

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 REGARDING SUMMONSES FOR WITNESSES

Counsel:

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

Mr. Frank Addario and Mr. Wes Dutcher-Walls
Counsel for Justice McLeod

THIS REQUEST made by Presenting Counsel for the Ontario Judicial Council, was heard on Wednesday May 27, 2020 by teleconference.

ON NOTING the consent of the parties, and on hearing the submissions of the Presenting Counsel and lawyers for the Honourable Justice Donald McLeod,

IT IS HEREBY ORDERED that:

1. A hearing date shall be held on June 12, 2020 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 12, 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, his or her 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.

3. In light of the current circumstances of the pandemic and pursuant to section 3(2)(b) of the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, the Hearing Panel orders, notwithstanding section 12(3) of the *Statutory Powers Procedure Act*, that service in respect of the summonses issued in the within hearing shall be effected by way of email.

Released: this 2nd day of June, 2020.

“Justice Janet Simmons”, Chair

“Justice Michael J. Epstein”

“Mr. Malcolm M. Mercer”

“Mr. Victor Royce”

APPENDIX "A"

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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]