

ONTARIO JUDICIAL COUNCIL

**IN THE MATTER OF A HEARING UNDER SECTION 51.6 of the
COURTS OF JUSTICE ACT, R.S.O. 1990, c. C. 43, as amended**

**Concerning a Complaint about the Conduct of
the Honourable Justice Donald McLeod**

Before:

Justice Janet Simmons, Chair
Court of Appeal for Ontario

Justice Michael J. Epstein
Ontario Court of Justice

Mr. Malcolm M. Mercer
Lawyer Member

Mr. Victor Royce
Community Member

Hearing Panel of the Ontario Judicial Council

ORDER FOR SECOND HEARING DATE FOR THE DELIVERY OF SUMMONSED DOCUMENTS

Counsel:

Mr. Guy J. Pratte, Ms. Nadia Effendi, and Ms. Christine Muir
Presenting Counsel

Mr. Frank Addario, Mr. Wes Dutcher-Walls, Mr. Nader Hassan and Ms. Emily
Lam
Counsel for Justice McLeod

ON NOTING the previous Order of the Hearing Panel, dated June 2, 2020, ordering a hearing date on June 12, 2020, for the sole purpose of delivery of summonsed documents;

AND ON NOTING the request of Presenting Counsel for a second such hearing date on June 30, 2020, for the sole purpose of delivery of summonsed documents;

AND ON NOTING the consent of the parties to the request for a second such hearing date,

IT IS HEREBY ORDERED that:

1. A hearing date shall be held on June 30, 2020 at 9:30 a.m. by teleconference, for the sole purpose of delivery of summonsed documents, to be delivered as follows:

- a. The provision of such documents shall be effected by way of email to Nadia Effendi of Borden Ladner Gervais LLP ("BLG"), Presenting Counsel, at neffendi@blg.com or by way of Secure File Transfer, as required, to be coordinated by Ms. Effendi, no later than June 30, 2020, at 9:30 a.m.; and
- b. To the extent that a witness can provide documents to Ms. Effendi in advance of the date of the teleconference, their attendance shall not be required at such teleconference provided that such witness swear or affirm their compliance with the requirements of the within summons, as per the form of the Affidavit attached at Appendix "A" to this Order.

2. Any examination regarding the witness' compliance with the summons in respect of documents shall be reserved for another date, or the hearing into the within complaint

proceeding currently scheduled to commence on July 27, 2020. For clarity, no evidence in respect of the allegations in the within the complaint proceeding shall be heard at the pro-forma hearing referenced above.

Released: this 12th day of June, 2020.

“Justice Janet Simmons”, Chair

“Justice Michael J. Epstein”

“Mr. Malcolm M. Mercer”

“Mr. Victor Royce”

THE ONTARIO JUDICIAL COUNCIL

**IN THE MATTER OF A COMPLAINT RESPECTING
THE HONOURABLE JUSTICE DONALD MCLEOD
A JUDGE OF THE ONTARIO COURT OF JUSTICE IN THE
CENTRAL WEST REGION**

AFFIDAVIT OF [INSERT NAME OF AFFIANT]

I, [NAME], of the City of _____, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am in receipt of a summons issued by the Ontario Judicial Council, dated June X, 2020.
2. In accordance with such summons, I confirm that I have produced to Nadia Effendi of Borden Ladner Gervais LLP, Presenting Counsel in this matter, all the documents set out in such summons that are in my possession, power and control.

SWORN BEFORE ME over video)
teleconference this ** day of _____, 2020.)
The affiant was located in the City of)
_____ in the Province of Ontario, while)
the commissioner, _____ is located in the)
City of _____, in the Province of Ontario)
)

_____))
A Commissioner, etc.) **[NAME OF AFFIANT]**