing Panel to consider all options. Those options could be different than or more severe than the consequences imposed by the Review Panel. Such a result flows from the fact that circumstances and evidence before the Reduced Hearing Panel may be different than the circumstances and evidence before a Review Panel.

[34] The Reduced Hearing Panel, therefore, concludes that it is not open to Justice Goodman, being the judge subject to the complaints, to unilaterally abandon the request pursuant to s. 104 of the *Act*.

C. Consideration of the Abandonment Request

[35] Given the finding that Justice Goodman is not the unilateral arbitrator of his withdrawal request pursuant to s. 104 of the *Act*, the Reduced Hearing Panel must decide if it has jurisdiction to consider the Abandonment Request, and, if so, whether the Abandonment Request should be granted.

[36] Pursuant to s. 127 of the *Act*, the Reduced Hearing Panel has all the powers vested in the Ontario Superior Court of Justice. The Reduced Hearing Panel, therefore, has inherent power to

control its processes. Further, the doctrine of “jurisdiction by necessary implication” applies to the Reduced Hearing Panel; it has all powers which, by practical necessity and necessary implication, flow from the regulatory authority conferred upon it (*Atco Gas and Pipelines Ltd. v Alberta (Energy and Utilities Board)*, 2006 SCC 4).

[37] The Reduced Hearing Panel finds that given its inherent power to control the processes before it, and given that the withdrawal of requests pursuant to s. 104 of the *Act* is not specifically dealt with in either the *Act* or the *Review Procedures (2025)*, it has the jurisdiction to consider the Abandonment Request.

[38] The Reduced Hearing Panel must next decide whether the circumstances of this particular case support the withdrawal of the request pursuant to s. 104 of the *Act*.

[39] For the following reasons, the Reduced Hearing Panel accepts the Abandonment Request.

[40] First, given Justice Goodman’s decision to abandon the Confidentiality Motion and his indication that he would not tender any new evidence, continuing the process would likely merely require the Reduced Hearing Panel to determine whether its conclusions would be different from those of the Review Panel.

[41] Second, counsel for Justice Goodman confirmed in his submissions of March 4, 2026 that as of February 26, 2026, Justice Goodman had delivered the apologies as directed by the Review Panel. As a result, Justice Goodman has accepted the consequences of his actions that gave rise to the two complaints.

[42] Third, as a result of the decision of the Review Panel, there has been a finding in respect of Justice Goodman’s conduct in this matter and the public interest in the consideration of the conduct of the subject judge has been protected.

[43] Finally, given that Justice Goodman has accepted the decision and actions of the Review Panel, the expenditure of further public funds on this matter is avoided. It is of note, that neither the *Act* nor the *Review Procedures (2025)* provide for an assessment of costs against the judge who is the subject of proceedings before the Reduced Hearing Panel.

[44] The proceedings before the Reduced Hearing Panel are, therefore, concluded and the hearings which had been set for March 24 and 25, 2026 and April 2, 2026, are canceled.

IV. Summary

[45] The Reduced Hearing Panel summarizes its decisions as follows:

1. Justice Goodman’s allegations and complaints about rejection of his proposed process for the Confidentiality Motion are without merit. This includes Justice Goodman’s assertions that the truth-seeking process or his right to procedural fairness was somehow compromised or impaired by the Procedural Directives.

2. Justice Goodman, being the judge who requested the establishment of a Reduced Hearing Panel pursuant to s. 104 of the *Act*, cannot unilaterally withdraw or abandon that request and thereby cause the termination of a Reduced Hearing Panel that has been constituted.
3. The Abandonment Request, given the circumstances of this case, is accepted.
4. The proceedings before the Reduced Hearing Panel are concluded and the hearings which had been set for March 24 and 25, 2026 and April 2, 2026, are canceled.

V. Conclusion

[46] The findings of the Reduced Hearing Panel are set out in the above section entitled “Summary”.

[47] Pursuant to the Council Policy on the Publication of Judicial Conduct Decisions, this Decision of the Reduced Hearing Panel along with the Appendices hereto will be published on the Council website.

