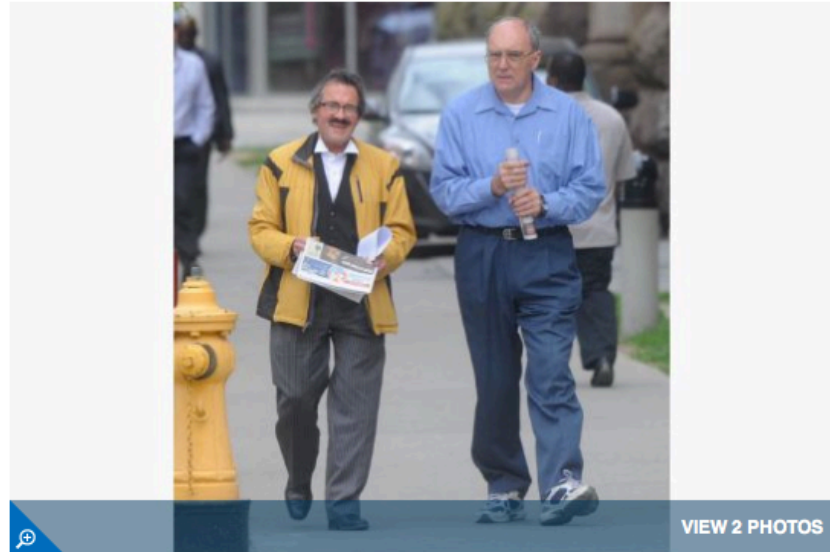
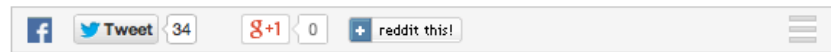


News / Crime

## Battle to make public complaint about judge drags on

The Star has been fighting for a year to lift the veil of secrecy shrouding a complaint about a repeatedly chastised Toronto judge.


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Ontario Court judge's John Ritchie (left in yellow jacket) and judge Bruno Cavion leave Old City Hall in Toronto on May 8, 2013

By: [Rachel Mendleson](#) News reporter, Published on Mon Jul 27 2015

The Star has been fighting for more than a year to end the secrecy surrounding a complaint against a [Toronto judge](#) who has been chastised for legal errors, the appearance of bias and recycling “boilerplate” judgments.

The details of the complaint and how it was handled by the Ontario Judicial Council were outlined in documents contained in a manila envelope, delivered to a Star reporter last summer by an unknown source.

Justice John Ritchie then confirmed in an interview that he had been the subject of a complaint by the Criminal Lawyers' Association (CLA). He said the council did not question the substance of his decisions, but on its recommendation, he attended a refresher course on how to write good judgments, which he enjoyed.

However, the battle continues to lift a confidentiality order, which, according to the judicial council, prevents us from reporting on the vast majority of complaints against judges, except for those rare few that result in formal disciplinary hearings.

And this rare glimpse into how Ontario's 330 provincially appointed judges are themselves judged remains under lock and key.

In fact, even [the arguments](#) that have been filed over the past year by the newspaper and the judge, as well as the CLA, which has intervened in the case, are also secret, according to the judicial council.

“Please note that the contents of the submissions should be considered to be confidential unless and until the Ontario Judicial Council determines otherwise after it has considered the arguments being made in relation to the application and the applicable law,” council registrar Marilyn King wrote in a letter to the Star's lawyers, dated Nov. 24.

Star lawyer Iris Fischer calls the above directive “extraordinary.”

“The public has a right to know and understand how the judicial council is dealing with this application. The conduct and discipline of a judge is a matter of great public interest,” Fischer said. “It should not take over a year to decide whether the public should know something or not. In the meantime, secrecy over this issue continues.”

This secrecy layered upon secrecy when it comes to judging the arbiters of justice does not sit well with criminal defence lawyer James Lockyer, who has previously [expressed concern](#) that innocent people were being convicted by Ritchie.

“The judicial council has determined that a complaint against a sitting judge has merit, and ordered a sanction. This is a matter of significant public interest and should be entirely out in the open,” said Lockyer, the founding director of the Association in Defence of the Wrongly Convicted.

“There is simply no excuse for the judicial (council’s) conduct,” Lockyer said. “To any reasonable member of the public, it just looks as if they are trying to protect a judicial colleague.”

Ritchie has been repeatedly upbraided by Superior Court judges.

An appeal court reversed a drunk-driving conviction in 2004 because the reasons Ritchie gave were “so deficient as to amount to no reasons at all,” according to Superior Court Justice Anne Molloy.

In 2011, Justice Ian Nordheimer said that Ritchie’s treatment of a defendant in a different drunk-driving case would leave an observer “with the distinct impression that (he) had predetermined the result of the . . . application, if not the likely outcome of the proceeding as a whole,” the Law Times reported.

Last summer, Ritchie told the Star that he has learned lessons from Superior Court judges and is “a good judge,” who only convicts “when the Crown proves the case beyond a reasonable doubt.”

Ritchie and his lawyer declined to comment for this story.

According to Jill Arthur, criminal counsel in the office of Ontario’s Chief Justice, Ritchie “continues to preside and is assigned in accordance with regular judicial scheduling.” On Thursday, he was presiding in Old City Hall’s federal plea court, which handles both guilty pleas and routine court appearances.

In an email, King, the judicial council registrar, said the council is “actively continuing its deliberations on the issues raised and will have a decision completed as soon as it can.”

King said the timeline for considering the Star’s application for disclosure was affected by the CLA’s request to file submissions, among other factors.

She said she could not “confirm or deny” whether the judge in question has been the subject of further complaints, citing confidentiality provisions in the legislation.

The council determined how it would deal with the Star’s request for disclosure at a private meeting in September. After several rounds of submissions, it received all the necessary arguments in late May and will presumably issue a ruling following another closed-door session.

Arthur said it would be “inappropriate” for Ontario Chief Justice Lise Maisonneuve, who sits on the judicial council, to comment for this story.

After the Star’s story last summer, [critics at Queen’s Park](#) called on the province to end the confidentiality blanketing these investigations.

Several legal experts have previously argued that the order that keeps secret the details surrounding complaints that don’t result in disciplinary hearings is so sweeping and broad it could violate Canada’s Charter of Rights and Freedoms.

Criminal defence lawyer Reid Rusonik, who has previously aired his misgivings about Ritchie, said transparency in this case is required to reinforce public respect for the integrity of the judicial council’s disciplinary proceedings.

“How can we respect what we cannot see? Such bodies should be proud to have the public see their work, not suspicious because of their resistance to revealing it,” he said. “You would think they’d be in a hurry to quell that suspicion.”

## **By the numbers**

### ***With files from Alyshah Hasham***

1995: The year the Ontario Judicial Council was created to investigate complaints by members of the public against provincially appointed judges.

330: The number of provincially appointed judges in Ontario.

40: The average number of new complaints the Ontario Judicial Council receives each year.

6: The number of public hearings the Ontario Judicial Council has concluded in the past decade.

\$271,420.72: Justice John Ritchie's annual income, according to last year's public sector disclosure records.