

OSGOODE INSTITUTE FOR FEMINIST LEGAL STUDIES ROUNDTABLE

# JUDGES, ETHICS & INQUIRIES

WHAT HAVE WE LEARNED FROM DOUGLAS AND CAMP?



**MARCH 1 530PM 730PM**

**20 ADELAIDE STREET EAST (@ VICTORIA) STE 1104 (TRAINING ROOM)**

**NO COST BUT PLEASE DO RSVP [HTTP://BIT.LY/IFLSETHICS](http://bit.ly/iflsethics)**

**REFRESHMENTS!**

Questions/comments to [slawrence@osgoode.yorku.ca](mailto:slawrence@osgoode.yorku.ca)

This roundtable welcomes together legal academics, practitioners and law students to talk about the implications of recent judicial inquiries which brought questions of gender, among other issues, to the fore. Together we can begin to think through our answers to questions including:

- What have we learned about how the role of the judge is understood through these inquiries and surrounding public discourse?
- What expectations about judicial language and behaviour do the outcomes of the Inquiries suggest?
- Is the process set up for judicial inquiries working? Are there changes we would propose and why?
- What are the implications for judicial appointments?
- How do gender, race and indigeneity figure in the Camp and Douglas Inquiries and more broadly in our discourse about what good judging requires and who would be a good judge?
- What strategic questions do we need to consider in terms of when and how to draft complaints to the Canadian Judicial Council?

Our invitees will speak briefly before a group discussion

Alice Woolley, Professor, University of Calgary, Faculty of Law  
Fathima Cader, Barrister and Solicitor, McMahon, Morrison, Watts  
Molly Reynolds, Barrister and Solicitor, Torys LLP  
Kim Stanton, Barrister and Solicitor, Goldblatt Partners LLP  
Nana Yanful, Barrister and Solicitor  
Sonia Lawrence, Associate Professor, Osgoode Hall Law School

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## Texts/Context for Further Reading

### [Inquiry Committee Regarding the Honourable Robin Camp: Report](#)

- Other documents related to the Camp Inquiry available here including submissions of interveners, response to the Report, etc. available [here](#).
- Alice Woolley (2017) The resignation of Robin Camp: background and reflections from Canada, *Legal Ethics*, 20:1, 134-137, DOI: 10.1080/1460728x.2017.1346550 To link to this article:
- “Racism and the Robin Camp Inquiry.” Accessed February 16, 2018. <http://www.bloggingforequality.ca/2016/09/racism-and-robin-camp-inquiry.html>.
- Woolley, Alice, “Empathy in the Law: Does the Robin Camp Inquiry Committee Recommendation Encourage a ‘Postempathy Era’? – Slaw.” Accessed February 16, 2018. <http://www.slaw.ca/2016/12/09/empathy-in-the-law-does-the-robin-camp-inquiry-committee-recommendation-encourage-a-postempathy-era/>.

### [Inquiry Committee Regarding the Honourable Lori Douglas \(all documents\) here](#)

- Dodek, Adam. “Sex on the Internet and Fitness for Judicial Office: Correspondent’s Report from Canada *Ethics in Practice*.” *Legal Ethics* 13 (2010): 215–19.
- Sossin, Lorne, and Meredith Bacal. “Judicial Ethics in a Digital Age.” *U.B.C. Law Review* 46 (2013): 629–64.
- Woolley, Alice. “Douglas Inquiry Committee Resigns – Slaw.” 2013. <http://www.slaw.ca/2013/11/21/douglas-inquiry-committee-resigns/>.
- Alain Roussy (2014) The Continuing Saga of the Douglas Inquiry in Canada, *Legal Ethics*, 17:3, 442-447, DOI: 10.5235/1460728X.17.3.442 To link to this article: <https://doi.org/10.5235/1460728X.17.3.442>
- Glenn Kauth, “Behind the Headlines” (Extended interview/profile of Lori Douglas from Jan 4 2016) <http://www.canadianlawyeromag.com/author/glenn-kauth/behind-the-headlines-3136/>

## Reforms and Changes

### Sexual Assault Training

#### [Bill C-337 An Act to amend the Judges Act and the Criminal Code \(sexual assault\) \(Short Title Judicial Accountability through Sexual Assault Law Training Act](#)

“This enactment amends the Judges Act to restrict eligibility for judicial appointment to individuals who have completed comprehensive education in respect of matters related to sexual assault law and social context. It also requires the Canadian Judicial Council to report on continuing education seminars in matters related to sexual assault law. Furthermore, it amends the Criminal Code to require that reasons provided by a judge in sexual assault decisions be entered in the record of the proceedings or be in writing” This Bill died in the Senate.

[Ontario Bill 120 Mandatory Sexual Assault Law Training for Judicial Officers Act, 2017](#) “Currently, under section 43 of the *Courts of Justice Act*, the Judicial Appointments Advisory Committee makes recommendations to the Attorney General for the appointment of provincial judges. New subsection 43 (10.1) provides that the Committee cannot consider a candidate unless he or she has completed comprehensive sexual assault law education.

Section 51.10 of the Act is amended to require the plan for the continuing education of judges to require judges to complete education in respect of matters related to sexual assault law.

- “CJC Considers Imposing Mandatory Professional Development on Federal Judges - The Lawyer’s Daily.” Accessed February 16, 2018.  
<https://www.thelawyersdaily.ca/articles/2743/cjc-considers-imposing-mandatory-professional-development-on-federal-judges>.
- “CJC ‘Very Hopeful’ Senate Will Heed Red Flags Judiciary Raised about Judicial Training - The Lawyer’s Daily.” Accessed February 16, 2018.  
<https://www.thelawyersdaily.ca/articles/4972/cjc-very-hopeful-senate-will-heed-red-flags-judiciary-raised-about-judicial-training>.
- “Requiring Written Reasons in Sex Assault Cases Will Add to Court Delays, CBA Warns - The Lawyer’s Daily.” Accessed February 16, 2018.  
<https://www.thelawyersdaily.ca/articles/2938/requiring-written-reasons-in-sex-assault-cases-will-add-to-court-delays-cba-warns>.
- “Women’s Advocates, Defence Counsel Call for Transparency from Judiciary on Sexual Assault Law Training for Judges - The Lawyer’s Daily.” Accessed February 16, 2018.  
<https://www.thelawyersdaily.ca/articles/4852/women-s-advocates-defence-counsel-call-for-transparency-from-judiciary-on-sexual-assault-law-training-for-judges>.

## Reforming the Canadian Judicial Council Process

### Part II – Canadian Judicial Council in Judges Act (R.S.C. 1985, c. J-1)

Canadian Judicial Council: REVIEW OF THE JUDICIAL CONDUCT PROCESS OF THE CANADIAN JUDICIAL COUNCIL: Background Paper (2014)

Department of Justice Canada Possibilities for further reform of the Federal Judicial Discipline Process JUNE 2016 [consultation closed August 2016]

“New Chief Justice Says System for Dealing with Complaints against Judges Needs Work | CBC News.” CBC, February 5, 2018. <http://www.cbc.ca/news/politics/new-chief-justice-richard-wagner-judicial-complaints-1.4521256>.