

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

DIRECTIVES TO COUNSEL DATED JANUARY 22, 2026

1. GENERAL

- 1.1. The reduced hearing panel (the **Panel**) has been established pursuant to section 110(1) of the *Judges Act (R.C.S., 1985, c. J-1)* (the **Act**), further to a request made by the Honourable Andrew J. Goodman of the Superior Court of Justice of Ontario (**Justice Goodman**) under section 104 of *Act* after a review panel had taken an action under section 102 of the *Act*.
- 1.2. The Panel's mandate is to review the complaints to which the request relates and to issue a decision pursuant to section 112 or 113 of the *Act*, as applicable.
- 1.3. The Panel's proceedings are governed by the *Act* and by the *Canadian Judicial Procedures for the Review of Complaints or Allegations About Federally Appointed Judges* (the **Review Procedures (2025)**).

- 1.4. Subject to those requirements, the Panel retains control of its own process, provided it conducts its proceedings in accordance with the principles of procedural fairness.

2. LANGUAGE OF THE PROCEEDINGS

- 2.1. A party may use English or French in any oral or written communication with the Panel.

3. PRESENTING COUNSEL

- 3.1. Pursuant to section 106 of the *Act*, Mr. Giuseppe Battista, Ad. E has been designated by the Honourable Tracey K. DeWare, Chief Justice of the Court of King's Bench of New Brunswick to act as presenting counsel before the Panel (**Presenting Counsel**). He will be assisted by Mr. Robert Israel.
- 3.2. Presenting Counsel takes instructions from the Honourable Tracey K. DeWare, Chief Justice of the Court of King's Bench of New Brunswick, and where the Honourable DeWare is absent or incapacitated, from another member designated by the Council (section 108(1) and (2) of the *Act* and section 9.1(4) of the *Review Procedures (2025)*).
- 3.3. He must conduct himself in accordance with the standards and principles that govern the conduct of Crown prosecutors, with any modifications that may be necessary (section 109 of the *Act* and section 9.3(2) of the *Review Procedures (2025)*).
- 3.4. His role consists of preparing the statement of allegations against Justice Goodman; presenting, and when appropriate, challenging evidence; presenting submissions as to disposition; presenting arguments in any appeal; and, if necessary, bringing an appeal (section 107 of the *Act* and section 9.3(1) of the *Review Procedures (2025)*).
- 3.5. Presenting Counsel may, as required, retain the services of legal counsel to assist in the preparation and conduct of the case. Such assistance may include, for example, marshalling the evidence; interviewing persons believed to have information or evidence bearing on the subject-matter of the hearing; and conducting legal research.
- 3.6. On December 23, 2025, Presenting Counsel provided the statement of allegations.

4. STANDING AND REPRESENTATION

- 4.1. Justice Goodman and Presenting Counsel are the only parties who have standing before the Panel, and no other person may request to appear as a party it (section 9.8 of the *Review Procedures (2025)*).
- 4.2. Justice Goodman has the right to be heard, to cross-examine witnesses and to adduce evidence, in person or by legal counsel (section 124 of the *Act* and section 9.7 of the *Review Procedures (2025)*).
- 4.3. Justice Goodman has advised the Panel that he is represented in these proceedings by Mr. Scott Hutchison and Ms. Tara Boghosian.
- 4.4. Should Justice Goodman change legal counsel or representative, he must notify the Panel of the change and provide the contact information of his new legal counsel or representative as soon as possible and no later than seven days after the day on which that change is made.

5. REGISTRAR

- 5.1. The Panel has designated Ms. Emmanuelle Rolland to act as Registrar. Her contact information is:

Ms. Emmanuelle Rolland
Audren Rolland LLP
393 Jacques Street, Suite 248
Montréal (Québec) H2Y 1N9
By email : erolland@audrenrolland.com
- 5.2. All communications and filings to the Panel must be transmitted through the Registrar.
- 5.3. The parties must provide the Registrar with electronic copies of all evidence and submissions introduced in a hearing.
- 5.4. Evidence filed by Presenting Counsel shall be designated as “Exhibit P-[sequential number]”, and evidence filed by Justice Goodman shall be designated as “Exhibit G-[sequential number]”
- 5.5. Hearings before the Panel shall be recorded and transcribed by an official stenographer.

6. FILING AND SERVICE

- 6.1. Documents may be filed with the Registrar by email.

