



JUSTICES OF THE PEACE REVIEW COUNCIL

ONTARIO

**ANNUAL REPORT
2022**



The Honourable Lise Maisonneuve

**CHIEF JUSTICE
ONTARIO COURT OF JUSTICE
CHAIR, JUSTICES OF THE PEACE REVIEW COUNCIL**

May 12, 2023

The Honourable Doug Downey
Attorney General for the Province of Ontario
720 Bay Street, 11th Floor
Toronto, Ontario
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Dear Minister:

It is my pleasure to submit the Sixteenth Annual Report of the Justices of the Peace Review Council concerning its operations in 2022, in accordance with s. 9(7) of the *Justices of the Peace Act*.

The period of time covered by this Annual Report is from January 1 to December 31, 2022.

Respectfully submitted,



Lise Maisonneuve
Chief Justice
Ontario Court of Justice

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1. INTRODUCTION

The Review Council is an independent body established by the Province of Ontario under the *Justices of the Peace Act*, R.S.O. 1990, c. J.4. The Review Council's mandate is to receive and investigate complaints about the conduct of justices of the peace and to fulfill other functions as described in this Report.

The *Justices of the Peace Act* provisions establishing and governing the Council are available on the government's e-laws website at:

- <https://www.ontario.ca/laws/statute/90j04>

The Act requires the Council to submit an Annual Report to the Attorney General on its affairs, including [case summaries](#) about complaints. Unless a public hearing has occurred, the Report must not include information that identifies a justice of the peace, a complainant or a witness.

This Sixteenth Annual Report provides information on the Council's membership, its functions and procedures, and its work during the 2022 reporting year. During the period covered by this report, the Review Council had jurisdiction over approximately 373 provincially appointed justices of the peace, including those working full-time, part-time and *per diem*.

Justices of the peace play an important role in the administration of justice in Ontario. They are appointed by the Province of Ontario and have their duties assigned by a Regional Senior Justice or a Regional Senior Justice of the Peace. Justices of the peace preside over provincial offences matters, including routinely conducting trials under the *Provincial Offences Act*. Justices of the peace also preside over bail hearings and perform other important judicial functions, such as issuing search warrants and presiding in criminal case management court and intake court.

The Ontario Court of Justice is the busiest trial court in Canada. In an average year, judges of the Court deal with over 230,000 adult and youth criminal cases and approximately 13,000 new family law proceedings. The Court holds sittings at approximately 130 locations across Ontario, ranging from large courthouses in cities to fly-in locations in northern Ontario.

You may find out more about the Review Council by reading this Annual Report and by visiting its website at:

- <https://www.ontariocourts.ca/ocj/jprc/>

The website contains:

- ◆ the Council's current policies and procedures
- ◆ updates about any public hearings that are in progress

- ◆ decisions made in public hearings
- ◆ the *Principles of Judicial Office of Justices of the Peace of the Ontario Court of Justice*
- ◆ the Justice of the Peace Education Plan

2. COMPOSITION AND TERMS OF APPOINTMENT

The *Justices of the Peace Act* sets out the membership of the Justices of the Peace Review Council and terms of appointment:

- ◆ the Chief Justice of the Ontario Court of Justice, or another judge of the Ontario Court of Justice designated by the Chief Justice;
- ◆ the Associate Chief Justice Co-ordinator of Justices of the Peace;
- ◆ three justices of the peace appointed by the Chief Justice of the Ontario Court of Justice;
- ◆ two judges of the Ontario Court of Justice appointed by the Chief Justice of the Ontario Court of Justice;
- ◆ one regional senior justice of the peace appointed by the Chief Justice of the Ontario Court of Justice;
- ◆ a licensee within the meaning of the *Law Society Act* appointed by the Attorney General from a list of three names submitted to the Attorney General by the Law Society of Ontario; and,
- ◆ four community representatives appointed by the Lieutenant Governor in Council on the recommendation of the Attorney General.

The Law Society licensee member of the Review Council may be a lawyer or a paralegal, in accordance with a change to the *Justices of the Peace Act* made in 2021.

In the appointment of community members, the importance of reflecting, in the composition of the Review Council as a whole, Ontario's linguistic duality, the diversity of its population and ensuring overall balance in gender identity, is recognized.

The Law Society licensee and community members who are appointed to the Council hold office for four-year terms and are eligible for reappointment. Judicial members on the Council are appointed by the Chief Justice of the Ontario Court of Justice.

3. MEMBERS

The membership of the Review Council in 2022 was as follows:

Ontario Court of Justice Members:

- ◆ The Honourable Lise Maisonneuve, Chief Justice of the Ontario Court of Justice (Chair)
- ◆ The Honourable Sharon Nicklas, Associate Chief Justice Co-ordinator of Justices of the Peace of the Ontario Court of Justice

Two judges appointed by the Chief Justice of the Ontario Court of Justice:

- ◆ The Honourable Justice Enzo Rondinelli (Toronto)
- ◆ The Honourable Justice Marlyse Dumel (Ottawa)

Regional Senior Justice of the Peace appointed by the Chief Justice of the Ontario Court of Justice:

- ◆ Regional Senior Justice of Peace Melanie Bremner (Toronto)

Three justices of the peace appointed by the Chief Justice of the Ontario Court of Justice:

- ◆ Her Worship Kristine Diaz (London)
- ◆ Her Worship Christine Smythe (Toronto)
- ◆ Her Worship Liisa Ritchie (Peel Region)
(Until January 31, 2022)
- ◆ His Worship Serge Legault (Ottawa)
(Effective February 1, 2022)

Members appointed by the Attorney General:

Law Society Member

- ◆ Bassam Azzi, Lawyer (Ottawa)
(Effective February 1, 2022)

Community Members

- ◆ Lauren Rakowski, Lawyer, Gardiner Roberts LLP (Toronto)
- ◆ John Tzanis, Paralegal, Continental Legal Services Professional Corporation (Markham)
- ◆ Naomi Solomon, Lawyer, BMO Financial Group (Toronto)
- ◆ George Nikolov, Professional Engineer (Toronto)

Temporary Members:

Subsection 8(10) of the *Justices of the Peace Act* permits the Chief Justice of the Ontario Court of Justice to appoint a judge or a justice of the peace to be a temporary member of the Justices of the Peace Review Council to sit on a complaints committee or hearing panel when it is necessary in order to meet the requirements of the *Act*. During the period covered by this report, the following members were appointed as temporary members:

- ◆ The Honourable Justice Diane Lahaie (Ottawa)
- ◆ The Honourable Justice Timothy Lipson (Toronto)
- ◆ The Honourable Justice Joseph De Filippis (St. Catharines)
- ◆ Her Worship Liisa Ritchie (Orangeville)
- ◆ Her Worship Holly Charyna (Owen Sound)

4. COUNCIL ADMINISTRATION AND STAFF

The Justices of the Peace Review Council and the Ontario Judicial Council share a five-member staff consisting of a Registrar, a Counsel/Deputy Registrar, two Assistant Registrars and an Administrative Assistant:

- Alison Warner – Registrar
- Shoshana Bentley-Jacobs – Counsel & Deputy Registrar (on leave as of April 2022)
- Lauren Binhammer – Acting Counsel & Deputy Registrar (commencing April 16, 2022)
- Philip Trieu – Assistant Registrar
- Ana Brigido – Assistant Registrar (retired December 30, 2022)
- Astra Tantaló – Administrative Assistant

Council staff are responsible for service delivery in a number of areas including:

- responding to telephone and written inquiries from the public regarding the Council's mandate and procedures and providing requested assistance to members of the public who wish to make a complaint to the Council
- performing a preliminary review of new complaints received by the Council
- redirecting complainants who are not complaining about judicial conduct to the appropriate complaint body and/or to available legal resources
- supporting members of the Council in the investigation and review of complaints (e.g., ordering court records, retaining investigation counsel, preparing complaint-related correspondence, etc.)
- supporting meetings of the full Council, as well as numerous meetings of complaints committees of the Council held throughout the year
- supporting and attending hearings of the Council into complaints
- posting communications on the Council's website regarding public hearings and decisions
- facilitating the consideration of judicial requests for compensation of legal fees incurred in the complaints process
- retaining and instructing counsel in relation to judicial reviews and/or appeals of decisions of the Council
- onboarding new members of the Council and offboarding members of the Council after the expiry of their terms
- assisting with the preparation of the Annual Report of the Council

In 2022, Council staff provided ongoing support in relation to two multi-day public hearings before hearing panels of the Justices of the Peace Review Council and in relation to multiple ongoing judicial review applications.

In addition to supporting the work of the Justices of the Peace Review Council, Council staff also support the work of the Ontario Judicial Council.

5. FUNCTIONS OF THE REVIEW COUNCIL

The *Justices of the Peace Act* sets out the functions of the Review Council:

- ◆ to establish complaints committees from amongst its members to receive and investigate complaints about justices of the peace, and decide upon dispositions under s. 11(15);
- ◆ to hold hearings under s. 11.1 when hearings are ordered by complaints committees pursuant to s. 11(15);
- ◆ to review and approve standards of conduct;
- ◆ to consider applications under s. 5.2 for the accommodation of needs;
- ◆ to address continuing education plans; and,
- ◆ to decide whether a justice of the peace who applies for approval to engage in other remunerative work may do so.

The Review Council does not have the power to interfere with a court case or to change a decision made by a justice of the peace. If a person believes that a justice of the peace made an error in assessing evidence or in making a decision on any legal issue, they may pursue available legal remedies through the courts, such as an appeal.

