



DECISION OF THE REVIEW PANEL
IN THE MATTER OF:
THE HONOURABLE BERNARD TREMBLAY
OF THE SUPERIOR COURT OF QUÉBEC
CJC FILES 25-0227 & 25-0426

The text of this decision has been translated from the original decision in French.

Review Panel Members:
The Honourable Martine St-Louis
The Honourable Julie Thorburn
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1. Introduction

a. Background

[1] There are two separate complaints against the Honourable Bernard Tremblay, a judge of the Superior Court of Québec, before this review panel of the Canadian Judicial Council (the Council).

[2] The first complaint (CJC File 25-0227) was filed on March 24, 2025. The complainant states that she has known Justice Tremblay professionally since before he was appointed to the bench in June 2015 and that, over the years, he became a friend and mentor. According to the complainant, in the fall of 2022, their communications became more frequent, and the complainant alleges that Justice Tremblay began to behave inappropriately. The complainant alleges that she told Justice Tremblay that she wanted to take a step back from their friendship and had repeatedly asked him to stop contacting her, to sever ties and to respect her boundaries, but that he nevertheless continued to get in touch with her. For the complainant, the accumulation of repeated and unsolicited communications over the years eventually exhausted her. She filed this complaint after learning of the February 14, 2025, decision of another Council review panel, in CJC File 23-0860, which also concerned Justice Tremblay.

[3] The second complaint (CJC File 25-0426) was filed on April 28, 2025, by the Honourable Catherine La Rosa, then Senior Associate Chief Justice (SACJ) of the Superior Court of Québec. In her letter to the Council, SACJ La Rosa expresses concerns about the duty of chief justices to provide administrative staff with a peaceful environment, free from all forms of inappropriate behaviour such as harassment or pressure from a judge seen to be in a position of authority. More specifically, she alleges that Justice Tremblay instructed his counsel to hire an investigator who allegedly pestered two members of the Court's staff by contacting them.

[4] In the same letter, SACJ La Rosa also questions the sincerity of the information Justice Tremblay had provided the Council with for the review of CJC File 23-0860 mentioned above. SACJ La Rosa notes that Justice Tremblay told the review panel in that file that he had apologized, but that he is now saying that he feels no remorse and that he has done nothing wrong. She further states that Justice Tremblay refused to sign a mentoring agreement even though he himself had proposed this action to the review panel.

[5] The two complaints must be considered in the broader context of the February 14, 2025, decision of the Council's review panel in CJC File 23-0860. That review panel was established by the Council to review a complaint against Justice Tremblay involving allegations of harassment and inappropriate behaviour. It concluded that Justice Tremblay had behaved in an imprudent and thoughtless manner for a judge. The review panel also determined that Justice Tremblay had demonstrated a problematic, even disturbing, progression in his interactions with two women. The review panel noted that Justice Tremblay had recognized that he must exercise greater care in his interpersonal relations with staff, that he had committed to

ensuring that his dealings at all times be marked by respect, courtesy and professionalism, and that he had expressed his sincere apologies if his words, actions or behaviour had inconvenienced the women in question. The review panel took two actions pursuant to section 102 of the *Judges Act*, R.S.C. 1985, c. J-1 (the *Act*), issuing a warning to Justice Tremblay and requiring him to be mentored.

[6] As the review panel noted in its February 14, 2025, decision:

[42] The review panel notes that Justice Tremblay recognizes that he must exercise greater care in his interpersonal relations with staff, and that he has so committed to ensuring that his dealings at all times live up to the expectations of the judicial office which need be marked by respect, courtesy, and professionalism. Justice Tremblay expressed remorse and stated that he had reflected on his actions and the impact of his conduct in light of the *Ethical Principles for Judges*. Justice Tremblay informed the review panel that he expresses his sincere apologies to the persons involved if his words, actions, or behaviour had in any way inconvenienced them. He offered to become involved in a mentoring process or to take any training the review panel deemed appropriate.

[43] The review panel therefore decides to take the following two actions against Justice Tremblay:

1-In accordance with paragraph 102(b) of the *Act*, a warning is issued to Justice Tremblay. A warning is a formal step in the disciplinary process and is a clear indication that a behaviour must stop to prevent more serious actions in the event of a recurrence. This sends a clear and formal message to Justice Tremblay that a similar situation must not recur.

2-According to paragraph 102(e) of the *Act*, Justice Tremblay is required to be mentored by another judge on the application of the *Ethical Principles for Judges* to conduct himself with the highest level of respect and professionalism towards staff. The mentor and duration of mentoring will be determined by those responsible for court administration, i.e., the Chief Justice [and/or Senior Associate Chief Justice] and/or Associate Chief Justice.

[7] That decision, even though it was issued on February 14, 2025, was sent to Justice Tremblay's counsel on March 3, 2025, after it was translated. It was also published on the Council's website.

[8] On May 13, 2025, after the 30-day time limit provided for in the *Act*, Justice Tremblay requested that the Council establish a reduced hearing panel to review the complaint in CJC File 23-0860, in accordance with section 104 of the *Act*. This provision provides judges with the possibility of a new separate hearing following a decision of a review panel in which the latter has taken an action under section 102 of the *Act*. Justice Tremblay's request, as well as the

explanations given to justify a request for an extension, were brought to the attention of the Chairperson of the Council's Judicial Conduct Committee. The Chairperson concluded that the interests of justice did not warrant allowing the request for an extension in the circumstances, emphasizing the importance of efficiency and the final nature of the process.

[9] This review panel notes that it is not tasked with re-examining the complaint in CJC File 23-0860 and that the February 14, 2025, decision is mentioned solely to better contextualize the complaints now before the review panel.

b. Conclusions

[10] Having reviewed the complaints before it together with all of the documentation on the record, including the information provided to it by the reviewing member, such as two investigator's reports and the written submissions made by Justice Tremblay and Chief Justice Paquette, the review panel has decided to refer the first complaint (in CJC File 25-0227) to the Council for the establishment of a full hearing panel.

[11] The review panel's reasons, as set out in the following paragraphs, explain why the facts of the first complaint could justify Justice Tremblay's removal from office and why a full hearing panel should be established pursuant to section 101 of the *Act*.

[12] Regarding the second complaint (CJC File 25-0426), for the reasons set out below, the review panel has decided to impose the following action on Justice Tremblay under section 102 of the *Act*: a warning.

2. Council's complaint review procedure

[13] Before looking at the complaints in more detail, an overview of the complaint review process is helpful to fully understand the applicable legal framework and the role of review panels.

[14] The conduct review process for federally appointed judges is set out in sections 79 to 140 of the *Act*. It is supplemented by the *Canadian Judicial Council Procedures for the Review of Complaints or Allegations About Federally Appointed Judges* (the *Review Procedures*), which the Council adopted in June 2023 and amended in April 2025. The review panel notes that, even though the *Review Procedures* have been amended more recently, in April 2026, the procedures that were in effect when the complaints were filed, those of 2023 and 2025, are the ones that apply to the complaints in question.

[15] When a complaint is filed, it is first reviewed by a screening officer, in accordance with section 89 of the *Act*. The authority of the screening officer to dismiss a complaint is provided for in subsection 90(1) of the *Act*:

90 (1) Subject to subsection (2), a screening officer may dismiss a complaint if they are of the opinion that it

- (a) is frivolous, vexatious or made for an improper purpose or is an abuse of process;
- (b) was not made for a reason referred to in paragraphs 80(a) to (d); or
- (c) does not meet the other screening criteria specified by the Council.

[16] If a screening officer does not dismiss a complaint, the complaint is referred to the Council for the second stage of the process, review by a reviewing member. The Council designates a reviewing member, who must be one of its members. The reviewing member must give the judge who is the subject of the complaint an opportunity to make written submissions. Subsection 94(1) of the *Act* provides for the reviewing member's authority to dismiss a complaint:

94 (1) The reviewing member shall dismiss the complaint if they are of the opinion that it should be dismissed for any reason set out in paragraphs 90(1)(a) to (c) or that it is wholly without merit.

[17] If the reviewing member does not dismiss the complaint, they refer it to the Council for the third stage of the process, review by a review panel. The Council then establishes a review panel under subsection 98(1) of the *Act* consisting of three people: a member of the Council, a puisne judge (who is not a member of the Council) and a lay person.

[18] After the review panel is established, section 97 of the *Act* requires the reviewing member to provide the panel with every document in their possession that relates to the complaint. The reviewing member may also provide the review panel with their observations about the complaint and their recommendations about how it should be resolved.

[19] In accordance with section 99 of the *Act*, the review panel must give the judge who is the subject of the complaint and the judge's chief justice an opportunity to provide written submissions.

[20] Under paragraph 7.2(b) and subsection 7.6(1) of the *Review Procedures (2023)* and the *Review Procedures (2025)*, the review panel may also request the Council Secretariat to retain an investigator to gather further information and to prepare a report. Where applicable, the Council Secretariat must provide a copy of any investigator's report to the judge who is the subject of the complaint and provide the latter with the opportunity to comment on the investigator's report (*Review Procedures (2023)*, sections 7.8 and 7.9, and *Review Procedures (2025)*, section 7.8 and subsection 7.9(2)).

3. Review panel's role

[21] The review panel may (1) refer the complaint to the Council for the establishment of a full hearing panel if it considers that the judge's removal from office could be justified; (2) take measures under section 102 of the *Act* if it considers it appropriate to do so in the circumstances; or (3) dismiss the complaint.

[22] In accordance with section 100 of the *Act*, the review panel shall make its decision only on the basis of the substance of the complaint, any information provided under section 97, any written submissions provided under section 99 and any other document that it considers relevant.

a. Where removal of judge from office could be justified: complaint referred to Council for establishment of full hearing panel

[23] Section 101 of the *Judges Act* defines the circumstances in which a review panel must refer a complaint to the Council for the establishment of a full hearing panel:

101. The review panel shall refer the complaint to the Council for the establishment of a full hearing panel if it determines that the judge's removal from office could be justified.

[24] If the review panel does not refer the complaint to a full hearing panel, it may either dismiss the complaint or take one or more of the actions set out in section 102 of the *Act* if it considers it appropriate to do so in the circumstances. These actions will be addressed in greater detail further on.

[25] The review panel considers it relevant to start by looking at the circumstances that may justify removing a judge from office. The review panel must first determine whether the complaint before it could justify the removal of the judge from office and, therefore, whether the complaint should be referred to the next stage of the process. If the review panel concludes that the alleged conduct could not justify removal from office, it must determine whether the complaint should be dismissed or whether it would be more appropriate to impose an action under section 102 of the *Act*.

i. Reasons for removal from office

[26] The *Act* expressly sets out the reasons for removing a judge from office, with section 80 providing as follows:

80. For the purposes of this Division, the removal from office of a judge is justified only if, for any of the following reasons, the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office:

- (a) infirmity;
- (b) misconduct;
- (c) failure in the due execution of judicial office;
- (d) the judge is in a position that a reasonable, fair-minded and informed observer would consider to be incompatible with the due execution of judicial office.

[27] The review panel must therefore determine whether Justice Tremblay’s removal from office “could be justified” (section 101 of the *Act*) in light of the criteria set out in section 80 of the *Act* and the relevant case law. This is a two-step test.

[28] First, the review panel must determine whether the evidence before it is capable of establishing the existence of any of the reasons set out in section 80 of the *Act*: infirmity, misconduct, failure in the due execution of judicial office, or the judge is in a position that a reasonable, fair-minded and informed observer would consider to be incompatible with the due execution of judicial office.

[29] If the review panel concludes that the evidence could establish any of these reasons, it must, in a second step, determine whether, if the allegations were confirmed, the judge’s continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office to such an extent that it would render the judge incapable of executing the functions of judicial office.

[30] This second step in the analysis therefore requires the review panel to assess the seriousness of the conduct, in the sense of determining whether public confidence would be undermined “to such an extent” that it would render the judge incapable of executing the judicial office. Only if these two conditions might be met, in light of the evidence before the panel — without that evidence having been fully assessed following a hearing — “could” removal from office “be justified” under section 101 of the *Act*.

[31] In this analysis, the review panel is guided by the *Marshall* test, which has been broadly adopted in the case law. In the *Report to the Canadian Judicial Council of the Inquiry Committee* dated August 27, 1990, regarding *Marshall*, the test was described in the following manner:

Is the conduct alleged so manifestly and profoundly destructive of the concept of the impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office?

[32] Even though it did not refer to it as such, the Supreme Court of Canada set out the *Marshall* test in *Therrien (Re)*, 2001 SCC 35, [2001] 2 S.C.R. 3, para. 147, in the context of the removal of a provincial court judge.

[33] The Supreme Court also restored a decision rendered by the New Brunswick Judicial Council that applied the *Marshall* test, judging that it was reasonable *simpliciter* (see also *Moreau-Bérubé v. New Brunswick (Judicial Council)*, 2002 SCC 11, [2002] 1 S.C.R. 249, paras. 12 and 66–67).

[34] In order to decide the admittedly narrower issue of whether the removal of Justice Tremblay “could be justified”, the review panel took into account the analysis of the *Marshall* test performed by the inquiry committee in another case and discussed in paragraphs 27 to 29 of the June 2022 *Report of the Inquiry Committee Constituted Pursuant to Section 63 of the*

Judges Act to *Inquire into the Conduct of Justice Gérard Dugré of the Superior Court of Québec* (application for judicial review pending before the Federal Court of Appeal), as follows:

[27] First, it should be noted that the *Marshall* test does not require that the alleged conduct directly undermine all three concepts mentioned in the test, namely, the impartiality, integrity and independence of the judicial role. Each one of these concepts is essential to maintaining public confidence in the justice system.

