

**IN THE SUPREME COURT OF CANADA  
(On Appeal from the Ontario Superior Court of Justice)**

BETWEEN:

**DENIS RANCOURT**

**APPLICANT**  
(Appellant)

-and-

**JOANNE ST. LEWIS**

**RESPONDENT**  
(Respondent)

-and-

**THE UNIVERSITY OF OTTAWA**

**RESPONDENT**  
(Respondent)

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**RESPONSE OF THE RESPONDENT JOANNE ST. LEWIS  
(On an Application for Leave to Appeal)**

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BETWEEN:

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**APPLICANT**  
(Appellant)

-and-

**JOANNE ST. LEWIS**

**RESPONDENT**  
(Respondent)

-and-

**THE UNIVERSITY OF OTTAWA**

**RESPONDENT**  
(Respondent)

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**MEMORANDUM OF ARGUMENT OF THE RESPONDENT JOANNE ST. LEWIS  
(On an Application for Leave to Appeal)**

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## **PART I      OVERVIEW AND STATEMENT OF FACTS**

### **A. OVERVIEW**

1. The Applicant, who describes himself as an anarchist, published blogs referring to Professor Joanne St. Lewis as the House Negro of the President of the University of Ottawa (Allan Rock). Professor St. Lewis' life has been devoted to combating racism and she is the first and only Black woman to be elected as a Bencher of the Law Society of Upper Canada.
2. The Applicant seeks leave to appeal a decision of the Court of Appeal for Ontario that dismissed his appeal of a decision that dismissed his abuse of process/champerty motion. The Applicant's Notice of Application alleges that the judgment of the Court of Appeal raises the following questions of national importance:

- (i) do ss. 7, 11(d) and 15(1) of the *Charter* encompass a right for every individual civil litigant to an impartial process, both real and apparent?
- (ii) if there is such a right, what form does it take in judicial practice?

It is noteworthy that the Applicant takes no issue with the law of champerty and maintenance applied by the Court of Appeal and Ontario Superior Court of Justice Robert Smith to dismiss his abuse of process/champerty motion. This Leave Application deals only with the application of settled law to the facts of this case.

3. The issues raised by the current Leave Application are fact driven and specific to the parties in this libel action. Sections 7, 11(d) and 15 of the *Charter* are not engaged in this case. Further, sections 7, 11(d), and 15 of the *Charter* were not considered by the Courts below and the alleged *Charter* issues are before this Court without a proper evidentiary record. In addition this Court gave thorough consideration to the issue of the British "automatic disqualification" doctrine in *Wewaykum Indian Band v Canada* and rejected the doctrine.
4. This is the second Leave Application the Applicant has filed with this Court alleging bias of Ontario Superior Court of Justice Robert Beaudoin. This Court dismissed the

Applicant's first Leave Application on July 4, 2013 (Docket 35305). The current Leave Application repeats the bias allegations the Applicant brought before this Court in his 2013 Leave Application and is based upon the same evidence he relied upon in his 2013 Leave Application. It is submitted that this Leave Application engages no issues of national importance and it should be dismissed as was the Applicant's first Leave Application.

5. Moreover, this Leave Application is part of a blizzard of appeals and motions launched by the Applicant against the Respondent Professor St. Lewis which have all been dismissed. As a result, the Applicant has been ordered to pay \$247,000 in costs awards in this libel action which he refuses to pay, including the costs awarded by this Court in the first Leave Application. No litigant should be subject to such spurious and ill-conceived litigation tactics. If this second Leave application is dismissed, Professor Joanne St. Lewis requests costs on a substantial indemnity basis.

## **B. FACTS**

6. The Respondent Joanne St. Lewis is a Professor of Law at the University of Ottawa's Faculty of Law, Common Law Section. Professor St. Lewis has commenced a libel action against the Applicant, Dr. Denis Rancourt, a former Physics Professor at the University of Ottawa. The Applicant published two articles on his website ("U of O Watch") that *inter alia* referred to Professor St. Lewis as the "House Negro" of University of Ottawa President Allan Rock.<sup>1</sup> The Applicant is self-represented and describes himself on his Facebook Page as an "anarchist" and his activities as "anarchy".<sup>2</sup>
7. The University of Ottawa is paying for Professor St. Lewis' legal fees in this libel action. The reasons are explained in a letter to the Applicant from David Scott, Q.C., counsel for the University of Ottawa:

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<sup>1</sup> Denis Rancourt's blog post "Did Professor Joanne St. Lewis Act As Allan Rock's House Negro?" (February 11, 2011), **Exhibit A to the Affidavit of Kaitlin Short sworn January 21, 2014 [Short Affidavit], Response of the Respondent Joanne St. Lewis [Response], Tab 8A, pp. 59-70;**

Denis Rancourt's blog post "Top Dog Canadian Freedom of the Press Lawyer Targets UofOWatch Blog" (May 18, 2011), **Exhibit B to the Short Affidavit, Response, Tab 8B, pp. 71-76;**

<sup>2</sup> Denis Rancourt's Facebook page, **Exhibit C to the Short Affidavit, Response, Tab 8C, pp. 77-78.**

Indeed, the University of Ottawa is reimbursing Professor St. Lewis for her legal fees incurred in her defamation proceeding in the Courts against you. Your defamatory remarks about Professor St. Lewis were occasioned by work which she undertook at the request of the University and in the course of her duties and responsibilities as an employee. Her efforts were not personal, but in the interests of the University. Furthermore, your outrageously racist attack upon her takes this case out of the ordinary and, in the view of the University, alone creates a moral obligation to provide support for her in defence of her reputation.<sup>3</sup>

