

June 7, 1999

Ms. Jeannie Thomas, Executive Director
Canadian Judicial Council
Suite 450, Place de Ville B
112 Kent Street
Ottawa, ON K1A 0A8

Dear Ms. Thomas,

RE: MR. JUSTICE WALSH, Ontario Court (General Division)

Please find attached a copy of a letter, dated November 3, 1998, from the The Honourable A. Anne McLellan, Minister of Justice, suggesting that I contact you directly regarding the federally appointed judge and his conduct at proceedings in Ontario Court (General Division).

MR. JUSTICE WALSH was presiding at the hearing on March 12, 1998 in Choquette v. Choquette. I wrote to the Minister of Justice immediately following this hearing with my concerns about the justice system's involvement in my son's life. My letter, dated March 13, 1998 to A. Anne McLellan and to Mr. Justice Walsh was written because the abuse I experienced in the courtroom was so destructive and heart wrenching that I felt it necessary to report it. On March 12, 1998, I appeared by myself, without a lawyer, simply to present the needs and circumstances for the child, who is not allowed to be there or have legal representation. I am a mother. I am not a lawyer. I am a parent, not a criminal. I was destroyed by the way I was treated in the courtroom, financially, emotionally, and psychologically, in a way that no one (criminal or otherwise) should be treated. I found his courtroom to be abusive to parents and to children, especially to parents and children who are forced to represent themselves.

The court relies on the two parents to present the information about the child in order for the judge to have the necessary information to make a decision; the presiding judge having ultimate control over procedures followed or not followed in his courtroom.

When the information I provided to Mr. Justice Walsh was ignored and when I was not allowed to present the information I believed to be relevant, the court may or may not have had the relevant information to make a good decision. Most likely, not, given that perjury, evasion or neglect to include information happens frequently in family matters. Hearing from one side only is prejudicial. This was the case with Mr. Justice Walsh. This is no less than abusive to the child about whom decisions are being made.

This was the reason I wrote to the Minister of Justice and Mr. Justice Walsh.

Further, Mr. Walsh and Mr. Epstein (solicitor for Kevin Choquette, former spouse and the other party in the matter) know each other on a personal basis.

This letter is to officially register a formal complaint against Mr. Justice Walsh.

I believe the following are important details to bring to your attention:

1. Court Reporter Not Allowed

Prior to the court beginning for the day, I told the court staff that I wanted a court reporter to be present in the court room. The courtroom staff person excused herself to go to the back room to discuss it with the judge. When she returned, the response was "NO!".

Thinking that perhaps transcripts might be available by means of some other recording device, I asked Mr. Justice Walsh, when court was in session, if transcripts would be available, Mr. Justice Walsh responded heatedly and bluntly, "NO!"

When I asked if a court reporter could be arranged, pointing out the serious nature of decisions concerning a child and especially concerning a child who was not represented at the hearing, I was told there were decisions like this being made every day about children, and court reporters were not present, as a matter of course. This being the case, how can we as caring and responsible Canadian parents, know if judges are making good decisions about our children when there is no account or record to know what is the basis of his decision?

2. Having All Relevant Material From Both Parents Not Important in Decision on Child

The feeling I had about his decision making for the child, who was unrepresented, was worrisome, to say the least. It seemed that Mr. Justice Walsh did not see that making court orders about the child was serious. It was as if this were such a common occurrence that there was a lack of seriousness or concern to have all the relevant material. How could he know if he had all the information if he was hearing from only one of the parents?

3. I was ignored, yelled at and accused of “playing lawyer”

When I addressed the short service of material, and the lack of opportunity for a prepared response, Mr. Justice Walsh ignored me.

When I inquired of the rule regarding a material change of circumstances, Mr. Justice Walsh waved the voluminous document prepared by the other side, and said, “that’s enough change of circumstances isn’t it?”, then slamming it down on his desk.

Mr. Justice Walsh also accused me of “playing lawyer”.

At almost everything I said, I was cut off, ignored or interrupted. It was decidedly abusive. I finally had to ask to be excused because it was not fair to myself to be exposed to this treatment, and not fair to the child about whom decisions were being made, to have the circumstances surrounding him ignored in this way. Whatever I said, was not acknowledged so in effect it was simply not possible way to have full representation of the child’s needs and circumstances.

4. Legal Representation for the Child denied

I asked for legal representation for the child. This also was dismissed.

5. Material Change in Circumstances Satisfied by Size of Document

As I noted above, Mr. Justice Walsh found that the voluminous document prepared by the former spouse’s lawyer, Mr. P. Epstein, to be acceptable in determination of a material change of circumstances. I think this is unacceptable. It is biased, unethical and has no basis in law. Making decisions about children from this framework should not be allowed.

I am writing to you because you are the body empowered by statute to carry out investigations into the conduct of appointed judiciary.

I am hereby requesting a full investigation into the judicial practices of Mr. Justice Walsh and I hereby ask that he be relieved of his duties. I look forward to your prompt reply to this matter.

Sincerely,

Yvonne Choquette
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Toronto, ON M4S 1Z4
tel 416-486-7868

Copy to:

Mr. John Godfrey, MP, Don Valley West
Mr. Paul Forseth, MP, New Westminster–Coquitlam–Burnaby
Mr. Preston Manning, MP, Calgary Southwest, Leader of the Official Opposition
Mrs. Diane Ablonczy, MP, Calgary--Nose Hill
The Honourable A. Anne McLellan, Minister of Justice
Dept. of Justice
Jason Kenney, MP, Calgary Southeast and Revenue Critic
Mr. Ken Epp, MP, Elk Island
Mr. Jim Pankiw, MP, Saskatoon--Humboldt
Mr. Richard (Dick) Harris, MP, Prince George–Bulkley Valley
Mr. Roger Gallaway, MP, Sarnia–Lambton
The Honourable Senator Anne C. Cools
The Honourable Senator Landon Pearson
Ms. Carolyn Bennett, MP, St. Paul’s

Mr. Jay Hill, MP, Prince George
Mr. Eric Lowther, MP, Calgary Centre
Mr. Peter Mancini, MP, Sydney–Victoria
Mr. John Nunziata, MP, York South
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Ms. Alexa McDonough, MP, Halifax, Leader of the NDP
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Ms. Madeleine Dalphond-Guiral, MP, Laval Centre
Ms. Judi Longfield, MP, Whitby–Ajax
Mr. Jim Jones, MP, Markham
Mr. Peter Mackay, MP, Pictou
Canada Court Watch Program
The Toronto Star (Michele Landsberg)
The National Post (Laframboise, G.Galloway, Jimenez)
The Globe and Mail
The Canadian Press (Jenn Goddu)
CBC, The National
CBC, The Fifth Estate
CTV News, W5 Newsroom
CTV News
Global TV, 60 Minutes
Victor Malarek, Investigative Journalist
Reverend Dorian Baxter, National Association for Public and
Private Accountability
Ministry of Attorney General (Assistant Deputy, Heather Cooper)