[28] Second, the Committee considered whether limiting the *Marshall* test to these three concepts would make it too restrictive, given that it had been developed for use in a specific factual context and that its elements do not appear in subsection 65(2) of the *Judges Act*. In the course of the inquiry into the conduct of Justice Déziel [(Report of the Council to the Minister of Justice, dated December 2, 2015)], the minority members of the CJC suggested that, depending on the circumstances, the test for removal could sometimes be reformulated to include other fundamental concepts relating to the judicial role. That said, they also noted it was likely that any judicial misconduct could be subsumed under one of the three concepts in the *Marshall* test:

[84] The starting point must be with the *Marshall* test itself. According to that test, for public confidence to be “sufficiently” undermined to render the judge incapable of executing the judicial office, the conduct in issue must be:

- “destructive”;
- of a “fundamental” concept relating to the judicial role (impartiality, integrity and independence); and
- “manifestly” and “profoundly” so.

[85] The first line of inquiry should be to identify the fundamental concepts or values that are at stake in the case under consideration. What fundamental judicial characteristic is threatened by the occurrence of the impugned conduct? The *Marshall* test focuses on three: impartiality, integrity and independence. Whether there are further values or characteristics which, if affected adversely by the misconduct, could be regarded as destroying the fundamental nature of the judicial role is an open question that need not be decided here. **That said, it is likely that anything that strikes at the fundamental nature of the judicial role to the extent of undermining public confidence in the continuing ability of the judge to execute his or her office could be subsumed under one of the three characteristics mentioned.**

[Emphasis added in the Report of the Inquiry Committee concerning Justice Dugré]

[29] Most, if not all, allegations of judicial misconduct may be considered to be allegations of an abuse of judicial independence, as the Supreme Court of Canada suggested in *Moreau-Bérubé v. New Brunswick (Judicial Council)*:

When a disciplinary process is launched to look at the conduct of an individual judge, it is alleged that an abuse of judicial independence by a judge has threatened the integrity of the judiciary as a whole.

[35] The review panel is of the view that these principles remain relevant and are applicable in the case before it. Indeed, the June 2023 amendments to the *Act* confirm their importance. In fact, Parliament essentially codified the *Marshall* test in section 80 of the *Act*, which replaced the former subsection 65(2).¹ It therefore adopted the core concepts of public confidence in the impartiality, integrity and independence of the judiciary and the requirement that public confidence be so undermined as to render the judge incapable of executing the judicial office.

ii. Assessment of the evidence

[36] The review panel notes that it does not make definitive findings of fact and is constrained by its role and the nature of the record placed before it. It must assess and will assess the evidence before it to determine whether “the judge’s removal from office could be justified”, as set out in section 101 of the *Act*.

[37] The review panel considers that this threshold reflects a higher threshold than “slim to none” but short of “on a balance of probabilities” (*Report of the Review Panel Constituted by the Canadian Judicial Council regarding the Honourable D.E. Spiro, Justice of the Tax Court of Canada*, dated April 13, 2021, paragraphs 13–14; aff’d *National Council of Canadian Muslims v. Canada (Attorney General)*, 2022 FC 1087, paragraphs 38, 155–56). In this regard, the review panel is of the opinion that the threshold justifying a complaint’s referral to a full hearing panel is similar to the threshold justifying referral to an inquiry committee under the former regime.² As noted by the Federal Court in *National Council of Canadian Muslims v. Canada (Attorney General)*, 2022 FC 1087, paragraph 156, “[i]n other words, the Review Panel is required to determine whether there is some (even slim) chance that an Inquiry Committee would find the

¹ Subsection 65(2) of the *Act* as it read before the amendments that came into force in June 2023:

(2) Where, in the opinion of the Council, the judge in respect of whom an inquiry or investigation has been made has become incapacitated or disabled from the due execution of the office of judge by reason of

(a) age or infirmity,

(b) having been guilty of misconduct,

(c) having failed in the due execution of that office, or

(d) having been placed, by his or her conduct or otherwise, in a position incompatible with the due execution of that office,

the Council, in its report to the Minister under subsection (1), may recommend that the judge be removed from office.

² Subsection 2(4) of the *Canadian Judicial Council Inquiries and Investigations By-laws, 2015*, provided as follows:

(4) The Judicial Conduct Review Panel may decide that an Inquiry Committee is to be constituted only if it determines that the matter might be serious enough to warrant the removal of the judge.

judge's conduct so manifestly and totally contrary to the impartiality, integrity and independence of the judiciary that public confidence would be irreparably undermined".

[38] The review panel must therefore determine whether there is some (even slim) chance that a full hearing panel would conclude that Justice Tremblay's removal from office is justified. If there is, the review panel must refer the complaint to the Council for establishment of a full hearing panel.

b. Where removal of judge from office could not be justified: complaint dismissed or actions taken under section 102 of *Act*

[39] As mentioned above, if the review panel does not refer the complaint to the Council for the establishment of a full hearing panel under section 101 of the *Act*, it may either dismiss the complaint or take one or more of the actions set out in section 102 of the *Act*:

102 If the review panel does not refer the complaint to the Council under section 101, it may dismiss the complaint or take one or more of the following actions if it considers it appropriate to do so in the circumstances:

- (a) issue a private or public expression of concern;
- (b) issue a private or public warning
- (c) issue a private or public reprimand
- (d) order the judge to apologize, either privately or publicly, by whatever means the panel considers appropriate in the circumstances;
- (e) order the judge to take specific measures, including attending counselling or a continuing education course;
- (f) take any action that the panel considers to be equivalent to any of the actions referred to in paragraphs (a) to (e);
- (g) with the consent of the judge, take any other action that the panel considers appropriate in the circumstances.

[40] The *Review Procedures (2025)* specify that the ranking of severity for the first three actions, from the least severe to the most severe, is as follows: an expression of concern, a warning and a reprimand (subsection 8.9(3)). Even though the *Review Procedures (2023)* did not establish such a hierarchy, review panels have recognized it, for example in the matter involving Justice Piccoli (decision dated June 25, 2024).

[41] The review panel notes that the latest amendments to the *Review Procedures*, made in April 2026, define these three actions and set out the principles and factors a review panel may consider in choosing an action. Even though, strictly speaking, the *Review Procedures (2026)* do not apply to the complaints before it, given that they were adopted in 2026, the review panel can nonetheless be guided by these provisions, which are broadly inspired by previous decisions of Council review panels.

[42] The three actions provided for in paragraphs 102(a), (b) and (c) of the *Act* are circumscribed in the following manner (*Review Procedures (2026)*, subsection 8.9(3)):

- an expression of concern: when the judge engages in questionable conduct, and the conduct warrants more than a dismissal of the complaint.
- a warning: a warning is aimed at preventing future conduct which could bring the administration of justice into disrepute. A warning signals that the judge's conduct has fallen below acceptable standards and that improvement is required.
- a reprimand: when the circumstances require a denunciatory message, not just to the individual judge, but to all members of the judiciary and the public at large. A reprimand conveys that the conduct in question is sufficiently serious to warrant explicit condemnation in order to maintain public confidence in the administration of justice.

[43] To determine how to dispose of a complaint, the review panel may consider the following three principles (*Review Procedures (2026)*, subsection 8.9(4)):

- (a) Remedial purpose of the judicial conduct regime: the panel shall focus on what is required to restore public confidence in the judge and the administration of justice. The objective is not to punish the judge, but rather to preserve the integrity of the judiciary as a whole.
- (b) Proportionality: the panel should first consider the least serious action and move sequentially to the most serious one, and order only what is necessary to restore public confidence in the judge and in the administration of justice.
- (c) Consistency: to the extent possible, the panel will strive to take actions that are consistent with those taken in other cases involving similar conduct in similar circumstances.

[44] In assessing the actions to be taken under section 102 of the *Act*, the review panel may further consider the following factors (*Review Procedures (2026)*, subsection 8.9(5)):

- (a) The significance of the conduct;
- (b) Whether the incident is an isolated incident or evidence of a pattern of conduct;
- (c) The need for deterrence;
- (d) The amelioration of any harm to the administration of justice or the reputation of the judiciary;
- (e) Whether the conduct occurred in the judge's official capacity or in their private life, and whether it occurred in or out of the courtroom;
- (f) Whether the judge has acknowledged that the acts occurred;

- (g) Whether the judge has apologized or undertaken, or is willing to undertake, corrective actions, or such measures as counselling or training;
- (h) The length of the judge's service on the bench;
- (i) Whether there have been prior actions taken under s. 102 of the *Act* with respect to the judge; and
- (j) Any other factor that the review panel considers relevant.

[45] If the review panel takes any action under section 102 of the *Act*, it may impose a deadline for the completion of the action or actions (*Review Procedures (2026)*, section 8.10).

[46] A judge's failure to comply with an order or action issued or directed by a review panel or failure to comply by the deadline that the review panel has imposed constitutes a new complaint unless the judge has requested, within the time limit set out in the *Act* (30 days, under section 104 of the *Act*), that the Council establish a reduced hearing panel (*Review Procedures (2026)*, section 8.12).

4. *Ethical Principles for Judges*

[47] The most recent version of *Ethical Principles for Judges* was adopted by the Council in 2021. It is generally understood that *Ethical Principles for Judges* is not a code of conduct and should not be viewed as such. It articulates aspirational ethical principles for federally appointed judges and provides guidance for resolving ethical issues.

[48] This important publication contains principles and commentary that serve as a highly useful reference for determining where and how a judge's conduct may violate a necessarily applicable ethical principle. The principles set out in it are designed to ensure public respect for and confidence in both individual judges and the judiciary as a whole. Judicial independence is inextricably tied to the public's belief that the conduct of judges, in and out of court, is ethical and proper. A casual or even unconscious indifference to ethical principles can quickly lead to destructive effects in respect of perceptions of impartiality, integrity, and judicial independence. Such effects could obviously have implications for a judge's ability to perform their judicial role and for the credibility of a given court.

[49] In analyzing the alleged conduct in relation to these complaints, the following principles and commentary from *Ethical Principles for Judges* are of particular importance:

II. Integrity and Respect

Principles

2.A. Judges comply with the law and conduct themselves both inside and outside the courtroom in a manner that is above reproach in the view of reasonable and informed persons.

2.C. Judges treat everyone with civility and respect in the performance of their judicial duties.

2.E. Judges avoid all forms of harassment and abuse of authority or status.

Commentary

General

2.A.1 Public confidence in the judiciary is essential to an effective judicial system and, ultimately, the rule of law. Within that system, judges hold positions of significant trust, confidence and responsibility. Conduct, in and out of court, that exhibits integrity ensures public respect for and confidence in the individual judge and, more significantly, contributes to public confidence in the judiciary and the judicial system as a whole. Judges should therefore act with a high degree of decorum, propriety and humanity.

2.A.2 Public expectations of the integrity of judges are understandably high. Behaviour considered acceptable if exhibited by some members of the public may not be appropriate for members of the judiciary. Judges should therefore be mindful of the ways in which their conduct would be perceived by reasonable and informed members of the community and whether that perception is likely to lessen respect for the judge or the judiciary as a whole. Behaviour that would diminish that respect in the minds of such persons should be avoided.

Behaviour in Private Life

2.A.3. Public expectations of judges are not limited to the actions of judges in their judicial capacities. Judges should exhibit respect for the law and act with integrity in their private lives and should avoid the appearance of impropriety.

2.A.4 After appointment, judges are not required to withdraw from the world. They may lead a normal life in the community, while retaining a sense of the dignity of judicial office and realizing that the public expects virtually irreproachable conduct from judges.

2.A.5 A judge's conduct, in and out of court, may be the subject of public scrutiny and comment. At the same time, judges have private lives and are entitled to enjoy, as much as possible, the rights and freedoms generally available to all. Nevertheless, judges accept some restrictions on their activities — even activities that would not elicit adverse notice if carried out by other members of the community. For example, judges should exercise caution in their use of social media. Judges should strive to strike a balance between the expectations of judicial office and their personal lives. In finding this balance, judges should be guided by these *Ethical Principles*.

Civility and Respect

2.C.1 A hallmark of judicial proceedings is that all participants, including judges, will conduct themselves in a manner that preserves the honour and dignity of both the individual proceedings and the administration of justice more generally. Judges should endeavor to treat all participants in the judicial process with civility and respect.

Conduct Towards Others

2.E.1 The conduct of judges towards others is an important aspect of their commitment to integrity and respect. Judges should be attentive to the ways in which offensive remarks, or conduct, or inappropriate behaviour may adversely affect or intimidate others, particularly those in subordinate positions to the judge. A judge's conduct in this respect affects their individual reputation and that of the judiciary as a whole.

2.E.2 A common concern in the modern workplace is the possibility that authority may be used in inappropriate ways. The workplace of the judiciary is no exception. Judges refrain from any form of harassment in the workplace. It is also important for judges to avoid relationships with others with whom they work or associate that could be reasonably perceived as the judge taking advantage of their position or authority.

Social Media

5.B.15 Social media activities are subject to the overarching principles that guide judicial behaviour. Judges should be aware of how their activities on social media may reflect on the selves and upon the judiciary and should be attentive to the potential implications for their ability to perform their judicial role. ...