8. The Applicant filed a champerty motion seeking to have the libel action stayed or dismissed as an abuse of process. Ontario Superior Court Justice Robert Beaudoin was assigned as the Case Management Judge to hear all motions in the libel action, including the champerty motion.
9. At the commencement of proceedings held before Case Management Judge Beaudoin on July 24, 2012, the Applicant, without notice, made allegations of reasonable apprehension of bias against Justice Beaudoin. The Applicant alleged that Justice Beaudoin failed to disclose that his son, who passed away in 2008 at the age of 28, had worked with the law firm of Borden Ladner Gervais (counsel for the University of Ottawa) and the law firm named a meeting room in memory of his son. The Applicant also alleged that Justice Beaudoin failed to disclose that he created a scholarship at the University of Ottawa's Faculty of Law in memory of his son. According to the Applicant, Justice Beaudoin was guilty of a reasonable apprehension of bias and had to recuse himself.
10. Justice Beaudoin ruled that there was no conflict and refused to provide the Applicant an adjournment of the motions that were scheduled to be heard on July 24<sup>th</sup>. However, upon return from a 15 minute break, Justice Beaudoin recused himself in that he could no longer act impartially towards the Applicant because the Applicant invoked the grief Justice Beaudoin was suffering from the loss of his son.
11. As a result of Justice Beaudoin's recusal, Ontario Superior Court Justice Robert Smith was assigned as the Case Management Judge in this libel action.

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<sup>3</sup> Letter from David Scott to Denis Rancourt dated October 25, 2011, **Exhibit D to the Short Affidavit, Response, Tab 8D, p. 80.**

12. Amongst the plethora of motions and appeals the Applicant has filed in this libel action is a “Notice of Motion For Leave to Appeal (Reasonable Apprehension of Bias)” that sought leave to appeal interlocutory decisions within the his abuse of process/champerty motion (of Justice Beaudoin and Justice Smith) to the Divisional Court. This reasonable apprehension of bias motion was dismissed by Ontario Superior Court Justice Annis. The Applicant then sought leave to appeal Justice Annis’ decision to this Court which was dismissed by this Court on July 4, 2013.
13. On March 13, 2013, Ontario Superior Court Justice Robert Smith dismissed the Applicant’s abuse of process/champerty motion. Justice Smith held that the University of Ottawa had a legitimate reason for assisting Professor St. Lewis:

[87] Rancourt speculates and alleges that Allan Rock as President of the University had an improper motive for funding St. Lewis’ libel action against him. He alleges that the University agreed to fund her defamation action in order to stigmatize and silence him after the University dismissed him from his full tenured professorship on April 1, 2009.

[88] There can be no maintenance if the University had a legitimate reason or justification for assisting the litigant. The evidence is uncontradicted from President Rock, Mr. Giroux, Dean Feldthusen and St. Lewis that, the University’s reasons for assisting St. Lewis by paying her legal fees, was to defend her reputation. The reasons were set out in the letter from its counsel, David Scott, namely, because her reputation was attacked during the course of her employment by the University and also because the University felt that it had a moral obligation to assist her to defend her reputation in these special circumstances from a racist attack.

[89] In *Hill v. Church of Scientology of Toronto*, 1995 CanLII 59 (SCC), [1995] 2 S.C.R. 1130, the Supreme Court of Canada made several comments about the fact that the Ontario Government paid for the legal fees for the Crown Attorney, S. Casey Hill, to sue the Church of Scientology for libel. Similar allegations to those made by Rancourt were levelled at the Ontario Government. Paragraph 70 of the *Hill* decision reads as follows:

They further submit that Casey Hill commenced these legal proceedings at the direction and with the financial support of the Attorney General in order to vindicate the damage to the reputation of the Ministry resulting from criticism levelled at the conduct of one of its officials. It is, therefore, contended that this action represents an effort by a government department to use the action of defamation to restrict and infringe the freedom of expression of the appellants in a manner that is contrary to the Charter.

[90] At para. 71, the Supreme Court states that “These submissions cannot be accepted. They have no legal, evidentiary or logical basis of support.” At para. 75, the Court continued by stating that “The appellants impugned the character, competence and integrity of Casey Hill, himself, and not that of the government. He, in turn, responded by instituting legal proceedings in his own capacity.”

[91] In *Hill v. Church of Scientology of Toronto*, *ibid*, the Government of Ontario paid for the legal costs for one of its Crown Attorney, S. Casey Hill, to fund a libel action against the Church of Scientology. Rancourt is speculating that the University had other improper motives, namely to silence him. However, they are not supported by any evidence as his allegation was denied by President Rock, by St. Lewis, by Dean Feldthusen and by Mr. Giroux. The University does not deny that it terminated Rancourt and he is involved in a labour arbitration with his union to determine whether his dismissal was justified. This is a separate issue and does not constitute evidence of an improper motive on the part of the University.

[92] Rancourt’s speculation that the University agreed to pay St. Lewis’ legal costs of her defamation action in order to silence and stigmatize him is unsupported by any evidence. Even if the April 23<sup>rd</sup> and May 23<sup>rd</sup> affidavits were considered, I find that the evidence introduced by Rancourt does not contradict the evidence of Mr. Rock, Ms. St. Lewis, Dean Feldthusen or Mr. Giroux, with regards with the reasons that the University agreed to fund St. Lewis’ defamation action against the defendant. As a result, there is no issue of credibility on these matters that require a trial of an issue.

