

Justices of the Peace Review Council

IN THE MATTER OF A HEARING UNDER SECTION 11.1 OF THE *JUSTICES OF THE PEACE ACT*, R.S.O. 1990, c. J.4, AS AMENDED

Concerning Two Complaints about the Conduct of Justice of the Peace Margot McLeod

Before: The Honourable Justice Lisa Cameron, Chair
Justice of the Peace Christine Smythe
Dr. Michael Phillips, Community Member

Hearing Panel of the Justices of the Peace Review Council

DECISION ON DISPOSITION

Matthew Gourlay
Presenting Counsel

**Eugene Bhattacharya and
Mary C. Waters Rodriguez**
Counsel for Her Worship McLeod

Overview of hearing process

1. Justice of the Peace Margot McLeod came before this Hearing Panel in the early summer of 2020; a Notice of Hearing was filed as Exhibit One on June 24th, 2020. There were two complaints about her conduct relating to three occasions over a seven-month timeframe: June 2018 (P.O.A. court), September 2018 (the trial of C.W.), December 2018 (the Reopening applications of R.G.). Justice of the Peace McLeod has been non-assigned for approximately one year.
2. The hearing itself took place on November 17th, 2020, followed by this Panel's written decision released in January 2021, in which we made findings of misconduct. The hearing continued March 15th, 2021 for evidence and submissions on disposition.
3. This is our ruling on disposition.

Brief review of findings of misconduct

4. As discussed in our Reasons for Decision issued on January 11, 2021, findings of misconduct were made in relation to:
 - a) Her Worship's written comments on reopening documents signed in Intake Court.
 - In the affidavits filed in support of his [reopening] applications, the defendant stated that he had been unable to attend his hearing because his girlfriend, who was "handling his tickets", was having a miscarriage.
 - Her Worship denied the applications on December 18, 2018 and, in doing so, wrote the following comments on the four Records of Reopening Applications (Exhibits A, B, C and D to the Agreed Statement of Facts files as Exhibit 2):
 - File No. 7184853B: "can't blame a fetus for you not showing up to court".
 - File No. 7184854B: "no shame – never blame girlfriend for your charges – MAN UP!!"
 - File No. 7184855B: "are you competent enough to drive a car?? Don't blame your girlfriend for having a miscarriage for her not showing up to deal with YOUR TICKET".

- File No. 7184856B: “don’t blame your girlfriend/don’t blame her [*sic*] having a miscarriage”.
- Her Worship made written comments on public court documents that were intemperate, lacking in judgment and propriety, disrespectful, undignified, hostile, inappropriate, and insulting.
- Further, Her Worship’s conduct undermined, or could reasonably be seen to have undermined, the integrity and impartiality of her judicial office and public confidence in the administration of justice.

b) Misconduct in Provincial Offences Court on June 19, 2018

- Her Worship’s comment in the courtroom that “everybody in court is here because they’ve done something wrong”
 - Her Worship’s remark undermined the presumption of innocence and the appearance of impartiality that justices of the peace are expected to uphold.
- Her Worship created and permitted a factual fiction in the courtroom. This Panel found, at paragraphs 54 and onward in our Reasons, that:

Her Worship went beyond deciding to quash tickets of defendants who attended court in a manner inconsistent with the provisions of the *Provincial Offences Act*. Her Worship permitted and set about creating a factual fiction of defendants failing to attend court that undermines the integrity of the administration of justice and the appearance of Her Worship’s competence and integrity as a judicial officer. While Her Worship’s decisions may indeed be reviewable by a higher court, we find that her conduct extended beyond errors of law and falls properly within the jurisdiction of judicial conduct proceedings.

It is our view that Her Worship’s conduct in encouraging or permitting defendants and a legal representative to participate in a factual fiction of non-attendance and then quashing the tickets as if those persons actually failed to attend court diminishes confidence in Her Worship when performing her duties on that occasion and generally, and adversely affected the integrity of the court.

Her Worship’s conduct gives rise to a reasonable perception that Her Worship intentionally took steps to manufacture the facts before her to circumvent and avoid applying the law to the circumstances before her and acted in a manner that undermined the appearance of her impartiality and integrity as a judicial officer.