[50] As mentioned above, the principles and commentary in *Ethical Principles for Judges* are not a code of conduct; however, the principles and commentary above do highlight the practical and theoretical importance of the issues dealt with in these reasons.

5. Screening officer's and reviewing member's decisions on the complaints

[51] Having set out the applicable test, the review panel now turns to the complaints before it and Justice Tremblay's position with respect to them.

[52] In accordance with section 89 of the *Act*, the complaints were first reviewed individually by a screening officer, who concluded that they could not be dismissed under section 90 of the *Act*. The screening officer referred both complaints to the Council for the designation of a reviewing member in accordance with section 91 of the *Act*.

[53] The same reviewing member was designated to review each of the two complaints. After completing an initial review, the reviewer requested that the Council Secretariat retain an investigator to gather further information about each complaint, in accordance with paragraph 7.2(b) and section 7.5 of the *Review Procedures (2023)* and *Review Procedures (2025)*. The reviewing member received an investigator's report on May 15, 2025, for the first complaint and on October 8, 2025, for the second complaint.

[54] In accordance with the *Act* and the *Review Procedures (Review Procedures (2023)*, section 7.9; *Review Procedures (2025)*, subsection 7.9(2)), the reviewing member provided Justice Tremblay with the opportunity to comment on the investigator's reports. She also gave Justice Tremblay and Chief Justice Paquette an opportunity to make submissions on each complaint, which they did.

[55] In a decision dated January 21, 2026, the reviewing member referred both complaints to the Council for the establishment of a review panel, in accordance with section 95 of the *Act* and paragraph 7.11(b) of the *Review Procedures (2023)* and *Review Procedures (2025)*. After reviewing the complaints, the documents in the record, the investigator's reports and the submissions of Justice Tremblay and Chief Justice Paquette, the reviewing member was of the opinion that the allegations raised sufficient concerns to refer the complaints to a review panel. The reviewing member made no recommendation about how the complaints should be resolved.

6. Files and proceedings before the review panel

[56] In accordance with section 97 of the *Act* and section 8.3 of the *Review Procedures (2023)* and *Review Procedures (2025)*, the review panel was provided with every document in the reviewing member's possession that related to the complaint files.

[57] In addition, the review panel gave Justice Tremblay and Senior Associate Chief Justice Dumais (who had then replaced SACJ La Rosa as Senior Associate Chief Justice of the Superior Court of Québec) an opportunity to provide submissions in accordance with section 99 of the *Act*. The review panel received their submissions on April 26, 2026.

[58] Counsel for Justice Tremblay filed preliminary motions on February 27, 2026, regarding the handling of the complaints. Among other things, they requested that the review panel deal with the two complaints confidentially, split the complaints to ensure that they were dealt with by two separate review panels, allow Justice Tremblay to make additional oral submissions in respect of these two requests and limit the scope of the complaint in CJC File 25-0426 in order to exclude certain facts. The review panel denied the requests. It concluded that a preliminary confidentiality order was not warranted but stated that it would take confidentiality considerations into account in its decision on the merits and that counsel for Justice Tremblay could make additional submissions in this regard, if desired. It also concluded that there was no need to split the complaint proceedings, since no actual harm or substantial risk of a breach of procedural fairness or natural justice had been demonstrated, and a review of both complaints by the same review panel would promote the efficient use of Council resources and make it possible

to take into account the specifics of each complaint. The review panel also denied the request to make oral submissions, noting that neither the *Act* nor the *Review Procedures* provided for hearings at the review panel stage. Finally, the review panel denied the request to narrow the complaint in CJC File 25-0426 on a preliminary basis, stating that it would instead consider all the allegations and evidence in its deliberations on the merits, once the submissions under section 99 of the *Act* had been received.

[59] The review panel considered it unnecessary to retain an investigator because the investigator's reports mandated by the reviewing member were sufficient to review the complaints.

[60] The main information and submissions submitted to the review panel are presented in the sections that follow.

7. Complaint in CJC File 25-0227

a. Complainant's allegations

[61] The complainant provided the following information in her complaint dated March 24, 2025, and during the investigation.

[62] The complainant stated that she met Justice Tremblay through work sometime before he was appointed to the bench in 2015. She stated that, in the months and years that followed, they would write to each other and have lunch from time to time, and that she considered him a friend and mentor.

[63] At the beginning of the pandemic, the complainant wrote to Justice Tremblay, who at the time was having health problems. It was from this moment that Justice Tremblay seemed to lose all sense of restraint, and the tone of the conversations changed. He told her about his old loves, the women he used to spend time with, and the women he was attracted to. In particular, he told her about how he was shocked when a lawyer with whom he had fallen in love rejected his advances. The complainant stated that she was surprised by his behaviour and advised him to let it go. She described this as a red flag. The review panel notes that there is no documentary evidence to support these allegations.

[64] The complainant stated that their written correspondence became more frequent in the fall of 2022, that Justice Tremblay wrote to her late at night, sometimes on Fridays or Saturdays, and that she did not always reply. Occasionally, Justice Tremblay asked her why she did not answer him, when he saw that she was online on Facebook. The complainant stated that she found this behaviour intrusive. In her opinion, it was not for him to say when she should reply, and she saw this as another red flag.

[65] The complainant further stated that, in the fall of 2022, when she was often travelling to Montréal for work, Justice Tremblay began offering to meet her for dinner. The complainant

found that this behaviour [TRANSLATION] “seemed inappropriate” and told him so. She found that things were getting [TRANSLATION] “really intense”, asked Justice Tremblay [TRANSLATION] “for a bit of space” and answered him less and less. The review panel notes that these allegations are also not supported by any documentary evidence; however, Justice Tremblay did acknowledge having done this but stated that he had made such a suggestion only once.

[66] The complainant also stated that, in early 2023, she asked Justice Tremblay to respect her boundaries and stop contacting her. She provided the investigator with the following text messages between her and Justice Tremblay in the winter and spring of 2023:

[TRANSLATION]

January 6, 2023 (6:44 PM)

Justice Tremblay: I miss you

[REDACTED]: I don't know how else to say this: I want to take a step back. I told you, I even stopped replying, but the message isn't getting through. All I'm asking is that you respect my boundaries. Thank you.

(9:00 PM)

Justice Tremblay: It's okay. I understand. I didn't know you could be that tough, but hey, it's okay. We are done, as our [anglophone] neighbours say.

[REDACTED]: Asking for respect is not being tough.

Justice Tremblay: You've changed, that's all, but I will respect you, believe me.

January 30, 2023 (11:22 PM)

Justice Tremblay: Good night

February 14, 2023 (7:24 AM)

Justice Tremblay: Have a nice day

[REDACTED]: Bernard, I told you again on January 6 that I wanted to take a step back. You agreed, yet you have since texted me 9 times and even messaged me on Facebook. I also had the pleasure of receiving an article on love. I'm asking you again to please respect me

April 16, 2023 (7:43 PM)

Justice Tremblay: Hi, [REDACTED]. I thought I might see you at the training session by the Barreau on Thursday at the Château Bonne-Entente. I hope you're doing well

April 21, 2023 (8:03 PM)

Justice Tremblay: I know you hate me or couldn't care less about me or whatever, but I want you to know that I have fond memories of our conversations and hope that we can be close friends someday.

I'm going through a tough time and finding it hard to tolerate opportunism, social climbing, falsehoods, appearances and unbridled capitalism at the expense of nuance, openness, generosity, compassion and culture (but not wokeism), even though I'm not left-wing. I'm trying to be gentle and calm and to listen to people

April 23, 2023

[REDACTED]: I hope you find the help you need to get through this difficult period. Good luck — you can do it if you really want to

[67] The complainant noted that, despite her repeated requests, Justice Tremblay continued to contact her now and then, weeks or sometimes months apart.

[68] In summer 2023, she removed him from her friends list on Facebook and blocked his cell phone number so that he could no longer contact her on her personal cell phone. She thought that she was going to [TRANSLATION] “have some peace”, as she stated in her complaint. However, the complainant suspected that Justice Tremblay tried to call her a number of times with his caller ID hidden. She once answered a call from an unknown caller, and it was Justice Tremblay. The complainant also stated that she had received two voice mail messages from his blocked number. In support of her complaint, the complainant provided a screenshot showing that she had received two voice mail messages from a blocked number identified by an emoji on August 22, 2023, and April 8, 2024. The complainant stated that she had associated this emoji with Justice Tremblay's telephone number.

[69] The complainant alleged that Justice Tremblay had also attempted to call and email her at work. She provided as documentary evidence two emails that he had sent to her work email, dated October 14, 2023, and May 22, 2024 (further discussed below). The complainant stated that she had never given Justice Tremblay her work contact information but acknowledged that it might have been publicly available.

[70] The complainant alleged that Justice Tremblay had also tried to reach her on Instagram, sending her five or six invitations, each of which she declined. The complainant sent the investigator screenshots of two invitations from Justice Tremblay.

[71] The complainant further stated that she noticed that Justice Tremblay had viewed her LinkedIn page. She submitted a screenshot as documentary evidence in support of this allegation. The complainant acknowledged that this would not have been unusual in other circumstances but pointed out that he did this precisely when she had asked him to stop

contacting her. She felt that [TRANSLATION] “it was never-ending” and that [TRANSLATION] “he always found a way”.

[72] In fall 2023, Justice Tremblay contacted her to invite her for dinner or drinks. In an email dated October 14, 2023, from Justice Tremblay to the complainant at her work email, he wrote the following:

[TRANSLATION]
I'd love to go out for dinner with you or just have a drink.
I miss our chats.
I really want to see you again.

[73] The complainant alleged that she responded to a call from Justice Tremblay in spring 2024, while she was in her car. She recounts that her spouse was also there, and she panicked. She told Justice Tremblay that she could not speak to him and that she would call him back another time, which she did not do. The review panel notes that there was no documentary evidence to support this allegation; however, the message below from Justice Tremblay to the complainant's work email, dated May 22, 2024, appears to corroborate this allegation:

[TRANSLATION]
Sorry, [REDACTED],
I dialled the wrong number.
Do not call me back, there is no need and no point.
I apologize for disturbing you and promise that it will not happen again.
Thank you for understanding
All the best

[74] The complainant stated that Justice Tremblay also contacted her on WhatsApp in November 2024 to let her know how he was doing. She provided a screenshot of the message. She stated that she was surprised that he had found her number on that platform.

[75] The complainant stated that she was [TRANSLATION] “fed up” with always wondering whether Justice Tremblay was going to contact her. She stated that she considered filing a complaint with the police but decided against it after talking about it with a police officer friend who told her that the police lacked resources for that kind of situation and the matter would not be dealt with seriously. The review panel notes that there is no documentary evidence to support this allegation.

[76] In March 2025, on reading a newspaper article reporting the review panel's decision in CJC File 23-0860, the complainant decided to contact the Council Secretariat and make a complaint.

[77] The complainant sent the Council the following documents in support of her complaint:

- Email dated October 14, 2023
- Email dated February 27, 2024

- WhatsApp screenshot on November 22, 2024
- Call log for February 24 and 25, 2025
- Screenshot of a Teams audio call on February 24, 2025
- Screenshot of calls on March 19 and 20, 2025
- Screenshot of a missed call on March 19, 2025
- Screenshot of a missed Teams audio call on March 19, 2025
- Screenshot of an Instagram follow request at 8:33 a.m.
- Screenshot of an Instagram follow request at 8:37 p.m.
- Screenshot showing that the LinkedIn account had been viewed.

[78] The complainant also provided the investigator with additional documents after their interview in May 2025, including the following:

- Screenshot of text messages from January 6 and 30, 2023, February 14, and April 16, 21 and 22, 2023
- Email dated May 22, 2024
- Screenshot of two voice mail messages, on August 22, 2023, and April 8, 2024

[79] There is documentary evidence to support some of the complainant's allegations but not others. The following allegations are not supported by any documentary evidence:

- Justice Tremblay told the complainant about his old loves, the women he used to spend time with, and the women he was attracted to. In particular, he told her about how he was shocked when a lawyer with whom he had fallen in love rejected his advances.
- Justice Tremblay offered to meet her for dinner when she travelled to Montréal. (However, Justice Tremblay did acknowledge having done this but stated that he had made this suggestion only once.)
- The anonymous calls were from Justice Tremblay.
The complainant once answered an anonymous call, and it was Justice Tremblay.
- The complainant considered filing a complaint with the police.

[80] The investigator concluded that, if the facts as reported by the complainant were true, Justice Tremblay's repeated communications, despite her multiple requests that he stop, would amount to psychological harassment.

b. Submissions from Chief Justice Paquette and Senior Associate Chief Justice Dumais

[81] In her submissions to the reviewing member, Chief Justice Paquette noted that each complaint was troubling on its own and that it was difficult not to consider them as parts of a whole, given the overlapping allegations.

[82] Chief Justice Paquette pointed out that it is unbecoming for a judge to knowingly engage in conduct that disregards others' boundaries and potentially puts them in a state of

hypervigilance and affects their psychological well-being. In her opinion, Justice Tremblay ignored the complainant's clear, repeated requests to stop trying to reach her when, instead, he should have stopped all communication and attempts to contact her after being told about the effects these actions were having on her.