[93] The situation for St. Lewis is very similar to those in the case of *Hill v. Church of Scientology* as St. Lewis was an employee and made her own decision to commence a libel action to defend her reputation and the University, as her employer, agreed to pay for her legal costs because her reputation was damaged in the course of her employment. I find that the University had a legitimate reason for assisting St. Lewis and there is no evidence that the University agreed to fund St. Lewis’ libel action for an improper purpose or based on an improper motive.<sup>4</sup> [emphasis added]

14. Justice Smith also held that there was never an agreement between Professor St. Lewis and the University of Ottawa to share in the proceeds of the libel action:

[95] The uncontradicted evidence before me is that there was never any agreement between St. Lewis and the University to share in the proceeds of the libel action. The University agreed to fund St. Lewis’ costs to pursue a defamation action against Rancourt to defend her reputation at the meeting of April 15, 2011 without any agreement that the University would share in the proceeds of the litigation.

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<sup>4</sup> *St. Lewis v Rancourt*, 2013 ONSC 1564 at paras 87-93 [Reasons for Decision On The Champerty Motion], Application for Leave to Appeal of Denis Rancourt dated January 6, 2014, Tab C-1, pp. 20-21

[96] Professor St. Lewis decided, when issuing her statement of claim, that half of any punitive damages awarded would be paid to a scholarship fund. Her statement of claim was issued after the University agreed to pay for her legal costs, St. Lewis' unilateral decision to donate a share of the punitive damages awarded to a scholarship fund administered through the University does not constitute a contractual agreement to share in the proceeds. This proposal could be unilaterally revoked by St. Lewis at any time.

[97] I therefore find that the University's agreement to fund St. Lewis' defamation action did not constitute champerty because there was no agreement that the University would share in the proceeds of the action.<sup>5</sup> [emphasis added]

15. The Court of Appeal for Ontario dismissed the Applicant's appeal of Justice Smith's decision:

[1] The appellant appeals the March 13, 2013 order of Smith J., dismissing the appellant's motion to stay or dismiss the respondent, Joanne St. Lewis' defamation order against him on the basis that it was the product of maintenance and champerty. We are not persuaded that any of the several grounds he advances has merit. We see no error of law on the part of the motion judge in concluding on the ample evidence before him that the respondent's employer's decision to fund the litigation did not amount to maintenance or champerty. Nor did the respondent's unilateral decision to donate a portion of any punitive damages she might receive to a scholarship at the employer university make out maintenance or champerty. Moreover, the underlying findings of fact made by the motion judge were reasonably supported by the record.

[2] As to the appellant's bias or appearance of bias submission, it in our view has no merit. It was fully considered by Annis J. and rejected. We agree with that decision and, in any event, that decision is not open to challenge in this court.<sup>6</sup> [emphasis added]

16. The trial of this libel action before a jury is to commence on May 12, 2014 (for an estimated three weeks) pursuant to a Case Management Order dated July 31, 2013.<sup>7</sup>

<sup>5</sup> *Reasons for Decision On The Champerty Motion, supra*, at paras 95-97, **Application for Leave to Appeal of Denis Rancourt, Tab C-1, p. 21.**

<sup>6</sup> *St. Lewis v Rancourt*, 2013 ONCA 701, **Application for Leave to Appeal of Denis Rancourt dated January 6, 2014, Tab C-2, p. 29.**

<sup>7</sup> Case Conference Order dated July 31, 2013 (Justice R. Smith), **Response, Tab 2, p. 26.**

## **PART II QUESTIONS IN ISSUE**

17. The issues of alleged national importance set out in the Notice of Application are:

- (i) Do ss. 7, 11(d) and 15(1) of the *Charter* encompass a right for every individual civil litigant to an impartial process, both real and apparent?
- (ii) If there is such a right, what form does it take in judicial practice? And in particular, does the common law principle of automatic disqualification apply in Canada, and if so, what is the test?

## **PART III STATEMENT OF ARGUMENT**

### **A. NO ISSUES OF NATIONAL IMPORTANCE**

18. The Applicant's proposed issues are not of national importance and are fact driven and specific to the parties in this libel action. Sections 7, 11(d) and 15 of the *Charter* are not engaged in this case. Further, sections 7, 11(d), and 15 of the *Charter* were not considered by the Courts below and the alleged *Charter* issues are before this Court without a proper evidentiary record. In addition, this Court gave thorough consideration to the issue of the British "automatic disqualification" doctrine in *Wewaykum Indian Band v Canada* and rejected the doctrine.

#### **(a) Section 15 of the Charter Is Not Engaged**

19. Paragraph 27(i) of the Applicant's Memorandum of Law raises the issue of whether sections 7, 11(d) and/or 15(1) of the *Charter* encompass a right for every individual civil litigant to an impartial process, both real and apparent?
20. To make a claim under section 15 of the *Charter*, the Applicant must establish discrimination on an enumerated or analogous ground that creates or perpetuates disadvantage or stereotyping.<sup>8</sup> The Applicant's Leave Application does not establish discrimination on an enumerated or analogous ground and accordingly section 15 of the *Charter* is not engaged.