Even though Her Worship may have been prompted by good intentions, her conduct leaves a strong impression of disregard for the role of a justice of the peace, the importance of acting with integrity, the rule of law and legal process, and prejudice against the prosecution.

c) Misconduct in the Trial of C.W. on September 19th, 2018

- This Panel found that Her Worship remarked “,,you’re convicted comment...” during the defendant’s testimony, before he had completed his evidence.
- - We found that Her Worship’s comment “created an unfortunate lens of perception for the remainder of the trial, made worse by other comments and behaviours...that followed, reinforcing the perception that Her Worship had prejudged the matter. (para. 75 of the Panel’s Reasons for Decision)”
 - “Her Worship’s remarks to C.W. create a reasonable perception of a mind closed to the remainder of the evidence that she might hear. The remarks indicate that she pre-judged the outcome of the trial before all evidence had been heard, in particular the testimony of the defendant. That was the perception of C. W. and possibly others in the courtroom.” (para 80 of the Panel’s Reasons for Decision).

d) Pattern of Misconduct

- We found that Her Worship’s comments and behaviour, considered collectively, demonstrated a lack of impartiality and objectivity. A reasonable person would conclude that Her Worship lacks the capacity to hear and decide cases with an open mind based upon all of the evidence. Considered collectively, Her Worship’s remarks constitute judicial misconduct that harms the public’s confidence in the judiciary and the administration of justice.
- We concluded that the following comprised a pattern of conduct that constituted judicial misconduct:
 - Writing the inappropriate comments on the reopening applications;
 - Allowing and/or assisting in the manipulation of factual circumstances in the courtroom to create the fiction that defendants had not appeared in court and making comments such as “start the car” and “get out of dodge” to facilitate the fiction of non-attendance;

- Telling a defendant that she should bring her personal belongings with her because “everybody in court is here because they’ve done something wrong”; and
 - Remarking that the defendant, C.W., was convicted before the evidence was completed.
5. The various forms of misconduct reflect common themes. Her Worship’s persona in the courtroom and her manner of communication reflected a failure to demonstrate respect for the rule of law, due process and her role as a judicial officer. This reflects poorly on the impartiality and integrity of Her Worship, and results in a loss of confidence in other judicial officers and the administration of justice. Her Worship’s conduct also reveals a failure to consider the public’s perception of her behaviour, which is a critical element of maintaining public confidence in the administration of justice.
 6. This Panel does note that while some of her actions and comments constituted judicial misconduct, Her Worship did not appear to be arrogant, malicious, or derelict in her duty.

Legislation / legal principles

7. In determining the appropriate disposition or combination of dispositions in this case, it is necessary to focus on what is required to restore public confidence in the justice of the peace, the judiciary in general and the administration of justice. This is a remedial process, not a punitive one. The Supreme Court of Canada has set out three aspects of judicial conduct that are the foundations of public confidence in the judiciary and the administration of justice: impartiality, independence and integrity: *Moreau-Bérubé v. New Brunswick (Judicial Council)*, 2002 SCC 1; *Therrien (Re)*, [2001] 2 S.C.R. 3, 2001 SCC 35. A failure to uphold any of these foundations of judicial conduct requires consideration of the appropriate disposition to restore public confidence because a breach of one of these pillars impacts public confidence in the judiciary as a whole..
8. In *Moreau-Bérubé v. New Brunswick (Judicial Council)*, *supra*, the Court states, at para. 58:

In some cases, however, the actions and expressions of an individual judge trigger concerns about the integrity of the judicial function itself. When a disciplinary process is launched to look at the conduct of an individual judge, *it is alleged that an abuse of judicial independence by a judge has threatened the integrity of the judiciary as a whole*. The harm alleged is not curable by the appeal process. (Emphasis added.)

