

Actual Judicial Complaint letter

Note: This letter is a copy of the actual text from a complaint letter sent to the Judicial Council. Information about the parent who wrote this letter has been removed from this document because this case involves a child protection matter and under the law, information which would identify the child cannot be published.

December 27, 2004

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Dear Sirs/Madames

RE: Judicial Complaint against Justice James P. Nevins of the family court at 47 Sheppard Ave. Toronto, Ontario

I would like to file a formal judicial complaint against Justice James P. Nevins of the provincial court at 47 Sheppard Ave. W. in Toronto, Ontario. My complaint concerns what I feel was his most unprofessional conduct as a Judge at my court hearing on Dec. 31, 2003 which I believe has had significant influence in my son being terrorized by agencies associated with the court system and his relationship with his father being forcefully terminated contrary to his best interest and his clearly stated wishes. As a result of Justice Nevins's incompetence and bias, I am also concerned of the possibility that my son may have been forced to undergo a circumcision at 12 year of age contrary to his clearly stated wishes and religious beliefs.

On December 31, 2003, I appeared before Justice Nevins in a matter where I was fighting the Jewish Family and Child Services for what I feel was the abduction of my son as part of a scheme to forcefully take my son from my custody and to return him into the custody of his Jewish mother and to force my son to submit himself into the Jewish religion contrary to his clearly stated wishes.

Although the incident in the Sheppard Ave. W. court involving Justice Nevins which I describe below happened almost a year ago, I have not filed a complaint against Justice Nevins up until now because since that time I have been cautioned over and over again by lawyers and others who are involved in the court system that complaining about Justice Nevins would greatly prejudice my case if I was to file a complaint against him. Some lawyers have said that they would not take on my case if I chose to exercise my rights to file a complaint. Many who know the family court system

have said that I will never see my child again if I file a complaint against a judge and that “the system” will “get even” with me for speaking out to protect my son.

I have been warned that I won't be able to prove my claims of Justice Nevins's conduct and that by complaining I would only worsen my position before the court and only harden the resolve of those government funded agencies responsible for physically and emotionally abusing my son, to hide the abuse they have caused him. Because of the many family court horror stories that I have read about involving abuse of power and authority by children's aid agencies and the Children's Lawyer's Office, I must admit that I have been fearful of the court system to complaint up until now. However, I have reached a point where I feel that the actions of Justice Nevins and the actions of other agencies associated with the court have put me in a position where I have nothing else to lose. I have not seen my son in over a year. The last thing my son said to me and his friends at the last event we were at together, was to help him come home with his dad and to help protect him from the abuse by Jewish Family and Child Services, the Office of the Children's Lawyer and the Ragesh Group home where he was been terribly abused for a long period of time. It has become absolutely clear to me that the Justice system has totally failed my 12-year-old son and that the legal aid lawyers who have worked for me up to this time have been grossly ineffective. Because of Justice Nevin's previous actions which appear to have abused the administration of Justice and would appear to be biased in favour of the children's aid society, I am very fearful of this judge and do not feel that he can ever be fair as a judge towards me or my child.

Based on my experience with the family court system, it appears to me that the amount of money one has is a significant factor in the pursuit of Justice when one is up against a children's aid agency which has almost unlimited power and resources behind it, all funded by the Provincial Government. A parent's ability to obtain Justice seems to be very limited when using Legal Aid as Legal Aid lawyers are unable to put in the amount of hard work that is required into mounting an effective defense. Money simply is not there under Legal Aid for the hours needed. On the other hand, lawyers with a children's aid agency, have unlimited taxpayer's funds at their disposal and will go to any extent to protect their workers, even when they have done wrong. The case of the Reverend Dorian A. Baxter v. the Durham Children's Aid Society is a good example of abuse of power and authority by a provincially funded children's aid agency. In that court case, the judge found the children's aid society guilty of malicious prosecution, incompetence, negligence and blackmail.

Referring back to the incident on Dec 31, 2003 which is the main subject of this complaint letter, I wish to report the following abuse of the Administration of Justice by Justice Nevins:

On December 31, 2003, at the end of my court hearing (I was representing myself), the clerk at the front of the court announced that the court was ended as is usual practice. However, Justice Nevins did not get up and exit the courtroom as is the practice with most judges in most courts. Justice Nevins continued sitting at the bench and was handling the papers in front of him after the microphones had been turned off and everyone was cleaning up and getting their coats on ready to leave. Shortly after the court was closed and the microphones were turned off, Justice Nevins summoned the lawyer from the Office of the Children's Lawyer, Adam McIvor, over to his bench and in a quiet tone of voice, which clearly appeared to be an attempt not to be overheard by others in the court, spoke to Mr. McIvor direct off the court record. Being at the front of the court myself

while packing up, I could overhear what Justice Nevins was saying to Mr. McIvor. What I heard was shocking. I overheard Justice Nevins instruct the children's Lawyer that he was to send the message to my son that his father did not like him anymore and to tell my son that his father did not want to see him anymore. The judge's instructions to the children's lawyer were clearly intended to mislead my son into thinking that his father had given up the fight in court to free him and that his father did not love him or want to see him anymore. After being ignored and put down earlier in the short court hearing by Justice Nevins, I felt totally powerless to say anything in this judge's domain.

