

Summary of the Committee of Inquiry Report in the Matters of Judges Martin Gosselin and Joanne Cousineau

(2024-CMQC-066 and 2024-CMQC-067)

The Committee of Inquiry was established to review a complaint against Judges Martin Gosselin and Joanne Cousineau of the Municipal Court of the City of Gatineau. The complaint concerned the way they handled applications to impose jail sentences for failure to pay fines.

Between June 2020 and December 2022, the two judges issued 1,669 warrants of imprisonment involving 1,126 individuals. After the Superior Court set aside those warrants, the City of Gatineau filed a complaint. The Conseil de la magistrature then decided to hold an inquiry to determine whether the judges' conduct breached the Code of Ethics for Municipal Judges of Québec.

The evidence showed that, when hearing these applications, the judges made their decisions without reviewing the case files, without receiving any evidence, without asking for submissions from the prosecutor or the fine collector, and without carrying out the checks required by the Code of Penal Procedure. They did not issue written reasons and did not themselves determine the length of the jail sentences.

Instead, they relied on the process already in place at the municipal court. Under that process, a computer system automatically calculated the number of days of imprisonment. As a result, individuals were sent to jail.

The judges acknowledged that they had followed this practice. They explained that it had been passed on to them by their predecessors and that they believed it complied with the law.

The Committee concluded, however, that this way of proceeding was incompatible with the judicial role. It emphasized that judges are guardians of citizens' rights and freedoms and must personally exercise their judicial authority before depriving someone of liberty.

Judges cannot simply rely on the work of administrative authorities, blindly delegate their duties and responsibilities, or automatically follow a process established by others. They must verify that the legal requirements have been met, assess the evidence, exercise their own judgment, and give reasons for their decisions.

The Committee found that Judges Gosselin and Cousineau had instead abdicated their judicial responsibilities by blindly relying on the administrative process used by the municipal court. In the Committee's words, they acted as little more than "rubber stamps," disregarding the applicable rules of law.

After reviewing the evidence, the applicable legislation, the case law, and the judges' explanations, the Committee concluded that their conduct went beyond a simple error of law.

In its view, the numerous errors resulted from a gross lack of understanding of their judicial duties and serious negligence in the performance of their functions. The Committee found that this conduct breached sections 1, 2, 3, 5 and 9 of the Code of Ethics. In particular, it was inconsistent with the duties to render justice within the framework of the law, perform judicial duties with integrity, dignity and honour, foster professional competence, act impartially, and uphold the integrity and independence of the judiciary.

Finally, the Committee concluded that the misconduct was exceptionally serious. It led to the unlawful issuance of numerous warrants of imprisonment, violated the fundamental rights of the individuals concerned, and seriously undermined public confidence in the justice system.

Although neither judge had any prior disciplinary record, the Committee found that the resulting loss of public confidence was irreversible. It therefore recommended that the Conseil de la magistrature ask the Minister of Justice to apply to the Court of Appeal for the judges' removal from office.

The Committee of Inquiry was composed of Judge Henri Richard of the Court of Québec, who served as Chair, Judges Marco LaBrie and Hermina Popescu of the Court of Québec, notary Marie-Claude Laquerre, and Robert Dutrisac.