9. Given the damage done to public confidence in the judiciary when a judicial officer engages in judicial misconduct, a judicial discipline body must determine the appropriate disposition or combination of dispositions that will restore public confidence not only in the particular justice of the peace, but in the judiciary as a whole. In *Ruffo v. Conseil de la magistrature*, [1995] 4 SCR 267 (SCC), the Court stated, at paragraph 68:

...The Comité's mandate is thus to ensure compliance with judicial ethics in order to preserve the integrity of the judiciary. Its role is remedial and relates to the judiciary rather than the judge affected by a sanction.

10. This principle has been applied by other JPRC hearing panels. The majority of the Hearing Panel in *Re Lauzon* (JPRC, 2020) for example, noted, at paragraph 27, that:

Restoring public confidence in the judiciary as a whole must be the paramount principle guiding our decision. We cannot emphasize enough that our objective, and the objective of the judicial discipline process, is decidedly not to punish Her Worship personally.

11. In *Re Winchester* (JPRC, 2020), the Hearing Panel stated:

24. Notwithstanding the remedial actions taken since our decision, we are of the view that a five-day without pay suspension must be imposed, not to punish Her Worship because that is not our role, but to restore the public's confidence in the judiciary and in the administration of justice.

12. This Panel must decide which disposition, or combination of dispositions, as set out in the s.11.1(10) of the *Justices of the Peace Act*, is necessary to restore public confidence in Her Worship and in the judiciary as a whole:

- (a) warn the justice of the peace;
- (b) reprimand the justice of the peace;
- (c) order the justice of the peace to apologize to the complainants or to any other person;
- (d) order that the justice of the peace take specified measures, such as receiving education or treatment, as a condition of continuing to sit as a justice of the peace;
- (e) suspend the justice of the peace with pay, for any period; and/or,
- (f) suspend the justice of the peace without pay, but with benefits, for a period up to 30 days; or

(g) recommend to the Attorney General that the justice of the peace be removed from office in accordance with section 11.2 of the *Justices of the Peace Act*.

The Panel may adopt any combination of dispositions set out in clauses (10)(a) to (f). However, a recommendation under clause (10)(g) cannot be combined with another disposition.

13. The dispositions are set out in ascending order of seriousness. The Panel must first consider the least serious disposition - a warning - and move sequentially to the most serious - a recommendation for removal - and order only what is necessary to restore public confidence in the justice of the peace and in the judiciary and the administration of justice generally: Rule 17.3 of the JPRC Procedures.
14. As identified in previous judicial discipline hearings and set out in the JPRC Procedures (rule 17.3), the Panel must also consider any factors, aggravating or mitigating, that are present in a particular case. Factors that may be relevant to an assessment of the appropriate sanction for judicial misconduct include, but are not limited to:
 - i. Whether the misconduct is an isolated incident or evidences a pattern of misconduct;
 - ii. The nature, extent and frequency of occurrence of the act(s) of misconduct;
 - iii. Whether the misconduct occurred in or out of the courtroom;
 - iv. Whether the misconduct occurred in the justice of the peace's official capacity or in his private life;
 - v. Whether the justice of the peace has acknowledged or recognized that the acts occurred;
 - vi. Whether the justice of the peace has evidenced an effort to change or modify his conduct;
 - vii. The length of service on the bench;
 - viii. Whether there have been prior findings of judicial misconduct about this justice of the peace;
 - ix. The effect the misconduct has upon the integrity of and respect for the judiciary; and

- x. The extent to which the justice of the peace exploited his or her position to satisfy his or her personal desires.

15. Presenting Counsel and counsel for Her Worship have helpfully referred us to a number of cases that are different factually from the matter before this Panel but do provide context for our consideration of the appropriate disposition(s) in this matter.