6. COMMUNICATIONS

The website of the Justices of the Peace Review Council includes information about the Council, including the most current version of its policies and procedures, as well as information about hearings that are underway or that have been completed. Information on ongoing hearings is available under the link “Public Hearings” at:

- www.ontariocourts.ca/ocj/jprc/public-hearings/

Decisions made during hearings are posted under the link “Public Hearings Decisions” at:

- www.ontariocourts.ca/ocj/jprc/public-hearings-decisions/

Each Annual Report of the Council is also available on the Council’s website no later than thirty days after it has been sent to the Attorney General at:

- <https://www.ontariocourts.ca/ocj/jprc/annual-report/>

7. EDUCATION PLAN

The Associate Chief Justice Co-ordinator of Justices of the Peace of the Ontario Court of Justice is required by s. 14 of the *Justices of the Peace Act* to establish, implement and make public a plan for the continuing judicial education of justices of the peace. The education plan must be approved by the Review Council. In 2007, a continuing education plan was developed by the Associate Chief Justice Co-ordinator of Justices of the Peace in conjunction with the Advisory Committee on Education. The Committee included the Associate Chief Justice Co-ordinator of Justices of the Peace as Chair (*ex officio*) and justices of the peace nominated by the Associate Chief Justice Co-ordinator of Justices of the Peace and by the Association of Justices of the Peace of Ontario.

An Advisory Committee on Education of the Court reviews the education programs and may make recommendations to the Associate Chief Justice Co-ordinator of Justices of the Peace on changes and additions to existing programs, and on the content and format of new programs as they are being proposed and developed. Any proposed changes are submitted to the Review Council for review and approval.

A copy of the current Education Plan can be found on the Council's website under the link "Education Plan" at:

- www.ontariocourts.ca/ocj/jprc/education-plan/

8. STANDARDS OF CONDUCT

The Associate Chief Justice Co-ordinator of Justices of the Peace may, under s. 13(1) of the *Justices of the Peace Act*, establish standards of conduct for justices of the peace and a plan for bringing the standards into effect and must implement the standards and plan when they have been reviewed and approved by the Review Council.

Further to s. 13(1), the *Principles of Judicial Office for Justices of the Peace of the Ontario Court of Justice* were approved by the Justices of the Peace Review Council on December 7, 2007. The principles set out standards of excellence and integrity to which justices of the peace should subscribe. These principles are not exhaustive. Intended to assist justices of the peace in addressing ethical and professional dilemmas, they also serve to assist the public in understanding the standards expected of justices of the peace in the performance of their judicial duties and in their conduct generally.

The principles are advisory in nature. A breach does not automatically lead to a conclusion that there has been misconduct. However, the principles set out a general framework of values and considerations that are relevant to evaluating allegations of improper conduct by a justice of the peace.

The *Principles of Judicial Office for Justices of the Peace of the Ontario Court of Justice* can be found on the Council's website under the link for "Principles of Judicial Office" at:

- <https://www.ontariocourts.ca/ocj/jprc/principles-of-judicial-office/>

In 2021, the Canadian Judicial Council published an updated version of the *Ethical Principles for Judges*, which provides guidance on the high standards of conduct expected of members of the judiciary both on and off the bench.

9. APPLICATIONS FOR ACCOMMODATION

A justice of the peace who believes that they are unable, because of a disability, to perform the essential duties of the office unless their needs are accommodated may apply to the Council under s. 5.2 of the *Justices of the Peace Act* for an order that such needs be accommodated to enable them to perform their essential duties.

The Ministry of the Attorney General, with input from the Office of the Chief Justice, has a process that provides a consistent means for judicial officers to request accommodation of needs arising from disabilities. The Council recognizes that the Ministry has access to the expertise and resources to properly assess and address requests for accommodation of needs. For the Council to properly consider applications for accommodation, the applicant justice of the peace must first exhaust the accommodation of needs process that is available for judicial officers through the Ministry of the Attorney General. When that process has been completed, if the justice of the peace wishes to apply to the Council, they must provide a copy of all documentation from the Ministry's application process, including medical evidence and decisions.

Rule 20 of the Council's Procedures sets out the policy governing applications for an order of accommodation:

- <https://www.ontariocourts.ca/ocj/files/jprc/procedures-EN.pdf>

Two accommodation issues were raised with the Review Council, however no formal applications were considered by the Council in 2022.

10. OVERVIEW OF THE COMPLAINTS PROCESS

i. Who may file a complaint?

Any person may make a complaint to the Review Council about the conduct of a justice of the peace. The JPRC Procedures Document requires that complaints must be made in writing and states that the Review Council does not have the authority to investigate anonymous complaints.

ii. Does the Council have the legal authority to consider the complaint?

The Review Council has a legislative mandate to review complaints about the **conduct** of justices of the peace. The Council has no authority to review **decisions** of justices of the peace to determine whether there were any errors in how the issues were determined or how conclusions were drawn. If a party involved in a court case thinks that a justice of the peace reached the wrong decision in the case, they may have legal remedies through

the courts, such as an appeal or application for judicial review. Only a court can change a decision or order of a justice of the peace.

All correspondence sent to the Review Council is reviewed to determine whether a complaint is within the jurisdiction of the Review Council. In cases where the complaint may be within the jurisdiction of the Review Council, a complaint file is opened and a letter of acknowledgement is sent to the complainant.

If a complainant expresses dissatisfaction with a decision that has been made by a justice of the peace, a letter is sent advising the complainant that the Council has no power to change a decision made by a justice of the peace. In such cases, the complainant is advised that they may wish to consult legal counsel to determine what, if any, remedies may be available through the courts.

If an individual is complaining about a lawyer or paralegal, a police officer, a Crown Attorney, member of court staff, or about another office, the complainant is generally given the contact information of the appropriate body that may address their concerns.

If the complaint raises allegations of conduct about a justice of the peace arising from a court proceeding that is still ongoing, the Review Council will not generally commence an investigation until that court proceeding and any appeal or other related legal proceedings have been completed. This is to ensure that any investigation by the Council does not interfere, and is not perceived to be interfering with, ongoing court matters.

iii. What happens in the complaints process?

The *Justices of the Peace Act* and the procedures that have been established by the Council provide the framework for addressing complaints about justices of the peace. If a complaint is ordered to a public hearing, certain provisions of the *Statutory Powers Procedure Act* also apply. The complaints procedure is outlined below.

a) Preliminary Investigation and Review

Once it is determined that the complaint does not raise allegations related to ongoing court proceedings, a complaints committee will be assigned to investigate the complaint. Each complaints committee is composed of a provincially appointed judge who acts as chair, a justice of the peace and either a community or Law Society member. Members of the Council serve on complaints committees on a rotating basis.

Complaints are not generally assigned to judicial members from the same region where the justice of the peace who is the subject of the complaint presides to avoid possible conflicts of interest.

Section 11(8) of the Act requires that investigations by the Review Council be conducted in private.

Where a complaint involves allegations about a justice of the peace's conduct in the courtroom, the complaints committee will review the relevant court transcripts, documents, and/or the audio recording of the proceeding.

In some cases, the committee may find that it is necessary to conduct further investigation in the form of witness interviews. Section 8(15) of the Act permits the Council to retain external lawyers or investigators to assist the committee by interviewing witnesses who may have information concerning the allegations.

The complaints committee may also decide to invite the subject justice of the peace to submit a written response to the complaint. In such cases, a copy of the relevant materials considered by the complaints committee will be provided to the justice of the peace, together with a letter from the complaints committee of the Review Council inviting a response. The justice of the peace may seek independent legal advice to provide assistance in responding to the complaint.

b) Interim Recommendations

In the course of its investigation, the complaints committee may also consider whether the allegations warrant making an interim recommendation of non-assignment or reassignment of the justice of the peace pending the disposition of the complaint. Under s. 11(11) of the Act, the committee may make an interim recommendation to the Regional Senior Justice where the justice of the peace presides that the justice of the peace be non-assigned work or reassigned to another court location pending the final disposition of the complaint.

A Regional Senior Justice has discretion to accept or reject a complaints committee's interim recommendation. If the Regional Senior Justice decides not to assign work to the justice of the peace pending the final disposition of the complaint, pursuant to the legislation, the justice of the peace will continue to be paid. If the Regional Senior Justice decides to reassign the justice of the peace, the legislation requires that the justice of the peace must consent to the reassignment.

In deciding whether to make an interim recommendation, a complaints committee shall consider whether any of the following factors are present:

- ◆ the complaint arises out of a working relationship between the complainant and the justice of the peace and the complainant and the justice of the peace both work at the same court location;
- ◆ allowing the justice of the peace to continue to preside would likely bring the administration of justice into disrepute;
- ◆ the complaint is of sufficient seriousness that there are reasonable grounds for investigation by law enforcement agencies;
- ◆ it is evident to the complaints committee that the justice of the peace is suffering from a mental or physical impairment that cannot be remedied or

reasonably accommodated.

Where a complaints committee is considering making an interim recommendation, it may (but is not required to) provide the justice of the peace with an opportunity to make written submissions before making its decision.

Particulars of the factors upon which the complaints committee's interim recommendation is based are provided to both the Regional Senior Justice receiving the interim recommendation and to the justice of the peace.

The Procedures of the Review Council recognize that an exception to the general requirement of confidentiality in the complaints process is warranted where an interim recommendation of non-assignment or reassignment has been made and the complaint has been referred to a public hearing. In such circumstances, once the Notice of Hearing has been served on the justice of the peace and the complaints process has become public, the Review Council's website informs the public that the justice of the peace has been unassigned from work or has been reassigned to a different location as a result of an interim recommendation.