[83] Chief Justice Paquette further wrote that she was troubled by the chronology of the alleged events. She pointed out that she had filed a complaint with the Council against Justice Tremblay in CJC File 23-0860, in December 2023. From that point on, Justice Tremblay therefore knew the nature of the concerns that the Council was investigating. In that proceeding, Justice Tremblay recognized "that he [had to] exercise greater care in his interpersonal relations with staff ... and ... committed to ensuring that his dealings at all times live[d] up to the expectations of the judicial office which need be marked by respect, courtesy, and professionalism". Chief Justice Paquette noted that, despite Justice Tremblay's acknowledgement, the complainant reported unsolicited communications and attempts to contact her in November 2024, February 2025 and March 2025, at the very moment that another investigation was under way before the Council. Chief Justice Paquette noted that the timing of Justice Tremblay's actions casts doubt on the sincerity of his apology and his commitment to respecting the boundaries of others.

[84] Chief Justice Paquette further noted that the complainant's fear of reprisals and her worry that Justice Tremblay might know her contact information raised serious concerns about the judiciary's image and the trust that it should inspire.

[85] In a letter to the review panel dated March 2, 2026, Senior Associate Chief Justice Daniel Dumais stated that CJC File 25-0227 was well documented and that he had nothing to add.

c. Submissions from Justice Tremblay and his counsel

[86] Justice Tremblay made submissions to the reviewing member (submissions dated August 8, 2025) and to the review panel (statement dated April 23, 2026). Counsel for Justice Tremblay also made submissions (in particular, by letter dated April 26, 2026). The main points are presented below.

i. Justice Tremblay's account

[87] Justice Tremblay met the complainant through work before he was appointed to the bench on June 30, 2015. They became good friends after he was appointed. They communicated often and by various means (messages, calls and meetings).

[88] Justice Tremblay stated that he had no connection with the complainant in the performance of his judicial duties and that this was a personal issue between two people in a strictly private context.

[89] He denied a number of the allegations made by the complainant. In his opinion, these allegations amounted to fabrication, exaggeration or pure speculation (for example, the anonymous calls and communications that the complainant had attributed to Justice Tremblay), a black-and-white view or a misperception of the facts. Justice Tremblay wrote that some of the incidents in question had taken place when he was having physical health problems that affected his personal life.

[90] Justice Tremblay stated that the first event that marked a change in their relationship, which had until then been neutral and merely friendly, took place in December 2019. He stated that the complainant met him one morning at the courthouse seeking reassurance with regard to a personal matter. He further stated that she showed greater affection for him in the weeks that followed, such that, in early 2020, Justice Tremblay was convinced that she wanted something more than friendship, and he decided to distance himself from her.

[91] Justice Tremblay noted that the complainant contacted him in spring 2022, after he had had surgery, and their communication resumed. He was perplexed by the complainant's allegation that he now seemed to be a very different person. In his opinion, neither his attitude nor his behaviour had changed, and the tone and content of their conversations were the same as before.

[92] He stated that they often conversed by text message, at all hours, and it seemed to him that she shared his opinion that it did not matter when a text message was sent because it could be read later. In July 2022, he was surprised when the complainant called him around midnight, when he was at home in bed, since they seldom spoke over the telephone and especially not so late at night.

[93] He stated that he saw the complainant again in summer 2022 for lunch at a restaurant, during which they chatted [TRANSLATION] "as friends about everyday things". He gave her some game meat and offered to bring her more in exchange for some arancini that she said she had made.

[94] In his submissions, Justice Tremblay wrote that, a few weeks later, he suggested the complainant take advantage of the fact that he was sitting in another city to go to the city, where she occasionally worked, for an after-work drink or dinner. He thought this would be an opportunity for a [TRANSLATION] "game meat–arancini" exchange. Justice Tremblay received no reply, which led him to think that the complainant's attitude towards him had changed. He further wrote that that was the one and only time he suggested meeting the complainant in another city.

[95] Justice Tremblay stated that, in fall 2022, he suggested to the complainant that they put some distance between themselves, and [TRANSLATION] "pause" their communications. The complainant agreed. Justice Tremblay noted that the complainant had not produced these conversations and that he had not saved them.

[96] A few weeks later, he had some regrets and got back in touch with her. Justice Tremblay stated that the complainant did not ask, and had never asked, him to stop contacting her. Rather, she had told him that she needed to take a step back or needed a bit of space.

[97] He wrote that he had contacted her during the 2022 holiday season and in early 2023 to bring up the idea of a game meat–arancini exchange again, and the complainant replied, [TRANSLATION] “They’re still waiting!” To him, this response suggested a certain openness to communication. Justice Tremblay noted that the complainant had not produced this message and that he had not saved it.

[98] It was in this context that, during the holiday season, he sent a text message on friendship and forgiveness to her and a number of people in his circle. Justice Tremblay stated that the complainant mistakenly saw in it a message about love that was specifically directed at her.

[99] The circumstances suggested to Justice Tremblay that there was no longer a need to take a step back and that they could reconnect. He contacted her and suggested that they meet (text messages dated January 6, 2023). Her reply and the few exchanges that followed in January and February 2023 showed his misunderstanding which, he stated, was in good faith. Justice Tremblay wrote that he then decided to remove the complainant from his Facebook friends list.

[100] More than two months later (text message dated April 21, 2023), Justice Tremblay informed the complainant of the difficult period he was going through. She responded with a message of encouragement (text message dated April 22, 2023), which he saw as confirmation that the door remained open to maintaining a certain level of communication between them.

[101] Four months later (in August 2023), Justice Tremblay attempted to call the complainant but was unsuccessful. He left a message on her voicemail offering to call her back. When there was no response, he contacted her again two months later by email (October 14, 2023) to suggest that they meet again for lunch or after-work drinks. There was no response. Justice Tremblay stated that he did not pursue the matter further.

[102] In December 2023, Justice Tremblay was hospitalized due to new health problems. He stated that on February 27, 2024 (four months after his last communication), he had forwarded a work-related article to the complainant, with a single remark: “Bravo”.

[103] In 2024, he called her and left her a message asking to call him back. This was the April 8, 2024, call to which the complainant refers. Justice Tremblay wrote that he was of the opinion that she should have listened to these messages rather than drawing alarmist conclusions from them. She would have been able to see that he meant no harm.

[104] In November 2024, two days after surgery, he sent a message to several of his relatives and contacts, including the complainant, informing them that he was doing well (his last electronic communication with the complainant, via WhatsApp). Justice Tremblay noted that in

sending this message to the complainant, he was aware that she had criticized him for not notifying her when he had health problems in 2021.

[105] Justice Tremblay asserted that he never hid behind an unknown number when communicating with the complainant.

[106] Justice Tremblay acknowledged that he had requested to follow the complainant's Instagram account in late 2023 or sometime in 2024. Having received no response, he believed that his request had not gone through properly, which explains his second attempt. Justice Tremblay wrote that the complainant was once again mistaken and exaggerating when she claimed that he had repeated his request to follow her on Instagram five or six times.

[107] Justice Tremblay wrote that his last face-to-face meeting with the complainant was in late summer 2022 and that the contacts that followed, the last of which was in November 2024, were spread out over time and spanned a two-year period.

[108] Justice Tremblay wrote that, having been there for the complainant during the difficult times she experienced in 2019, he unfortunately did not receive her friendly support when he needed it in 2023 and 2024.

[109] According to Justice Tremblay, his communications with the complainant were not intended to harass her or cause her to fear for her safety. He is of the opinion that his communications cannot be considered harassment.

[110] Justice Tremblay stated that he regretted that such a situation had occurred and wished to express to the complainant that he never intended to disturb her peace of mind. He added that he wished to apologize sincerely if his words, conduct or behaviour may have in any way caused her distress. He pledged to refrain from any contact of any kind with the complainant.

ii. Arguments presented by Justice Tremblay and his counsel

[111] Justice Tremblay and his counsel made the following submissions, among others:

1. The complaint does not fall within the Council's mission. The facts in question are strictly private and have no connection with Justice Tremblay's judicial functions. The situation boils down to a difference in perception regarding the communications between the individuals concerned.
2. The evidence reveals no breach of professional ethics. There is nothing in the record to support a finding of harassment, either subjectively or objectively. Dissatisfaction with the evolution of a relationship cannot justify an allegation of harassment.
3. The complainant's account contains significant discrepancies that undermine its reliability. According to Justice Tremblay, these allegations amount to fabrication, exaggeration, pure speculation or a mistaken perception of the facts. In particular, he points out the complainant's omission of important nuances that would help clarify the

specific context of the situation, which essentially constitutes a breakdown in a friendship.

4. The review panel should exclude certain elements in the record from its analysis, particularly the opinions of the investigator and Chief Justice Paquette. Justice Tremblay alleges that he was not given the opportunity, at the review stage, to comment on the remarks that Chief Justice Paquette made in her letter dated June 11, 2025, thereby depriving him of the opportunity to respond and denying his right to a defence. He adds that a number of Chief Justice Paquette's comments are not based on any concrete facts and should be excluded (inadmissibility of hearsay). Justice Tremblay also submits that the investigator exceeded her mandate to gather additional facts by concluding that the complainant was a victim of psychological harassment without having analyzed the entire case file—including, first and foremost, Justice Tremblay's account.
5. The Council should treat the complaint as confidential.

[112] These arguments are discussed in greater detail below. The issue of confidentiality is addressed at the end of this decision, jointly for both complaints.

d. Analysis

[113] In addition to a comprehensive review of the case file, this review panel carefully examined each of the arguments put forward by Justice Tremblay and his counsel.

[114] As will be explained, the review panel does not agree with Justice Tremblay's position that the complaint falls outside the Council's mission and that it does not reveal any ethical breaches. On the contrary, the review panel is of the opinion that, in light of the record and the evidence before it, the matter falls within the jurisdiction of the Council, concerns a breach of ethical principle, and could, if the allegations are substantiated, warrant the removal of Justice Tremblay.

[115] As explained below, and given its role, the review panel conducted a limited assessment of the evidence before it and the credibility of the individuals involved. That said, at this stage, determinative findings as to the credibility and reliability of the complainant or Justice Tremblay are not appropriate. Such findings cannot be made without actual *viva voce* testimony and without the opportunity for a panel to observe and assess the witnesses' testimony in the context of a hearing, which could and likely would include cross-examination of the witnesses, including the complainant and possibly Justice Tremblay. However, holding such a hearing is not the role of the review panel, but rather that of a full hearing panel.

[116] Regardless of any discrepancies between the accounts presented by the complainant and Justice Tremblay, the review panel notes that Justice Tremblay acknowledged certain relevant facts regarding the conduct of which he is accused. In addition, the facts thus acknowledged, as well as copies of text messages and other evidence, may also be considered to corroborate or substantiate, at least in part, some of the allegations made by the complainant.

[117] For these reasons, and as explained in more detail in the reasons that follow, the review panel finds that the first complaint should be referred to the Council for the purpose of establishing a full hearing panel.

i. The complaint falls within the Council's mission

[118] Justice Tremblay maintains that the complaint does not fall within the Council's mission. He suggests that the situation is, in essence, [TRANSLATION] "a difference in perception regarding the communications they had in the context of a relationship that was strictly private", and not [TRANSLATION] "in a work context or a relationship of authority". According to Justice Tremblay, the Council should presume that any fact concerning a judge's interpersonal relationship in the intimacy of their private life, and having no connection with the judicial function, does not fall within its mission.

[119] The review panel notes that the conduct in question, although a private matter, does not fall outside the Council's jurisdiction. The Council's mission includes maintaining public confidence in the integrity of the judiciary. The Council may be called upon, where justified by the circumstances, to examine conduct relating to private life, in particular when it is likely to compromise that trust or to undermine the honour, dignity and integrity of the judiciary. In this regard, the absence of a nexus between the facts alleged and the exercise of judicial functions is not, in itself, determinative.

[120] The *Ethical Principles for Judges* expressly recognize that judges are expected to conduct themselves, both within and outside of their duties, "in a manner that is above reproach in the view of reasonable and informed persons" (Principles, 2.A). These principles further set out that "[c]onduct, in and out of court, that exhibits integrity ensures public respect for and confidence in the individual judge and, more significantly, contributes to public confidence in the judiciary and the judicial system as a whole. Judges should therefore act with a high degree of decorum, propriety and humanity" (Commentary, 2.A.1).

[121] Specifically, with respect to judicial conduct in private life, the *Ethical Principles for Judges* recognize that "[p]ublic expectations of judges are not limited to the actions of judges in their judicial capacities" and that judges must "act with integrity in their private lives and should avoid the appearance of impropriety" (Commentary, 2.A.3).

[122] The review panel recognizes that, as set out in the *Ethical Principles for Judges*, "judges also have private lives and are entitled to enjoy, as much as possible, the rights and freedoms generally available to all" (Commentary, 2.A.5). However, these same principles state that "[a] judge's conduct, in and out of court, may be subject to public scrutiny and commentary" and that "judges accept some restrictions on their activities – even activities that would not elicit adverse notice if carried out by other members of the community" (Commentary, 2.A.5). Judges must therefore remain mindful that their conduct, even in the private sphere, may be subject to scrutiny and criticism from the public and the Council.

ii. The complaint concerns a breach of ethical principles

[123] Justice Tremblay contends that [TRANSLATION] “[t]he evidence in the record does not reveal any ethical breaches” in that [TRANSLATION] “[t]here is nothing in the record that justifies an allegation of harassment, either subjectively or objectively”. He notably points out the following:

[TRANSLATION]

The time that elapsed between each of the contacts in question is inconsistent with the repeated and insistent communications that characterize harassment, for any reasonable person properly informed of the entire situation and its context.

Objectively, there is nothing in the record to suggest a situation of harassment from a legal point of view.