Signed on March 17, 2026

Original signed

The Honourable Kenneth Nielsen

Original signed

The Honourable Geneviève Cotnam

Original signed

Ms. Andi MacKay, K.C.

**CANADIAN JUDICIAL COUNCIL
(Files: 24-0799 and 24-0818)**

**REDUCED HEARING PANEL IN THE MATTER OF
THE HONOURABLE ANDREW J. GOODMAN
OF THE SUPERIOR COURT OF JUSTICE OF ONTARIO**

Reduced Hearing Panel Members

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

The Honourable Geneviève Cotnam, Justice of the Court of Appeal of Quebec

Ms. Andi MacKay, K.C., lawyer

Presenting Counsel

Mr. Giuseppe Battista, Ad. E., assisted by Mr. Robert Israel

Battista Turcot Israel s.e.n.c.

Counsel to the Honourable Andrew J. Goodman

Mr. Scott Hutchison

Ms. Tara Boghosian

Henein Hutchison Robitaille LLP

PROCEDURAL DIRECTIVES DATED JANUARY 28, 2026

1. By letter dated January 20, 2026, counsel for Justice Goodman wrote to the Reduced Hearing Panel (the Panel) following a case management conference held on January 19, 2026.
2. The letter sets out a proposed procedure to address anticipated motions seeking a sealing order and in camera proceedings in relation to certain evidence Justice Goodman intends to adduce at the hearing. The proposal was made with the consent of Presenting Counsel.

3. In substance, counsel proposed a two-stage process. The motions would initially be filed under seal and heard in camera, with no notice to the public. Only if the Panel were inclined to grant any of the requested relief would the public be notified, provided with an abridged summary, and given the opportunity to make submissions before the Panel rendered a final decision.
4. The Panel has reviewed the proposed process and assessed it in light of the fundamental principle of openness and publicity of proceedings, which requires that any request to limit public access be handled transparently and only after notice to interested parties. The Panel declines to adopt the proposed process, as it would defer public notice and media participation until after the Panel has examined the confidential motion materials in camera.
5. Instead, the Panel directs as follows:
 - a. Any motion seeking a sealing order and/or in camera proceedings (the **Confidentiality Motion**) shall be filed no later than **February 4, 2026, at 12 p.m. (ET)**.
 - b. At the same time, the moving party shall file a redacted version of the Confidentiality Motion. This redacted version shall be suitable for public dissemination and, once filed, will be posted on the Canadian Judicial Council's website.
 - c. The redacted version must be drafted to permit any interested third party, including members of the media, to understand the essence and nature of the relief sought, without disclosing specific information that could reasonably be expected to cause prejudice if made public, and in accordance with the Directives to Counsel dated January 22, 2026.
 - d. Upon posting of the redacted materials, the Canadian Judicial Council shall issue a notice to the public. The notice shall indicate:
 - that a motion has been brought seeking an in camera hearing of a Confidentiality Motion;
 - that, as per the Confidentiality Motion, the moving party also seeks a sealing order and in camera treatment of portions of the hearing before the Panel scheduled for March 24, 25 and April 2, 2026.

e. Interested parties and members of the media shall have until **February 13, 2026, at 4:00 p.m. (ET)** to provide to the Canadian Judicial Council written submissions in response to the Confidentiality Motion.

f. The Panel will thereafter render a decision on whether the hearing on the Confidentiality Motion, presently scheduled for **February 18, 2026**, will be conducted in camera.

Signed on January 28, 2026:

Original signed

The Honourable Kenneth G. Nielsen
Chairperson of the Reduced Hearing Panel

Original signed

The Honourable Geneviève Cotnam

Original signed

Ms. Andi MacKay, K.C.



HENEIN HUTCHISON ROBITAILLE LLP

Scott C. Hutchison
shutchison@hhllp.ca

'APPENDIX B'

January 29, 2025

Via E-Mail

Emmanuelle Rolland
Audren Rolland LLP
erolland@audrenrolland.com

Dear Ms. Rolland:

Re: Goodman, J. – Canadian Judicial Council Matter – Reduced Hearing Panel

As you know, we represent Justice Goodman in this matter.