Of the files closed in 2022, 3 subject justices of the peace were non-assigned work pending the final disposition of the complaint. In addition, 1 justice of the peace was re-assigned to another court location pending the final disposition of the complaint.

c) Dispositions by Complaints Committees

When the investigation is completed, pursuant to s. 11(15) of the Act, the complaints committee will do one of the following:

- ◆ dismiss the complaint if it is frivolous, an abuse of process or outside the jurisdiction of the complaints committee;
- ◆ invite the justice of the peace to attend before the complaints committee to receive advice concerning the issues raised in the complaint or send the justice of the peace a letter of advice concerning the issues raised in the complaint, or both;
- ◆ order that a formal hearing into the complaint be held by a hearing panel;
or,
- ◆ refer the complaint to the Chief Justice of the Ontario Court of Justice.

The Review Council has developed criteria in its Procedures to assist complaints committees in determining the appropriate disposition of a complaint:

- ◆ **Dismissal:** A complaints committee will dismiss a complaint after reviewing the complaint if the complaints committee believes: (i) it is frivolous or an abuse of process; (ii) it falls outside the Review Council's jurisdiction because it is a complaint about the exercise of judicial

discretion and does not include an allegation of judicial misconduct; (iii) if it does include an allegation of judicial misconduct, the allegation is unproven or unfounded, or the conduct does not rise to the level of misconduct that requires further action on the part of the Review Council.

- ◆ **Provide advice:** A complaints committee may provide advice to a justice of the peace, in person or by letter, or both, in circumstances where the misconduct complained of does not warrant another disposition, there is some merit to the complaint and the disposition is, in the opinion of the complaints committee, a suitable means of informing the justice of the peace that his/her course of conduct was not appropriate in the circumstances that led to the complaint.
- ◆ **Referral to the Chief Justice:** A complaints committee may refer a complaint to the Chief Justice of the Ontario Court of Justice in circumstances where the conduct complained of does not warrant another disposition, there is some merit to the complaint and the disposition is, in the opinion of the complaints committee, a suitable means of informing the justice of the peace that his/her course of conduct was not appropriate in the circumstances that led to the complaint. A complaints committee may impose conditions on the referral to the Chief Justice if, in its opinion, there is some course of action or remedial training of which the subject justice of the peace could take advantage.
- ◆ **Order a hearing:** A complaints committee may order a hearing into a complaint where there has been an allegation of judicial misconduct that the complaints committee believes has a basis in fact and which, if believed by the finder of fact, could result in a finding of judicial misconduct.

d) Reporting the Disposition of Complaints

After the complaints committee determines the appropriate disposition of a complaint, it communicates its decision to the complainant and, in most cases, to the justice of the peace. Justices of the peace may waive notice of complaints made about their conduct in circumstances where the justice of the peace is not invited to respond to the complaint and the complaint is dismissed.

In accordance with the Procedures, if the complaints committee decides to dismiss a complaint, brief reasons will be provided in a disposition letter sent to the complainant (and the justice of the peace, if notice is not waived) and in a case summary that appears in the Annual Report.

Because of the role of the Review Council in balancing judicial independence and accountability for judicial conduct, the legislation provides that proceedings, other than public hearings, are generally private and confidential. Through the Annual Report, complaints committees report to the Review Council and the public about complaints

received and disposed of during the reporting year. In accordance with the governing legislation and procedures, except where a public hearing is ordered, the Annual Report does not identify the complainant or the justice of the peace who is the subject of the complaint.

e) Public Hearings

When the complaints committee orders a public hearing, under s. 11.1(1) of the Act, the Chief Justice of the Ontario Court of Justice, who is also the Chair of the Review Council, establishes a three-member hearing panel from among the members of the Council composed of:

- ◆ a provincially-appointed judge who chairs the panel;
- ◆ a justice of the peace; and,
- ◆ a member of the Council who is a judge, a lawyer, or community member.

Complaints committee members who participated in the investigation of a complaint do not participate or form part of the hearing panel.

The legislation provides authority for the Chief Justice of the Ontario Court of Justice to appoint judicial members as “temporary members” of the Council where it is necessary to achieve quorum to meet the requirements of the Act. This also provides a means to ensure that none of the hearing panel members was involved in the investigation of the complaint.

With some exceptions, the *Statutory Powers Procedure Act* applies to hearings into complaints. Persons may be required by summons to give evidence under oath or affirmation at the hearing and to produce in evidence any documents or things which are relevant to the subject matter of the hearing and admissible at the hearing.

A hearing under s. 11.1 of the Act is public unless the Review Council determines, in accordance with criteria established under the JPRC Procedures Document, that it should proceed in private. These criteria include whether the hearing involves matters of public or personal security that may be disclosed, or where intimate financial, personal or other matters may be disclosed of such a nature that the desirability of avoiding disclosure of such matters, in the interests of any person affected or in the public interest, outweighs the desirability of following the principle that the hearing be open to the public.

Where a complaint involves allegations of sexual misconduct or sexual harassment, the Review Council hearing panel has the power to prohibit publication of information that would disclose the identity of a complainant or a witness in accordance with s. 11.1(9) of the Act.

The Review Council engages legal counsel, called presenting counsel, for the purposes of preparing and presenting the case about the justice of the peace to the hearing panel. The legal counsel engaged by the Review Council operates independently of the Review

Council. The duty of presenting counsel is not to seek a particular order against a justice of the peace, but to see that the complaint about the justice of the peace is evaluated fairly and dispassionately to the end of achieving a just result.

The justice of the peace may be represented by counsel or agent, or may act on their own behalf in any hearing before a hearing panel of the Review Council.

Under s. 11.1(10) of the Act, the hearing panel of the Review Council may dismiss the complaint, with or without a finding that it is unfounded or, if it upholds the complaint, it may impose one or more of the following sanctions:

- ◆ warn the justice of the peace;
- ◆ reprimand the justice of the peace;
- ◆ order the justice of the peace to apologize to the complainant or to any other person;
- ◆ order the justice of the peace to take specified measures such as receiving education or treatment, as a condition of continuing to sit as a justice of the peace;
- ◆ suspend the justice of the peace with pay, for any period; or,
- ◆ suspend the justice of the peace without pay, but with benefits, for a period up to 30 days.

Following the hearing, the hearing panel of the Review Council may make a recommendation to the Attorney General that the justice of the peace be removed from office. A recommendation to the Attorney General that the justice of the peace be removed from office cannot be combined with any other disposition.

A justice of the peace may be removed from office only if a hearing panel of the Review Council recommends to the Attorney General under s. 11.2 that the justice of the peace be removed on one or more the following grounds:

- ◆ they have become incapacitated or disabled from the execution of their office by reason of inability to perform the essential duties of the office because of a disability and, in the circumstances, accommodation of their needs would not remedy the inability, or could not be made because it would impose undue hardship to meet those needs;
- ◆ they have engaged in conduct that is incompatible with the execution of the office; or
- ◆ they have failed to perform the duties of their office.

Only the Lieutenant Governor in Council may act upon the recommendation of the hearing panel and remove the justice of the peace from office.

11. COMPENSATION FOR LEGAL COSTS

When a complaints committee has dealt with a complaint, s. 11(16) of the *Justices of the Peace Act* permits the committee to consider an application by the subject justice of the peace for compensation for legal costs incurred in connection with the investigation. The complaints committee may recommend to the Attorney General that the justice of the peace be compensated for all or part of the costs of legal services incurred in connection with the investigation.

Where a hearing into a complaint is ordered, s. 11.1(17) allows a hearing panel to consider an application by the subject justice of the peace for compensation for legal costs incurred in connection with both the investigation and the hearing. Where a recommendation for removal from office is made in response to a complaint received on or after July 8, 2020, a hearing panel shall not recommend compensation: s. 11.1(17.2).

The amount of compensation recommended by a complaints committee or hearing panel is based on a rate for legal services that does not exceed the maximum rate normally paid by the Government of Ontario for similar services, in accordance with s. 11(17) and s. 11.1(18) of the Act. Compensation requests are submitted to the Council after the complaints process has concluded, along with a copy of the lawyer's statement of account(s).

In 2022, four recommendations for compensation for legal costs were made to the Attorney General by complaints committees or hearing panels.

12. COUNCIL PROCEDURES

Under s. 10(1) of the *Justices of the Peace Act*, the Review Council may establish rules of procedure for complaints committees and hearing panels, and the Review Council must make the rules available to the public. The Review Council has established procedures governing the complaints process which are posted on its website under the link, "Policies and Procedures" at:

- www.ontariocourts.ca/ocj/jprc/policies-and-procedures/

In 2022, the Council continued to refine and develop its procedures and policies. The procedural amendments reflect the Council's commitment to ensuring public confidence in the effectiveness of the judicial complaints process for justices of the peace. The following amendments to the Review Council's Procedures Document were adopted by the Council:

- ◆ In August 2022, the Review Council adopted a new rule in its Procedures Document establishing the test for judicial misconduct that hearing panels

should apply. Rule 16 provides as follows:

16.1 To ensure that the Review Council may address misconduct of varying degrees of severity as contemplated by ss. 11.1(10)(a)-(g) of the *Justices of the Peace Act*, the Review Council has adopted the following test for judicial misconduct that should be applied by Hearing Panels.

