

CANADA
PROVINCE OF QUEBEC

QUEBEC JUDICIAL COUNCIL

CM-8-93-46

Montreal, this 13 day of April 1994

In the case of:

L. L.

Plaintiff,

-vs-

His Honour judge [...]

Respondant.

DECISION

Plaintiff claims, in a letter addressed to the Quebec Judicial Council that respondent, His Honour Judge [...], rendered a decision that was outrageous, that "he didn't listen to me at all", that "he was already prepared in his mind to make a wrong judgment".

In her letter, she also adds:

From the begin (sic) he made a very nervous approach to me. And at the end, he said - I give you 5 minutes and he started counting 5-4-3-2-1, he made me so nervous. I came to the tears. I could not say anything, he didn't give me chance to say anything."

From plaintiff's point of view. It would appear that respondent infringed articles 1 and 5 of the Code of Ethics, which read as follows: (Q.R.L. Chap. I-16, sect. 261)

1° The Judge should render justice within the framework of the Law;

2° The Judge should be, and be seen to be, impartial and objective;

Plaintiff Mrs L. was appealing before the Court of Quebec, of a decision from the Rental Board where her case was dismissed.

Her appeal was heard by Judge [...].

Judge [...] took one hour and a half, listening to all the witnesses and especially to plaintiff who was very often interrupting either judge [...] or a witness.

By listening to the tape, we can easily realize that plaintiff had plenty of time to explain her point of view. She testified before the judge and had a chance to give all explanations and arguments she thought fit to present. She also asked witnesses to take the stand and had plenty of time to examine them.

When the case was closed, plaintiff was once more invited by judge [...] to sum up her argumentation, which she did. However, when the judge realized that she was taking too much time, he told her that the case had already taken one hour and a half, that there were other people waiting and that he was giving her five more minutes before he passes to another case. That explains the situation. The tone of his voice was very correct. At no time indeed on the tape, can we detect impatience or impoliteness on the part of the judge. Moreover, we can realize how patient he was in handling the case.

Whereas all the facts referred to by the plaintiff do not bring this Council to the conclusion that there was misconduct on the part of judge

Whereas the hearing appears to have been conducted according to the rules of our Code of Ethics, as there is no evidence to the contrary.

Consequently, the Quebec Judicial Council declares plaintiff's claim unfounded.