Nothing in the record would cause [REDACTED] to reasonably fear for her safety or the safety of any of her acquaintances, given the context, as required in criminal matters. Her dissatisfaction with the evolution of the relationship or the communications in the context of that relationship cannot justify such a claim.

The record does not reveal any intimidating or disparaging comments about [REDACTED]. It also does not involve any offensive behaviour that would intimidate [REDACTED].

The judge never referred to his status or the prestige of his position when making remarks in the communications in question. He never referred to his judicial authority or used a condescending tone when addressing [REDACTED].

[124] The review panel notes that the issue is not whether the alleged facts meet the criteria for harassment under the *Criminal Code* or any other applicable legal standard. Rather, the issue in the first part of the analysis is whether the alleged conduct, if established, was consistent with the standards of conduct expected of the judiciary and may constitute misconduct or other grounds for removal from office under section 80 of the *Act*.

[125] In this regard, the review panel has already explained above how judges should “act with integrity in their private lives and should avoid the appearance of impropriety”, as recognized in the *Ethical Principles for Judges* (Commentary, 2.A.3). The absence of a nexus between the facts alleged and the exercise of judicial functions is not, in itself, determinative.

[126] The *Ethical Principles for Judges* also recognize that judges must treat others with integrity and respect and must be attentive to the ways in which offensive remarks, or conduct, or inappropriate behaviour, may adversely affect others:

2.E.1 The conduct of judges towards others is an important aspect of their commitment to integrity and respect. Judges should be attentive to the ways in which offensive remarks, or conduct, or inappropriate behaviour, may adversely

affect or intimidate others, particularly those in subordinate positions to the judge. A judge's conduct in this respect affects their individual reputation and that of the judiciary as a whole.

[127] Contrary to Justice Tremblay's claims, and as explained in greater detail below, the review panel is of the opinion that the alleged facts reveal inappropriate behaviour on the part of Justice Tremblay that was likely to affect the complainant and cause her distress. In particular, the allegation that he persisted in communicating with her despite her requests to stop doing so, if established, could raise serious concerns about the respect and consideration that judges must show in their relationships with others. This alleged conduct is not consistent with the standards of conduct expected of the judiciary and, if established, could constitute misconduct within the meaning of section 80 of the *Act*. Such misconduct would satisfy the first step of the analysis under this section. What remains to be determined, however, is whether the judge's continuation in office would undermine public confidence in the impartiality, integrity or independence of the judge or of their office such as to warrant their removal from office.

[128] In these circumstances, the alleged absence of harassment in the legal sense is not sufficient to overcome the ethical concerns raised by the complaint.

iii. The impugned conduct, the discrepancies between the complainant's and Justice Tremblay's accounts, the complainant's reliability and the facts acknowledged by Justice Tremblay

[129] As will be described below, Justice Tremblay's conduct raises a number of concerns.

[130] Justice Tremblay knew the complainant professionally before he was appointed to the bench in 2015. Over the years, they became friends.

[131] According to the complainant, the frequency of their communications increased in the fall of 2022. It was at this point that Justice Tremblay allegedly began to behave in a manner that she felt was [TRANSLATION] "inappropriate". She stated that he seemed to [TRANSLATION] "no longer have a filter". She found it [TRANSLATION] "really intense". She asked Justice Tremblay [TRANSLATION] "to give her a little bit of breathing room". As he continued to contact her, she told him in no uncertain terms that she [TRANSLATION] "wanted to take a step back", and that she wanted [TRANSLATION] "[h]er boundaries to be respected". She had the impression that [TRANSLATION] "the message was not getting through". Despite her repeated requests to keep his distance from her, Justice Tremblay continued to contact her repeatedly, at intervals of weeks and sometimes months, until the spring of 2025, two and a half years later. These unsolicited communications made the complainant uncomfortable and gave her the impression that she was not being respected.

[132] In support of her allegations, the complainant submitted screenshots of various communications or attempted communications: text messages, emails, missed calls, requests to

follow her Instagram account. The evidence shows that Justice Tremblay continued to contact her despite her having clearly indicated to him, on several occasions, to give her some space.

[133] The panel noted, in particular, the following exchanges:

January 6, 2023 (6:44 PM)

[TRANSLATION]

Justice Tremblay: I miss you

[REDACTED]: I don't know how else to say this: I want to take a step back. I told you, I even stopped replying, but the message isn't getting through. All I'm asking is that you respect my boundaries. Thank you.

(9:00 PM)

Justice Tremblay: It's okay. I understand. I didn't know you could be that tough, but hey, it's okay. We're done, as our [anglophone] neighbours say.

[REDACTED]: Asking for respect is not being tough.

Justice Tremblay: You've changed, that's all, but I will respect you, believe me.

February 14, 2023 (7:24 AM)

Justice Tremblay: Have a nice day

[REDACTED]: Bernard, I told you again on January 6 that I wanted to take a step back. You agreed, yet you have since texted me 9 times and even messaged me on Facebook. I also had the pleasure of receiving an article on love. I'm asking you again to please respect me

[134] Following the text message exchange on February 14, 2023, the exhibits show that Justice Tremblay contacted the complainant on multiple occasions. The complainant blocked Justice Tremblay's telephone number. She claims she was so upset that she wanted to file a harassment complaint with the police but later changed her mind for fear of not being taken seriously.

[135] Justice Tremblay, for his part, submitted that [TRANSLATION] "[t]here is no evidence in the record that clearly indicates that [the complainant] had asked Justice Tremblay to refrain from any contact with her". He also claimed that [TRANSLATION] "[s]ome communications from [the complainant] indicate that she was open to maintaining some contact with [him]".

[136] Justice Tremblay also questioned the [TRANSLATION] "reliability" of the complainant's account. In support of this allegation, he pointed out, among other things, the complainant's failure to mention certain events that would help place the reported facts in the general context of

their relationship. He questioned the veracity of some of the allegations, arguing that they were fabricated, exaggerated or pure speculation, or were based on a mistaken perception of the facts.

[137] The review panel notes a number of discrepancies and omissions in the complainant's allegations and Justice Tremblay's submissions. Among others:

- Justice Tremblay submitted that the complainant omitted important nuances which, in his opinion, would allow us to grasp the specific context of the situation, which essentially constituted a current life situation, namely, the breakdown of a friendship. He noted, for example, her omission regarding the episode in which she approached him in 2019.
- Justice Tremblay noted that it was he who had decided to distance himself from the complainant in early 2020. Their resumption of contact in the spring of 2022 was allegedly initiated by the complainant.
- According to Justice Tremblay, it was he who suggested to the complainant, in the fall of 2022, that they keep their distance and [TRANSLATION] "pause" their communications, to which the complainant agreed.
- Justice Tremblay contacted the complainant again a few times thereafter. According to him, the complainant was not asking him, and never did, to refrain from contact with her. Rather, she told him that she needed [TRANSLATION] "to take a step back", or [TRANSLATION] "room to breathe".
- Justice Tremblay stated that he never hid behind an unknown number when communicating with the complainant. According to him, the anonymous calls or communications the complainant attributes to him are pure speculation. For her part, the complainant stated that she had answered a call from an anonymous number at least once and that it had been him.
- Justice Tremblay submitted that the complainant was exaggerating when she maintained that he had repeated his request to follow her Instagram account on five or six occasions. He acknowledged that he requested to follow her on Instagram at the end of 2023 or in 2024. When he received no response, he believed that his request had not gone through properly, which explains his second attempt.

[138] With respect to the discrepancies or omissions noted between the complainant's and Justice Tremblay's accounts, or between those accounts and other evidence, the review panel recognizes that their impact, particularly with respect to the reliability of the testimony and the probative value of the evidence, cannot be fully assessed at this stage. A more comprehensive assessment may require in-person testimony and review by a full hearing panel. The review panel also notes that not every discrepancy or omission will necessarily be determinative. Indeed, some discrepancies or omissions may arise from the context in which the events occurred or were reported or may be explained by other reasons that only the witnesses are in a position to clarify.

[139] For example, Justice Tremblay stated that he was the one who requested a break in the fall of 2022. Nevertheless, the evidence that the complainant submitted, including the text messages exchanged in the winter of 2023, demonstrates that she repeatedly signalled to him that she wanted to take a step back. Even if we assume that Justice Tremblay also asked her not to contact him, he provided no evidence that she ignored his request, except on one occasion when, while he was hospitalized due to a health problem, she sent him a text message to ask how he was.

[140] Furthermore, the review panel notes that the complainant not only made allegations, but also submitted documentary evidence in support of those allegations. Admittedly, some of the alleged facts are not supported by documentary evidence. It is also possible that some of her allegations are speculative, as Justice Tremblay submits, or that the complainant omitted certain nuances. However, the review panel is of the opinion that the complainant has presented sufficient evidence to establish that there is a chance, however slim, that a full hearing panel will accept her main allegations and conclude that the conditions set out in section 80 of the *Act* have been met. For example, copies of the text messages produced in support of the complaint show that Justice Tremblay continued to communicate with the complainant after she told him that she wanted to take a step back—a fact that Justice Tremblay acknowledged.

[141] Thus, even if we take into account the discrepancies in the accounts presented by the complainant and by Justice Tremblay, a significant amount of information from the facts acknowledged by Justice Tremblay and from the text messages on the record can be considered to substantiate, at least in part, some of the complainant's allegations.

[142] This information, acknowledged by Justice Tremblay, includes the following:

- He acknowledges that the complainant asked him to take a step back, although he claims that she never asked him to refrain from all contact with her.
- He admits that he made a mistake when he contacted her to see her again in the winter of 2023, when she had told him she wanted to take a step back, having mistakenly believed that it was no longer an issue and that they could maintain some ties.
- He acknowledges that he contacted her several times, thereafter, including in the spring of 2023, to tell her about the difficult time he was going through at that time, and then in the summer of 2023. When he failed to get an answer, he emailed her again two months later to suggest that they meet again for dinner or for after-work drinks.
- He admits to having contacted her more than once on social media (Instagram) during that same period.
- He acknowledges that he contacted the complainant in 2024, when the process before the Council in respect of CJC File 23-0860 was under way. He thought that the complainant's support might be beneficial to him.

[143] The review panel finds that the facts acknowledged by Justice Tremblay—as well as the documentary evidence submitted by the complainant—corroborate, at least in part, the complainant’s allegations and tend to indicate conduct on the part of Justice Tremblay which, if established by a full hearing panel, could constitute misconduct within the meaning of paragraph 80(b) of the *Act*. The review panel finds that there is more than a slim probability that a full hearing panel would find that misconduct or another ground under section 80 of the *Act* occurred.

[144] Moreover, given the alleged conduct, the review panel finds that there is more than a slim probability that a full panel would conclude that the judge’s continuation in office would undermine public confidence in the integrity of the judge and the judiciary to such an extent that it would render Justice Tremblay incapable of executing the functions of judicial office, the second part of the analysis.

[145] In the circumstances, however, any definitive finding or determination as to the facts alleged, their legal characterization or the application of the test under section 80 of the *Act* must await a thorough assessment of the evidence by a full hearing panel.

[146] In other words, serious consideration must be given as to whether the conduct acknowledged by or ascribed to Justice Tremblay would undermine public confidence in Justice Tremblay’s integrity and would sufficiently undermine public confidence so as to render the judge incapable of performing the duties of judicial office.

iv. The exclusion of evidence

[147] Justice Tremblay alleged that the review panel should have excluded certain items in the record from the analysis, in particular the opinions of the investigator and Chief Justice Paquette. He submitted that he did not have the opportunity to comment, at the review stage, on the comments that Chief Justice Paquette provided to the Council in her letter of June 11, 2025, which he considers to be a breach of procedural fairness. He added that many of Chief Justice Paquette’s comments were not based on any concrete facts and should be excluded (inadmissibility of hearsay).

[148] Justice Tremblay also submitted that the investigator exceeded her mandate to gather additional facts by concluding that the complainant had been the victim of psychological harassment, without having analyzed the entire record, including Justice Tremblay’s account.

Chief Justice Paquette’s comments of June 11, 2025

[149] With respect to the comments that Chief Justice Paquette conveyed to the reviewing member, the review panel is of the view that there was no breach of procedural fairness and that the process set out in the *Act* and the *Review Procedures (2023)* was followed.

[150] Neither the *Act* nor the *Review Procedures (2023)* provide an opportunity for the judge to respond to the Chief Justice's comments when the case is before the reviewing member.

[151] After the review panel is established, the entire record that was before the reviewing member is referred to the review panel, as provided for in section 97 of the *Act*. A copy of the record is also sent to the judge concerned. In accordance with section 99 of the *Act* and section 8.5 of the *Review Procedures (2023)*, the review panel gives the judge who is the subject of the complaint and the chief justice of the court of which the judge is a member the opportunity to provide written submissions within the time limit established by the Council.

[152] In this case, the comments that Chief Justice Paquette conveyed to the Council in her letter of June 11, 2025, were part of the record before the reviewing member and were shared with Justice Tremblay after the review panel was established. Justice Tremblay had an opportunity to respond to these comments in the written submissions he submitted to the review panel in accordance with section 99 of the *Act* and section 8.5 of the *Review Procedures (2023)*.

[153] With respect to the issue of hearsay, the review panel is of the view that it is not required to decide this issue at this stage of the process. The decision to refer the matter to the Council for the establishment of a full hearing panel is not based on the evidence contested as hearsay, but rather on other elements of the record that, on their own, raised sufficiently serious issues to warrant a hearing, as discussed above. It will be up to the full hearing panel to determine the admissibility, relevance and probative value of the contested evidence.