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<sup>8</sup> *R v Kapp*, [2008] 2 SCR 483 at paras. 14-25, **Respondent's Book of Authorities, Tab 1.**

21. There has been no infringement of section 15 of the *Charter* – the Applicant simply disagrees with and seeks to relitigate the decisions of Ontario Superior Court of Justice Smith and the Court of Appeal. The Applicant’s section 15 *Charter* ground of appeal trivializes this fundamental right and does not raise any issue of national importance.

(b) **Section 7 and 11(d) of the Charter Are Not Engaged**

22. Only paragraphs 32, 33 and 52 of the Applicant’s Memorandum of Argument address sections 7 and 11(d) of the *Charter*. Paragraph 32 sets out the wording of sections 7 and 11(d). Paragraph 52 makes the conclusory statement that “impartiality of the court is a fundamental *Charter* principle, exposed in ss. 7, 11(d) and 15(1), with which the common law of judicial practice must be made consistent.”
23. Paragraph 33 of the Applicant’s Memorandum of Argument argues that sections 7 and 11(d) of the *Charter* apply to civil cases and civil judgments:

The Court has determined, although in a criminal case, that ss. 7 and 11(d) enshrine the right to an impartial court as a *Charter* right (*R v. S (R.D.)*, [1997] 3 S.C.R. 484 at para. 93). Thus, the applicant submits that these sections enshrine the general *Charter* principle of an independent and impartial court, including in civil cases. Civil judgements can put an individual into bankruptcy and poverty, and can, by injunctions, prevent freedom of expression and freedom of association, thus affecting the right to life, liberty and security of the person.<sup>9</sup>

24. Section 11(d) of the *Charter* is expressly limited to the criminal context, as it confers a right to be presumed innocent until proven guilty on a person charged with an offence. Section 11(d) has no application to civil proceedings.<sup>10</sup>
25. The term “liberty” in section 7 does not include the right to freedom of expression or freedom of assembly. These rights are guaranteed elsewhere in the *Charter* and should be excluded from section 7. Chief Justice Lamer held in *B. (R.) v Children’s Aid Society*:

With great respect for the contrary opinion, I am unable to believe that the framers would have limited the types of fundamental freedoms to which they intended to extend constitutional protection in such explicit terms, in s. 2, and

<sup>9</sup> Application for Leave to Appeal of Denis Rancourt dated January 6, 2014, Tab D, p. 45.

<sup>10</sup> Peter Hogg, *Constitutional Law of Canada*, looseleaf, 5th ed, vol 2 (Scarborough, Ont: Thomson Carswell, 2007) [Hogg] at 51-16, Respondent’s Book of Authorities, Tab 2.

then, in s. 7, conferred "general" protection by using a generic expression which would, unless its meaning were limited, include the freedoms already protected by ss. 2 and 6, as well as all freedoms that were not listed. This approach is clearly contrary to the principles of legislative drafting that require that a general provision be placed before the provisions for its specific application. Moreover, if s. 7 were to include any type of freedom whatever, provided that it could be described as fundamental, we might seriously question the need for and purpose of s. 2. Either it is redundant, or s. 7 should then be considered to be a residual provision so that we can make up for anything that Parliament may have left out.<sup>11</sup>

26. In *Calgary (City) v Budge*, the issue was whether a right to bring an action for damages was protected by section 7 of the *Charter*.<sup>12</sup> The Alberta Court of Appeal held that a right to seek redress for civil liability did not trigger economic rights that are fundamental to human life or survival, and were thus not protected by section 7 of the *Charter*. The Court of Appeal relied upon this Court's decision in *Irwin Toy v Quebec (Attorney General)*, where Chief Justice Dickson held:

This is not to declare, however, that no right with an economic component can fall within 'security of the person'. ....We do not, at this moment, choose to pronounce upon whether those economic rights fundamental to human life or survival are to be treated as though they are of the same ilk as corporate commercial economic rights.<sup>13</sup> [emphasis added]

27. Contrary to paragraph 33 of the Applicant's Memorandum of Argument, sections 7 and 11(d) of the *Charter* do not apply to civil cases and civil judgments. Sections 7 and 11(d) of the *Charter* are not engaged in this case and there is no issue of national importance to consider.

(c) **The Common Law Principle of Automatic Disqualification Does Not Apply in Canada**

28. Paragraphs 27(ii), 42-45 and 53 of the Applicant's Memorandum of Argument raise the issue of whether the common law principle of "automatic disqualification" applies in Canada, and, if so, what form does it take?

<sup>11</sup> *B. (R.) v Children's Aid Society*, [1985] SCR 315 at para 27, per Lamer CJ, **Respondent's Book of Authorities, Tab 3**; *Hogg, supra*, at 47-11, **Respondent's Book of Authorities, Tab 2**.

<sup>12</sup> *Calgary (City) v Budge*, 1991 ABCA 3 (CanLII) [*Budge*], **Respondent's Book of Authorities, Tab 4**

<sup>13</sup> *Irwin Toy v Quebec (Attorney General)*, [1989] 1 SCR 927 at 1003, **Respondent's Book of Authorities, Tab 5**.

