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 a Complaint about the Conduct of Justice of the Peace John Guthrie

Before: The Honourable Justice Peter Doody, Chair

Her Worship Liisa Ritchie, Justice of the Peace Member

Ms. Jenny Gumbs, Community Member

Decision of the Hearing Panel Following Notice of the Pending Retirement of Justice of the Peace John Guthrie

Counsel:

Ms. Marie Henein Mr. Ken Grad	Presenting Counsel
Mr. Brian Gover Mr. Edward Marrocco	Counsel for His Worship

PUBLICATION BAN:

On December 4, 2018, this Panel made an Order that the publication of any information that might identify the complainants and witnesses who are expected to testify to having been victims of sexual misconduct or sexual harassment is prohibited under s.11.1(9) of the *Justices of the Peace Act*.

DECISION:

1. A complaints committee of the Justices of the Peace Review Council ordered a hearing, under section 11(15) of the *Justices of the Peace Act*, R.S.O. 1990, C. J.4, into two complaints about the conduct of Justice of the Peace John Guthrie of the Ontario Court of Justice.

2. The particulars of the alleged misconduct, which are set out in Appendix A to the Notice of Hearing, filed as Exhibit One at the set-date on January 7, 2019, can be briefly summarized as follows:

> His Worship engaged in a course of conduct, including inappropriate and/or offensive comments to, and touching of, female persons working in the justice system resulting in a poisoned work environment that was not free of sexual harassment. His Worship continued to engage in inappropriate conduct after similar concerns were brought to his attention by the Manager of Court Operations and by a Regional Senior Justice of the Peace.

3. This Hearing Panel was appointed by the Chief Justice to hear evidence in relation to the allegations of judicial misconduct, to determine whether there should be a finding(s) of judicial misconduct, and if so, to determine the appropriate disposition of the complaints.

4. At the request of counsel for His Worship, the Panel ordered a pre-hearing conference, which took place on April 3, 2019.

5. The hearing was scheduled to commence on June 18, 2019 and continue on June 19 and 20, 2019.

6. On May 30, 2019, counsel for His Worship sent the Registrar a copy of a letter from His Worship to Associate Chief Justice Faith Finnestad, Coordinator of the Justices of the Peace for the Ontario Court of Justice. In his letter, His Worship Guthrie stated his intention to completely and irrevocably retire, effective June 14, 2019, with no intention of engaging in any *per diem* work.

7. The Hearing Panel notes that jurisdiction over the conduct of a justice of the peace continues unless and until a justice of the peace retires from office. If a justice of the peace retires during the hearing process, jurisdiction to proceed with the hearing is lost on the date when the full retirement takes effect.

8. This Hearing Panel will therefore retain jurisdiction until His Worship's retirement takes effect on June 14, 2019. When the retirement takes effect, this proceeding will come to an end because the Review Council and the Hearing Panel will cease to have jurisdiction over His Worship Guthrie, who will no longer be a justice of the peace.

9. The Hearing Panel directs the Registrar to cancel the scheduled hearing dates upon receipt of confirmation from the Office of the Chief Justice that His Worship's retirement has taken effect. Until that confirmation is received, all hearing dates in this matter, scheduled to commence on June 18, 2019, will be preserved.

10. The Hearing Panel directs that a copy of these Reasons be made publicly available and provided to His Worship's counsel and Presenting Counsel by email.

Dated this 31st day of May, 2019

HEARING PANEL:

The Honourable Justice Peter Doody, Chair

Her Worship Liisa Ritchie

Ms. Jenny Gumbs, Community Member