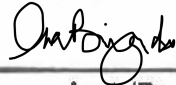


ONTARIO JUDICIAL COUNCIL	
COPY OF EXHIBIT <u>4</u>	
In the matter of a hearing into a complaint against	
Justice	<u>Donald McLeod</u>
Date	<u>February 26, 2021</u>
	
Asst./Registrar	

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

<p>FURTHER JOINT DOCUMENT BRIEF</p>
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TAB 127

Alison R. Mackay
Ontario Court Judge
Brampton, Ontario

December 5th, 2020

The Ontario Judicial Council
P. O. Box 914,
Adelaide Street Postal Station,
31 Adelaide Street East,
Toronto, Ontario

Attention: Members of the Hearing Panel

I am writing this letter in support of my colleague, Justice Donald McLeod.

Prior to being appointed as a judge, I knew Justice McLeod as a fellow defence lawyer. We never socialized but I always enjoyed running into Donald and being able to discuss a legal issue with him. He was always generous with his time and his disposition and humour always seemed to lower my stress level.

Since working with Justice McLeod I have come to know more about him. I am certain that you are aware of Justice McLeod's humble beginnings and the fact that despite many challenges he faced he stayed the course and became an Ontario Court Justice.

I have often said to him with some humour that he is a saint. He does not consume alcohol and has no vices, except for a sweet tooth and expensive taste in clothing. For years he has been an active member of his church, he is a dedicated family man and is a loving father.

There is no doubt that Justice McLeod has a great sense of responsibility to our community. This has been instilled in him since he was very young. Being a Black man, the sense of responsibility for positive change is weighty. Justice McLeod's approach for change is always through education and understanding. He has given back to his community in so many ways, primarily by sitting as a judge but also through mentoring young people.

Not only is he smart, and methodical, he is compassionate, fair, thoughtful, and kind. These qualities along with his peaceful composure are why he is ideally suited to be a judge. Most importantly having a Black judge of his calibre, character and disposition is vital to our multi-cultural community.

Justice McLeod brings to our bench a sense of camaraderie as well. Despite the difference in background or age of our fellow judges he has made a true connection with each of us. A number of our retired justices have expressed to me great concern and affection for Justice McLeod over these last several months.

A couple of years ago, I asked Justice McLeod to sing for our staff and colleagues at a Christmas lunch. He really did not want to be put on the spot and very politely, like a few other of our musically inclined judges, declined my offer. However, much to our

surprise he sang a *cappella*, Silent Night. Some were moved to tears. It was beautiful and perfect. Justice McLeod said he decided to sing as his mother always told him he must use his ability. Justice McLeod's willingness to sing in some sense represents what he does for our bench and our community, he uplifts us and provides us with a sense that the world can be good place.

Respectfully yours,

Alison R. Mackay

TAB 128

To whom this may concern,

I understand that Justice Donald McLeod is facing allegations of judicial misconduct. It is without hesitation that I submit this letter in support of my colleague.

In 1998 I had just graduated from university and was looking for employment in the legal field. A friend of mine referred me to Donald and I was called in for an interview at his firm. I recognized Donald's name as he was well known within the Black Community of which I am a part. After reviewing my resume and speaking with me face to face, Donald told me that I was too qualified for the job as an administrative assistant and that I should consider a career in the legal field, perhaps as a lawyer. I had never been told that I was *too* qualified for any position and I was taken aback at what he said. At the same time, I was moved that someone who was so admired and respected within the Black Community could see the potential within me. I took his advice and went to law school, became a lawyer and in 2013 I was appointed as a justice of the peace. Donald was appointed as a judge that same year.

I have come to know Donald as someone passionate about helping the Black Community. Our shared lived experiences as Black people, Christians and legal professionals have allowed me to see that Donald's goal is to help advance the Black Community by being a voice for a people that historically and presently have been marginalized and disenfranchised by systemic racism. From his philanthropic work to our personal conversations, I do not doubt that Donald cares about our people. His experience of being a Black child, youth, now a man, once a lawyer, and now a judge gives him a unique perspective of the justice system in a way very few members of the judiciary possess. I understand from speaking with others that Donald has a unique ability to relate to young Black men and give them a sense of hope even when they have just been found guilty by him. Donald's ability to be relatable is what I experienced as a young graduate trying to find my path. When you leave Donald's presence you feel like there is hope whether you have taken a wrong turn in your life or are simply lacking direction. Donald's unwavering commitment to our community ought to be commended.

Canada's legal community is that much better with Donald on the bench because he understands the weight and the responsibility that he has towards the Black Community. Perhaps in Canada, it is time to recognize that we are not accustomed to a legal tradition that allows for judicial activism. It is time to honour the history and diversity of the bench and broaden our definition of what it means to be a judge in the community. As judicial officers who are Black, we are compelled to be a voice for the Black Community and any other marginalized group. It is imperative as a Black person who is seen to be in a position of authority to help the Black Community and speak to the societal ills of those people in our community who have not yet made it. We as

Black members of the judiciary who are part of a system that is inherently discriminatory towards Black people are not only duty-bound to be just and fair towards everyone who appears before us; we are not only a visible representation of the Black Community on the bench, but we are also required to call out racism when we see it. It is abundantly clear that there is an overrepresentation of Black people in the criminal justice system. Both Donald and I know that it is our responsibility to help make an imperfect legal system just by leveling the field for all justice participants.

In my view, Donald is a person whose commitment to the Black Community is in keeping with his ethical obligations as a judge. The public's trust and confidence are maintained through his professional and philanthropic work. Donald's activities promote respect for the judiciary. He is a very good example of impartiality, professional competence, compassion, and empathy for all people both on and off the bench.