- *Re Winchester* (JPRC February 19, 2020), where the central issue was abandonment of duties on two occasions, the latter of which was found to be misconduct that would shock the public. The justice of the peace had reflected on her conduct, undertaken remedial work with a judge and demonstrated that she was capable of rehabilitation. Disposition: reprimand, five-day suspension without pay and an apology in writing to the party affected.
- *Re Bisson* (JPRC July 10, 2018), where the Panel found that His Worship had engaged in a pattern of misconduct, particularly in light of having been the subject of four prior complaints alleging similar behaviours and a finding on the present matter that His Worship was “unwilling or unable to change his ways”. Disposition: recommendation for removal.
- *Re Johnston* (JPRC August 19, 2004), where the Panel found misconduct for failing to provide assistance to a self-represented defendant and dismissing an entire docket for want of prosecution. The misconduct was admitted, letters of apology had been drafted and counselling had been completed. Disposition: seven-day suspension without pay and letters of apology.
- *Re Welsh* (JPRC February 15, 2018), involving an in-court return-date endorsement on an Information being changed after court without notice to the defendant or counsel, resulting in a subsequent bench warrant, arrest and incarceration. There was a prior finding of misconduct and order for education. Disposition: reprimand, apology, education and ten-day suspension without pay.
- *Re Foulds* (JPRC July 24, 2013), involving the justice of the peace attempting to influence a public health investigation to assist a friend. Disposition: seven-day suspension without pay.
- *Re Foulds* (JPRC April 27, 2018), involving improper involvement in a criminal prosecution and intentional misrepresentation to the Crown Attorney’s office regarding His Worship’s friend / romantic partner. Disposition: On the heels of the previous finding of misconduct, recommendation for removal.
- *Re Phillips* (JPRC January 17, 2013), where the justice of the peace was found to have actively assisted her daughter mislead a police officer by providing false information about her identity. The justice of the peace had no prior complaint history. Disposition: recommendation for removal.

- *Re Barroillet* (JPRC October 15, 2009), involving intervention in a court case to assist a family friend including asking a judicial colleague to waive the requirement for a properly sworn affidavit. Disposition: recommendation for removal.
- *Re Romain (Report of the Judicial Inquiry Re: His Worship Rick C. Romain, 2003)*, involving three incidents over two years found to be “irrational, arbitrary and vindictive abuses of judicial power”. Disposition: recommendation for removal.
- *Re Kowarsky* (JPRC May 30, 2011), involving an inappropriate sexual comment made by the justice of the peace to a court clerk. His Worship admitted judicial misconduct and made a full apology to the complainant. A psychological report submitted to the hearing panel also showed that he was genuinely remorseful and had adjusted his behaviour such that it was unlikely to occur in the future. Disposition: reprimand.
- *Re Massiah* (JPRC April 12, 2012) involving several findings of sexually inappropriate conduct. Following the Panel’s decision on liability, His Worship drafted apology letters to the complainants and attended human rights and sensitivity training. The Panel was satisfied that he was capable of rehabilitation. Disposition: reprimand, apologies to the complainants, further counselling/training and a ten-day suspension without pay.
- *Re Massiah* (JPRC April 28, 2015) involving similar conduct that predated the 2012 matter. The Panel found that His Worship had not gained any insight into his behaviour and was unable or unwilling to change. Disposition: recommendation for removal.
- *Re Romagnoli* (JPRC August 29, 2018) where the Hearing Panel found that Her Worship engaged in repeated acts of judicial misconduct by failing to know, maintain competence in, and apply the law. Her Worship had no prior discipline history, acknowledged her misconduct, had taken concrete steps towards remediation, and had a long and distinguished service on the bench. Disposition: reprimand and mentoring.
- *Re Lauzon* (JPRC, November 27, 2020), involving a justice of the peace writing and publishing an article in the newspaper in which she made disparaging comments about Crown Attorneys, judicial colleagues and the justice system, thereby failing to uphold the integrity and impartiality of her office. Her Worship was not remorseful and did not demonstrate insight into her conduct; she was not willing to apologize. Disposition: recommendation for removal.
- *Re Chisvin* (OJC November 26, 2012), where the judge dismissed a docket for want of prosecution because the prosecutor was a few minutes late for court. His Honour immediately reported the incident to His Regional Senior Justice and took time away from work to seek professional counselling. His Honour acknowledged and recognized his misconduct, repeatedly expressed regret over what had

occurred and tendered evidence showing that his conduct was an aberration and that he had taken steps to address and modify his behaviour, including proposing an educational program for other judges on “The Reality of Stress”. Disposition: warning, reprimand.

