



**Family Justice Review Committee**  
A program of the National Association for Public & Private Accountability  
Box 30, The Reimer Building, 5500 North Service Road, Burlington, Ontario L7L 6W6  
Telephone (416) 410-4115  
The Archbishop Dorian A. Baxter, National Chairman  
Website: <http://www.canadacourtwatch.com>



February 23, 2005

Ms. [REDACTED]  
[REDACTED] & [REDACTED]  
[REDACTED]  
Newmarket, ON L3Y 7V1  
Phone: (905) [REDACTED]  
Fax: (905) [REDACTED]

Dear Ms. [REDACTED]

### **RE: Complaints against you by children and parents**

Please be advised that our organization has received complaints from a number of children and parents from unrelated family court cases regarding your performance as a children's lawyer representing the Office of the Children's Lawyer. The children involved asked us in writing that we meet with them in person, which we have done. We will not disclose names of those affected at the present time.

Some of the complaints and concerns as reported to us by the children include:

- 1) That you have misled them and failed to properly inform them of their legal rights and freedoms.
- 2) That you have failed to respond to their requests in a timely and professional manner.
- 3) That you have not been truthful to them.
- 4) That you have failed to properly and professionally represent their interests in family court. (our interviews with the children on the specifics of their cases would appear to support the children's claims)
- 5) That the children do not trust you as their lawyer.
- 6) That you appear to show a bias in favour one parent over the other.
- 7) That you appear to show bias in favour of the Children's Aid agencies over the children and their parents.
- 8) That you have taken a position in court against the wishes of the children
- 9) That you have taken a position in court on matters which you have not discussed with the children beforehand.

- 10) That you have not properly informed the children of what you have reported to the court on behalf of the children. The children feel that you are not properly keeping them informed.
- 11) That you have attempted to create difficulties for the children to speak to persons they trust and feel comfortable with or to have persons who the children trust sit with them in meetings with you.
- 12) That you have tried to get children to take a position which the children do not agree with or feel is not in their interests.
- 13) That you have failed to competently assess the factors considered relevant to the children's interest.
- 14) That you have obstructed accountability and transparency of the Justice System by recently arguing against one of the parents who wished to tape record their own court hearing as permitted under The Ontario Courts of Justice Act. This was against the wishes of your own child client.

While it was reported to us that you argued against one child's parent who wanted to have record his own court hearing for the purpose of supplementing his notes, it would appear that you take the opposite position when it comes to recording conversations you wish to record. The children we interviewed reported that you have tape recorded them during meetings in your office. One child reported seeing you put a tape in your tape recorder and press the "record" button but later when she asked you about being tape recorded, that you became nervous and denied that you tape recorded her. Needless to say, this child was not pleased with this and felt that you were not being truthful. This child has indicated that she has lost faith in you as her children's lawyer. One boy we spoke to confirmed that you had had told him that you were tape recording the meeting with him.

Please be advised that our organization fully supports the use of recording devices as do most children and parents that we speak with. However, you should be aware, that Clare Burns, the Children's Lawyer went on the record last year at Osgood Hall as saying that recording of children is emotionally harmful to them and that the Office of the Children's Lawyer does not support recording. You may obtain a copy of this videotape directly from the Law Society of Upper Canada if you would like to see the record of Ms. Burns making this statement. It would appear that you are not following the directives from your own Children's Lawyer's Office. Members of the public do not agree with the position taken by Ms. Burns. Our organization, will in the near future, be bringing this issue of recording before members of the Legislature. Children and parents tell us overwhelmingly that they want greater accountability and transparency with the Office of the Children's Lawyer and that they support the use of recording devices, both inside and outside of the court. We would encourage you to record ALL meetings with children and that this be disclosed to all of the children you interview.

As a result of the complaints from children and parents whom you are involved with, our organization has put your name and the name of your law firm on our own organization's "**Lawyer Watch List**". We will be monitoring cases in your geographical region for children and families who may be experiencing similar complaints. Your name will remain on our watch list until such

time as you have agreed in writing to comply with certain conditions which our community-based organization feels are reasonable and fair to resolve the complaints being made against you by children. These conditions will be reviewed and approved beforehand by our Justice Committee comprising of citizens from the community. If you request, it can be arranged for you to meet formally with the committee at our location in Burlington, Ontario.

As it is the policy of our organization to provide fair warning to anyone who we feel is failing to uphold the principles of fundamental justice, we will not be taking any action at this time other than to continue to monitor the cases that we have been requested monitor and to generally monitor other cases in the region. Please consider this letter as fair notice that citizens in the community will be expecting you to take reasonable steps to improve your services and to provide more effective and professional representation for children after you have received this letter.

If our organization continues to receive complaints after this date from other children and/or parents in your region about your work in family court as a representative of Ontario's Office of the Children's Lawyer, then our organization may be forced to take further action in order to protect the public's interest in the administration of justice. Such action may include helping the children and parents involved to share information with each other and to get organized for the purposes of helping those affected take any and all legal options available such as launching a class action lawsuit against you and your law firm and/or the Ontario's Office of the Children's Lawyer. We may also coordinate a campaign to bring the plight of these children in dealing with you or the Office of the Children's Lawyer to the attention of our elected members of Parliament. We may also assist and coordinate those affected so that they can have the Law Society of Upper Canada take disciplinary action against you should reasonable evidence show that you have not represented the children in a professional and competent manner in accordance to your duty as a officer of the court.

If you would like to meet with representatives of our organization to discuss how to have your name removed from our "lawyer watch list" and to show you how to more effectively and competently represent children in family court in a manner that the community finds more fair and just, then please give us a call. We will be pleased to have representatives of our organization meet with you in person and to place you on our list of lawyers who we can recommend. You may call or write to us.

Your reply would be most appreciated,

**FAMILY JUSTICE REVIEW COMMITTEE**



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