

Plainte de:
Monsieur ROBERT O'BRIEN

contre

L'HONORABLE JUGE CLAUDE R. DUMAIS

RAPPORT DU COMITÉ D'ENQUÊTE

Following the mandate given by the Council to that effect, the undersigned have proceeded to the inquiry in the above mentioned matter on March 6th, 1987. The inquiry has been conducted in English as agreed with the parties.

The complainant, Mr. Robert O'Brien, Honorable Judge Claude R. Dumais and the members of the Committee have listened to the entire recording of the hearing in the Small Claims Court which took place before Honorable Judge Dumais on January 30th, 1986 where originates the complaint of Mr. O'Brien.

The Committee then heard the representation of Mr. Robert O'Brien and of Honorable Judge Claude R. Dumais.

Although it is time that the words alleged in the complaint were in fact pronounced by Judge Dumais, when heard in context, those words did not show an absence of impartiality or objectivity (Code of Ethics, Art. 5) nor do they show that the Judge failed to act with reserve or in a serene and courteous manner (Code of Ethics, art. 8).

Consequently, the complaint of Mr. Robert O'Brien does not stand and the matter should be closed.

Honorable ALBERT GOBEIL
Chief Judge
Youth Court

Honorable ROGER GOSSELIN
Associate Chief Judge
Provincial Court

Honorable PAUL MAILLOUX
Provincial Court
Member of the Judicial Council

J. LOUIS LEGAULT
Municipal Judge
Member of the Judicial Council

Me VINCENT O'DONNELL
Member of the Judicial Council

MONTREAL, March 18th, 1987