We write (after having advised Presenting Counsel of our intent to do so) regarding the Reduced Hearing Panel's Procedural Directives dated January 28, 2026 in relation to Justice Goodman's anticipated pre-hearing motions, which was issued by the Reduced Hearing Panel in response to our letter dated January 20, 2026.

We seek clarification of aspects of the Reduced Hearing Panel's Procedural Directives dated January 28, 2026, which are relevant to Justice Goodman's approach to advancing his confidentiality motions.

Specifically, we seek to understand what, exactly, the media will be invited to make submissions on, and whether the Reduced Hearing Panel sees any possibility that, as a result of the media's submissions on the confidentiality issues, the unredacted versions of Justice Goodman's motion materials may be made public at any time. If so, we seek clarity on what point in the process the Reduced Hearing Panel may decide to make public the unredacted motion materials.

Separately, we also write to confirm the dates discussed at the last Case Conference—the February 18, 2026 motion to proceed virtually; the March 24-25, 2026 hearing dates in person for evidence to be heard; and the April 2, 2026 date for closing submissions to proceed virtually.

Please do not hesitate to let us know if you require further information or clarification on the above.

Yours truly,
HENEIN HUTCHISON ROBITAILLE LLP

Original signed

Scott C. Hutchison

'APPENDIX C'

Dear Counsel,

Further to counsel for Justice Goodman's correspondence to the Panel dated January 29, 2026, the Panel wishes to clarify the Procedural Directives issued on January 28, 2026 (the "Directives") as follows.

Pursuant to paragraph 5(e) of the Directives, the public will be invited to provide written submissions on:

- (a) whether the hearing on the Confidentiality Motion should proceed in camera; and
- (b) the Confidentiality Motion itself.

Following receipt of those submissions, the Panel will render a decision, pursuant to paragraph 5(f), on whether the hearing on the Confidentiality Motion will be conducted in camera.

If the Panel determines that the hearing on the Confidentiality Motion is to be conducted in camera, the unredacted Confidentiality Motion will not be made public.

If the Panel determines that the hearing on the Confidentiality Motion is to be public, Justice Goodman will be afforded an opportunity to inform the Panel whether he wishes to proceed with the Confidentiality Motion. Should he elect to do so, he will be invited to provide comments on whether any portion of the Confidentiality Motion should nonetheless remain redacted prior to its publication on the Canadian Judicial Council's website.



HENEIN HUTCHISON ROBITAILLE LLP

'APPENDIX D'

Scott Hutchison
Email: shutchison@hhllp.ca

February 23, 2026

VIA E-MAIL TO: erolland@audrenrolland.com

Emmanuelle Rolland
Audren Rolland LLP
393 Saint-Jacques St.
Suite 248
Montréal, Québec H2Y 1N9

Dear Ms. Rolland:

RE: Goodman, J. - Canadian Judicial Council Matter - Reduced Hearing Panel

As you know, we represent Justice Goodman.

I am writing with respect to the next steps in this matter following the Reduced Hearing Panel's Directive to Counsel dated January 28, 2026, the subsequent clarification of those procedures, and Justice Goodman's decision to abandon his Confidentiality Motions.

After further review of the Reduced Hearing Panel's January 28, 2026 Directives, Justice Goodman is respectfully abandoning his request for a review pursuant to s. 104 of the *Judge's Act*.

The Review Panel's January 28, 2026 Directives came as a result of a request made by Justice Goodman for the Reduced Hearing Panel to consider his Confidentiality Motions in a manner that would preserve the confidential and sensitive nature of evidence that he sought to adduce *in camera* at the hearing in this matter. At the Case Conference on January 19, 2026, counsel for Justice Goodman proposed a process for doing so which was not opposed by Presenting Counsel. The Review Panel did not indicate at the Case Conference that it would not accept the proposal. Without further notice to the Parties, the Reduced Hearing Panel then made an order that rejected the unopposed proposal of Justice Goodman and imposed different procedures.