16.2 (1) If the Hearing Panel finds that

a) some or all of the alleged conduct has been proven on a balance of probabilities, and

b) some or all of the proven conduct is incompatible with judicial office,

the Hearing Panel shall make a finding that the justice of the peace has engaged in judicial misconduct.

(2) In determining whether the proven conduct is incompatible with judicial office, the Hearing Panel shall consider all the circumstances, including:

a) whether the conduct is inconsistent with the *Principles of Judicial Office* and/or any standards of conduct established by the Chief Justice of the Ontario Court of Justice and approved by the Review Council under s. 13(1) of the *Justices of the Peace Act*,

b) whether the conduct is contrary to the impartiality, integrity, and/or independence of the judiciary;

c) whether the conduct undermines the public's confidence in the justice of the peace's ability to perform the duties of office; and

d) whether the conduct undermines the public's confidence in the administration of justice generally.

- ◆ To enhance the currency and readability of the Procedures Document, the Review Council approved an amendment removing the Overview section and the Legislative Provisions sections. The information in the Overview section is available in the Annual Reports of the Review Council and on the Review Council's website. The Procedures Document provides a link to the most current version of the [*Justices of the Peace Act*](#) and the [*Statutory Powers Procedures Act*](#) on the [e-Laws website](#) maintained by the Government of Ontario.
- ◆ The Review Council amended the Procedures Document to use gender-inclusive language.
- ◆ Rule 3.7 [formerly rule 4.7] was amended to confirm that, if it is plain and

obvious that a complaint directed to the Review Council does not contain allegations about the conduct of a justice of the peace, the complaint will not be referred to a complaints committee for investigation, and a complaint file will not be opened: see r. 3.7(d).

- ◆ Rule 6.23 [formerly r. 7.24] was amended so as to confer discretion on complaints committees to impose a disposition other than ordering a hearing where there is a basis in fact for an allegation of judicial misconduct and other remedial measures under the *Justices of the Peace Act* (e.g., providing advice to the justice of the peace, or referring the complaint to the Chief Justice), are proportionate dispositions.
- ◆ The Review Council amended rr. 4.1, 4.9 and 12.5 [formerly rr. 5.1, 5.9 and 13.5] of the Procedures to provide that notice that a public hearing has been ordered into the conduct of a justice of the peace will be provided after a notice of hearing is served on the justice of the peace. Prior to the amendment, the Procedures provided that a hearing becomes public after the notice of hearing is filed as an exhibit at the initial set-date proceeding presided over by the hearing panel.
- ◆ The Review Council adopted new r. 15.20 to codify the discretionary power of a hearing panel to amend a notice of hearing on a motion by a party, or on the hearing panel's own motion, where there is a variance between the evidence taken at the hearing and the particulars of the allegations in the notice of hearing, or to correct any deficiencies as to form or substance in the notice of hearing. The amendments provide guidance to hearing panels on the factors they should consider when deciding whether to amend a notice of hearing or an allegation in the notice.

The Council's current procedures that incorporate the amendments made in 2022 are posted on the Review Council's website at this link:

- www.ontariocourts.ca/ocj/jprc/policies-and-procedures/

13. OVERVIEW OF COMPLAINT CASELOAD IN 2022

The Justices of the Peace Review Council works hard to administer an efficient and timely process to review complaints against justices of the peace that fall within its jurisdiction.

In 2022, the Review Council received, reviewed and responded to over 50 letters of complaint. In addition, Council staff responded to several hundred phone calls from complainants and members of the public.

Many complaints received by the Review Council involve matters that are outside of its jurisdiction. For example, the Council receives a number of complaints that are about the decisions of justices of the peace rather than about their conduct. In addition, the Council receives complaints about federally appointed judges, police, lawyers or Crown Attorneys, and complaints concerning administrative law proceedings. Council staff provide written responses to complainants advising them of the appropriate body to which they may wish to direct their complaints. Depending on the nature of the complaint, Council staff may provide information about legal resources that could assist.

When the Council receives a complaint raising allegations that may be within its jurisdiction to investigate, a complaint file is opened and the complaint is assigned to a three-member complaints committee of the Council for review and investigation.

During the reporting period, 10 new complaint files were opened and assigned to complaints committees of the Council. In addition, 6 complaint files were carried forward from 2021, 3 complaint files from 2020, 1 file from 2019, and 1 file from 2017, for a total of 21 open complaint files under consideration by the Council during 2022.

In 2022, the Review Council closed 11 complaint files. Of the 11 files that were closed, 1 file was opened in 2019 (which was the subject of a public hearing), 3 complaint files were opened in 2020 (one of which was the subject of a public hearing); 5 complaint files were opened in 2021; and 2 complaint files were opened in 2022.

In 2022, 5 complaints were dismissed by the Review Council under s. 11(15)(a) of the *Justices of the Peace Act* on the basis that the allegations in the complaint letter were outside the jurisdiction of the Council, or were unsubstantiated or unfounded, or the behaviour in question did not amount to judicial misconduct requiring further action by the Council.

In 2 cases, the Review Council provided advice in writing to a justice of the peace under s. 11(15)(b) of the Act. No complaints were referred to the Chief Justice of the Ontario Court of Justice pursuant to s. 11(15)(d) of the Act in the reporting year. The Council lost jurisdiction over two complaints when the justice(s) of the peace who were the subject of the complaints left office before the complaints process was completed. These files were administratively closed.

Of the files closed in 2022, two complaints about the conduct of justices of the peace were the subject of public hearings. A public hearing is ordered pursuant to s. 11(15)(c)

of the Act where the complaints committee is of the opinion that there has been an allegation of judicial misconduct which the majority of the members of the committee believes has a basis in fact and which, if believed by the finding of fact, could result in a finding of judicial misconduct.

A summary of the public hearings into two complaint files that were closed in 2022 is found below in this section of the Annual Report, under the heading Formal Hearings.

Also in 2022, a complaints committee ordered a public hearing into a complaint about the conduct of Justice of the Peace Margot McLeod. Information about this hearing, and any other ongoing public hearings of the Council, is provided on the Review Council's website at:

- <http://www.ontariocourts.ca/ocj/jprc/public-hearings/>

COMPLAINT OUTCOMES FOR FILES CLOSED IN 2022

Disposition	Number of Cases
Dismissed – Frivolous or an abuse of process; outside jurisdiction; unsubstantiated or did not amount to judicial misconduct ¹	5
Advice Letter	2
Advice – In Person	0
Referred to Chief Justice	0
Loss of Jurisdiction	2
Hearing	2
TOTAL	11

¹ In previous annual reports, the Review Council reported separately on the number of complaints that were dismissed as outside the Review Council’s jurisdiction and the number of complaints that were dismissed as frivolous, an abuse of process, unsubstantiated, or did not amount to judicial misconduct. Complaints dismissed by the Review Council often contain a combination of allegations, some of which are outside the Review Council’s jurisdiction and some of which are frivolous, an abuse of process, unsubstantiated, or do not amount to judicial misconduct. Accordingly, for the 2022 Annual Report, these two categories have been consolidated.

TYPES OF COMPLAINT FILES CLOSED IN 2022

Types of Cases Closed	Number of Cases	% of Caseload
Provincial Offences Court	2	18%
Intake Court	0	N/A
Case Management Court	2	18%
Bail Court	2	18%
Peace bond application	0	N/A
Pre-enquête	0	N/A
Outside of Court	5	46%
TOTAL	11	100%

COMPLAINT FILE CASELOAD

	2017	2018	2019	2020*	2021*	2022
Files opened during year	37	43	39	17	9	10
Files continued from previous year	29	35	33	29	16	11
Total open files during year	66	78	72	46	25	21
Files closed during year	31	45	43	30	14	11
Files remaining at year end	35	33	29	16	11	10

*The lower number of new complaints received in 2020-2022 may in part be due to the impact of the COVID-19 pandemic on court proceedings including proceedings involving provincial offences. Court proceedings were adjourned due to health risks associated with the pandemic. Most complaints arise from proceedings in court.

FORMAL HEARINGS

Of the files closed in 2022, two complaints about the conduct of justices of the peace were the subject of public hearings. A public hearing may be ordered pursuant to s. 11(15)(c) where the complaints committee is of the opinion that there has been an allegation of judicial misconduct which the majority of the members of the committee believes has a basis in fact and which, if believed by the finder of fact, could result in a finding of judicial misconduct.

Hearing decisions are posted on the Review Council's website on the webpage "Public Hearings Decisions" at:

- <https://www.ontariocourts.ca/ocj/jprc/public-hearings-decisions/>

Hearing about the conduct of Justice of the Peace Dianne Ballam

Following a hearing into a complaint about the conduct of Justice of the Peace Dianne Ballam, in their reasons for decision, dated December 14, 2021, the hearing panel found that Justice of the Peace Ballam engaged in judicial misconduct when she provided legal services to two individuals while holding judicial office and without an active license to practice law or insurance coverage. In addition, the hearing panel found that Justice of the Peace Ballam engaged in misconduct by misleading two courts and a tribunal about her status.

In their reasons for decision on disposition, dated June 20, 2022, the hearing panel found that Justice of the Peace Ballam was unfit to hold judicial office by reason of her misconduct and recommended to the Attorney General that Her Worship be removed from office.

On July 19, 2022, Justice of the Peace Dianne Ballam filed an application for judicial review in Divisional Court seeking an order in the nature of *certiorari* quashing the decision of the Justices of the Peace Review Council and directing the Review Council to not proceed further with the complaint against her.

