



Canadian
Judicial Council
Conseil canadien
de la magistrature

CJC File: 15-0171

13 March 2017

Ottawa, Ontario K1A 0W8

Mr Brian Gover
TD North Tower
7 King Street West
P.O. Box 140
Toronto, ON M5K 1H1

Dear Mr Gover:

I am in receipt of your letter dated 8 March 2017 regarding an application made in Federal Court on behalf of Justice Newbould.

You ask that Council “refrain from issuing any news release announcing the constitution of an Inquiry Committee” until the application is determined by the Federal Court.

As you know, a Judicial Conduct Review Panel was constituted pursuant to the *Canadian Judicial Council Inquiries and Investigations By-laws, 2015* and, in keeping with its statutory duty, the Panel decided on 8 February 2017 that an Inquiry Committee is to be constituted on the basis that the matter involving Justice Newbould might be serious enough to warrant the judge’s removal.

On 13 February, with prior notice to Justice Newbould, my office issued a press release to announce the Panel’s decision. This is in keeping with past practice and with the public interest.

What remains, at this time, is for the Inquiry Committee’s members to be designated. On 10 February, the Minister of Justice was invited, pursuant to the provisions of the *Judges Act*, to appoint “one or more members of the bar of a province” to serve on the Inquiry Committee. The *By-laws* provide that if the Minister does not designate any members within 60 days (in this case, by 12 April 2017), Council can complete the composition of

the Inquiry Committee. In this case, this will be done by Chief Justice Wittmann, “senior member” pursuant to the *By-laws*.

Once the Minister informs the Council of her decision, and all members of the Inquiry Committee are designated, it will be up to the Inquiry Committee to determine next steps. The inquiry is presumptively open to the public and the public rightly expects to be informed of such developments in a timely manner.

To be clear, once the Panel decided on the constitution of an Inquiry Committee, the Council has no discretion to refrain from designating its members.

Yours sincerely,

**Original signed by
Norman Sabourin**
a signé l'original

Norman Sabourin
Executive Director and Senior General Counsel