

March 13, 2001.

Mike Milne  
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The Ontario Judicial Council  
P.O. Box 914  
31 Adelaide Street  
Toronto Ontario  
M5C2K3.

Attn: Judicial Complaints Department

Dear Sirs or Madams,

**RE: Complaint against Justice Karswick for judicial bias and violation the rights and freedoms of my daughter and myself**

I would like to file a formal complaint against Justice J. Karswick of the Brampton Family Court for his incompetent and biased conduct as a judge when I appeared before him on October 19, 2000. My court file is #1719/93. I feel compelled to have to complain about this particular judge as a result of the destruction he has caused to my family.

On October 19, I appeared before Justice Karswick with a motion for increased defined access to my daughter. I had been previously ordered into supervised access with my child by Justice Karswick, even though I had never abused my daughter in any way, nor was there any evidence to support that I had. On this day I was attempting to return to court to correct Justice Karswick's previously flawed order of January 11, 2000. The following was before the court on October 19, 2000:

- 1) A psychologist's report and test results to disprove unproven allegations that I had mental problems.
- 2) A psychologist's report saying that circumstances did not warrant me being placed in supervised access and that my daughter was in a very "vulnerable" position in the care of the mother.
- 3) Third party evidence to show that the children had been found abandoned and alone at the mother's home by the mother after the last court date and that the police and Children's Aid had to intervene and take them into temporary care.
- 4) That the Peel Children's Aid Society report stated that the children appeared to be "coached" by the mother.
- 5) That the mother had been in contempt of the previous court order regarding access to the children as specified in a previous court Order of Jan 11, 2000 by Justice Karswick himself.

- 6) That my former wife had failed to participate in mediation as previously ordered by the court and in fact showed no willingness to do so.
- 7) That no evidence had been submitted to show that I had ever abused my daughter.

When I appeared before Justice Karswick late in the day, the judge permitted the legal aid lawyer, John Bacon, who was representing my wife to speak first. Mr. Bacon just butted himself in at the beginning of the hearing and kept talking. Rather than allowing me to speak on my motion first, Justice Karswick allowed the lawyer to take the floor and steer the court's attention away from the matters before the court documents and on to a matter involving the lawyer's conflict of interest, even though this was not part of the material before the court. Prior to the court I had told Mr. Bacon that I did not think it ethical for him to represent my former wife when he had previously acted as duty council for me and had been given intimate details of my case. Justice Karswick didn't seem to be concerned that Mr. Bacon had given advice to both sides in the same court matter and allowed him to continue.

After allowing Mr. Bacon to focus the court attention to my claim that there was a conflict of interest involving Mr. Bacon, and without ever giving me any chance to speak to the court, Justice Karswick turned to me and said "Can you tell me why I should hear this motion?" Justice Karswick's tone of voice and look made it clear to me that he had already drawn up his opinion on the case and the he was going to side with the lawyer.

In spite of the evidence before Justice Karswick that day which clearly showed that the mother was in contempt of Justice Karswick's previous order; in spite of the fact that evidence showed that the mother had abandoned her children; in spite the fact that the mother was denying contact between the children and the father; in spite of the fact that I had never abused my child, 18 days after I appeared in the court, on November 6, 2000, Justice Karswick made up a ruling basically stating that nothing had changed and dismissed my motion. By doing so he forced my daughter to remain in supervised access and continued to allow the mother to abuse my child and to continue to violate the court Order with impunity and make a mockery of the court and Justice Karswick.

### **How unbelievable! How unjust!**

I don't know what kind of law Justice Karswick is using to guide his decisions, but obviously his decision to keep my daughter and myself from being able to have a relationship with each other is not based on anything that is fair and just nor in accordance to the charter of rights of this country. In capacity of Judge and as the trusted custodian of the law who is supposed to deliver Justice in a court, Justice Karswick has most miserably failed to fulfill his duty to protect children and to provide justice to the people of this country.

I am absolutely appalled at how my child and my family have been treated by Justice Karswick. The way that family court seems to be treating people is an absolute disgrace to our country. It seems to me that justice for fathers in our family court system is nothing but a dream. After being forced into financial ruin by the family court system I am beginning to catch on to just what is really going on in our family courts. I am totally broke, cannot afford a lawyer and have legal aid

chasing me down for \$3600 which they have put in the hands of a collection agency. Yet my wife obtained legal aid to defend her ability to continue abusing my child.

In light that circumstances would reasonably indicate that Justice Karswick has violated my basic human rights as a parent to have a relationship with my daughter and has failed to make decisions that represent the best interest of my child, I am requesting that Justice Karswick be asked to remove himself from my case and not allowed to hear this case again. Since my court appearance before Justice Karswick the mother continues to defy the court Order in regards to my access. I am gradually seeing my daughter become more distant as her limited amount of time under supervised access is not enough to allow any kind of meaningful relationship to be maintained.

In my opinion, he should be required to take courses to allow him to better understand what is in the best interest of children. I believe that Justice Karswick is biased against fathers and those parties who are forced to represent themselves. He seems unable to administer his court in a fair and just manner.

I would appreciate the Judicial council confirming with me by way of letter, that Justice Karswick will agree to remove himself from hearing my family's court matters in the future. I would hope that another judge who is less biased and more caring for children and families will hear my case when I am next able to return to court. Unfortunately, in the meantime my daughter continues to suffer as a result of the failure of the justice system.

Yours truly,

A handwritten signature in black ink, appearing to be the initials 'MM' with a stylized flourish.

Mike Milne

cc: Various members of the Canadian Senate  
Various Members of the Canadian House of Commons  
Various Members of the Ontario Legislature  
Anne McLellan, Minister of Justice