29. This Court gave thorough consideration to the issue of the application of the British “automatic disqualification” doctrine in Canada in *Wewaykum Indian Band v Canada* and rejected the doctrine. It is also noted that *Wewaykum* was decided after the Court of Appeal decision in *Benedict v The Queen* relied on by the Applicant at paragraphs 44 and 46 of his Memorandum of Argument.<sup>14</sup>
30. In *Wewaykum*, the Crown and two competing Indian bands challenged Justice Binnie’s participation in the appeal because 15 years earlier he had some contact with the litigation in his position as Deputy Minister of Justice. It was argued that the revelation of Justice Binnie’s prior involvement on behalf of the one of the parties inevitably leads to his automatic disqualification. The Supreme Court held that reasonable apprehension of bias was the only criterion for disqualification in Canada:

[60] In Canadian law, one standard has now emerged as the criterion for disqualification. The criterion, as expressed by de Grandpré J. in *Committee for Justice and Liberty v. National Energy Board*, *supra*, at p. 394, is the reasonable apprehension of bias:

... the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is “what would an informed person, viewing the matter realistically and practically -- and having thought the matter through -- conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly.”

[61] We will return shortly to this standard, as it applies to the circumstances outlined in the factual background. Before doing that, it is necessary to clarify the relationship of this objective standard to two other factors: the subjective consideration of actual bias; and the notion of automatic disqualification re-emerging in recent English decisions.<sup>15</sup> [emphasis added]

31. Having thoroughly reviewed the British jurisprudence relating to the issue of “automatic disqualification”, this Court held in *Wewaykum* that in Canada a finding of disqualification must rest on either the finding of actual bias or of the reasonable

<sup>14</sup> *Wewaykum Indian Band v Canada*, [2003] SCJ No 50, [2003] 2 SCR 259, **Respondent’s Book of Authorities, Tab 6.**

<sup>15</sup> *Wewaykum Indian Band v Canada*, *supra*, at paras 60-61, **Respondent’s Book of Authorities, Tab 6.**

apprehension of bias, both of which require a contextual and fact-specific inquiry into the judge's state of mind:

[72] Whatever the case in Britain, the idea of a rule of automatic disqualification takes a different shade in Canada, in light of our insistence that disqualification rest either on actual bias or on the reasonable apprehension of bias, both of which, as we have said, require a consideration of the judge's state of mind, either as a matter of fact or as imagined by the reasonable person. In any event, even on the assumption that the line of reasoning developed in *Pinochet, supra*, is authoritative in Canada, it is of no relevance in the present case. On the facts before us, there is no suggestion that Binnie J. had any financial interest in the appeals, or had such an interest in the subject matter of the case that he was effectively in the position of a party to the cause.

[73] To sum up, if disqualification is to be argued here, it can only be argued on the basis of a reasonable apprehension of bias. It can only succeed if it is established that reasonable, right-minded and properly informed persons would think that Binnie J. was consciously or unconsciously influenced in an inappropriate manner by his participation in this case over 15 years before he heard it here in the Supreme Court of Canada. We now move to this aspect of the matter.

*D. Reasonable Apprehension of Bias and Its Application in This Case*

[74] The question, once more, is as follows: What would an informed person, viewing the matter realistically and practically -- and having thought the matter through -- conclude? Would this person think that it is more likely than not that Binnie J., whether consciously or unconsciously, did not decide fairly?<sup>16</sup>

32. Due to a strong presumption of judicial impartiality, the evidentiary standard for establishing a reasonable apprehension of bias is a high one and there are no "textbook instances" or shortcuts:

[76] First, it is worth repeating that the standard refers to an apprehension of bias that rests on serious grounds, in light of the strong presumption of judicial impartiality. In this respect, de Grandpré J. added these words to the now classical expression of the reasonable apprehension standard:

The grounds for this apprehension must, however, be substantial, and I ... refus[e] to accept the suggestion that the test be related to the "very sensitive or scrupulous conscience".

(Committee for Justice and Liberty v. National Energy Board, *supra*, at p. 395)

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<sup>16</sup> *Wewaykum, supra*, at paras 72-74, **Respondent's Book of Authorities, Tab 6.**

[77] Second, this is an inquiry that remains highly fact-specific. In *Man O'War Station Ltd. v. Auckland City Council* (Judgment No. 1), [2002] 3 N.Z.L.R. 577, [2002] UKPC 28, at par. 11, Lord Steyn stated that "This is a corner of the law in which the context, and the particular circumstances, are of supreme importance." As a result, it cannot be addressed through peremptory rules, and contrary to what was submitted during oral argument, there are no "textbook" instances. Whether the facts, as established, point to financial or personal interest of the decision-maker; present or past link with a party, counsel or judge; earlier participation or knowledge of the litigation; or expression of views and activities, they must be addressed carefully in light of the entire context. There are no shortcuts.<sup>17</sup>

33. The Court further specified that factors such as earlier involvement in the litigation by the judge are not cause for automatic disqualification, but rather are to be taken into account in applying the "reasonable apprehension of bias" test:

[81] This dictum must be understood in the context of the principle of which it is but an illustration. It does not suggest that any degree of earlier participation in a case is cause for automatic disqualification. This statement provides sensible guidance for individuals to consider *ex ante*. It suggests that a reasonable and right-minded person would likely view unfavourably the fact that the judge acted as counsel in a case over which he or she is presiding, and could take this fact as the foundation of a reasonable apprehension of bias.<sup>18</sup>

34. There is no issue of national importance - this Court gave through consideration to the issue of the British "automatic disqualification" doctrine in *Wewaykum Indian Band* and rejected the doctrine.