At that point, the children's lawyer, Mr. Adam McIvor, appeared somewhat taken back and uncomfortable by the instructions from Justice Nevins. Looking a bit startled, Mr. McIvor said to Justice Nevins, "Your honour, you want me to tell this to Howard?" Justice Nevins, then said to the children's lawyer, "Yes, and if you have problems saying this then tell the boy the judge said it" while touching his both hands to his chest to point at himself. Mr. McIvor then departed the room. Of course, none of what transpired between the judge and the children's lawyer was on the record or recorded because it occurred after the court reporters had stopped recording the court and everyone was busy packing up and trying to get out of the court because it was New Year's Eve.

Since that court date, I have not seen or heard from my son. My son clearly has stated that he wants to see his father and has reported being threatened and intimidated by his children's lawyer and Adam McIvor of the Office of the Children's Lawyer. It is my belief that my son has been misled to thinking that his father does not love him and that his father has given up fighting for him in court. The Office of the Children's Lawyer and the Jewish Family and Child Services have been effective in cutting off all communication between my son and all those who my son trusts, including his friends. My son reported being threatened with a knife by his Jewish mother if he did not do what the Jewish Family and Child workers were telling him to say to his lawyer. The school principal at my son's previous school wrote a letter barring my ex-wife from coming on school property because she had threatened other children at my son's school. Other eye witnesses have testified of seeing my son's mother physically abuse my son.

Prior to this court date, my son made it very clear to me and to others that he was being threatened and coerced to go along with the Jewish Family and Child Services by his children's lawyer, Adam McIvor, and that he did not trust his children's lawyer. Attached to this complaint letter is a letter from my son which he sent to a child and family advocate asking for help. Yet, while my son was pleading for help to save him from abuse by the children's lawyer, he was denied a new lawyer by the Children's Lawyer's Office, even though he requested one.

I have also included with this letter, copies of three private videotaped interviews with my son formatted on to DVD which were taken by a third party agency prior to him being kidnapped by the Jewish Family and Child Services. My son discloses horrendous abuse by the Jewish Family and Child Services and the Ragesh Group home agency, including sexual abuse, as well coercion and abuse by the Office of the Children's Lawyer. In these interviews my son clearly disclosed being threatened and coerced by the Office of the Children's Lawyer prior to Justice Nevins telling this same lawyer on December 31, 2003 to lie and coerce my son yet again. My son has disclosed that he has been threatened with circumcision at 12 years of age as part of a plan to force him to submit himself into the Jewish faith which his mother is a member of. My son has disclosed on video tape that he does not want his body mutilated by the Jewish Family and Child Services and he does not

want to be forced against his will into the Jewish religion. Yet, it seems that after he has disclosed these things that he has been made to conveniently “disappear” by the Jewish Family and Child Services with the assistance of the Office of the Children’s Lawyer and with the further support of Justice Nevins on December 31, 2003.

I am a Holocaust survivor myself who barely managed to escape with my life from Hitler’s soldiers who were trying to execute me and other children when I was a young boy. I can clearly relate to what I see is happening to my son now as a result of the abuse of power and authority by this children’s aid agency because I experienced a similar experience being taken from my parents by the Germans and scheduled to be executed. It seems to me that these agencies are doing to same thing to my son as Hitler did which is to take him away from his loving parent and then to threaten coerce and brainwash him into submission and compliance. In this case, rather than it being the Nazis abusing their power, it is the Jewish Family and Child Services which is abusing its power to force my son into compliance with the Jewish faith. What the Canadian court system and the Children’s Aid Society is now doing to my child is in my mind no less a crime than what Hitler did to many children in Germany during the war. I can speak of this because I am one of those Holocaust children who survived those atrocities during the war under the Nazi regime of Hitler.

Based on my experiences before Justice Nevins, I am thoroughly convinced that Justice Nevins has determined that he is going to support the position of the Jewish Family and Child services and obstruct my ability to seek justice for my son without giving proper weight to the evidence before him. I verily believe that Justice Nevins is biased in favor of those agencies who often work closely with the family court system.

Although I know that I can offer no substantial proof to my complaint about Justice Nevins except one witness in the court who saw Justice Nevins and the children’s lawyer speak to each other after the court had ended, I have decided to file my complaint for the record anyway. The family justice system and Justice Nevins have put me in a position where I have had the one most precious thing in my life, my child, stripped from me and as a loving and devoted father I literally have nothing left to lose now. The Children’s Aid Society and the Family Court system have put my back up against a wall, violated my rights and my child’s rights and have maliciously taken my child from me. At the very least, I would ask that the Judicial Council take steps to ensure that Justice Nevins not be allowed to have anything to do with my case at all. I don’t trust this judge at all and I believe that it would be a further miscarriage of Justice for Justice Nevins to force himself upon my case at any future court hearing again.

