



Canadian
Judicial Council
Conseil canadien
de la magistrature

Ottawa, Ontario K1A 0W8

19 December 2016

Mr Frank Addario
171 John Street, Suite 101
Toronto ON M5T 1X3

Dear Mr Addario:

I wish to acknowledge receipt of your letters of 11 and 13 December 2016 regarding the Honourable Robin Camp. I have brought your correspondence to the attention of the Honourable Robert Pidgeon, Senior Associate Chief Justice of the Quebec Superior Court and “senior member” of the Judicial Conduct Committee, as defined in section 1 of the *Canadian Judicial Council Inquiries and Investigations By-laws, 2015* (the “*By-laws*”). In his capacity of senior member, Chief Justice Pidgeon will be chairing Council’s deliberations.

Chief Justice Pidgeon has sought the views of those Council members who are eligible to deliberate in this matter. Members have considered your requests and directed me to inform you as follows.

The *By-laws* provide that a judge who was the subject of an inquiry may make a “written submission to the Council regarding the report” of the Inquiry Committee. The *By-laws* do not provide a right for an oral hearing; they define the requirements for Council to deliberate about the report of the Inquiry Committee and the judge’s written submissions.

Further, the *By-laws* provide for a specific mechanism, at s. 12, for Council to explore other issues that may arise from a review of an Inquiry Committee report or from the written submissions of a judge:

12. If the Council is of the opinion that the Inquiry Committee’s report requires a clarification or that a supplementary inquiry or investigation is necessary, it may refer all or part of the matter back to the Inquiry Committee with directions.

Should the matter be referred back, the judge would have the opportunity to make fulsome representations to the Committee in respect of the issues raised by Council.

You may be aware that, prior to 2010, Council's by-laws provided the judge could appear in person before the Council, with or without counsel, "for the purpose of making a brief oral statement regarding the report." The right to be present at a hearing of Council, one which was necessarily public, was specifically abrogated for a number of reasons, after careful deliberation by Council.

Council is of the view that Justice Camp was provided with a fulsome opportunity to present evidence, cross-examine witnesses and make representations about all the allegations against him. While Council retains the flexibility to hold a hearing in exceptional circumstances, you have not convinced members it is required in this case. Justice Camp is not restricted in respect of the scope of issues he may raise in a written submission. For these reasons, Council declines Justice Camp's request to hold a hearing – which would have to be public – for the purpose of receiving oral submissions. To the extent that Justice Camp believes that supplementary inquiry or investigation is necessary in this matter, representations to that effect can be included in the judge's written submission. The scope of any submission is entirely at the judge's discretion. Council members will fully consider, when they deliberate in this matter, the judge's written representations. The judge should feel free to address the issue of oral submissions in any written representations. Please note that any written submissions will be made public by Council.

Council notes your suggestion that the Inquiry Committee's "interest at this stage is in defending its decision" and is consequently "adverse to Justice Camp." Such a proposition may be perceived, by some, as suggesting bias on the part of the Inquiry Committee. In the event the judge wishes to advance this argument, Council suggests that it be included in the judge's written submission, particularly in light of s. 12 of the *By-laws*.

With respect to your request for an extension of time to present the judge's written submission, Council members have determined, pursuant to s. 9(2) of the *By-laws*, that it is in the public interest to agree to the date of 6 January 2017.

I trust this information is useful.

Yours sincerely,

Original signed by
Norman Sabourin
a signé l'original

Norman Sabourin
Executive Director and Senior General Counsel