Thank you for this opportunity to write this letter. I trust the committee will see His Honour McLeod as I do.

Sincerely,

Samantha E. Burton

TAB 129

From the Desk
of
Pastor Fred Nichols

1799 Whitestone Court,
Oshawa, ON
L1K 2Z4
(647) 200-9178
pastornichols@rogers.com

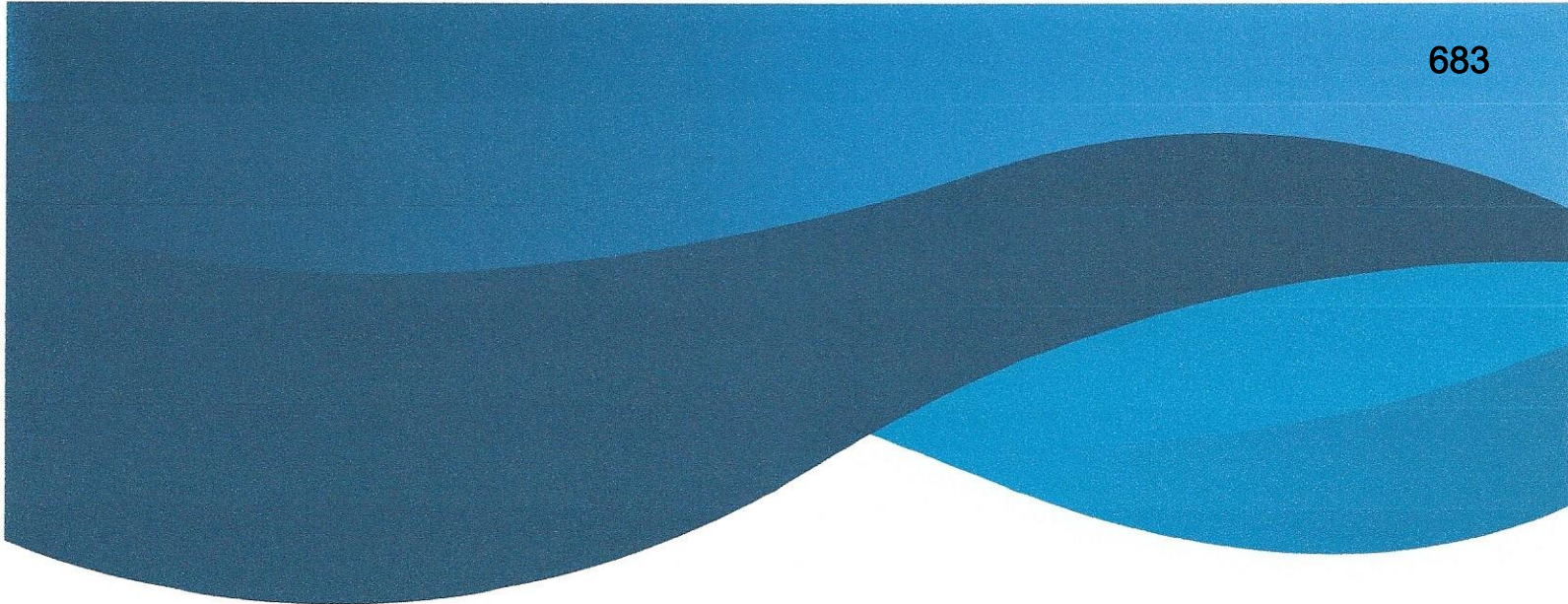
Re: Character Reference for Justice Donald McLeod

To the Members of The Ontario Judicial Council,

My name is Fredrick Nichols and I am a Minister of Religion who has been pastoring for the past 22 years. I am currently employed by the Ontario Conference of Seventh-day Adventists and have been since February 2002. From 2010 until 2018 I was appointed and served as the Senior Pastor of the Toronto East Seventh-day Adventist Church of which Justice Donald McLeod is a practicing and involved member.

It is my understanding that there are allegations that have been levied against Justice McLeod stating that he has conducted himself in a manner that is incompatible with the due execution of his office. I also acknowledge that there was a preceding hearing that initially cleared Justice McLeod of any inappropriate conduct and that this is a second hearing with accusations that place under scrutiny the character and integrity of Justice McLeod. While I am not intimately knowledgeable of the circumstances surrounding the necessity of this second hearing, I am however, knowledgeable of the person and character of Justice Donald McLeod.

It is difficult for me to fathom that Justice McLeod would ever misrepresent the Court of Ontario judicial system due to the high regard and respect he has for the law. I have never known him to compromise himself with any unethical practice that would put into jeopardy his ability to be an officer of the court. Once in a private conversation I asked him if he found it conflicting to render judgements on those who appear before him in court and his response was, "No because I have the law to guide me." Outside of his chosen profession he is a tremendous humanitarian who has mentored many to success and has also, through personal sacrifice, helped others out of difficult situations that are common to those who run aground on hard times. I have never known him to abuse his authority as a judge and personally prefers, especially in church, not to be identified as one so the focus would remain on the liturgy and solemnity of the service. He is often selfless, extremely humble and avails himself to any who may be in need. As an active church member, he sat on several councils, boards and special



committees that dealt with church leadership. Due to this activity, we had a chance to work closely together and I came to admire his attitude and personal conviction to his beliefs. It is of a truth that if others would exemplify the dedication to hard work and tenacity that Justice McLeod displays, our world would be a much better place.

There is so much more that I could vouch for with Justice McLeod and am willing to further expound on if needs be. It is my hope that this Council will come to recognize through what is presented at these proceedings, the person that I have such high regard for in Justice Donald McLeod.

With Respect to the Judicial Council,



Pastor Fredrick A. Nichols
Senior Pastor