

CONSEIL DE LA MAGISTRATURE

CM-8-87-5

In the matter of the complaint of Mr. S. C.

against

HONORABLE JUDGE [...] J.C.P.

**REPORT PERTAINING TO THE RECEPTION
AND EXAMINATION OF THE COMPLAINT**

The complaint made by Mr. S. C. against Honorable Judge [...] of the Provincial Court arises from a case heard in the Small claims Court in Québec City on The 23rd of April 1987.

In his complaint, Mr. C. states the following:

«All the proceedings took place in French. I tried the best I could to understand the questions and respond in my very limited French. The end result being that I do not feel I was able to adequately present my case.»

I met with the complainant in Québec on the 25th of September 1987. His contentions, as stated in his written complaint, are to the effect that all the proceeding took place in French, which is a fact, and that under such circumstances, he alleges: «I did not have the chance to defend myself in my own language.»

I then proceeded to question him about his knowledge of the French language. He then answered that «I can speak French enough (you can test me) but in Court this is different.»

Mr. C. said that he did not make any remarks as to his difficulties in French nor did he tell the judge that he would prefer to speak in English. He also said that at no time was the judge

impolite nor did he ever act in a «rude» manner.

I then met with Honorable Judge [...] who could recall the case. He noted that the plaintiff was not a francophone but that «il s'exprimait bien en français.»

The plaintiff never told the judge that he would have preferred to testify in English and the idea never came to the judge since «son français était bon.» As far as Judge is concerned, Mr. C. presented his case well in the circumstances, but he obviously had problems understanding the legal aspects of his contentions.

This is why Honorable Judge [...] found it necessary to write and fully motivate his judgment.

I read the judgment which, as usual, explains in fact and in law why the petition could not be sustained.

Since the present matter does not fail under any of the dispositions of the Code of Ethics, the Conseil de la magistrature is without jurisdiction to intervene and I recommend that the case be closed.

/ld

Montréal, November 10th, 1987.