- 6.2. Documents may be served on all parties with standing by email to that party's legal counsel. Service will be deemed filed if the Registrar is copied on the email.
- 6.3. A document that is filed with the Registrar, or served on a party, after 5:00 p.m. ET, is deemed to have been received on the next day that is not a Saturday, Sunday or any other day defined as a holiday in subsection 35(1) of the *Interpretation Act*, R.S.C., 1985, c. I-21.

7. MOTIONS TO BE FILED IN ADVANCE OF HEARING

- 7.1. Except with leave, which may be given in exceptional circumstances, any procedural matters, such as motions, should be filed with the Registrar and served to all parties with standing no later than 14 days prior to the hearing date.

8. CASE MANAGEMENT CONFERENCES

- 8.1. The Panel, or its Chair, may conduct one or more case management conferences. Such case management conferences may be held in person, by way of video conference or audio conference.

9. POWERS OF THE PANEL

- 9.1. In considering the complaint, the Panel shall not consider the decision of the review panel that caused Justice Goodman to make the request under section 104 of the *Act*, nor the reasons for that decision. The Panel shall make its determination based on the submissions of the parties and the evidence before it (section 111 of the *Act* and sections 9.11(1) and 10.4 of the *Review Procedures (2025)*).
- 9.2. The Panel has all the powers vested in the Superior Court of Justice of Ontario, including:
 - (a) The power to summon before it any witness and require them to give evidence on oath, orally or in writing or on solemn affirmation if they are entitled to affirm in civil matters, and to produce any documents and evidence that it considers necessary; and
 - (b) The power to enforce the attendance of any witness and compel them to give evidence (section 127 of the *Act* and section 9.5 of the *Review Procedures (2025)*).
- 9.3. The Panel may issue a subpoena upon request or on its own motion.
- 9.4. Any individual affected by a summons may challenge it by way of a motion to the Panel.

- 9.5. The Panel is not bound by any legal or technical rules of evidence and may receive and base a decision on evidence presented in its hearings that it considers credible or trustworthy in the circumstances of the case (section 128 of the *Act* and section 9.6 of the *Review Procedures (2025)*).
- 9.6. The Panel may, in accordance with the applicable legal test, take judicial notice of any matter in order to expedite the proceedings.
- 9.7. On request, the Panel may permit a party to remedy a gap in the evidence of its case or any non-compliance with these present directives, on any conditions that the Panel considers just, before the end of the proceedings.
- 9.8. The Panel shall consider the evidence adduced by Presenting Counsel and by Justice Goodman, as well as the submissions of the parties (section 9.11(1) of the *Review Procedures (2025)*).

10. DISCLOSURE OF WITNESSES

- 10.1. Both parties should provide to the other party the names of all witnesses known to have knowledge of the relevant facts, as well as any statements taken from those witnesses and summaries of any interviews with them, at least 21 days prior to the hearing.
- 10.2. Both parties should advise each other and the Panel of the names, addresses and telephone numbers of all witnesses they intend to call, at least 14 days prior to the hearing. For each witness who has been interviewed, a summary of the expected testimony should be provided to the other party. If a witness has not been interviewed, a summary of the information the witness is expected to provide should be shared with the other party, where possible.

11. DOCUMENT PRODUCTION

- 11.1. The parties should produce copies of all non-privileged documents in their possession or control that are relevant to the allegations or that have any bearing on the subject-matter of the proceedings, at least 21 days prior to the hearing. Parties may also be asked by the Panel to provide originals of relevant documents for inspection.
- 11.2. The parties must undertake to use the documents solely for the purposes of the proceedings and to maintain their confidentiality unless and until those documents have been admitted into evidence during the hearing.
- 11.3. Any witness or interested individual claiming privilege over documents should produce, at least 21 days prior to the hearing, a list of the documents over which

privilege is claimed, stating the basis and reasons for the claim of privilege. Where a claim of evidentiary privilege (including solicitor-client, litigation, informant, Cabinet, or public interest privilege) is made, the Panel may review the documents in question to determine whether privilege applies.

- 11.4. A privilege of confidential communications (doctor-patient, psychologist-patient, journalist-informant, religious communications) may be asserted before the Panel.

