



Personal and Confidential

CJC File: 24-1124

January 14, 2025

Ms. Jacqueline Sanderson

By email: jackieclairesanderson@yahoo.ca

Dear Ms. Sanderson,

I am writing regarding your correspondence of December 10 and December 19, 2024, in which you make a complaint against the Honourable Azimuddin S. Hussain of the Superior Court of Québec.

Your complaint

You write in regard to a judgment issued on December 12, 2023 by Justice Hussain in *Lacoste-Méthot c. Attorney General of Québec*, 2023 QCCS 4794. You allege that Justice Hussain:

- . made unfounded allegations of abuse in the judgment at, for example, paragraph 43;
- . never analyzed the issue;
- . refused to interpret the judgment of Justice Labrie, and instead relied on the judgment of the Disciplinary Board;
- . went on to conclude that the action was prescribed.

You are asking Council to review the judgment.

Mandate of the Council

The mandate of the Canadian Judicial Council (Council) in matters of judicial conduct includes determining whether a recommendation should be made to the Minister of Justice that a judge be removed from office by Parliament. The reasons for removal are set out in section 80 of the *Judges Act* (*Act*). In the alternative, Council may determine that other remedial measures are appropriate in some instances as per section 102 of the *Act*.

Reasons for the dismissal of your complaint

Judicial Discretion

It is important to note that the Council is not a Court of Appeal. Council does not have the authority to get involved in court matters. Council cannot help you with your court matter.

It is the responsibility and duty of the judge to control the proceedings before them to ensure an effective and efficient use of court time, as well as a fair hearing, and to interpret and apply the rules of the court. In order to do that, a judge does not have to remain quiet. He or she has the discretion to comment and ask questions on the evidence and the submissions presented. The matters complained of are clearly about judicial decisions. Your perception and characterization of the judicial decision and your dissatisfaction with the decision does not transform a judicial decision into judicial misconduct (*Lochner v. Canada (Attorney General)* 2021 FC 692 at para. 107).

Those functions of a judge fall within the ambit of judicial discretion and are not issues of conduct that fall within Council's mandate. Any disagreements with a judge's exercise of his or her judicial discretion must be raised on appeal, when available (*Lochner v. Canada (Attorney General)* 2021 FC 692 at para. 119).

Conclusion

Your complaint was referred to me in accordance with section 89 of the *Act*.

After reviewing your complaint, it is my view that it does not require further consideration pursuant to ss. 6.7(2)(b) and (c) of the *Review Procedures (2023)*, as it relates to the substance of judicial decision-making such as, but not limited to, the exercise of judicial discretion, findings of fact, findings of law, orders, directions, decisions, assessment of evidence, rejection of arguments, and such other similar matters, and it does not involve judicial conduct. Your complaint against Justice Hussain is dismissed.

Sincerely,



O.L.
Screening Officer