[154] In any event, the panel notes that section 128 of the *Act* and section 9.6 of the *Review Procedures (2023)* provide that a hearing panel is not bound by any legal or technical rules of evidence and may receive and base a decision on evidence that it considers credible or trustworthy in the circumstances.

The investigator's findings

[155] With respect to Justice Tremblay's position that the investigator exceeded her mandate when she found that there had been [TRANSLATION] "psychological harassment", without having heard Justice Tremblay's point of view, the review panel notes that she concluded in her report that [TRANSLATION] "[i]f the facts as reported by [the complainant] prove to be true, the repeated communications by Justice Tremblay, even though she had repeatedly asked that they stop, amount to psychological harassment" (page 6). She therefore did not make a determinative finding on the issue of [TRANSLATION] "harassment".

[156] Moreover, although Justice Tremblay did not meet with the investigator, he had an opportunity to comment on the investigation report in its entirety. Those comments were placed in the record and reviewed by both the reviewing member and the review panel.

[157] In this regard, the review panel notes that the process set out in the *Review Procedures (2023)* was followed. Indeed, section 7.8 provides that a copy of the investigation report must be

provided to the judge who is the subject of the complaint, while section 7.9 provides that the judge has the opportunity to comment on the investigation report. Neither the *Act* nor the *Review Procedures (2023)* require the investigator to question the judge who is the subject of the complaint.

[158] Rather, by providing the judge with an opportunity to comment on the investigator's report in its entirety, the process allows the judge to review all of the information gathered during the investigation and respond to it in a complete and detailed manner. The review panel is therefore of the opinion that the judge was given an adequate opportunity to make his position known with respect to the allegations and the evidence gathered during the investigation.

[159] Furthermore, the review panel is not bound by the investigator's finding that the alleged facts, if true, could constitute psychological harassment.

[160] In any event, the review panel's decision to refer the matter back to the Council for a full hearing panel is not based on this conclusion, but rather on the review panel's analysis of the alleged facts, the evidence in the record and the ethical issues raised.

v. Justice Tremblay's apology and his lack of introspection

[161] In his submissions to the reviewing member on August 2, 2025, Justice Tremblay stated that he was saddened to see that the complainant had such a negative perception of their exchanges and communications. He regretted this situation and wished to express to her that he never intended to disturb her peace of mind. He also expressed his sincere apologies to the victim if his comments, gestures or behaviour may have annoyed her in any way.

[162] In his statement to the review panel dated April 23, 2026, he noted that he had apologized to the complainant [TRANSLATION] "for any inconvenience that the evolution of [their] relationship may have caused her as a result of her subjective and skewed perception of the facts" in his first communication with the Council about the complaint. He added that he would not retract those apologies but would not reiterate them because of his fear that it could be misinterpreted as an admission of ethical misconduct.

[163] He also noted that he found it shocking and hurtful that the complainant considered his communications to be harassment. He stated that he did not behave in a way that justified the complainant's feeling that she was being harassed. He also wrote that it would be equally unfair for the Council to view this as a departure from his ethical duties arising from his judicial office.

[164] The review panel noted that Justice Tremblay maintained that he committed no ethical misconduct. In his submissions, he challenged the merits of the allegations, without mentioning any personal reflection as to the repercussions that his behaviour may have had on the complainant.

[165] While there is no need to rule on the sincerity of the apology offered by Justice Tremblay, the review panel notes that the apology is not accompanied by any acknowledgement of the potentially inappropriate nature of his conduct. Nor does the apology show an understanding of the concerns raised by the complaint or any personal reflection as to the impact of his conduct on the complainant.

[166] As the inquiry committee found in Justice Dugré's case:³

[676] Given the forward-looking nature of the test for removing a judge, it is relevant to consider whether the judge is willing and able to change their behaviour to meet their ethical obligations. In this case, Justice Dugré chose not to testify at the hearing, such that the Committee has no direct evidence of any acknowledgement on his part that some of his words and deeds or ways of managing certain hearings were inappropriate. On the contrary, the defence he presented at the hearing is a wholesale rejection of the allegations against him, with Justice Dugré arguing he had not committed any acts of misconduct. His right to present the defence he deems appropriate is not being called into question. However, in these circumstances, there is no evidence that would allay the serious concerns raised by his past conduct.

[167] In the circumstances of this case, the review panel is concerned by Justice Tremblay's apparent lack of introspection and questioning of his past conduct and its potential consequences for others. This lack of reflection contributes to the characterization of his behaviour as misconduct within the meaning of section 80 of the *Act*.

vi. Failure to exercise caution in using social media

[168] The review panel notes that Justice Tremblay's attempts to communicate with the complainant via social media were in addition to those he made by other means. Among other things, Justice Tremblay allegedly sent her more than one invitation on Instagram. According to the complainant, Justice Tremblay sent her five or six invitations, although according to Justice Tremblay, he sent only two, the second having been sent because he believed that the first had not gone through properly. Justice Tremblay would also have viewed the complainant's LinkedIn account. In this regard, she submitted a screenshot showing that Justice Tremblay had viewed her profile, further alleging that this occurred after she had asked him to take a step back.

[169] The review panel notes that according to the *Ethical Principles for Judges*, "[s]ocial media activities are subject to the overarching principles that guide judicial behaviour" (Commentary, 5B15) and that "judges should exercise caution in their use of social media". (Commentary, 2A5).

³ *Report to the Canadian Judicial Council of the Inquiry Committee Constituted Pursuant to Section 63 of the Judges Act to Inquire Into the Conduct of Justice Gérard Dugré of the Superior Court of Québec* (June 2022), (application for judicial review pending before the Federal Court of Appeal).

[170] The review panel finds that Justice Tremblay failed to exercise caution in his use of social media, particularly given the context in which that use took place, when the complainant had told him that she wanted to take a step back. In the circumstances, it was incumbent upon Justice Tremblay to pay close attention to how his actions could reasonably be perceived and the impact they were likely to have on the complainant. He should have been vigilant and cautious in his use of social media to avoid any conduct that could be perceived as intrusive, inappropriate or likely to create unease.

vii. The contemporaneity of the events

[171] The review panel notes that the complainant and Justice Tremblay agree that he has not attempted to contact her since the complaint was filed on March 5, 2025.

[172] The complainant nevertheless reported unsolicited communications and attempts to contact her in November 2024 and February 2025, at the same time a proceeding before the Council was under way in CJC File 23-0860.

[173] Justice Tremblay acknowledged to the review panel in that proceeding, [TRANSLATION] “that he must exercise greater care in his interpersonal relations with staff, and that he has so committed to ensuring that his dealings at all times live up to the expectations of the judicial office which need be marked by respect, courtesy, and professionalism”.

[174] According to Chief Justice Paquette, the contemporaneity of his actions cast doubt on Justice Tremblay’s commitment to respecting the boundaries of others.

[175] Without ruling on the merits of this observation, the review panel finds that this contemporaneity of the actions raises an issue that warrants further examination in light of all the evidence.

e. Conclusion with respect to the complaint in CJC File 25-0227

[176] After a thorough review of the complaint and all of the documentation in the record, the review panel concludes, taking into account the relevant provisions of the *Act* and the *Marshall* test, that the complaint and allegations could, if confirmed, warrant Justice Tremblay’s removal from office. Accordingly, the review panel has decided to refer the complaint to the Council for the purpose of establishing a full hearing panel, pursuant to section 101 of the *Act*.

8. The complaint in CJC File 25-0426

a. Allegations submitted by SACJ La Rosa

[177] The main allegations submitted by SACJ La Rosa to the Council on April 24, 2025, as well as during her meeting with the investigator (as recounted in the investigation report of October 8, 2025), are presented below.

[178] In her complaint, SACJ La Rosa drew the Council's attention to certain facts and documents which, in her opinion, [TRANSLATION] "raise some concerns about the obligation of chief justices to provide administrative staff members with a peaceful environment, free from all forms of inappropriate behaviour such as harassment or pressure from a judge in their capacity as a person in authority". She also submitted that she had [TRANSLATION] "questions about the truthfulness of the information provided to the Council by Justice Bernard Tremblay in the context of the decision rendered by the review panel" in CJC File 23-0860.

[179] SACJ La Rosa referred to the following documents, among others:

- An email sent by private investigator [REDACTED], whose services had been retained by counsel for Justice Tremblay, to [REDACTED] on [REDACTED];
- A screenshot of a Facebook friend request sent by Justice Tremblay to [REDACTED];
- A summary of a meeting held on April 16, 2025, between [REDACTED] and the coordinating judge for the District of Québec;
- A summary of a meeting held on April 22, 2025, between SACJ La Rosa and Justice Tremblay, in the presence of the latter's mentor, who is also a judge of the Superior Court of Québec;
- A summary of a meeting held on April 24, 2025, between SACJ La Rosa and [REDACTED], in the presence of Justice Tremblay's mentor and the director of the Québec City courthouse, Mr. Vaillancourt;
- The mentoring plan prepared for Justice Tremblay by SACJ La Rosa, unsigned.

[180] According to the documents submitted by SACJ La Rosa and the information reported by the investigator, who provided reports to the reviewing member as part of this complaint's process (and who in September 2025 met, among others, with SACJ La Rosa, Ms [REDACTED]), members of the Court staff involved in the said case allegedly felt uncomfortable after being contacted by the private investigator retained by counsel for Justice Tremblay. For example:

- [REDACTED], a judicial assistant, reported that she was contacted by an investigator on April 9, 2025. She stated he told her that he wanted to meet with her about Justice Tremblay. She told him that she was not comfortable meeting him before talking to her boss. Her boss suggested that she go ahead, so [REDACTED] met the private investigator, outside the courthouse. The private investigator presented her with the text of an investigation report (in CJC File 23-0860) stating that [REDACTED] had told her a secret concerning Justice Tremblay. [REDACTED] denied this information.
- When she met with SACJ La Rosa on April 24, 2025, [REDACTED] [TRANSLATION] "could not say that she felt intimidated" during this meeting with the private investigator, but [TRANSLATION] "she obeyed her boss".
- When she met with the investigator appointed by the Council in September 2025, [REDACTED] stated that she felt uncomfortable when the private investigator contacted her. She also asked the investigator if she would have support (from her union or the Council) in the event of a lawsuit against her filed by Justice Tremblay.

- [REDACTED], a member of the Court's staff, was also contacted by Justice Tremblay's private investigator on April 15, 2025. [REDACTED] refused to meet with the private investigator and asked him not to contact her again. She told the investigator appointed by the Council in September 2025 that she was [TRANSLATION] "surprised" and [TRANSLATION] "afraid" when the private investigator explained to her that her own name appeared in an investigation report. She feared that if a lawsuit were brought against her, she would not have the means to defend herself. She also confirmed to the investigator that, in the investigation report that the private investigator shared with her by email, [TRANSLATION] "none of the content" was incorrect.

[181] Having been informed of the events by the coordinating judge, SACJ La Rosa met with Justice Tremblay on April 22, 2025, and he confirmed that his lawyer had retained the services of a private investigator while he was assessing his recourse options following the decision in CJC File 23-0860. SACJ La Rosa then asked Justice Tremblay to stop the private investigator's interventions with staff members, stating that she had been informed they did not feel comfortable with this approach.

[182] SACJ La Rosa and Justice Tremblay also discussed a Facebook request that he had allegedly sent to [REDACTED]. She stated that Justice Tremblay admitted to checking [REDACTED] contact information on Facebook, but denied sending her a friendship request. When SACJ La Rosa showed him the screenshot (a copy of which was submitted in support of the complaint), Justice Tremblay stated that he had not intended to send this request and that if he had, he had done so inadvertently. [TRANSLATION] "I must have clicked on the friendship request button, but I never intended to do so", he reportedly told SACJ La Rosa, according to the summary of the meeting.

[183] At the same meeting, the issue of mentoring in connection with CJC File 23-0860 was also discussed. SACJ La Rosa reported that Justice Tremblay confirmed to her that he would submit to mentoring, but that he was not required to subscribe to the entire mentoring protocol, which he refused to sign. He added, according to the summary of the meeting SACJ La Rosa prepared, that he had done nothing wrong, that he had not acted inappropriately and that, in his opinion, mentoring was not necessary.

[184] During SACJ La Rosa's meeting with the investigator on September 11, 2025, she stated that her complaint was based in part on the fact that Justice Tremblay had recognized, in the context of the decision in CJC File 23-0860, that his behaviour did not meet the standards expected of a judge and that he himself had suggested the mentorship. However, when SACJ La Rosa met with Justice Tremblay following the review panel's decision, he did not acknowledge his wrongs and said that his lawyers were forcing him to submit to mentoring. SACJ La Rosa added that she felt extremely uncomfortable with the parallel private investigation Justice Tremblay had ordered through his lawyers.

b. Submissions of Chief Justice Paquette and SACJ Dumais

[185] In her submissions to the reviewing member on June 11, 2025, Chief Justice Paquette stated that she shared SACJ La Rosa's concerns. Chief Justice Paquette was of the opinion that the reported evidence raised serious questions regarding the obligation of judges to adopt behaviour that ensures a peaceful work environment for administrative staff, free from all forms of inappropriate behaviour, harassment or undue pressure. According to her, these elements cast doubt on the sincerity of the admissions and commitments Justice Tremblay made in the process conducted by the review panel in CJC File 23-0860. She added that, if true, the facts set out in the complaint raise serious concerns because a person called upon to testify in a judicial or disciplinary proceeding should be able to do so without fear of being intimidated or harassed by anyone.