On August 25, 2022, the Lieutenant Governor in Council approved an Order in Council that Her Worship be removed from office pursuant to s. 11.2(1) of the *Justices of the Peace Act*. The applicant is additionally seeking to quash the Order removing her from judicial office.

During the period covered by this report, the judicial review application was pending in Divisional Court.

Hearing about the conduct of Justice of the Peace Anna Gibbon

Following a hearing into a complaint about the conduct of Justice of the Peace Anna Gibbon, in reasons dated February 7, 2022, the hearing panel found that Her Worship engaged in judicial misconduct by inappropriately intervening in her son's *Highway Traffic Act* proceeding, including, for example, by personally filing the Certificate of Offence requesting a trial on behalf of her son and by personally filing a disclosure request on his behalf, by calling the prosecutor to discuss her son's case, by extending a dinner invitation on the morning of her son's trial to the out-of-town justice of the peace who was presiding in conflict court that day, and by having an angry exchange with the court staff and her Regional Senior Justice of the Peace including demanding that the charge against her son be dropped.

In their reasons for decision on disposition, dated August 25, 2022, the majority of the hearing panel held that the egregious nature of the misconduct and the adverse credibility findings that the hearing panel made in relation to Justice of the Peace Gibbon's evidence at the hearing necessitated a recommendation to the Attorney General that Her Worship be removed from office.

The dissenting member of the hearing panel found that Justice of the Peace Gibbon's conduct was connected with her experiences as an Indigenous woman in the community of Thunder Bay and a justice system participant. In her view, a restorative, community-based approach to disposition was required. The dissenting member would have imposed a combination of dispositions consisting of a warning, a reprimand, a one-month suspension without pay, an order to write letters of apology, and a requirement that Her Worship continue with education and mentoring as assigned by the Chief Justice, including monthly meetings with a mentor, as a condition of continuing to sit as a justice of the peace.

On October 11, 2022, the hearing panel released its decision on Her Worship's application for a recommendation that she be compensated for her legal costs incurred in connection with the investigation and the hearing. Her Worship sought a total of \$124,374.54, inclusive of disbursements and HST.

For the reasons set out in its written decision, the panel ordered that Justice of the Peace Gibbon receive partial compensation for her legal costs in the amount of \$114,495.51, inclusive of HST and disbursements. A copy of the panel's decision is posted on the Review Council's [Public Hearings Decisions](#) webpage.

On September 23, 2022, Justice of the Peace Anna Gibbon filed an application for judicial review in Divisional Court of the hearing panel's recommendation to the Attorney General that she be removed from office.

On October 11, 2022, the Divisional Court granted the applicant's motion for a stay of the removal recommendation pending the disposition of the application for judicial review by the Divisional Court.

During the period covered by this report, the judicial review application was pending in

Divisional Court.

Appeal in Judicial Review Proceedings of Hearing Panel's decision re: Justice of the Peace Julie Lauzon

As noted in the Annual Reports of 2020 and 2021, following a hearing into three complaints about the conduct of Her Worship Julie Lauzon, a majority of the hearing panel recommended to the Attorney General that Her Worship be removed from office. Her Worship filed an application for judicial review, which was dismissed by the Divisional Court in reasons reported at *Lauzon v. Justices of the Peace Review Council*, 2021 ONSC 6174 and available at <https://canlii.ca/t/jj90l>. The Court of Appeal for Ontario granted an application for leave to appeal, and the appeal was heard on September 27, 2022.

During the period covered by this report, the decision of the Court of Appeal was on reserve.

14. CASE SUMMARIES

Case No. 31-006/20

The complainant was a staff sergeant of a police service. In his letter to the Review Council, the complainant described an incident that he says was reported to him by a court services police sergeant. The allegations arose from a proceeding in Provincial Offences Court before the subject justice of the peace.

The complainant states he was told that:

- During the proceedings, the justice of the peace stated that the investigating police officer, “was racially profiling as this defendant was Black and was charged with multiple counts of Drive While Under Suspension, on the basis of his colour. The Prosecutor addressed the remark on the ‘record’ as inappropriate and allegedly His Worship replied that he did not care.”
- There were no facts or evidence read into the record that would reveal this matter to be a race-based approach to the charging of the defendant. The justice of the peace said that there was something “nefarious” about the charges and proceeded to say that he wanted his comments to be “on the record”.
- The defendant was present in court but the investigating officer who charged the defendant was not.
- There was a joint position on sentence and at no time did the defendant allege that he was racially profiled. The defendant did not

make any comments after the justice of the peace expressed his views.

The complainant advised that the justice of the peace's remarks have become known to senior officers within the police service. He also noted that the investigating and charging officer is Black.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for review and investigation.

The complaints committee reviewed the letter of complaint. The committee also reviewed the transcript and audio recording of the proceeding before the subject justice of the peace. Based on this review, the committee observed that during the proceeding in question, the prosecutor indicated that the self-represented defendant was prepared to enter a guilty plea to two counts of drive with a suspended licence and to one count of operate a motor vehicle without insurance. The prosecutor proposed to formally withdraw a third count of drive with a suspended licence and one count of fail to surrender a permit. All five of the charges stemmed from one traffic stop. The prosecutor advised that the officers who conducted the traffic stop found that the defendant was under two separate licence suspensions at the time of the traffic stop.

The committee observed from the transcript that the justice of the peace remarked that in his 13 years on the bench, he had never seen a police officer charge a defendant with three separate charges of "Driving While Suspended" at the same time, even where the person was under multiple suspensions. The prosecutor indicated that he wished to put it on the record that he had vetted the file and believed that there was a reasonable prospect of conviction on the charges, and that there was no "malignant or malicious intent". The justice of the peace then stated:

THE COURT: Very well. And I'll put this on the record also. I mean my concern is, is, is [the defendant] is a black person, and I believe that there, that may have entered the equation on the part of a police officer. I'm not saying that it did. But I'm very suspect with respect to what occurred. And that's what bothers me about this. In my experience someone who is under a suspension, a driving suspension, it doesn't matter how many times, I have never seen multiple charges. And the Crown, in these situations, always brings to my attention a certified copy from the Registrar of Motor Vehicles saying that so and so has been suspended three times, five times in the past five years, three years, as the case may be. And we are seeking this is an appropriate sentence, whether it be incarceration or monetary. But it's always one charge. ...

After voicing his concerns, the subject justice of the peace struck the plea and suggested that the defendant seek legal advice. He also put on the record that he would not be sitting on this matter in the future.

Based on its review of the court record, the complaints committee did not have any ethical or conduct concerns about the manner in which the justice of the peace conducted the proceeding. The committee noted that, contrary to the allegations in the complaint letter, the justice of the peace made it clear that he was not saying that the charging officer *had* engaged in racial profiling, but rather, he expressed concern that this may have occurred. The committee noted that a judicial officer is entitled to express concerns about potential racial profiling based on the circumstantial evidence before the court.

With respect to the complainant's allegation that there were no facts or evidence read into the record to suggest that racial profiling had occurred, the committee observed that racial profiling is seldom proven by direct evidence. For example, in *R v. Brown*, 2003 CanLII 52142 (Ont. C.A.), the Court of Appeal for Ontario held, at para. 44:

A racial profiling claim could rarely be proven by direct evidence. This would involve an admission by a police officer that he or she was influenced by racial stereotypes in the exercise of his or her discretion to stop a motorist. Accordingly, if racial profiling is to be proven it must be done by inference drawn from circumstantial evidence.

And in *R. v. Dudhi*, 2019 ONCA 665, at para. 75, the court held:

To understand the problem with this thinking, it is helpful to appreciate that racial profiling is as difficult to prove as it is pernicious. As Doherty J.A. recognized in *Peart*, at para. 95:

Racial profiling can seldom be proved by direct evidence. Rather, it must be inferred from the circumstances surrounding the police action that is said to be the product of racial profiling.

The committee's review of the transcript revealed that the subject justice of the peace did not say there was something "nefarious" about the charges, as alleged in the complaint letter. In addition, the committee observed that the subject justice of the peace's statement about putting his comments "on the record" was made in response to the prosecutor requesting to put on the record that he believed there was a reasonable prospect of conviction on the multiple charges of drive while suspended.

The committee concluded that the subject justice of the peace acted appropriately in handling the matter in the way that he did, including by suggesting to the defendant that he may wish to seek legal advice before entering a guilty plea, as well as by advising the parties that he would not continue to sit on this matter. The committee further noted that the subject justice of the peace's assessment of the evidence and decision to strike the plea were matters of judicial discretion and decision-making outside the jurisdiction of the Review Council.

The committee dismissed the complaint on the basis that the allegations were unfounded and were otherwise outside the jurisdiction of the Review Council and the file was closed.

Case No. 31-015/20

The Council received a complaint from a member of the public who attended various court proceedings as part of the process of applying for a justice of the peace position. The complainant observed court proceedings over which the subject justice of the peace presided.

The complainant alleged that the justice of the peace was upset about court having commenced a few minutes late and made her displeasure known, demeaning the court clerk on the record. The complainant further alleged that he observed that the subject justice of the peace:

- Spoke over or interrupted the Crown Attorney, defence counsel, court staff, and accused persons, the latter of whom were unfamiliar with the court proceedings;
- Shut down discussions between Crown and defence lawyers aimed at resolving issues, stating “all conversations must be made through me”;
- Spoke in a dismissive and demeaning tone;
- Displayed body language and facial expressions that made it appear the subject justice of the peace was bothered to deal with the court docket and those in attendance; and
- “Did not portray a friendly, warm, or welcoming environment” for those in attendance.