- *Re Keast* (OJC December 15, 2017), where the judge exchanged text messages with a friend who worked for the Children’s Aid Society (CAS) in which he and made comments criticizing CAS staff and expressed views about an ongoing CAS matter of which he was seized. His Honour was found to have, among other things, made inappropriate comments that could be perceived as indicating bias against the CAS, an institution that regularly appeared before him, communicated confidential information and provided legal advice to his friend. The hearing panel noted that there was no evidence of a pattern of misconduct, His Honour acknowledged the misconduct, completed professional counselling on his own initiative and had no prior disciplinary history. The Panel was dissuaded from recommending removal by His Honour’s exemplary career, the fact that the conduct arose from a desire to help a young person who was at immediate risk of harm and confidence that the conduct would not be repeated. Disposition: a reprimand, an order that His Honour make certain apologies and a thirty-day suspension without pay.
- *Re Zabel* (OJC September 11, 2017) involving a judge who presided in court wearing a “Make America Great Again” baseball cap giving rise to a perception of a lack of impartiality. The Panel considered His Honour’s partial public apology, admission of judicial misconduct at the hearing, participation in remedial training, 27-year track record of exemplary service on the court and reputation as an entirely fair-minded and impartial judge. Disposition: thirty-day suspension without pay.

Relevant factors to consider in this matter

16. Justice of the Peace McLeod’s misconduct occurred on three separate dates over a period of 7 months in 2018. There have been no prior findings of misconduct. Justice McLeod was appointed in 2007.
17. The misconduct involved in-court proceedings on two of the dates, and a process in writing reviewed in Intake Court on the other (the re-opening applications). All misconduct occurred within the context of the exercise of her duties as a justice of the peace. There is no suggestion that any of the misconduct was motivated by personal desires.
18. The specifics of the conduct on each occasion have been briefly reviewed in this decision already and more extensively reviewed in our decision with respect to findings of misconduct. The conduct is set out in detail in the Agreed Statement of Facts, including the documents involved in the Intake Court process and transcripts

of the P.O.A. court proceedings. Of those court proceedings, one matter relates to a particular trial, the other to a day of multiple P.O.A court matters.

19. It has been this Panel's finding that Her Worship's conduct individually constituted judicial misconduct and also shows a pattern of misconduct.
20. The most aggravating factor is the effect of Her Worship's misconduct on the integrity of and respect for the judiciary. Her Worship engaged in conduct on three different dates that fell below the standards of conduct expected of judicial officers. Her Worship acted in a manner contrary to the fundamental principles of integrity, impartiality, objectivity and the presumption of innocence, and undermined public confidence in the judiciary and the administration of justice.
21. This Panel would summarize its concerns about each occasion/date of misconduct as follows.

POA court day

22. Her Worship's overall conduct in court this day showed a disregard for proper procedure, an unnecessary and overly informal approach, and numerous inappropriate comments.
23. As previously discussed, such behaviour on its own was not found to constitute judicial misconduct, but provided context for our assessment of the remainder of the day and formed part of the picture painted for the public in Her Worship's court.
24. Of particular concern is Her Worship's comment that everyone present in court was there because they had done something wrong. Again, this comment was unnecessary in the circumstances and suggests a lack of impartiality towards defendants generally.
25. Also of serious concern is Her Worship participating, more than once, in the creation of a factual fiction of non-attendance by a defendant in order to "help" the defendant achieve a more favourable result in their case. In doing so, Her Worship did not allow the prosecution an opportunity to make submissions. Her Worship's conduct also resulted in an inaccurate record of the proceedings..
26. As the transcript reveals, numerous members of the public, legal professionals and court staff were in attendance at court that day whom would have been directly impacted by witnessing this conduct. The Provincial Prosecutor was also directly impacted as a result of the unfairness to the prosecution occasioned by Her Worship's failure to allow the prosecution an opportunity to make submissions and by creating an appearance of partiality towards defendants.

27. Her Worship's willingness to feign non-attendance and express prejudgment toward defendants who should be presumed innocent, and her ongoing inappropriate, unprofessional remarks, must surely have created an atmosphere of disrespect for the rule of law and the dignity of the court. It strongly suggests that Her Worship did not have a clear understanding or acceptance of her role as a judicial officer. The misconduct no doubt affected public confidence in Her Worship, other judiciary and the administration of justice because as representative of those things that day, her conduct undermined the critical importance of propriety, impartiality and integrity of judicial officers and the court itself.