[186] In a letter dated March 2, 2026, to the attention of the review panel, SACJ Dumais stated that he had nothing to add to the file.

c. Submissions of Justice Tremblay and his counsel

[187] Justice Tremblay provided submissions to the reviewing member (August 8, 2025), as well as comments on the investigation report (November 18, 2025). He also submitted to the review panel a statement dated May 1, 2026, as well as submissions from his counsel dated May 4, 2026, a statement by the lawyer who acted for him in April 2025, and a statement by the private investigator hired by his lawyers.

[188] In his submissions, Justice Tremblay stated that the allegations must be analyzed in context, in particular by taking into account his state of mind in March and April 2025, after receiving the decision of the review panel in CJC File 23-0860, which concluded that he had "behaved in an imprudent and thoughtless manner". Justice Tremblay explained that he was thus disappointed that the review panel had not concluded that the complaint should be dismissed [TRANSLATION] "given the nature of the facts relied upon, which, moreover, were never characterized as ethical misconduct". He added that he was troubled to read the conclusion that he had, in the course of his submissions, [TRANSLATION] "expressed remorse, which implies that wrongdoing was committed". He stated:

[TRANSLATION]

While I certainly recognized that I needed to be more cautious by behaving more reservedly in my encounters with staff and colleagues, I never admitted ethical misconduct or expressed remorse. The expression of a sincere apology for a situation does not imply the admission, even implicit, of wrongdoing.

[189] Justice Tremblay stated that he was in this state of mind when he met with SACJ La Rosa on March 24, 2025, to discuss a mentoring protocol—a measure he acknowledged having proposed to the review panel in CJC File 23-0860 [TRANSLATION] "as an alternative" to his position requesting that the complaint be dismissed. Justice Tremblay stated that he had

explained to SACJ La Rosa at that meeting the reasons why he refused to sign the proposed protocol. First, he disagreed with any reference to him expressing remorse. Second, the protocol's preamble contained an error, stating that the decision of the review panel found ethical misconduct, when this was not the case. He pointed out that his refusal to sign the mentoring protocol was legitimate and did not demonstrate that he was not sincere when he proposed this measure to the Council.

[190] Despite Justice Tremblay's refusal to sign the proposed protocol, he stated that he began mentoring the same day. In his statement submitted on May 1, 2026, he also claimed to have completed the six meetings required by the protocol over the past year.

[191] Regarding the allegations concerning the work environment, Justice Tremblay submitted that he himself did not communicate or attempt to communicate with a member of the judicial staff following the review panel's decision in CJC File 23-0860.

[192] Justice Tremblay also acknowledged having retained a private investigator through his lawyer, Éric Bouchard, near the beginning of April 2025 to meet with some of the individuals involved in CJC File 23-0860. He explained that he had decided to do this when he was informed that some of the information in the investigator's report was inaccurate but was nevertheless used as a basis for the previous review panel's decision in CJC File 23-0860. A private investigator was therefore hired to validate some information, in order to better assess the advisability of seeking recourse under section 104 of the *Act* (to request that the Council establish a reduced hearing panel). Justice Tremblay submitted that he cannot be rebuked for having called on [TRANSLATION] "the services of a neutral professional, an investigator", in the exercise of his rights.

[193] In his statement, Justice Tremblay noted that he had explained this context to SACJ La Rosa when she summoned him on April 21, 2025, to tell him that she had been informed that several assistants had been subjected to [TRANSLATION] "undue pressure" by the private investigator. At SACJ La Rosa's request, Justice Tremblay then agreed to have his lawyer terminate the private investigator's mandate.

[194] In a statement submitted in support of Justice Tremblay's submissions, the private investigator confirmed that he had been hired by Justice Tremblay's lawyer to meet with three individuals who work or have worked at the Québec City courthouse: [REDACTED] and [REDACTED] ("third parties" in CJC File 23-0860) and [REDACTED] (one of the "persons involved" in CJC File 23-0860). The investigator stated that he only met with [REDACTED], out of the office and outside of working hours. He contacted [REDACTED], but she refused to meet with him, and the private investigator respected this request. On April 22, 2025, the private investigator was notified by Justice Tremblay's lawyer of the decision to suspend his mandate, so he did not make any further interventions in that regard.

[195] A statement by Justice Tremblay's lawyer also confirmed that Justice Tremblay gave the private investigator a mandate to [TRANSLATION] "verify factual elements" to assess the

advisability of submitting a request to establish a reduced hearing panel to examine the previous complaint (*Judges Act*, section 104).

d. Analysis

[196] In addition to a thorough review of the file, this review panel carefully considered every aspect of Justice Tremblay's position.

i. Intervention of a private investigator and the impact on the workplace climate

[197] Justice Tremblay submitted that he was within his rights to use a private investigator. The review panel does not question this position in the particular circumstances of this case. It appears that Justice Tremblay wanted to verify the accuracy of certain information contained in the investigator's report on the previous complaint (CJC 23-0860). Although he had the opportunity to comment on this investigation report before the review panel, it was only after the decision had been rendered that he learnt that some of the reported information on which the review panel relied (at least in part) was inaccurate. In these circumstances, it appears that the investigation he mandated was motivated by neither bad faith nor an illegitimate motive.

[198] Nevertheless, the review panel is concerned about the manner in which Justice Tremblay approached the private investigation.

[199] In the review panel's view, Justice Tremblay could, for example, have informed SACJ La Rosa of his intention to hire a private investigator to interview certain members of the courthouse staff. Given SACJ La Rosa's responsibilities regarding the proper administration of the court, she was probably well placed to assess the impact of this initiative and determine appropriate measures to mitigate its effects. The director of the courthouse, who acts as an administrative intermediary between staff and the judiciary, could have been notified. Such an approach would have made it possible to give staff members likely to be contacted by the investigator advance notice, reassure them, foster healthy collaboration and mitigate the disruption and concern caused by the investigation.

[200] In particular, the review panel is concerned about the impact that such a private investigation of staff members by a judge may have on the working environment within the court. Although Justice Tremblay reportedly stated that he had given his lawyers the mandate to ensure that the investigation was conducted [TRANSLATION] "without any pressure", the two court staff contacted by the investigator reported feeling uncomfortable. In particular, they feared that they would not have the means to defend themselves if proceedings were brought against them by Justice Tremblay. The review panel noted that they were both "third parties" in CJC File 23-0860, who had cooperated in the investigation conducted on behalf of the Council. However, any person called upon to provide information or testimony in the course of an investigation conducted by the Council should be able to do so without fear of being subsequently subjected to measures that might be perceived as intimidating or as exerting pressure on them.

[201] The review panel also noted that Justice Tremblay committed, in CJC File 23-0860, to exercising particular caution in his interactions with staff members. He should therefore have been aware of the impact the measures taken could have on the persons concerned, given the authority inherent in his position.

[202] Moreover, Justice Tremblay contended that he himself did not communicate or attempt to communicate with members of the judicial staff following the decision in CJC File 23-0860. However, the measures in question were taken by a private investigator retained by his lawyer. In these circumstances, he cannot dissociate himself from these interventions. Even when acting through a third party, a judge remains responsible for the foreseeable consequences of the means chosen to assert his interests.

[203] The review panel also notes that the assessment of a judge's conduct is not based solely on their intentions, but also on the reasonably foreseeable effects of their actions and the perception they are likely to create. Thus, even if Justice Tremblay did not intend to cause unease among the persons concerned by the investigation, he must have been aware that the measures taken by the private investigator with court staff could give rise to fears or concerns or could be perceived as a form of questioning their involvement in the disciplinary process. The duty to act with caution is all the more important when the persons concerned find themselves in a situation where the authority associated with judicial office is likely to influence their perception of the measures in question.

ii. Lack of caution in the use of social media

[204] Regarding the friendship request that Justice Tremblay allegedly sent to [REDACTED] on Facebook [TRANSLATION] "by mistake", the review panel has no reason to call Justice Tremblay's explanations into question.

[205] However, the review panel finds that Justice Tremblay should exercise caution in his use of social media, as noted in particular in the *Ethical Principles for Judges* (Commentary, 2.A.5).

[206] This is all the truer since the friendship request sent [TRANSLATION] "by mistake" was addressed to one of the persons involved in CJC File 23-0860, in relation to which the review panel in CJC File 23-0680 acknowledged that Justice Tremblay had acted imprudently. This review panel considers it appropriate to refer to the conclusions of that panel regarding this person:

Whether or not the encounter with Ms. D was by chance, the fact remained that Justice Tremblay's behaviour and actions suggested an ulterior motive, and Ms. D was obliged to make it clear to him that she was not interested. Justice Tremblay denied having any intention of taking things further but admitted that Ms. D abruptly cut off their communication for no reason.

The review panel is of the opinion that Justice Tremblay had shown a thoughtless naiveté bordering on imprudence in communicating with Ms. D in the context that he himself had described. Even if one accepts that he had intended to be cordial and affable towards Ms. D, the fact is that his approach lacked restraint under the circumstances, and Ms. D felt obliged to let him know and to put an end to all communications.

[207] Justice Tremblay acknowledged before the review panel in CJC File 23-0680 that he must exercise greater care in his interpersonal relations with staff, and he committed to ensuring that his dealings at all times live up to the expectations of the judicial office which need be marked by respect, courtesy, and professionalism.

[208] Although Justice Tremblay provided explanations as to the context in which he made [TRANSLATION] “the mistake” of sending a friendship request on Facebook, the review panel is concerned about the lack of caution he exercised given the context in which the error occurred and the impact that it could have on the person contacted. Even in the absence of evidence as to how this act was received by the individual, it is incumbent on the judge to be aware of how his actions can reasonably be perceived, and to be more vigilant to avoid conduct that could create discomfort, be misinterpreted or be perceived as inappropriate.

iii. Refusal to sign the mentoring protocol

[209] Regarding the mentoring protocol, the review panel notes that the previous decision provided for the introduction of a mentoring measure and entrusted the Chief Justice and/or the SACJ and/or Associate Chief Justice with responsibility for determining the mentor and the duration of the mentoring. Although not expressly stated in the decision, Justice Tremblay’s role was to cooperate in the implementation of this measure – which he himself had proposed as an alternative – and to participate in it in good faith.

[210] The review panel acknowledges that SACJ La Rosa, who had been entrusted with the responsibility for implementing this measure, had to inform the Council if she considered that difficulties would jeopardize its application or if she had doubts about compliance with the order issued. This is what she did in her communication dated April 24, 2025. This is all the more important since, under section 8.12 of the *Review Procedures (2025)*, failure to comply with an order made by a review panel becomes in itself a new complaint.

[211] Justice Tremblay explained that he refused to sign the protocol in the spring of 2025 because he considered that it contained errors, referring in particular to his expression of remorse and the finding of misconduct in CJC File 23-0860. In this regard, he submitted that his refusal to sign was legitimate and not indicative of any lack of sincerity when he proposed this measure to the previous review panel. The review panel does not question these explanations provided by Justice Tremblay.

[212] The review panel is of the opinion that even if there may have been disagreement regarding the terminology used in the mentoring protocol, the absence of a signature does not, in itself, allow us to conclude that Justice Tremblay refused to comply with the order. Rather, the evidence currently before the review panel, including Justice Tremblay's more recent statement, tends to show that Justice Tremblay acted on the action ordered by the review panel in CJC File 23-0860 by fully participating in the mentoring process.

[213] As for the [TRANSLATION] "sincerity" of the information provided by Justice Tremblay in connection with the decision rendered by the previous review panel, this review panel noted that although Justice Tremblay could have stated [TRANSLATION] "that he had done nothing wrong" and did not consider mentoring to be [TRANSLATION] "necessary", he nevertheless indicated to SACJ La Rosa, according to the report of their April 22, 2025, meeting that SACJ La Rosa prepared, he saw mentoring [TRANSLATION] "as a useful exercise in becoming a better judge". The review panel considers that the evidence on the record does not call into question the [TRANSLATION] "sincerity" of Justice Tremblay when he proposed mentoring to the review panel in CJC File 23-0860. The review panel will return to the allegations regarding the [TRANSLATION] "sincerity" of the other information provided by Justice Tremblay before the review panel in CJC File 23-0860, particularly in its analysis of the lack of introspection and remorse.

iv. Lack of introspection and remorse

[214] Justice Tremblay maintained that he had no remorse for the events at issue in CJC File 23-0860. Although he apologized, he reiterated that he had done nothing wrong. He also submitted that the decision in CJC File 23-0860 did not find any misconduct.

[215] This review panel acknowledges that the decision did not indeed conclude that there was any misconduct. However, the previous review panel found that Justice Tremblay's actions were "imprudent, even thoughtless, given the position he occupied and in light of the aforementioned *Ethical Principles for Judges*". They did not dismiss the complaint; rather, they concluded that action was required under section 102 of the *Act*, issuing a warning to Justice Tremblay and ordering him to receive mentorship. The review panel had also taken into account Justice Tremblay's statements that he had reflected on his actions and the impact of his conduct.

[216] Despite the conclusions and the measures that resulted from them, this review panel notes that Justice Tremblay essentially continues to argue, not only that he did not commit ethical misconduct, but also that he has done nothing wrong. The evidence before this review panel does not show that Justice Tremblay fully recognizes the effect that some of his remarks or behaviour may have had on the individuals concerned—quite the contrary.