The complaint was assigned to a three-member complaints committee of the Review Council, comprised of a judge, a justice of the peace and a community or Law Society member, for review and investigation. The complaints committee reviewed the complaint letter and the audio and transcript of the court proceedings in question. The committee also invited the justice of the peace to respond to the allegations and reviewed the response provided.

Before a final determination could be made on the complaint, the Review Council received confirmation that the subject justice of the peace is no longer a justice of the peace of the Ontario Court of Justice. Accordingly, the Review Council lost jurisdiction to continue with the complaints process. The complaint file was administratively closed due to a loss of jurisdiction.

Case No. 32-002/21

The Council received a letter of complaint from a senior member of the administrative judiciary with respect to the conduct of the subject justice of the peace. The complainant alleged that they had received numerous complaints about the subject justice of the peace's behaviour towards court clerks. This behaviour was described as condescending, humiliating, sarcastic and/or untruthful.

In addition, the complainant alleged that the subject justice of the peace had, on several occasions, not followed administrative policies or protocols that had been established for the proper and efficient functioning of the court. It was also alleged that the subject justice of the peace referred to herself as "Justice" despite having received previous direction from the Justices of the Peace Review Council on this issue. Finally, the complainant alleged that the subject justice of the peace's communications with them had been unprofessional and intimidating.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for review and investigation. The complaints committee reviewed the complaint letter and enclosures provided by the complainant. The committee also retained independent investigating counsel to interview witnesses and obtain correspondence relevant to the allegations. The committee reviewed the witness interview transcripts and related documentation obtained during the investigation. The committee also invited the justice of the peace to respond to the allegations and reviewed the response provided.

Before a final determination could be made on the complaint, the Review Council received confirmation that the subject justice of the peace had left judicial office. Accordingly, the Review Council lost jurisdiction to continue with the complaints process. The complaint file was administratively closed due to a loss of jurisdiction.

Case No. 32-005/21

The complainant was counsel who appeared before the subject justice of the peace on a bail hearing. In a letter to the Council, the complainant alleged that the justice of the peace lost her temper, screamed and glared at him in front of his clients, other officers of the court, and court staff. The complainant stated that when he attempted to call his client's sureties, the justice of the peace yelled, "what are you doing?" and "you're an officer of the court". The complainant felt insulted by the justice of the peace's remarks.

The complainant further alleged that his race and creed were the only reasons for the subject justice of the peace's "screaming, conduct and overreactions." He stated that her yelling caused him an enormous amount of stress and anxiety which continues to this day.

The complaint was assigned to a three-person complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for review and investigation. The committee reviewed the letter of complaint and

the transcript of the bail hearing. Some members of the committee also listened to the audio recording of the proceedings.

Based on the review of the record of the proceedings, the committee found no support for the allegations that the justice of the peace screamed or yelled at the complainant, or discriminated against him based on race and/or creed. The committee was concerned, however, that the audio recording of the proceeding suggested that the subject justice of the peace appeared to adopt a condescending and impatient tone with the complainant during the hearing. Moreover, the committee was concerned that some of the justice of the peace's remarks as reflected in the transcript appeared discourteous, curt, insensitive and unprofessional.

As part of its investigation, the committee invited the justice of the peace to respond to the complaint. The committee observed from the response that the justice of the peace expressed regret for the impact of her conduct on the complainant and acknowledged that she should have handled certain aspects of the proceeding differently.

The subject justice of the peace also described a series of remedial steps she had undertaken in response to the complaint. These steps included meeting with a former judge of the Ontario Court of Justice to discuss what had happened during the bail hearing that day and the impropriety of her comments, and to receive advice on how she ought to have conducted the bail hearing.

The justice of the peace acknowledged that she let her frustration get the better of her and that her tone and comments toward the complainant were curt. She recognized that she ought to have framed her comments differently and should have been mindful of how her tone would be perceived.

While the committee appreciated the justice of the peace's acknowledgements and expressions of remorse, it remained concerned that the response reflected, to some extent, an effort to rationalize or justify her comments and behaviour towards the complainant. In particular, the committee noted that the justice of the peace referred in the response to the fact that the complainant was not as prepared for the hearing as he should have been and appeared unfamiliar with bail court procedure, and that she had a busy bail docket and needed to move the list along.

In accordance with the remedial objective of the complaints process, the committee decided that the appropriate disposition was to provide the justice of the peace with written advice pursuant to s. 11(15)(b) of the *Justices of the Peace Act*. The committee reminded the justice of the peace that the demands of busy courts cannot serve to justify or excuse conduct by a judicial officer that can reasonably be perceived as impatient, insensitive or unprofessional. Justices of the peace set the tone of court proceedings and, in doing so, they must demonstrate patience, dignity and civility at all times. Indeed, respect and courtesy should be the hallmarks of judicial conduct. Patronising or demeaning attitudes have no place in the courtroom, regardless of the stresses and pressures that judicial officers may be under in managing their docket.

The committee also emphasized that, where a party or legal representative is unfamiliar with court processes, the presiding judicial officer should explain what is expected of them without annoyance, impatience or frustration. Judicial officers should be polite and respectful at all times and should use simple and clear language when communicating with someone who is not an expert in criminal procedure or the practice of bail court.

After providing its advice to the justice of the peace, the committee was of the view that no further action was required, and the file was closed.

Case No. 32-006/21

The Council received a complaint from a lawyer concerning remarks made by the subject justice of the peace during a bail hearing involving an Indigenous accused.

The complainant alleged that when duty counsel advised the justice of the peace that the accused had no criminal record, she responded by stating, "Well, not yet, yeah. Sorry". Further, the justice of the peace was alleged to have interrupted duty counsel's submissions on the applicability of s. 493.2 of the *Criminal Code* with the following comments:

The Court: Well, if you tell me about the plan a little bit it would be better than telling...

...

The Court: ... me all the, the benefit they have if I may say or the privilege they have compared to other citizen [*sic*] just because they're Aboriginal. So tell me...

Duty Counsel: I, I ...

The Court: ... what's the plan.

Duty Counsel: ... I take issue - I have to object to say that he's being privileged here ...

The Court: Well ...

Duty Counsel: ... by being Aboriginal.

The Court:... you have ask[ed for] special consideration, let's put it this way, okay...

The complainant alleged that the justice of the peace's remarks, directed at an incarcerated Indigenous person, were discriminatory and demonstrated racial bias. He stated that such remarks appeared bereft of any understanding of the history of Indigenous people in Canada or the case law and statutory framework meant to address their overrepresentation in the justice system. The complainant asserted that a justice of

the peace describing an incarcerated Indigenous person in Canada as “privileged” brought the administration of justice into disrepute, and that her comments undermined her ability to impartially adjudicate matters involving individuals of a certain racial identity.

The complaint was assigned to a three-person complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for review and investigation.

The complaints committee reviewed the letter of complaint and ordered and reviewed the transcript of the bail proceeding over which the justice of the peace presided. The committee noted that the alleged comments attributed to the justice of the peace in the complaint letter were consistent with the transcript.

The committee invited the justice of the peace to respond to the complaint, and expressed the following concerns in its letter inviting a response:

- The comment “not yet”, in response to duty counsel’s statement that the accused had no criminal record, could be taken to suggest that the justice of the peace presumed the accused to be guilty, would not be impartial when deciding whether to grant or deny bail, and would not apply the presumption of innocence.
- The justice of the peace could be viewed as failing to apply the law as set out in s. 493.2 of the *Criminal Code*, which provides:

Aboriginal accused or vulnerable populations

493.2 In making a decision under this Part, a peace officer, justice or judge shall give particular attention to the circumstances of

(a) Aboriginal accused; and

(b) accused who belong to a vulnerable population that is overrepresented in the criminal justice system and that is disadvantaged in obtaining release under this Part.

- The justice of the peace’s reference to Indigenous persons as “privileged” and indicating that duty counsel was seeking “special consideration” for the accused undermined the impartiality and integrity expected of a judicial officer. The committee noted that the remarks could reasonably be perceived as suggesting that the justice of the peace held the belief that Indigenous people receive an unjustified or unwarranted benefit or privilege in the criminal justice system.

The complaints committee reviewed the justice of the peace’s written response. The

committee observed from the response that the justice of the peace acknowledged that her comments were “inappropriate and injudicious” and expressed “deep regret” for her comments. She also acknowledged that she ought to have been aware of the rationale behind s. 493.2 of the *Criminal Code*. The subject justice of the peace discussed the series of remedial steps she had taken in response to the complaint, including:

- Apologizing for her conduct both in her response to the Review Council and in a personal letter of apology sent to the complainant;
- Reviewing caselaw on the presumption of innocence and the applicability and importance of *Gladue* principles at the bail stage;
- Educating herself on the purpose and rationale behind s. 493.2 of the *Criminal Code*, including reviewing the leading jurisprudence on the overrepresentation of Indigenous persons in the Canadian criminal justice system; and
- Meeting with a senior (now retired) judge of the Ontario Court of Justice to discuss what had happened during the bail hearing that day and the impropriety of her comments, and to receive advice on how she ought to have conducted the bail hearing.

While the complaints committee appreciated the remedial steps that the justice of the peace had undertaken, two members of the complaints committee were concerned that the subject justice of the peace did not address how or why the terms, “*privilege*” and “*special consideration*”, in reference to Indigenous accused persons could be interpreted as biased and discriminatory. These members noted that such remarks could reasonably be perceived as suggesting that the justice of the peace held the belief that Indigenous people receive some an unwarranted benefit or privilege in the criminal justice system.