POA trial of C.W.

28. There are two distinct areas of concern in this matter: the failure to appropriately assist a self-represented defendant, including disregarding defence materials, and the comment, "you're convicted" in the beginning stages of the defendant's testimony before all the evidence had been heard or submissions made.

29. The former is the less serious of the two; the latter is quite serious as it goes to the heart of the judicial function and a core element of our criminal justice system – the presumption of innocence. Even if the "you're convicted" comment was not a reflection of Her Worship's state of mind (as she explained during her testimony to the Panel) most certainly the comment had the appearance of Her Worship having prejudged the matter.

30. C.W. was directly affected by this misconduct. His letter of complaint states that he did not feel that he received a fair and impartial hearing, but rather an "expedited trial of convenience". C.W. also wrote that Her Worship acted unprofessionally and that he was "let down by the entire judicial process". This is a very clear and reasonable statement of the erosion of confidence in Her Worship, the judiciary and the administration of justice as a result of Justice McLeod's conduct.

Commentary on re-opening applications

31. Her Worship's endorsements on the reopening application documents were caustic and presumptive, not impartial or reasoned. It is not the decision to deny the applications that is the focus of this Panel's concern, but the language used and the state of mind it reveals. The language is shocking and clearly inappropriate. Any reading of the endorsements strongly suggests a reactive not rational assessment of the applications. This is directly contrary to a judicial officer's legal obligation and ethical duty to remain impartial and objective. Failure to do so directly undermines the integrity of the judicial officer and reflects badly on the bench and the administration of justice of which they were chosen to be a part.

32. Her Worship's comments had a direct negative impact on the defendant/applicant who applied for reopenings in Intake Court and on several court staff who saw the comments. Respect for Her Worship and confidence in her abilities as a judicial officer

was undermined. Again, given that Her Worship is a member of a larger judiciary, this loss of confidence in and respect for Her Worship impacts public confidence in her colleagues and the administration of justice, as well. Public confidence in the judiciary is key to the success of the administration of justice.

Justice of the Peace McLeod

33. Her Worship testified before this Panel at the disposition hearing. The Panel noted that she had difficulty clearly expressing herself, however, from the totality of her evidence we understand Her Worship to be apologetic and concerned about her misconduct. With the assistance of her counsel and a mentor she has gained some insight into her misconduct and appears committed to ensuring that it will not be repeated. We find that there is good reason to have confidence in her rehabilitation and improvement as a judicial officer, and thereby in the remediation of public confidence in Her Worship, the judiciary and the administration of justice.
34. Having reflected extensively on her conduct and received the benefit of considerable mentoring and education (tutoring and self-taught), Her Worship identified two main issues that contributed to the misconduct: the use of colloquial language as a tool to facilitate communication in the courtroom, and her own persona and communication style. Her Worship also referred to workload and personal stress as situational contributing factors.
35. Justice of the Peace McLeod has realized that although well-intentioned, she has been inclined to be more impatient, interventionist and reactive than is appropriate for a judicial officer. She cited the “you’re convicted” statement as an example of using a language shortcut to refocus C.W.’s testimony and move matters along. The Panel also noted that Her Worship, in a subsequent comment to C.W., stated, “what are we doing here”, but used the same language in reference to herself in her testimony to the Panel, suggesting that it may well be a turn of phrase in her lexicon albeit inappropriate in the courtroom because of the impression it leaves.
36. Justice of the Peace McLeod now understands the need to cultivate, as she put it, “the art of detachment”, and also to slow down and be more mindful and measured in how she deals with matters and people in court; to be more conscious of the public perception of her behaviour.
37. Recognizing the need for personal restraint, and having been non-assigned for about a year, Her Worship anticipates a month or so of very deliberate, habit-forming measures as she returns to presiding and other judicial duties. We agree that attention needs to be focused on the critical element of impartiality and appearance of impartiality to ensure that Her Worship’s future conduct enhances the reputation of the judiciary.
38. Her Worship has also realized that the use of colloquial language is not helpful because it leaves room for misunderstanding and does not suitably reflect the proper

nature of court proceedings; there are better ways of assisting defendants to deal with their matters in court.

