

Carlo Iaboni

12157 Pine Valley Drive
Woodbridge, Ontario
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August 16, 1999

Canadian Judicial Council
112 Kent St.
Ottawa, Ont.
K1A 0W8

Dear Sirs:

I am writing to lodge an official complaint about the judicial conduct of the following motion hearing:

Date: April 27, 1999 **Judge:** Walsh **Title:** Iaboni v Fowles-Brown **Room:** 901

Place: 393 University **Court file:** 97-MA-5644 **Matter:** Child Custody and Access

In attendance: Carlo Iaboni (acting in person), David Weisman (Solicitor for the Respondent)
Sally Bryant-Ballingall (Solicitor for the assessment Doctor, Dr. Mark)

My complaint has five parts:

1. The Honorable Justice Walsh subjugated my rights under Section 136 of the Courts of Justice act.
2. The Honorable Justice Walsh subjugated my rights under Section 135 of the Courts of Justice act.
3. The Honorable Justice Walsh subjugated my right to a fair and speedy trial by refusing to transfer the matter to the jurisdiction in which the trial should be held.
4. The Honorable Justice Walsh demonstrated bias because I was not represented.
5. The Honorable Justice Walsh was unprepared because he did not read the material, yet he ruled.

I am requesting a full investigation of this matter and that Mr. Justice Walsh be refrained from making rulings on this file until the investigation is complete. I am requesting the Judicial review to publish their positions on (a) recording in court, (b) Judges discussing cases outside of the courtroom or reading material that was not duly served with proof of service.

- 1) On the day of the hearing, I retained my own chartered Court Reporter in case I could not get a court appointed Court Reporter. Half a hour before the commencement of Court, I approached the Registrar and requested a Court Reporter. The motions clerk went into the Judges chambers for approximately 45 minutes to discuss the issue, then returned and informed me that the judge would state his position in court. Upon commencement of court that morning, the first thing Mr. Justice Walsh did was to read a statement regarding the appropriateness of recording in the court room. During his speech, my pocket tape recorder was running. His position was that no recording of any kind would be tolerated in his court room and that if anyone was caught recording, he would be ejected.

Of the dozen or so matters to be heard that day, I was the only party acting in person. I am severely prejudiced because I cannot afford a solicitor. Transcripts, recordings or any such tools can benefit me so that I can take them to a professional for advice and guidance. I believe that the Judge's position is illegal and undermines my rights under section 136 of the Courts of Justice Act.

- 2) I respectfully submit that corruption is present in this Court. I suspect that Judges discuss cases prior to hearings and that the outcome of the hearing is established prior to the commencement of court. On that day, while court was in session, the Judge made reference to my "Statement of Claim against Doctor Mark". No where in any of the material filed with the court is there a reference to a "Statement of Claim against Doctor Mark". I respectfully submit that the Judge acquired that knowledge in back room discussions with one of the Solicitors prior to the hearing. These discussions are promoted by the Case Management Rules followed by Toronto Court. As such, this corruption undermines my rights under section 135 of the Courts of Justice Act.

- 3) I made my intent to have a trial on the custody and access issue clear. I am in York region, the Respondent lives in York region, the Respondent's Solicitor practices in York region. This matter should have begun in York region. This hearing involved changing the venue based on rule 46.02 where a) Newmarket Court is substantially more convenient and b) I cannot have a fair trial in Toronto due to my claims of corruption, bias and the local rules followed by Toronto Court. As in rules 69.17(2) and 71.05(1) under S17 of the Divorce Act "*the place of the trial should be where the child resides*". By denying my authentic right to change courts, the judge has demonstrated his intent to deny my right to a trial and so prejudice me, that I have no choice but to abandon my Application or "take what I can get" (by way of offers) at the case conference.
- 4) Mr. Justice Walsh's position on this hearing was that he was not going to make an order because a case conference had already been scheduled for May 28 and there were no matters urgent enough to warrant an Order. But when the Solicitors began to argue, he heard them and **did** make an endorsement. Mr. Walsh's attitude resembled Judge Judy's: "*sit down, shut up*". He would not hear un-represented parties, but he would hear Solicitors. He refused to consider my remedies. I had valid arguments about the fact that another month's delay was not appropriate in light of the fact that the Office of the Children's Lawyer refused to do an investigation and the Children's Grandmother has cancer and soon may die. His endorsement was tyrannical. No one can use the courts against the parties until the case conference. He quashed the Grandparents' right to apply (in the correct court) for their own access to the children and also the extended family's (Newmarket Provincial Division court file # 7176/99 and # 7177/99). It was argued that these Applications were actually a form of harassment emanating from me. Lastly I cannot serve the assessment Doctor with the law suit I've prepared. I cannot even seek leave to appeal.

I find the bias the Judge showed favoring the Solicitors demonstrable. I find the bias the Judge showed persecuting the Applicant (simply because he was acting in person) contemptible. In this day and age, where legal representation is far beyond the means of the average person, the judicial should not discriminate against citizens who act on their own behalf. Justice is for everyone, not just the rich or those that qualify for legal aid.

5. Most Judges in Toronto do not read the material, they listen to the Solicitors plead the case. The Honorable Mr. Judge Walsh prejudiced me in two ways by not reading my material:
- I. As a layperson, my only strength is that (with adequate preparation and some professional help outside of the courtroom) I can prepare effective material. I can research the statutes, rules and case law but I cannot do live improvisation. The judge expected me to go *toe to toe* with one Bay-street lawyer to my left and another to my right. They are trained and skilled orators, I am not. My case is in writing, so I had no voice in the hearing.
 - II. When the Solicitors prepare material, they are careful to make sure it is accurate and precise because they are *on the record*. When they begin arguing and pleading a case, they have no qualms about telling the most outrageous and contemptible lies. There is no recourse for blatant lying because their pleadings are not on the record. Perhaps extensive court reporting would curtail this corruption.

Enclosed please find a copy of his endorsement. The material filed with the court is complete and adequate for the investigator to determine the validity of my complaint. I can supply abundant more material if you should require. I also have transcripts and tapes should you so wish to inspect.

I would appreciate your intervention and a prompt reply to this complaint. Thank you.

Sincerely,

Carlo laboni
Acting in person