In light of these concerns, the majority of the committee determined that the appropriate disposition was providing written advice pursuant to s. 11(15)(b) of the *Justices of the Peace Act*. The third member of the complaints committee was of the view that, given the remedial steps that the justice of the peace had undertaken, the remedial objectives of the judicial complaints process had been served and that no further action was required on the part of the Review Council.

In accordance with the majority decision of the complaints committee, the justice of the peace was provided with written advice on the importance of being mindful of how her comments and choice of language in the courtroom may be interpreted or perceived, particularly when dealing with historically disadvantaged persons. The subject justice of the peace was reminded that judicial officers must be, and must appear to be, impartial and objective in performing their judicial duties.

After providing its advice to the justice of the peace, the committee was of the view that no further action was required, and the file was closed.

Case No. 32-008/21

The complainant was involved in family law proceedings in the Superior Court of Justice. His ex-wife is the sister of the subject justice of the peace. In his letter of complaint to the Review Council, the complainant alleged that at a settlement conference with his ex-wife, which was conducted by a judge of the Superior Court of Justice, the presiding judge advised before the conference started that she had met with his ex-wife and her sister (the subject justice of the peace) to discuss their matrimonial case. The complainant further alleged that during the settlement conference, the presiding judge stated that there was “partiality” in his case. He contended that his matrimonial case was unfairly decided by the Superior Court judge because of the improper influence exerted by the subject justice of the peace over the outcome.

The complaint was assigned to a three-person complaints committee of the Review Council consisting of a judge, a justice of the peace and a community or lawyer member, for review and investigation.

The committee reviewed the letter of complaint and the enclosed Minutes of Settlement from the court appearance in question, which the complainant had provided. In addition, the committee obtained from the Superior Court of Justice a complete transcript and audio recording of the court proceedings. The committee observed that there was no reference in the transcript or audio recording to a meeting between the presiding judge, the subject justice of the peace, and her sister. Nor did the transcript or audio recording contain any remarks by the presiding judge suggesting any form of partiality, as the complainant alleged.

The committee invited the subject justice of the peace to respond to the complainant’s allegations and reviewed the fulsome response she provided. In her response, the subject justice of the peace categorically denied that any meeting took place between herself, her sister, and the Superior Court judge. Her Worship encouraged the committee to interview the Superior Court judge to confirm that no meeting took place. In addition, the sister of the subject justice of the peace submitted a letter to the Council advising that no such meeting took place.

As part of its investigation, and for sake of completeness, the committee retained independent counsel to interview the judge of the Superior Court of Justice, now retired, about the allegations. Based on this interview, the committee was satisfied that no meeting took place between the judge, the subject justice of the peace, and her sister as alleged in the complaint letter.

The complaints committee concluded that the complaint should be dismissed as unsupported by any credible or reliable evidence, and the file was closed.

Case No. 32-009/21

The complainant, who was a sitting justice of the peace, filed a letter of complaint with the Council regarding a senior administrative justice of the peace in his region. The complainant stated that the subject justice of the peace did not assign him to a particular rotation that he had requested, even though he was one of the first people to respond with his preferred dates. The complainant felt that he was discriminated against since other, more junior colleagues were granted more rotations than him.

The complainant alleged that in a phone conversation with the subject justice of the peace, during which he indicated that he felt “left out and perhaps even discriminated [sic] when compared to other colleagues” in his assignments, the subject justice of the peace treated him in a hostile, defensive, intimidating, aggressive and unprofessional manner. The complainant further alleged that the subject justice of the peace warned him not to make a complaint against her and threatened to speak to the Chief Justice about him.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for review and investigation.

The complaints committee reviewed the letter of complaint. The committee noted that the Justices of the Peace Review Council does not have the authority or jurisdiction to consider allegations related to judicial assignments or scheduling decisions that are made by a member of the administrative judiciary in accordance with their delegated authority under s. 15(3) of the *Justices of the Peace Act*.

The committee invited the subject justice of the peace to respond to the allegations in so far as they related to her tone, demeanor and language, including during the phone call described by the complainant. The committee reviewed and considered the response provided by the subject justice of the peace.

Based on the fulsome response provided by the subject justice of the peace, the committee was not satisfied that the complainant’s allegations about the subject justice of the peace’s tone, demeanour and language had been made out. Further, the committee did not find that the information established that the subject justice of the peace threatened the complainant as alleged in the letter of complaint.

The committee concluded that no further action was required with respect to the conduct concerns raised by the complainant. In addition, the committee observed that the complainant was objecting to the scheduling and assignment authority of the administrative judiciary in a way that failed to reflect the spirit of collegiality and cooperation expected of members of the justice of the peace bench: see *Principles of Judicial Office*, s. 2.1. The committee observed that, regardless of their level of seniority, it is not reasonable for judicial officers to expect that their court schedules will conform entirely to their stated preferences given the many variables that must be accounted for in the scheduling process.

After completing its investigation, the committee concluded that the allegations of misconduct concerned issues that were outside the authority of the Review Council to consider, and were otherwise unsubstantiated. The committee dismissed the complaint and closed the file.

Case No. JPRC-001-22

The complainant suffered catastrophic and life-altering injuries in a car accident caused by the defendant. The 19-year old defendant, who held a G2 driver's license, was charged under the *Highway Traffic Act* with Careless Driving Cause Bodily Harm x 2. The defendant drove into the back of the complainant's car, which was stopped on the highway with the turn signal on. The complainant endured a lengthy, painful and difficult recovery process from her serious injuries in the accident.

At a video appearance before the subject justice of the peace, the defendant's paralegal appeared on behalf of the defendant. The prosecutor indicated that there was a proposed resolution of a guilty plea to one count of following too close, with a joint position on penalty of the automatic one-year driver's license suspension and a \$1000 fine with a year to pay, with the other charge being withdrawn. The maximum fine possible under the *HTA* for following too closely is \$2000.

The complainant attended the plea hearing and read her victim impact statement. The subject justice of the peace then delivered his reasons for sentence in which he accepted the joint position of the parties.

In her complaint letter to the Justices of the Peace Review Council, the complainant alleged that the sentence imposed on the defendant is an "injustice" and stated that she does not feel vindicated. She further stated that in the justice of the peace's reasons for decision, there was no mention of the circumstances of the accident. She alleged that "[t]he message that the disposition sends to a G2 driver is that is ok to completely destroy someone's life and you do not even have to attend court to answer to the charges."

The complainant further alleged that the subject justice of the peace:

- inappropriately limited her to 5 minutes to read her victim impact statement;
- failed to pay attention as she read her victim impact statement, and instead was looking at his desk and not making eye contact;
- prevented her from reading all her statement;
- gave the impression that the complainant was wasting his time as he had already decided the matter;
- left the impression that he had more sympathy for the defendant and that the trauma, hardship and pain that the complainant went through did not matter; and

- did not give the complainant's husband a chance to read his victim impact statement.

The complainant provided the Council with copies of her victim impact statement and that of her husband.

The complaint was assigned to a three-person complaints committee of the Review Council, composed of a judge member, a justice of the peace member, and a Law Society or community member, for review and investigation. The complaints committee reviewed the letter of complaint, the victim impact statements, and the transcript and audio of the proceeding before the subject justice of the peace.

The committee expressed their acknowledgement of the tragic circumstances that have left the complainant with life-altering injuries as a result of the defendant's conduct. However, the committee observed that the complainant's concerns regarding the resolution of the charges and about the inadequacy of the sentence imposed on the defendant, are matters that are outside the Review Council's jurisdiction to review. This is because they relate to matters of judicial discretion and judicial decision-making. The Review Council does not have the mandate or power to review the adequacy of sentences imposed by justices of the peace, or their reasons for reaching a particular decision.

In regard to the allegations concerning how the subject justice of the peace conducted the hearing, the committee observed from the transcript and audio recording of the proceeding that the justice of the peace did not impose a time limit on the complainant in reading her victim impact statement. Rather, he enquired as to whether the complainant could read her victim impact statement within 5 or 10 minutes and told her to take her time. The justice of the peace encouraged the complainant to continue when she sought his guidance about whether to do so. The committee further noted that the subject justice of the peace was not advised that the complainant had more to add to her statement, nor was he advised that the complainant's husband wanted to read a victim impact statement.

The committee also noted that there was nothing in the transcripts or audio recording to suggest that the subject justice of the peace was not paying attention to the complainant as she read her victim impact statement. The committee found that the justice of the peace's comments and responses throughout the proceeding suggested that he was attentive and focused on providing her with an opportunity to read her statement. There was nothing in the transcript or audio to suggest that the justice of the peace was conveying that the complainant was wasting his time.

Finally, the committee found that the subject justice of the peace's comments regarding the impact of the sentence on the defendant did not suggest that he had more sympathy for the defendant than for the complainant. The justice of the peace expressly acknowledged the complainant's bravery for speaking of her experience in court and offered his deepest sympathies for the trauma, hardship, and pain she continued to experience. He was presented by the parties with a joint submission for resolution. In his

reasons for sentence, he commented on the limitations of penalty under the *Highway Traffic Act*. He also made it clear that he was attentive and alert to the complainant's grievous injuries:

There are many times where there is a lot of frustration with the *Highway Traffic Act* and the penalties, because they are, monetarily, they are small compared to what you have been through.

