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February 4, 2016

Mr. Norman Sabourin
Executive Director
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Complaint re: Justice J. Bryan Shaughnessy, Ontario Superior Court of Justice

CJC Complaint #: 15-0514

Court File Number: 000141/07 (07-0141)

Case Name: Nelson Barbados Group Ltd. v. Richard Ivan Cox et al

Date of misconduct: May 3, 2013

Dear Mr. Sabourin:

On January 7, 2016, the Canadian Judicial Council acknowledged receiving my complaint about Justice J. Bryan Shaughnessy, dated and submitted on January 5, 2016.

The evidence proves that Justice Shaughnessy illegally and secretly made a court order in a backroom: off the court record in a deliberate, vindictive and premeditated extra-judicial abuse of his position and authority.

On January 21, 2016, I sent an email informing you that:

- I have not yet received an investigation schedule/plan as requested, or acknowledgement that the CJC has forwarded this complaint to Stage 2 under the CJC's New Process.

- Several senior Canadian lawyers, including a serving Bencher of the Law Society of Upper Canada, reviewed the evidence/exhibits attached to the complaint. Without exception, these senior lawyers are appalled at Justice Shaughnessy's misconduct. As an example, one senior Ontario lawyer said, *"In all my years of practicing law, this is the most disgusting thing I have ever seen a judge do."*
- It is not in the public interest for the CJC to delay the process and run out the clock with the intent of allowing Justice Shaughnessy to wind down his caseload and retire without an investigation and resolution.
- It is especially not in the public interest that persons continue to appear in court before Justice Shaughnessy, considering the serious nature of his misconduct and the strength of the evidence against him. As I stated when submitting the complaint: a judge capable of doing what Justice Shaughnessy did should not be allowed to adjudicate any further matters until this complaint is resolved.

I feel obliged to inform you of the reason that I complained to the CJC. This issue is much larger than the actions of one judge on one day, and much larger than what happened to me.

Judges are entrusted with such overwhelming power and statutory protections that this type of egregious misconduct must be vigorously deterred.

That any judge would do what Justice Shaughnessy did; illegally, vindictively, in secret, in a backroom and off the court record, is immensely disturbing to every lawyer I have spoken with.

Justice Shaughnessy's May 3, 2013 misconduct is a 'Bright Line' case

Justice Shaughnessy's misconduct on May 3, 2013 is so serious and so well proven in the court record that it provides a clear 'Bright Line' case – one that will establish a deterrent to any Canadian judges who would act extra-judicially and misuse their power and authority.

As of February 3, 2016, the CJC had this complaint for 30 days.

I am aware that the CJC assigned a case number and that CJC personnel read the complaint and the exhibits on January 7, 2016. As director, you undoubtedly knew soon thereafter that Justice Shaughnessy's documented misconduct is egregious, easily understood and well proven in the record.

You as CJC Director, and I as an experienced former police investigator, know that there is no valid reason why a CJC investigator should not have completed their initial investigation by this time and recommended moving the complaint to Stage 3.

The Canadian Judicial Council is not exhibiting the necessary transparency and public accountability. It is apparent that the CJC now has a cover-up/whitewash strategy in place regarding Justice Shaughnessy's misconduct.

It is obvious that, as previously documented by the news media in other cases, the CJC is delaying and drawing out the process to enable a subject judge to wind down their caseload and retire without an investigation and resolution.

This CJC cover-up strategy is not in the public interest.

Therefore, I have decided to 'go public' with the details of the complaint about Justice Shaughnessy's serious misconduct, and will do so on February 9, 2016.

There is precedent for this, as shown by the public discussions of the CJC investigations concerning Justices Robin Camp, Lori Douglas, Michel Girouard, Robert Flahiff, Paul Cosgrove, Ted Matlow, Michel Deziel and others.

Further, the Canadian Superior Court Judges Association states on its website:

"Despite their independence, judges are accountable for their actions and decisions. Hearings, trials and rulings are open to public scrutiny, so justice is seen to be done and citizens and the media can discuss and criticize the work of the courts."

Justice Shaughnessy's extra-judicial abuse of his authority was done in secret, in a backroom and was not open to public scrutiny or discussion. Canadians must now be able to discuss and criticize his misconduct and similar actions by other judges.

I do not know if the CJC has informed Justice Shaughnessy of the complaint. To be fair and just to him, he should not be 'blindsided' in any way. Please ensure that Justice Shaughnessy receives a copy of the complaint and all the supporting exhibits by February 7, 2016.

Yours truly,

A black rectangular redaction box covering the signature of Donald Best.

Donald Best