**(d) Justice Annis and the Court of Appeal Rejected the Applicant's Allegations of Bias**

35. Paragraph 35 of the Applicant's Memorandum of Argument incorrectly states that the reasonable apprehension of bias issue was not determined by Justice Annis. It is noted that the Applicant's Notice of Motion that was dismissed by Justice Annis was entitled "Notice of Motion For Leave to Appeal (Reasonable Apprehension of Bias)".
36. Furthermore, paragraphs 40-45 of Justice Annis' decision fully considered and categorically rejected the Applicant's reasonable apprehension of bias allegations:

<sup>17</sup> *Wewaykum, supra*, at paras 76-77, **Respondent's Book of Authorities, Tab 6.**

<sup>18</sup> *Wewaykum, supra*, at para 81, **Respondent's Book of Authorities, Tab 6.**

[40] This is not a case that could possibly give rise to a reasonable apprehension of bias on the part of Beaudoin J. There are no interventions or declarations by him that could lend themselves to a concern of partiality. He is not personally involved in any of the circumstances of the case. There is nothing the defendant could point to in Beaudoin J.'s conduct which could begin to suggest that he somehow favoured the University.

[41] Moreover, the University is a large quasi-governmental institution in our community. Being multifaceted, ubiquitous and amorphous, it is anonymous and thus does not permit a suggestion that a judge by setting up a memorial scholarship in the name of his departed son could give rise to an apprehension that the judge might be favourably disposed to the University in litigation brought before him or her.

[42] The University was merely the means whereby Beaudoin J. could obtain some solemnity from the untimely death of his son in establishing a scholarship for others who wished to study at the University. Actions of this nature intended to benefit society, even if taken to memorialize a close relation, are not the type of conduct that consciously or unconsciously could suggest a judge cannot act fairly.

[43] Similarly, no reasonable apprehension of a favourable consideration by Beaudoin J. towards the University could possibly arise by the University being represented by a law firm that had named one of its meeting rooms in memory of his son where he was working at the time of his premature demise.

[44] It is unreasonable to suggest that the mere act of respect by a law firm towards one of its associates who was the son of a judge and whose untimely death touched the firm could indirectly cause the judge to be biased in favour of the law firm's clients. Were this to be the case, Beaudoin J. could not hear any case pleaded by Borden Ladner Gervais LLP. This is an untenable proposition that fails to recognize that lawyers are officers of the court who are required to advance their clients' interests without adopting them as their own.

[45] The defendant's motion for leave to appeal the decision of Beaudoin J.'s decision of June 20, 2012 is dismissed with costs to the University.<sup>19</sup> [emphasis added]

37. The Applicant's assertion that his bias motion was not determined by Justice Annis is also directly contradicted by the Court of Appeal's finding that Justice Annis fully considered the Applicant's bias or appearance of bias submissions:

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<sup>19</sup> *St. Lewis v Rancourt*, 2012 ONSC 6768 (CanLII), per Annis J, at paras 40-45, **Response, Tab 5**, pp. 37-38.

[2] As to the appellant's bias or appearance of bias submission, it in our view has no merit. It was fully considered by Annis J. and rejected. We agree with that decision and, in any event, that decision is not open to challenge in this court.<sup>20</sup> [emphasis added]

38. Paragraph 9 of the Applicant's Memorandum of Argument states that Justice Annis' decision "was followed by the Court of Appeal refusing to consider bias as a ground of appeal". To the contrary, the Court of Appeal considered the bias ground and held at paragraph 2 of its Endorsement that the Applicant's "bias or appearance of bias submission has no merit" and the Court of Appeal agreed with Justice Annis' decision. Both Justice Annis and the Court of Appeal considered and rejected the Applicant's bias claims against Justice Beaudoin. The Applicant's disagreement with the findings of the Courts below does not create an issue of national importance.
39. In addition, the Court of Appeal held that Justice Annis' decision "is not open to challenge in this Court." The Applicant was notified through a letter dated December 11, 2012 to Justice Smith from Counsel for Professor St. Lewis<sup>21</sup> that Justice Annis' decision was interlocutory and that the proper forum to seek leave to appeal Justice Annis' refusal to grant leave was the Ontario Divisional Court:

The Defendant Rancourt's Confirmation Of Motion served yesterday states that he is going to seek leave to appeal Justice Annis' decision of November 29<sup>th</sup> to the Supreme Court of Canada. It is our position that the Supreme Court of Canada has no jurisdiction. The Ontario Court of Appeal has decided that the proper forum to seek leave to appeal a refusal to grant leave is to the Divisional Court pursuant to section 19 (1)(b) of the *Courts of Justice Act*. Accordingly, the Defendant Rancourt must seek leave from a Justice of the Ontario Superior Court of Justice to appeal to the Divisional Court (*Mignacca v Merck Frost*, 2009 ONCA 393; *Hillmond Investments Ltd. v Canadian Imperial Bank of Commerce*, 1996 CanLII 413 ONCA).

40. The Applicant ignored the December 11<sup>th</sup> letter to Justice Smith and filed his first Leave Application to this Court seeking leave to appeal Justice Annis' decision which this Court dismissed on July 4, 2013. The Court of Appeal held that Justice Annis' decision regarding the bias allegations was not open to challenge in the Court of Appeal and it is

<sup>20</sup> *St. Lewis v Rancourt*, 2013 ONCA 701, **Application for Leave to Appeal of Denis Rancourt dated January 6, 2014, Tab C-2, p. 30.**

<sup>21</sup> Letter dated December 11, 2012 to Ontario Superior Court of Justice Smith (cc. Denis Rancourt), **Exhibit "N" to the Short Affidavit, Response, Tab 8N, pp. 137-138**

also not open to challenge in this Court. Professor St. Lewis adopts and relies upon the *res judicata* submissions of the University of Ottawa.

