

April 27th, 2006

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Scarborough, Ontario

Res: [REDACTED]
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The Ontario Judicial Council
P.O. Box 914
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Toronto, Ontario M5C 2K3
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Dear Sirs/Madames

RE: Judicial Complaint regarding obstruction of justice by Madame Justice Waldman of the Ontario Court of Justice.

I would like to file a formal judicial complaint against Madame Justice Waldman of the Ontario provincial court at 47 Sheppard Ave. in Toronto, Ontario. The grounds for my complaint are:

- 1) That Madame Justice Waldman obstructed justice by failing to respect the law, specifically she failed to respect and protect my rights as granted under Section 136 of the Courts of Justice Act which gives persons the right to audio record their own personal court hearing for the purposes of supplementing their own notes.
- 2) That Madame Justice Waldman demonstrated incompetence and a lack of knowledge of the law, specifically she said she was unfamiliar with this section of the Law.
- 3) That Justice Waldman was prejudiced in this matter. She had previously heard an ex-parte motion by my ex wife and had already heard arguments from my ex-wife and her lawyer.

On April 21st, 2006, I was a party appearing before Justice Waldman in the Ontario Court of Justice at 47 Sheppard Ave. E., Toronto. In the court, I advised Justice Waldman that I wished to exercise my right to unobtrusively record my own court hearing for the purposes of supplementing my notes. I had a small, hand-held audio recorder which I wanted to simply place in open view of the court so that after the court, I could review what was said in court so that I could better understand matters and be in a better position to continue on with my case and defend my rights and those of my children.

After my request, Justice Waldman appeared to become nervous and then outright refused to allow me to record the hearing as permitted under Section 136 of the Courts of Justice Act. She stated that she was not familiar with the law which granted this right to me.

I showed to Madame Justice Waldman the applicable section of the Courts of Justice Act as well as a copy of a practice direction from the former Chief Justice of the Ontario Courts, the

Honourable Justice Howland, in which Justice Howland had clearly instructed the courts that the use of recording devices in the courts by parties themselves was to be permitted without having to argue the matter before the judge.

Madame Justice Waldman looked at the documents I had provided her and then said that Justice Howland's previously published practice direction for the courts was not of any use anymore and that this legislation was not applicable in her court. Even with the evidence I had provided to her and with no evidence to support her own position, Madame Justice Waldman still refused to allow me to record and therefore, by her actions, blatantly obstructed justice. She refused to uphold the Law and refused to even recognize it!

It seems quite clear from the wording of section 136 from the Courts of Justice Act that the legislators intended to protect the rights of citizens to audiotape their own court hearings for the purposes of helping them and to help with the transparency of the justice system. I cannot imagine how any learned judge of the Ontario Courts could interpret this section of the Courts of Justice Act in any other way except as a tool to assist those appearing before the court. I must also note that Justice Waldman became quite nervous after she broke the law and became quite eager to close down the court hearing so that she could go for lunch.

While court transcripts can be ordered, it certainly does not seem fair to force a party in court to purchase official court transcripts at great expense and time when person can simply obtain the same information with their own recording devices, immediately, not weeks or months down the road. I have heard that it is court policy to take three months to get transcripts with some people reporting that it has taken several months to get court transcripts. I have tried to contact the court transcript office and am having difficulty in getting calls returned. Why should so much time and court resources to be tied up for the purposes of allowing a person to more closely review what went on in a particular court hearing? The courts should be to serve the citizens of Ontario, not put barriers to them.

What also concerns me about relying strictly on court transcripts is that I have heard of stories where transcripts have been altered or lost from some of the Ontario courts. There would appear to be some question as to the security surrounding court transcripts so it would seem logical to allow people to record their own court hearing. This would save resources at the court because their would be fewer requests for transcripts.

In regards to recording in the courtroom, I believe that most Canadians would take the position that those in a courtroom who have nothing to hide should have no fear of any the parties recording the court hearing. I am curious to know just what Justice Waldman is so afraid of that would cause her to break the law in her court and to violate my rights under law.

To avoid the problem I encountered from being repeated in other courts, I would most respectfully request that the Judicial Council or the powers responsible, to put out a memorandum to the judges, just as Chief Justice Howland did in 1989 to again clarify this issue and to remind them that they **MUST** not interfere with a party's request to audio record their own court hearing if the party is doing it in a reasonable manner. Madame Justice Waldman

clearly lacked knowledge of the Courts of Justice Act and perhaps this memorandum should ask all of the judges in Ontario to review this ACT.

Madame Justice Waldman's actions on April 21, 2006 were clearly a breach of the law. Her actions have brought the Administration of Justice into disrepute. Disrespect for the Justice System in Ontario is growing in leaps and bounds. Prior to going into the court, all my friends and neighbours told me that there are many problems with the family court system in this country and that it is not fair and just. At first, I discounted what they told me but after my experience in court, I can now believe what they have said.

The actions of Madame Justice Waldman can only further reinforce the public's perception that our system of justice in family court is no longer transparent and that our judges are refusing to be accountable to the law for which they sworn an oath to uphold on behalf of the people of Canada. We cannot allow individual judges to arbitrarily decide what laws which do and do not apply in their courts. Justice Waldman must be made accountable to the law and must be made to respect the lawmakers who make our laws. Otherwise, Democracy in Canada means nothing.

In light of my complaint to the Judicial Council, I would also kindly ask the Council to request that Justice Waldman be so kind to recuse herself from hearing any more of my court matters. She obviously will not be pleased knowing that I have exposed her for breaking the law and bringing disrespect to Canada's system of Justice.

A response in writing would be most appreciated.

Yours truly,

A blacked-out signature consisting of several thick, horizontal strokes.