

C A N A D A
PROVINCE DE QUÉBEC

CONSEIL DE LA MAGISTRATURE

2005 CMQC 2

Québec, le 16 juin 2005

PLAINTE DE :

Monsieur H.B.

À L'ÉGARD DE :

Monsieur le juge (...)

DECISION FOLLOWING THE EXAMINATION OF A COMPLAINT

The Complaint

[1] Mr H.B. has filed a complaint against Mister Justice (...) as the result of a hearing before the Municipal Court of the MRC of M. on the 28th of October 2004.

[2] The Plaintiff, through a letter of March the 31st, 2005, alleges that Mr Justice (...) behaved on an unethical manner in that:

- a) He did not render justice within the framework of the law;
- b) His conduct during the proceeding was not a conduct that fostered professional competence;
- c) His conduct did not seem to be one of impartiality and objectivity;
- d) He did not uphold the integrity and independence of the judiciary or judge in the best interests of justice and society;

[3] The Plaintiff further stated that such unethical conduct was clear from the Judge's

conduct in the cases before him that day and went on pointing to the following alleged irregularities;

[4] Mr Justice (...) appeared to him *“to have a collaborative personality”* and further proceeded to act as translator *“as if assistant to the prosecutor”* to such an extent added the Plaintiff that *“he appeared to run the prosecutors case and showed a bias in his attitude by laughing with the prosecutor when the Plaintiff informed the court of his disability to read French”*.

[5] The Plaintiff also referred to a prior case where Mr Justice (...) would have *“belittled a citizen”, “scoffed at anything a citizen said”,* intimated that the Judge may have *“treated the citizen with contempt”* and finally ended by underlining the fact that Mr Justice (...) *“scoffed at his request to obtain a delay of six months to pay the fine”* notwithstanding the fact that he had already extended a similar delay to the above mentioned citizen.

[6] Nothing in the replay of the mechanic recording came out to support Plaintiff's allegations in either two cases mentioned by Mr B..

[7] The hearing of Mr B.'s case was conducted in the English language by all intervenants and nothing leads us to believe that Mr Justice (...) was partial in any way.

[8] We have found no trace or laughing or scoffing nor any remarks that could be construed as such on the part of the Judge.

[9] We have also listened the recording of the prior hearing and again we have not found any trace, be it from the court or anybody, of belittling or scoffing at a citizen.

[10] We do not have to comment on the legal aspect of the matter but we have heard the Plaintiff mentioning that he was considering an appeal in that regard.

[11] To sum up, not only do we see no relevancy in the complaint but it appears from the replay of the recording that the tribunal acted all along with respect of all people, was attentive to their need for explanation and made every effort to make sure that the parties were given the opportunity to fully explain themselves.

Conclusion

[12] In view of the foregoing, Le Conseil de la magistrature cannot but conclude that the complaint is ill-founded.