What further disturbs me is that on one of my previous hearings, I saw Justice Nevins conversing in a friendly and joking manner with the lawyer with the Jewish Family and Child services after the court had ended. On yet another occasion, I observed the lawyer from the Jewish Family and Child services walk back into the courtroom from the hall after the courtroom and been cleared and when I opened to the door to look inside, I saw the lawyer with the Jewish Family and Child Services conversing with Justice Nevins alone in the courtroom. It would appear that these informal chit-chats between Justice Nevins and some of the lawyers after the court has closed are not just isolated incidents. Based on just my own observations, the actions of Justice Nevins do not look good and reinforce the perception that Justice Nevins has some special relationship with the Jewish Family

and Child Services and/or lawyers in general. I thought that the administration of Justice was supposed to not only be unbiased, but **APPEAR** to be unbiased.

In addition, I have heard from sources having knowledge of the court system at 47 Sheppard Ave, that others in the community, including some lawyers, have expressed concerns about transcripts of court hearings being altered at the Sheppard Ave. W. court. I have heard that it is practice for Judges to review and approve transcripts before they are released to the parties who order them. This practice of judges checking things before they are released causes one to question the integrity of judges and the integrity of the justice system itself. Why do judges have to read and approve transcripts before they are released? Do the judges not trust the court reporters to record the proceedings correctly? Why do the taxpayers of the Province have to pay a judge's salary for the time it takes to check a written transcript with what is on the court's audio tape. What is said on the record should clearly be written as said and the record should stand and no party, not even a judge, should have special privilege to review the transcripts before being released to anyone who has ordered them.

To prevent such situations as I have described happened in my court, I would suggest that it be a **strict written policy** that once a court hearing ends that the judge **MUST** leave the courtroom as is currently the case in most court hearings and to not do so would be judicial misconduct. The court should remain in session with court reporters on duty and recording proceedings until the judge is completely finished and has exited the courtroom. The court reporter's tape should record the judge leaving the court. An added protection to prevent wrongdoing in the court would be to have the courts install video surveillance cameras in the courtrooms at the front to provide visual evidence to back up transcripts taken by court reporters. Video cameras in the courtroom would help provide an additional level of protection to all parties, included judges and members of the public and help improve the public's confidence in the court system. The procedure of court reporters being relied on record the proceedings in court clearly has it flaws and too open to abuse by the judges and those having sole control of the tapes and the transcripts. All steps should be taken to give the public the appearance of transparency in our family court system.

My 12-year-old son, who is **not** Jewish has indicated during an interview with a third party prior to all these happenings, that it is his desire **not** to be forced into the Jewish faith and that he would rather follow the Christian faith. My son has been physically, sexually and emotionally abused while under the care and control of the Jewish Family and Child Services. These abuses appear to me and to many others to me to be part of an evil plan by the Jewish Family and Child Services to assist my son's Jewish mother take total power and control of the child and to force the boy to be a follower of the Jewish faith. During one videotaped interview my son reported that he did not want to be Jewish because of all the physical and emotional abuse he has suffered at the hands of Jewish Family and Child Services. He indicated that he could not in good faith want to be part of a group of people that had tortured him so much, both physically, sexually and emotionally.

In this matter involving my son, there has been a terrible abuse of power and authority by the Jewish Family and Child Services and the Office of the Children's Lawyer. I believe that the Administration of Justice has been grossly perverted by those two agencies. The rights of my son to the security of his person under the Canadian Charter have been grossly violated. It is absolutely

astounding that such abuse of power and authority is allowed to happen here in Canada under the shady veil of “child protection.”

I would ask that the Judicial council investigate my complaint against Justice Nevins and at the very least inform the court at 47 Sheppard Ave W. to have the court coordinator ensure that Justice Nevins is not scheduled to act as judge in my case or for him to have anything else to do with my court file. I would also request that the court be asked not to have a Jewish Judge hear my case because I believe that the Jewish Family and Child services and its lawyers hold considerable influence within the family court system and that this may cause a Jewish judge to be biased in favor of the Jewish Family and Child Services.

I would also most respectfully request that the Judicial Council or the powers responsible, to put out a memorandum to the judges, making it mandatory that they **MUST** exit the court after every court hearing once it has been announced before the body of the court that the court has ended. The kind of abuse of power that Justice Nevins exercised that day in court must never be allowed to happen in any court in this country. The practice where a judge can continue sitting in a courtroom after a hearing has ended and to enter into private discussions with lawyers for one side, must be stopped.

Yours truly

Xxxxx Xxxxx

(a loving father stripped of a relationship with his son by the Ontario’s family court system

Attachments and enclosures

Letter from my son to child advocate telling that he does not trust the Office of the Children’s Lawyer

Three (3) video interviews (on DVD) of my son disclosing abuse by Jewish Family & Child Services and general systemic abuse resulting from failure of the courts and abuse of power and authority by a children’s aid agency.

June 28, 2003 (70 minutes)

July 12, 2003 (43 minutes)

August 15, 2003 (37 minutes)