39. Her Worship has acknowledged from the outset the behaviours that were the subject of complaints. Through counsel she admitted that the re-opening application endorsements constituted misconduct but sought a ruling from the Panel with respect to the other misconduct. We are satisfied that Her Worship now understands and accepts our ruling on misconduct.
40. Since the hearing process started, Her Worship has undertaken a considerable programme of self-study and mentoring, the details of which are outlined in exhibit 5. An overview of the educational plan was provided:

With respect to the decision regarding the findings of judicial misconduct, a plan has been developed to address the concerns identified by the Justices of the Peace Review Council. The plan includes readings from various professional sources and mentoring with an experienced Justice of the Peace. This mentoring includes: ongoing discussions about the findings of misconduct; ongoing discussions regarding the professional readings and articles that we are reviewing together; and, ongoing shadowing of the Justice of the Peace in court proceedings, which to date includes four and a half days of shadowing in bail court, provincial offences early resolution court, and case management court, including the break-out rooms used for self-represented accused in case management court.

41. Justice of the Peace McLeod has been mentored thus far by Her Worship Ross Hendriks. Her C.V. is exhibit 7. The topics specifically addressed in the education plan are: judicial demeanour in and out of court, impartiality and integrity of judicial office, assisting self-represented litigants. Her Worship Ross Hendriks' notes/summary of the work done to date are exhibit 6. Draft letters of apology to C.W. and R.G. have also been provided.
42. The Panel is impressed by the education plan developed and acted upon to date. We are satisfied that Her Worship is demonstrating accountability for her actions and a sincere desire to make amends for her misconduct and ensure that it is not repeated.

Restoring Public Confidence in the Judiciary in General

43. Notwithstanding the remedial actions taken by Her Worship, the Panel must consider not only what is necessary to restore public confidence in Her Worship to carry out her judicial duties, but also what is necessary to restore public confidence in the judiciary in general: *Re Winchester*, supra, para. 24.
44. In that respect, we must consider the nature and extent of the misconduct: *Re Keast*, supra, para. 53. In this instance, we made findings of judicial misconduct on three different days, including: writing extremely inappropriate and non-judicious comments

on the reopening documents; a pattern of failing to uphold her duty to maintain impartiality; and manipulation by a justice of the peace of factual circumstances in the courtroom to alter the facts upon which she had a duty to base her decisions.

Disposition

45. Given the nature and seriousness of the misconduct in this case, the Panel has considered, in progression, all possible disposition options including a recommendation for removal.
46. In light of the remedial efforts to date, which demonstrate both a desire and a capacity for rehabilitation and improvement, and taking into account the nature and extent of the judicial misconduct engaged in by Her Worship, the Panel is satisfied that a combination of disposition elements can restore public confidence in Justice of the Peace McLeod, the judiciary generally, and the administration of justice.
47. Justice of the Peace McLeod is hereby warned that she must refrain from similar conduct in the future and that any further findings of misconduct may put her beyond any possibility of remediation.
48. Her Worship is reprimanded for failing to uphold and maintain judicial integrity and impartiality, thereby undermining public confidence in the integrity of herself, her judicial office and the administration of justice.
49. Her Worship is ordered to write letters of apology to C.W. and S.G. The draft letter to S.G. should be revised to also address the language used in her endorsements of the applications. There are also to be letters of apology to the court staff who dealt with the re-opening applications. The letters of apology shall be provided to the Justices of the Peace Review Council, who will send the letters on Her Worship's behalf.
50. For a period of one year or as determined by the Chief Justice, Justice of the Peace McLeod will continue with her education and mentoring plan and any other education or 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.

Dated at Toronto this 20th day of April, 2021

HEARING PANEL:

The Honourable Justice Lisa Cameron, Chair

Justice of the Peace Christine Smythe

Dr. Michael Phillips, Community Member