12. AFFIDAVIT EVIDENCE

- 12.1. A party may present evidence by sworn affidavit by serving the affidavit on the other party and filing it with the Registrar no later than 21 days prior to the hearing date.
- 12.2. A party who intends to present evidence by affidavit must ensure that the deponent of the affidavit is available for cross-examination. The timing of the cross-examination is to be decided on the parties' mutual consent or, if the parties do not consent, by the Panel.
- 12.3. A party who cross-examines the deponent of an affidavit must file the transcript of the cross-examination with the Registrar within seven days after the day on which the cross-examination takes place.

13. HEARINGS TO BE PUBLIC

- 13.1. Hearings before the Panel are to be public, but the Panel may hold all or any part of its hearings in private if it considers doing so to be in the public interest (section 129(1) of the *Act* and section 9.9 of the *Review Procedures (2025)*).
- 13.2. A request to have a hearing or part of a hearing held *in camera*, may be made by way of a motion, either before the hearing or at any point during the hearing.
- 13.3. If the Panel is considering or asked to consider holding a hearing in private, due notice and an invitation to provide observations shall be given to interested persons, including representatives of the media.
- 13.4. The Panel may prohibit the publication of any information or documents placed before it, if it is of the opinion that such publication is not in the public interest (section 129(2) of the *Act* and section 9.10 of the *Review Procedures (2025)*). A request to prohibit the publication of any information or documents placed before it is made by way of a motion.

14. ADJOURNMENT/POSTPONEMENT OF HEARINGS

- 14.1. Either party may request that a hearing be adjourned or postponed by filing a request, with supporting reasons, with the Panel (section 9.11(2) of the *Review Procedures (2025)*).
- 14.2. If the Panel grants an adjournment or postponement at the request of a party, it shall not grant the same party a subsequent adjournment or postponement unless that party has established that it is justified by exceptional circumstances (section 9.11(3) of the *Review Procedures (2025)*).
- 14.3. Any request for a postponement or an adjournment must be made as soon as reasonably possible after the party becomes aware of the basis for the request.

15. CONDUCT OF THE HEARING

- 15.1. The Panel shall establish the order of proceeding at the start of the oral hearing.
- 15.2. The Panel may order witnesses to be excluded from the hearing while the other witnesses are called to give evidence.
- 15.3. Witnesses must give their evidence under oath or upon solemn affirmation.
- 15.4. A party at a hearing is entitled to examine their own witnesses, cross-examine any witnesses of the other party and re-examine their own witnesses on matters raised in cross-examination.
- 15.5. If one of the parties does not appear at the hearing, and if the Panel is satisfied that a notice of the hearing was sent to the most recent address on file of that party, the Panel may proceed with the hearing in the party's absence and dispose of the complaints in any applicable manner referred to in section 80 of the *Act*.
- 15.6. At the conclusion of the hearing, Presenting Counsel and Justice Goodman will be given the opportunity to present final submissions relating to the matter before the Panel.

16. DECISION TO BE ISSUED

- 16.1. In accordance with section 112 of the *Act* and section 10.5(1) of the *Review Procedures (2025)*, if the Panel determines, on a balance of probabilities, that Justice Goodman's removal from office could be justified, it shall refer the complaint to the Council for the establishment of a full hearing panel.
- 16.2. The *Act* sets out four grounds for removing a judge from office. Section 80 of the *Act* states that the removal from office of a judge is justified only if, for any of the

following reasons, the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office:

- (a) infirmity
- (b) misconduct
- (c) failure in the due execution of judicial office
- (d) the judge is in a position that a reasonable, fair-minded and informed observer would consider incompatible with the due execution of judicial office.

16.3. In accordance with section 113 of the *Act* and section 10.5(2) of the *Review Procedures (2025)*, if the Panel determines, on a balance of probabilities, that Justice Goodman's removal from office is not justified, it may dismiss the complaint or take one or more of the following actions referred to in sections 102 (a) to (g) of the *Act* and reproduced in section 8.9(a) to (g) of the *Review Procedures (2025)*:

- (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 actions 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.

16.4. In the case of an action under paragraphs 102(a), (b) and (c) and for greater certainty, the ranking of severity for these three actions, from the least severe to the most severe, is as follows: an expression of concern; a warning; a reprimand.

16.5. When taking any of these actions, the Panel may impose a deadline for their completion.

16.6. If Justice Goodman fails to comply with an order or action issued or directed by the Panel, or fails to do so within the deadline imposed by the Panel, the failure to comply with an order or action shall become a new complaint.

Signed on January 22, 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.