

APPENDIX "A"

ONTARIO JUDICIAL COUNCIL
COPY OF EXHIBIT 1

In the matter of a hearing into
a complaint against

ONTARIO JUDICIAL COUNCIL

Justice M. ZUKER

IN THE MATTER OF a complaint respecting

Date OCTOBER 5, 2006

The Honourable Justice Marvin A. Zuker,

Marvin A. Zuker

Asst./Registrar

NOTICE OF HEARING

The Ontario Judicial Council (the "Council"), pursuant to sections 51.4(18) and 51.6 of the *Courts of Justice Act*, R.S.O. 1990, c.43, as amended, has directed that the following complaint regarding the conduct or actions of The Honourable Justice Marvin A. Zuker be referred to the Council for a hearing.

It is alleged that The Honourable Justice Marvin A. Zuker has conducted himself in a manner that is incompatible with the due execution of the duties of his office. The particulars of the complaint against The Honourable Justice Marvin A. Zuker are set out in Appendix "A" to this Notice.

The Council will convene at the Judges Conference Room, Suite 2310, 1 Queen Street East, in the City of Toronto, on Thursday, October 5, 2006 at 9:30 o'clock in the forenoon or as soon thereafter as the Council can be convened to set a date for the hearing of this complaint.

The Council, pursuant to section 51.6(18) of the *Courts of Justice Act*, may make a report to the Attorney General about the complaint, investigation, hearing and disposition of this matter.

A Judge whose conduct is being investigated in proceedings before the Council may be represented by counsel and shall be given the opportunity to be heard and to produce evidence before the Council makes such recommendation to the Attorney General with respect to the complaint as it sees fit.

The Council may, pursuant to sections 51.6(11) of the *Courts of Justice Act*, dismiss the complaint, with or without a finding that it is unfounded or, if it finds that there has been misconduct by the judge, may:

- (a) warn the judge;
- (b) reprimand the judge;
- (c) order the judge to apologize to the complainant or to any other person;
- (d) order that the judge take specified measures, such as receiving education or treatment, as a condition of continuing to sit as a judge;
- (e) suspend the judge with pay, for any period;
- (f) suspend the judge without pay, but with benefits, for a period up to thirty days; or
- (g) recommend to the Attorney General that the judge be removed from office in accordance with section 51.8.

and it shall inform the person who made the complaint and the Judge of its disposition of the complaint.

You or your representative(s) may contact the office of the solicitor for the Council in this matter, Douglas C. Hunt, Q.C., Hunt Partners LLP, 192 Bedford Road, Toronto, Ontario, M5R 2K9, (416) 350-2939.

If you fail to attend before the Council in person or by representative, the Council may proceed with the hearing in your absence.

Thursday, September 28, 2006


Valerie Sharp
Registrar

To: The Honourable Justice Marvin A. Zuker

APPENDIX "A"

PARTICULARS OF THE COMPLAINT

The particulars of the complaint regarding the conduct of the Honourable Justice Marvin A. Zuker are set out below.

1. On July 29, 2005 Justice Zuker was the presiding Justice in the matter of the Jewish Family and Children's Services v. Robin Mayer.

2. Ms. Mayer, the Respondent, appeared before Justice Zuker with Mr. Harry Kopyto. Ms. Mayer sought permission from Justice Zuker for Mr. Kopyto to act as her agent. Justice Zuker dismissed Ms. Mayer's request and Ordered that Mr. Kopyto could not represent Ms. Mayer as her agent.

3. On August 4, 2005 Ms. Mayer filed a Notice of Appeal from Justice Zuker's Order denying Ms. Mayer's request for permission for Mr. Kopyto to represent her as her agent.

4. Following the appearance by Ms. Mayer and Mr. Kopyto on July 29, 2005, Justice Zuker received a request to approve the release of the transcript of the proceedings before him on July 29, 2005.

5. Prior to approving the release of the transcript of the July 29, 2005 proceedings, Justice Zuker marked alterations, either by deletion or addition, on fourteen pages of the seventeen pages of the original transcript that had been prepared by the court reporter. The deletions and additions marked by Justice Zuker are set out in Appendix "B". The deletions and additions marked by Justice Zuker that were included in the final released transcript went beyond mere corrections of grammar, spelling and typographical errors and had the effect of changing the appearance of the nature and tenor of the proceedings that actually took place before Justice Zuker.

6. In conducting himself as described above, Justice Zuker has conducted himself and acted in a manner which is incompatible with the due execution of the duties of his office. In so doing, he has brought into question his integrity, impartiality and independence, and has brought the administration of justice into disrepute.