**B. THE APPLICANT RAISED IDENTICAL BIAS ALLEGATIONS IN A PREVIOUS LEAVE APPLICATION THAT WAS DISMISSED**

41. This is the second Leave Application the Applicant has filed with this Court alleging bias against Ontario Superior Court of Justice Robert Beaudoin. This Court dismissed the Applicant's first Leave Application on July 4, 2013 (Docket 35305).
42. The current Leave Application repeats the bias allegations the Applicant made in his 2013 Leave Application and is based upon the same evidence he relied upon in his previous Leave Application (with one exception – an affidavit sworn by Joseph Hickey, a partisan supporter of the Applicant which is dealt with *infra*).<sup>22</sup>
43. The Applicant's first Notice of Application For Leave To Appeal dated January 4, 2013 raised the following issues:
  1. The judgment of the Ontario Superior Court of Justice raises the following questions which are of national importance:
    - (i) Does s. 15(1) of the Charter encompass a right for every individual litigant to an impartial process, both real and apparent?
    - (ii) Does the common law principle of "automatic disqualification" apply in Canada, and, if so, what form does it take?
    - (iii) Is Rule 62.02 of the Ontario *Rules of Civil Procedure* unconstitutional, in that it permits a complaint of bias to be finally barred at the court of first instance without a hearing on merits, and, by extension:
      - (a) Does a court of first instance have an obligation to hear a complaint of bias on the merits; and
      - (b) What test should apply for granting leave to appeal at first instance, in circumstances involving a reasonable apprehension of bias?<sup>23</sup>
44. The Applicant's second Notice of Application For Leave To Appeal dated January 6, 2014 raises the following issues:

<sup>22</sup> Denis Rancourt's Notice of Application for Leave to Appeal dated January 4, 2013, **Response, Tab 3, pp. 28-29**; Judgment of the Supreme Court of Canada dated July 4, 2013, **Response, Tab 4, p. 30**.

<sup>23</sup> Denis Rancourt's Notice of Application for Leave to Appeal dated January 4, 2013, **Response, Tab 3, pp. 28-29**.

(i) Do ss. 7, 11(d) and/or 15(1) of the *Charter* encompass a right for every individual civil litigant to an impartial process, both real and apparent?

(ii) If there is such a right, consistent with *Charter* principles, what form does it take in judicial practice?<sup>24</sup>

45. The Applicant's legal arguments set out in his first Memorandum of Argument and Reply are repeated in his current Memorandum of Argument – he relies on sections 15, 7 and 11(d) of the *Charter* and requests that the doctrine of automatic disqualification be the law of Canada. The Applicant's second Leave Application should be dismissed as without merit as occurred with the first Leave Application.

### C. THE AFFIDAVIT OF JOSEPH HICKEY

46. The Applicant has filed an affidavit of Joseph Hickey.<sup>25</sup> In light of Mr. Hickey's partisan support of the Applicant outlined below, it is submitted that Mr. Hickey's affidavit should be given no weight.

47. The Ontario Civil Liberties Association ("OCLA") is an entity that was recently created by Mr. Joseph Hickey and several other individuals and held its launch event in January 2013. The OCLA's Founding Principles include support for hate speech and violent expression. The OCLA's Founding Principles state, *inter alia*, that it supports:

[...]

- all individual expression of emotions, including **hate** and love;
- all individual expression about **criminal behaviour, including expression about child pornography, genocide, war, slavery, and serial murder;**

[...] <sup>26</sup>

48. The executive membership of the OCLA, includes Joseph Hickey (Executive Director) and Caroline Wang (Treasurer). Both Mr. Hickey and Ms. Wang are partisan supporters of Mr. Rancourt.<sup>27</sup>

<sup>24</sup> Denis Rancourt's Notice of Application for Leave to Appeal dated January 6, 2014, **Application for Leave to Appeal of Denis Rancourt dated January 6, 2014, Tab A, p. 2.**

<sup>25</sup> **Application for Leave to Appeal of Denis Rancourt dated January 6, 2014, Tab E-9, p. 290.**

<sup>26</sup> OCLA's Founding Principles webpage dated September 18, 2012, **Exhibit E to the Short Affidavit, Response, Tab 8E, p. 82(emphasis added)**

<sup>27</sup> OCLA's Executive Members, **Exhibit F to the Short Affidavit, Response, Tab 8F, pp.84-85.**

49. The Applicant is highly involved in the OCLA's activities and is the coordinator of the OCLA's self-represented litigants working group. The Applicant is also a member of an OCLA Facebook Group administered by Joseph Hickey and his photograph appears with Mr. Hickey's photograph on the first page of that Facebook Group. In addition, items posted on the OCLA's website support the Applicant in this libel action.<sup>28</sup>
50. Mr. Hickey has posted articles in support of the Applicant on his blog "A Student's-Eye View", as well as links to articles published by the Applicant on "U of O Watch".<sup>29</sup>
51. Mr. Hickey improperly refused to leave the examination room during a cross-examination of Mr. Rancourt conducted by counsel for Professor St. Lewis requiring a court Order prohibiting him and other supporters of Mr. Rancourt from attending future cross-examinations in this libel action.<sup>30</sup> Mr. Hickey has attended many of the court proceedings in this libel action in support of the Applicant, including the arguments before Justice Annis and the Court of Appeal.
52. Mr. Hickey brought a motion to intervene in support of one of the motions brought by the Applicant in Professor St. Lewis' libel action. Mr. Hickey's motion to intervene was denied and costs were awarded against him.<sup>31</sup> Justice Smith increased the amount of costs awarded against Mr. Hickey because of his unreasonable conduct in attempting to intimidate and embarrass Professor St. Lewis by sending an email to over 70 individuals asking her to withdraw her claim for costs against him.<sup>32</sup>
53. The lack of independence and impartiality of Mr. Hickey is palpable - his affidavit should be given no weight in the consideration of this Leave Application.