Respectfully, Justice Goodman believes that the January 28, 2026 Directives do not provide sufficient safeguards to protect highly confidential and sensitive information, and he is unwilling to move forward without those protections.

He has instructed me to convey to you and the Reduced Hearing Panel his concerns which have led him to abandon this review process:

1. In accordance with the revised *Judge's Act*, there is no statutory or codified process or mechanism for confidential or sensitive information to be provided to the screening officer or Review Panel with any assurances that such information will not be published or otherwise publicly disseminated, in whole or in part. It was for that reason that Justice

Goodman did not include confidential information in his responses at earlier stages of this process.

2. In contrast, the current *Judge's Act* does provide for the Reduced Hearing Panel to impose discretionary confidentiality measures. As a result, Justice Goodman asked the Reduced Hearing Panel to consider his request to present certain confidential information *in camera* during the hearing. As the first hearing under the new *Judge's Act*, the Reduced Hearing Panel has broad discretion to consider and impose an appropriate process. As a result of the Panel's Directives in this case, Justice Goodman has concluded that he cannot present relevant confidential or sensitive evidence with an appropriate assurance that such information, in whole or in part, will not ultimately enter the public domain, **even prior** to the Panel hearing and deciding on the merits of the Confidentiality Motions themselves. In fact, the January 28, 2026 Directives require a public process that includes an invitation for submissions by third parties to this hearing. The Directives effectively mandate that at least some version ("the essence and nature") of the confidential and sensitive information be provided to the public and media in advance of the hearing on the Confidentiality Motions. There is also no assurance that the applicant's unredacted motion record will not be made public at any time, including publishing on the CJC website, even if the overall application is not pursued.
3. With respect, Justice Goodman has concluded that the Reduced Hearing Panel's directive defeats the very basis of his contemplated Confidentiality Motions, by requiring disclosure of at least part of the confidential or sensitive information before the motions are even heard and offering no promise of confidentiality if they are not successful. Effectively, the directives place him in a Catch-22 in which the only way to ensure that the confidential information is not disclosed to the public and media is to avoid bringing the motions altogether, and in turn, not adducing the evidence at the merits hearing.
4. Based on the Panel's direction, Justice Goodman believes he cannot, without risking disclosure of this information, provide a full and complete evidentiary record for the Reduced Panel's consideration unless he accepts the risk of at least partial disclosure of the sensitive and confidential information—which he is unwilling to do. In our respectful view, this undermines the truth-seeking function of the process and undermines the fairness of the hearing.
5. Therefore, as a result, Justice Goodman has reluctantly decided to abandon his request for a review, pursuant to s. 104 of the *Judge's Act*.
6. Upon confirmation that this letter has been acknowledged by the Panel, Justice Goodman will fulfill his outstanding obligations under the Review Panel's decision, within five (5) business days.

I trust this is satisfactory.

Yours truly,
HENEIN HUTCHISON ROBITAILLE LLP

Original signed

Scott Hutchison

CC: Presenting Counsel
Giuseppe Battista
Robert Israel

THE HONOURABLE MR. JUSTICE ANDREW J. GOODMAN
SUPERIOR COURT OF JUSTICE
JUSTICES' CHAMBERS



L'HONOURABLE JUGE ANDREW J. GOODMAN
COUR SUPÉRIEURE DE JUSTICE
CABINETS DES JUGES

COURT HOUSE
45 MAIN STREET EAST, SUITE 626
HAMILTON, ON L8N 2B7
TELEPHONE: (905) 645-5289
FAX: (905) 645-5379

February 23, 2026

Ms. Stephanie Bachand
Executive Director
Canadian Judicial Council
150 Metcalfe Street
15th Floor
Ottawa, ON K2P 1P1

'APPENDIX E'

BY EMAIL:

Dear Ms. Bachand:

Re: Canadian Judicial Council ("CJC") Files 24-0799 and 24-0818

Please find attached my counsel's letter to the Reduced Hearing Panel of even date.

As you will note from the letter, I have abandoned my request for a review pursuant to s. 104 of the *Judge's Act*.

I would appreciate your confirmation of this letter.

Sincerely,

Original signed

Justice A.J. Goodman