



Canadian
Judicial Council
Conseil canadien
de la magistrature

8 February 2017

Ottawa, Ontario K1A 0W8

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

Dear Mr Addario:

I am writing on behalf of the Canadian Judicial Council with respect to your request for an oral hearing before Council in the matter of an inquiry concerning Justice Robin Camp.

In letters dated 11 and 13 December 2016, you asked for an opportunity to make oral representations before Council in respect of the report of the Inquiry Committee, issued 29 November 2016.

The request was considered by Council members. The request was denied and I so advised you on 19 December 2016.

In the judge's written submissions in response to the Inquiry Committee report, dated 6 January 2017, you reiterated the request. After careful consideration, Council has determined that an oral hearing is not required, for the reasons that follow.

Council's By-laws provide that:

9(1) Within 30 days of the day on which the Inquiry Report is received, the judge may make a written submission to the Council regarding the report.

...

11(1) The Council must consider the Inquiry Committee's report and any written submissions made by the judge.

...

12(1) 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.

The By-laws do not provide a judge with a right to make oral submissions to Council. Neither do they provide anyone else the opportunity to make representations, written or otherwise, to Council. The Judge has the last word before Council.

Context in this case is important. On behalf of the Judge, you provided written open and closing submissions to the Committee and made closing oral arguments to the Committee. At the hearing before the Committee, the Judge testified on his own behalf and called witnesses. The record before the Council was unaltered from that before the Committee.

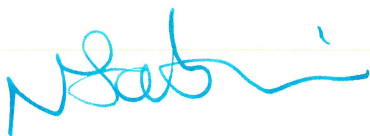
Council reviewed and considered the record, including the written and oral arguments you submitted on behalf of the Judge, in addition to the written submissions regarding the Committee's report. Council is satisfied that the Judge had fully and clearly advanced his position before and had been fully and fairly heard by both the Committee and Council.

Council did not require further clarification about the Committee's report or about the judge's written submissions. In the course of its deliberations, Council found that the record was complete and that there was no need for additional representations. Accordingly, oral submissions would not have assisted Council in its deliberations.

You submit that "the right to be heard should be generously construed" in judicial discipline proceedings (as per *Moreau-Bérubé v. New Brunswick (Judicial Council)* 2002 SCC 11, para. 75). Council agrees with that position. However, as was the case in *Moreau-Bérubé*, the Judge was represented by able counsel and was well aware of the nature of the proceedings at each step of the process and of the opportunities to make comprehensive representations. In these circumstances, the duty to act fairly does not encompass a right to be heard orally before Council, after having been heard orally at the public inquiry proceedings.

Accordingly, Council declines to hear oral representations from the judge or counsel.

Yours sincerely,



Norman Sabourin
Executive Director and Senior General Counsel

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