[217] Thus, the concern of this review panel is not so much about the existence or absence of Justice Tremblay's remorse, but about his ability to be introspective and recognize the impact of his conduct on others, in particular on the people with whom he interacts in a context marked by the authority inherent in his position. In this regard, the *Ethical Principles for Judges* state that

“[j]udges should be attentive to the ways in which offensive remarks, or conduct, or inappropriate behaviour may adversely affect or intimidate others, particularly those in subordinate positions to the judge.”

[218] According to the review panel, Justice Tremblay’s difficulty in recognizing the impact of his conduct on others is a relevant factor in assessing the risk of recurrence. Without being a determinative indicator, it may limit the assurance that similar behaviour will not occur again, which is of concern to this review panel.

e. Conclusion with respect to the complaint in CJC File 25-0426

[219] In light of this analysis and all the evidence in the record, the review panel concludes in CJC File 25-0426 that Justice Tremblay engaged in misconduct. However, the review panel cannot conclude that the fact that Justice Tremblay’s continuation in office, as a result of this misconduct, would undermine public confidence in the impartiality, integrity or independence of the judge or in the independence of his office, to such an extent that it would render him incapable of executing the functions of judicial office, within the meaning of section 80 of the *Act*. In other words, the review panel is of the opinion that Justice Tremblay’s misconduct alone, noted in CJC File 25-0426, could not be serious enough to justify his removal.

[220] The review panel is of the opinion, however, that the complaint cannot be dismissed, as it describes behaviours that are of great concern. Justice Tremblay’s conduct is below acceptable standards, and improvement is needed.

[221] As explained in the analysis above, the review panel is concerned that Justice Tremblay appears insensitive to the impact that his behaviour may have on others, particularly those who occupy a position far below his own in the judicial hierarchy—and this, despite the conclusions of the review panel in CJC File 23-0860, which issued a “warning”. Justice Tremblay’s difficulty in recognizing the impact of his conduct on others increases the possibility that similar behaviour may recur.

[222] The review panel deplores the lack of caution shown by Justice Tremblay in failing to take mitigating measures, such as notifying SACJ La Rosa of the investigation he, or his counsel, intended to conduct with courthouse staff and Justice Tremblay’s initial insensitivity as to the impact that the investigation may have had on the persons targeted, even if the investigation was for a legitimate purpose.

[223] Finally, the review panel is also concerned about the lack of caution shown by Justice Tremblay in sending a friendship request on social media to one of the third parties in CJC File 23-0860, following the decision rendered in that case.

[224] The various actions that the review panel may take are set out in section 102 of the *Act*. In determining the appropriate action, the review panel considered, among other things, the remedial purpose of the judicial conduct regime, proportionality and the principle of consistency.

[225] The review panel also considered the following factors, including:

- the significance of the conduct;
- the need for deterrence; and
- the amelioration of any harm to the administration of justice or the reputation of the judiciary.

[226] In particular, the review panel considered the following circumstances as mitigating factors:

- the fact that the purpose of the investigation was to verify the accuracy of certain information in order to better assess Justice Tremblay's recourse with respect to the complaint in CJC File 23-0860;
- the fact that Justice Tremblay decided that his lawyer should terminate the investigator's mandate after SACJ La Rosa asked him to do so;
- the fact that Justice Tremblay himself did not communicate or attempt to communicate directly with any member of the judicial staff following the decision of the review panel in CJC File 23-0860; and
- the fact that Justice Tremblay completed the mentoring, which he saw as [TRANSLATION] "a useful exercise in becoming a better judge", even though he stated that he had done nothing wrong.

[227] The review panel also considered the following circumstances as aggravating factors:

- the fact that previous actions were taken under section 102 of the *Act* regarding Justice Tremblay in CJC File 23-0860;
- the fact that Justice Tremblay stated that he had done nothing wrong, despite the conclusions of the review panel in CJC File 23-0860, which issued a "warning";
- the impact of Justice Tremblay's conduct on Court staff;
- the fact that Justice Tremblay does not appear to be aware of the effect of his conduct on others and does not recognize that his conduct may have bothered Court staff, over whom he exercises a position of authority;
- the fact that Justice Tremblay launched the private investigation of courthouse staff members in an imprudent manner, by not informing SACJ La Rosa beforehand of this investigation; and
- the fact that Justice Tremblay continues to show a lack of caution in his behaviour towards others.

[228] The review panel has therefore decided to take action under section 102 of the *Act* and to issue a warning to Justice Tremblay. A warning is intended to prevent future conduct that could bring the administration of justice into disrepute. A warning indicates that the judge's conduct is below acceptable standards and that improvement is needed. The review panel considers that the

imposition of this action adequately reflects the nature of the misconduct and the role of the Council in maintaining public confidence in the administration of justice.

9. Confidentiality

a. Submissions of Justice Tremblay and his counsel

[229] Counsel for Justice Tremblay argued that the Council should treat complaint files confidentially, [TRANSLATION] “in all respects”. According to them, the experience described in CJC File 23-0860 justifies such treatment. In particular, they highlight the risk of inaccurate media coverage that could mislead the public about the Council’s findings and undermine public confidence in the judiciary.

[230] Among other things, regarding CJC File 25-0426 specifically, they submitted that the situation highlights criticisms of the internal management of the Court, as well as of a decision rendered by the Council. In their view, if made public, these criticisms are likely to wrongly undermine the credibility of these institutions.

[231] Moreover, regarding CJC File 25-0227 specifically, they pointed out that the situation in question is a matter of the privacy of the persons concerned. According to them, given the nature of the legal community and certain contextual elements to which the decision will necessarily refer, only the total confidentiality of the file, including Justice Tremblay’s identity, will protect the complainant’s confidentiality.

b. Applicable legal framework

[232] The review panel first refers to the relevant provisions of the *Act* and the *Review Procedures* (2025).

[233] The *Act* states the following regarding confidentiality:

103 (1) the review panel shall give notice of its decision and the reasons for it to

- (a) the judge who is subject of the complaint;
- (b) the chief justice of the court of which that judge is a member; and
- (c) the Council.

(2) If the review panel dismisses the complaint, it shall inform the complainant in writing of its decision and the reasons for it.

(3) The reasons shall not include information that is confidential or personal, or that is not in the public interest to disclose.

[234] That provision is reproduced, essentially in the same terms, in section 8.11 of the *Review Procedures* (2025).

[235] The review panel notes that the *Act* is silent on the publication of a review panel’s decisions, while it expressly provides, for decisions made at subsequent stages of the complaint review process, that the Council must make decisions and reasons for them public (see, for example, section 122 of the *Act* with respect to decisions of full hearing panels).

[236] However, in the wake of the amendments to the *Act* in 2023, the Council adopted a policy entitled *Council’s Policy on the Publication of Judicial Conduct Decisions* (the Policy), which expressly provides that “the Council publishes decisions [of a review panel] on its website”. This policy also includes an exception:

In exceptional circumstances, at the stages mentioned above [specifically at the review panel level], the Chairperson of the Council’s Judicial Conduct Committee may determine that less—or more—information should be disclosed regarding a particular matter. Any such determination will be based on the relevant jurisprudence and, notably, in consideration of the following principles: transparency, the public interest, and judicial independence. Such decisions of the Chairperson, if any, will be referred to in the [Council’s] annual report.

[237] The review panel is aware that these reasons will be made public, unless otherwise determined by the Chairperson of the Council’s Judicial Conduct Committee, in exceptional circumstances.

[238] Furthermore, and in accordance with these provisions, the review panel must ensure that the reasons for the decision do not contain any confidential or personal information, or information the disclosure of which is not in the public interest.

[239] The review panel is guided by the open court principle, which promotes public access to decisions and the reasons they contain, in order to maintain public confidence in the administration of justice. This principle has a strong presumption in favour of openness, although exceptions are recognised in legislation and the case law. The framework applicable to the exercise of a decision-maker’s discretion over open court proceedings was set out by the Supreme Court of Canada in *Sherman Estate v. Donovan*, [2021] 2 SCR 75. The person seeking to limit the openness of the proceedings must demonstrate that:

- (1) court openness poses a serious risk to an important public interest;
- (2) the order sought is necessary to prevent this serious risk to the identified interest because reasonably alternative measures will not prevent this risk; and
- (3) as a matter of proportionality, the benefits of the order outweigh its negative effects.

[240] It is well established that this test must be applied in a contextual and flexible manner (see *Société Radio-Canada c. Association des Réalistes*, 2026 QCCA 1184, paragraph 38). In this context, the review panel must take into account both the objective of protecting confidential or personal information set out in the *Act*, and the principle of transparency underlying the *Council’s Policy on the Publication of Judicial Conduct Decisions*.

c. Analysis

[241] In this case, Justice Tremblay invokes the protection of his privacy and that of the other persons concerned, specifically the complainant's. Privacy can be an important public interest where disclosure of information about an individual "would occasion an affront to their dignity that society as a whole has a stake in protecting" (*Sherman*, paragraph 33). This may be the case when the information at issue relates to intimate and personal aspects of an individual's life or when it links the individual to allegations of harassment, for example. However, a mere general interest in privacy is not in itself an important public interest.

[242] Justice Tremblay also argued that publishing the reasons could result in inaccurate or incomplete media coverage that could mislead the public about the Council's findings and thus compromise public confidence in the judiciary. The review panel recognizes that maintaining public confidence in the judiciary is an important public interest in a democratic society.

i. Complainant and the staff involved

[243] The review panel is of the opinion that the disclosure of information identifying the complainant in CJC File 25-0227 and the staff members involved in CJC File 25-0426 would create a serious risk to the privacy interests at stake. These reasons necessarily refer to personal circumstances and the context giving rise to the complaints, including the previous complaint in CJC File 23-0860 (in which the identity of the persons involved was protected). Disclosing the identities of the individuals concerned could reveal intimate and personal information and violate their dignity.

[244] The review panel finds that complete confidentiality of the reasons is not necessary to protect the identified interests. Less restrictive measures, including anonymization of the complainant in CJC File 25-0227 and of the staff members involved in CJC File 25-0426, as well as redactions of information likely to allow their identification, are, in the review panel's view, reasonable alternatives.

[245] Finally, the review panel believes that the benefits of these measures outweigh their negative effects. The anonymization of the complainant in CJC File 25-0227 and that of the staff members involved in CJC File 25-0426 protects the privacy interests at issue without compromising the understanding of the reasons or public access to the substance of the decision. Complete confidentiality would significantly reduce the transparency of the process.

ii. Justice Tremblay

[246] With respect to Justice Tremblay, the review panel acknowledges that he too has a legitimate privacy interest and that some of the information discussed in these reasons relates to the private sphere. The disclosure of this information is likely to violate his dignity.

[247] However, the review panel is not persuaded that anonymization of the judge is necessary to protect the privacy interests claimed. The measures taken with respect to the complainant and other persons concerned already mitigate to some extent the alleged breaches of privacy likely to result from publishing the reasons.

[248] Regarding CJC File 25-0426, the review panel notes that this complaint is closely related to the previous complaint in CJC File 23-0860, in which no action was taken to protect the identity of the judge. His identity is therefore already known in relation to the underlying circumstances that are at the heart of this case. In these circumstances, anonymization of the judge in these reasons would have only a limited impact and would not effectively achieve the objective sought, namely, the protection of his identity in relation to the facts at issue. The review panel therefore finds that this is not a necessary measure within the meaning of the second part of the applicable test.

[249] The review panel also finds that the benefits of anonymizing the judge, or keeping the reasons confidential, would not outweigh the negative effects. In this case, in CJC File 25-0227, the review panel has decided to refer the complaint to the Council for the establishment of a full hearing panel whose hearings are, subject to the exceptions provided for in the *Act*, public. In this context, anonymization of the judge would significantly reduce the transparency of the process without providing a significant benefit for the protection of the privacy interests invoked.

iii. Public confidence in the judiciary

[250] With respect to the alleged risk to public confidence in the judiciary, the review panel finds that the possibility of inaccurate, incomplete or misinterpreted media coverage of the reasons remains hypothetical. This possibility alone does not establish a serious risk justifying a restriction on publishing. The publication of reasons itself contributes to the transparency of decision-making and the maintenance of public confidence in the administration of justice.

[251] Similarly, the review panel finds that the fact that the reasons address criticisms raised in relation to the management of the court or a previous decision of the Council is not, in and of itself, sufficient to justify a restriction on publication. On the contrary, the publication of reasons promotes transparency in the decision-making process and a better understanding of the issues under consideration.

d. Conclusion regarding confidentiality

[252] The review panel rejects Justice Tremblay's request to keep the process and the review panel's decision completely confidential.

[253] The review panel also concludes that the identity of the complainant in CJC File 25-0227, as well as those of the staff members concerned in CJC File 25-0426, as well as any identifying information, must be protected by anonymization and redaction.

[254] Finally, the review panel concludes that the circumstances of this case do not warrant that Justice Tremblay's identity be subject to a similar protection measure.

[255] Having regard to the *Council's Policy on the Publication of Judicial Conduct Decisions*, the request from Justice Tremblay's counsel to treat the matter in a completely confidential manner was submitted to the Chairperson of the Judicial Conduct Committee. The Chairperson agreed with the review panel's conclusion and confirmed to the review panel that no exceptions to the Policy apply in this case. This decision will therefore be published, subject to the anonymization and redactions ordered by the review panel in accordance with this decision.

DATED this 14th day of September, 2026.

Original signed

The Honourable Martine St-Louis

Original signed

The Honourable Julie Thorburn

Original signed

Mr. André Dulude