...
[The defendant] is losing her licence for a period of time, automatically. As a 19-year-old, I would suspect that \$1,000 is a lot of money for her, although I do not have any submissions in terms of what she does for a living, but having once been a 19-year-old, I can vouch for that. And the highest range of penalty, the \$2,000 penalty would be something that would be reserved for the worst set of circumstances, the worst outcome, which we are very close to that. I mean, you were nearly killed.

...
And for the worst drivers. So, I think that in this case, given the range of penalty that I have to deal with, I think \$1,000 is a suitable penalty at this time, although it does not reach what could be possibly needed here.

Based on the materials provided, the committee concluded that the allegations regarding the inappropriateness of the disposition imposed by the justice of the peace involved a matter of judicial decision-making outside the jurisdiction of the Review Council to review. In addition, the committee found no evidence in the record to support the allegations of misconduct on the part of the subject justice of the peace, or any indication that he acted outside the scope of what is considered reasonable and acceptable judicial conduct in how he conducted this proceeding. For these reasons, the complaint was dismissed and the file was closed.

Case No. JPRC-002-22

The complainant was the father of the accused young offender who appeared before the subject justice of the peace in case management court. The subject justice of the peace was presiding over the hearing remotely via Zoom, while the complainant and his daughter appeared in person.

In his letter to the Council, the complainant alleged that the subject justice of the peace was verbally insulting, denied him a longer adjournment request, and told him to leave and get out several times. The complainant further alleged that the subject justice of the peace "clearly has racist views".

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for review and investigation.

The complaints committee reviewed the letter of complaint and the transcript and audio of the proceeding before the subject justice of the peace.

The committee noted that the decision of the subject justice of the peace to deny the complainant's request for a two-month adjournment is a matter of judicial decision-making outside the jurisdiction of the Review Council to review. Justices of the peace have decision-making independence in accordance with the *Constitution Act, 1867*.

The committee observed that the transcript did not substantiate the complainant's allegations that the justice of the peace yelled at the complainant. The committee found that the justice of the peace's tone was clear and concise in relaying instructions to the complainant and his daughter regarding what steps were required to move the matter forward. The committee also found there was nothing in the transcript to support the bald allegation that the subject justice of the peace holds racist views.

Regarding the allegation that the subject justice of the peace told the complainant to leave the courtroom, the transcript and audio of the proceeding revealed that the justice of the peace requested the complainant to leave only after the case management matter was over. This request was in response to concerns expressed by courtroom staff, who indicated that the complainant needed to calm down and who asked the complainant not to get any closer. The justice of the peace acted appropriately in asking the complainant to leave the courtroom in these circumstances.

After completing its investigation, the complaints committee concluded that there was no evidence to support the allegations of misconduct against the justice of the peace, and the allegations with respect to judicial decision-making were outside the jurisdiction of the Review Council. The complaint was dismissed and the file was closed.

15. EXTRA-REMUNERATIVE WORK APPLICATIONS

Under s. 19 of the *Justices of the Peace Act*, all justices of the peace are required to seek the written approval of the Review Council before accepting or engaging in any extra-remunerative work.

Applications received from justices of the peace to engage in extra-remunerative work are considered in accordance with the Council's Policy on Extra-Remunerative Work, which is found on the Review Council's website at:

- <https://www.ontariocourts.ca/ocj/jprc/policies-and-procedures/extra-remunerative-work/>

The policy sets out criteria that are used in assessing applications, including:

- ◆ whether there is an actual or perceived conflict of interest between the judicial duties as assigned and the extra-remunerative activity for which approval is sought;
- ◆ whether the nature of the activity for which the justice of the peace seeks approval will present an intrusive demand on the time, availability or energy of the justice of the peace and their ability to properly perform the judicial duties assigned; and,
- ◆ whether the activity for which the justice of the peace seeks approval is a fitting or appropriate activity in which a judicial officer should engage, having regard to public perceptions of judicial demeanour, independence and impartiality.

The Council considers two factors in determining whether non-judicial work is “remunerative”. First, the Council considers whether the work gives rise to any remuneration to the applicant justice of the peace directly. Second, the Council considers whether a justice of the peace is a party to someone else's remunerative work. The Review Council has determined that there are circumstances, such as where a justice of the peace's spouse is receiving remuneration, where a justice of the peace may be engaged in extra-remunerative work even though they are not receiving remuneration directly. If the Council determines that the justice of the peace is engaged in extra-remunerative work, the policy and criteria set out by the Council for considering applications is considered.

One criterion to be considered by the Council in considering applications is whether the activity for which the justice of the peace seeks approval is a seemly or appropriate activity in which a judicial officer should engage, having regard to public perceptions of judicial demeanour, independence and impartiality (paragraph 6(c) of the Policy Re Extra-Remunerative Work). The Council has determined that this criterion must be understood in the context of the public policy encapsulated in the legislative framework set out in the *Justices of the Peace Act* and, in particular, in view of the amendments that resulted from

the *Access to Justice Act*, 2006, S.O. 2006, c. 21. The legislative amendments brought about a comprehensive reform intended to strengthen public confidence in a professional bench and in the justice system.

Having carefully considered the public policy underlying the current legislative framework, the objectives of the amendments underlying the *Access to Justice Act*, 2006, and the *Principles of Judicial Office of Justices of the Peace of the Ontario Court of Justice*, the Review Council determined that, generally, it would be unseemly for full-time presiding justices of the peace to be engaged in commercial extra-remunerative work. The Policy Re Extra-Remunerative Work was amended to reflect the Council's decision.

The Review Council has approved some applications by full-time justices of the peace to engage in extra-remunerative work on an exceptional basis where the activity was primarily non-commercial and had other intrinsic value from an educational, patriotic, religious or creative standpoint. In accordance with the Council's policy and procedure, an applicant who seeks approval to engage in commercial activity must address the issue of why the application for extra-remunerative work should be approved as an exception to the general policy that full-time presiding justices of the peace should not engage in extra-remunerative work that is commercial in nature.

In 2022, the Review Council adopted an application form for justices of the peace to complete when applying for approval to engage in extra-remunerative work. The form is found on the Review Council's website at:

- <https://www.ontariocourts.ca/ocj/files/jprc/form-remunerative-work-EN.docx>

In this reporting year, the Council considered and decided four applications from justices of the peace for approval to engage in extra-remunerative work.

The following are summaries of the applications that were considered in 2022.

Case No. ER-001-22

The Review Council approved an application to teach two courses at a community college.

The Council noted that educational teachings by justices of the peace should not present any potential negative impacts on judicial responsibilities or pose issues relating to fulfilling judicial scheduling obligations.

The approval of the Council was granted, subject to the following conditions:

- 1) The Council's approval of the request must present no difficulties in fulfilling judicial assignments during the period of teaching.

- 2) His Worship's availability to instruct must not impact upon his availability to fulfill his primary responsibilities as a justice of the peace during assigned hours. As such, his daytime teaching must be undertaken on dates when he has neither a court assignment nor a non-presiding day, but rather on a scheduled vacation or lieu day.
- 3) His Worship must maintain appropriate distance in the completion of the teaching of these courses from his role and responsibilities as a judicial officer.
- 4) His Worship may accept remuneration for the teaching, but such remuneration must be the same as that paid to other instructors without regard to his position as a justice of the peace.
- 5) His Worship must refrain from using the Court's email network, computer or other resources for any purpose related to his teaching activities, as those resources are provided for purposes associated with judicial official responsibilities.
- 6) The Review Council reserved the right to revisit the request and its decision should any relevant circumstances change.

Case No. ER-002-22

A justice of the peace requested approval of the Review Council to serve as a back-up public address announcer for a Junior A hockey team at home games. Subsequently, the justice of the peace informed the Council that their plans had changed and they intended to withdraw their application. The Council approved the request to withdraw the application and the file was closed.

Case No. ER-003-22

A justice of the peace requested approval of the Review Council to serve in a volunteer capacity on a board of directors of a not-for-profit corporation. The Review Council advised the justice of the peace that if their activities were in a volunteer capacity without any remuneration, the activities would not fall within the jurisdiction of the Review Council to consider.

The Review Council further informed the justice of the peace that it was open to them to request a confidential advisory opinion of the Judicial Ethics Advisory Committee in guiding the performance of extra-judicial activities while holding the office of a justice of the peace.

Since the application was outside the Council's jurisdiction to consider, the application was closed administratively.

Case No. ER-004-22

The Review Council approved an application to teach two courses at a community college.

The Council noted that educational teachings by justices of the peace should not present any potential negative impacts on judicial responsibilities or pose issues relating to fulfilling judicial scheduling obligations.

The approval of the Council was granted, subject to the following conditions:

- 1) The Council's approval of the request must present no difficulties in fulfilling judicial assignments during the period of teaching.
- 2) His Worship's availability to instruct must not impact upon his availability to fulfill his primary responsibilities as a justice of the peace during assigned hours. As such, his daytime teaching must be undertaken on dates when he has neither a court assignment nor a non-presiding day, but rather on a scheduled vacation or lieu day.
- 3) His Worship must maintain appropriate distance in the completion of the teaching of these courses from his role and responsibilities as a judicial officer.
- 4) His Worship may accept remuneration for the teaching, but such remuneration must be the same as that paid to other instructors without regard to his position as a justice of the peace.
- 5) His Worship must refrain from using the Court's email network, computer or other resources for any purpose related to his teaching activities, as those resources are provided for purposes associated with judicial official responsibilities.

The Review Council reserved the right to revisit the request and its decision should any relevant circumstances change.