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<sup>28</sup> OCLA's SRLs Working Group – Self-represented Litigants", **Exhibit G to the Short Affidavit, Response, Tab 8G, pp. 87-91**;

Excerpts from Denis Rancourt's Facebook page "OCLA for SRLs Working Group", **Exhibit H to the Short Affidavit, Response, Tab 8H, pp. 93-118**.

<sup>29</sup> **Exhibits I- L to the Short Affidavit, Response, Tabs 8I to 8L, pp. 119-130**.

<sup>30</sup> *St. Lewis v Rancourt*, 2011 ONSC 5923 (CanLII) at para 21, **Response, Tab 6, p. 48**.

<sup>31</sup> *St. Lewis v Rancourt*, 2012 ONSC 3309 (CanLII) at para 17, **Response, Tab 7, p. 53**.

<sup>32</sup> *St. Lewis v Rancourt*, 2010 ONSC 3309 (CanLII) at paras 2, 7-9, **Response, Tab 7, p. 51-52**.

**PART IV    COSTS**

54. Paragraph 54 of the Applicant's Memorandum of Argument states that "The self-represented and unemployed applicant has been made impecunious as a result of the defamation lawsuit". This libel action has not made the Applicant impecunious. The Applicant has failed to inform the Court of several salient facts:

- (i) that subsequent to the commencement of this libel action, the Applicant transferred his 60% interest (worth over \$100,000) in his matrimonial home to his wife \_\_\_\_\_ for \$1;<sup>33</sup>
- (ii) the Applicant has filed or caused to be filed over 25 motions/appeals in this libel action which resulted in costs awards against him totaling \$247,000 which he refuses to pay, including the costs this Court awarded to the Respondents when it dismissed the Applicant's first Leave Application; and
- (iii) the Applicant has a wrongful dismissal labour grievance pending that could result in him obtaining a substantial award of damages against the University of Ottawa.

55. If this Leave Application is dismissed, costs should be awarded to the Respondents in accordance with the usual practice of this Court. Professor St. Lewis respectfully requests costs be awarded on a substantial indemnity basis because:

- (i) this second Leave Application raises identical bias allegations against Justice Beaudoin as were alleged in the first Leave Application;
- (ii) the second Leave Application lacks merit and is *res judicata*; and
- (iii) to stop what is a clear pattern of endless and spurious litigation by the Applicant.

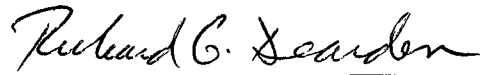
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<sup>33</sup> Transfer documents – interspousal transfer of Denis Rancourt's interest in the property at Exhibit M to the Short Affidavit, Response, Tab 8M, p.

**PART V**      **ORDER REQUESTED**

56. The Respondent Professor Joanne St. Lewis respectfully requests an Order dismissing this Leave Application with costs on a substantial indemnity basis.

DATED at the City of Ottawa, in the Province of Ontario on the 23<sup>rd</sup> day of January, 2014.

A handwritten signature in cursive script, reading "Richard G. Dearden", is written over a horizontal line.

**GOWLING LAFLEUR HENDERSON LLP**

Richard G. Dearden  
Anastasia Semenova

Counsel for the Respondent  
Joanne St. Lewis

**PART VI      TABLE OF AUTHORITIES**

		Cited at paragraphs
1.	<i>R v Kapp</i> , [2008] 2 SCR 483	20
2.	Peter Hogg, <i>Constitutional Law of Canada</i> , looseleaf, 5 <sup>th</sup> ed, vol 2 (Scarborough, Ont: Thomson Carswell, 2007)	24, 25
3.	<i>B. (R.) v Children's Aid Society</i> , [1985] SCR 315	25
4.	<i>Calgary (City) v Budge</i> , 1991 ABCA 3 (CanLII)	26
5.	<i>Irwin Toy v Quebec (Attorney General)</i> , [1989] 1 SCR 927 at 1003	26
6.	<i>Wewaykum Indian Band v Canada</i> , [2003] SCJ No 50, [2003] 2 SCR 259	29, 30, 31, 32, 33

**PART VII     STATUTORY AUTHORITIES**

4

No. 44

Constitution Act, 1982

Schedule B

Life, liberty and  
security of per-  
son

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

7. Chacun a droit à la vie, à la liberté et à la sécurité de sa personne; il ne peut être porté atteinte à ce droit qu'en conformité avec les principes de justice fondamentale.

Vie, liberté et  
sécuritéProceedings in  
criminal and  
penal matters

11. Any person charged with an offence has the right

- (a) to be informed without unreasonable delay of the specific offence;
- (b) to be tried within a reasonable time;
- (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
- (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

11. Tout inculpé a le droit :

- a) d'être informé sans délai anormal de l'infraction précise qu'on lui reproche;
- b) d'être jugé dans un délai raisonnable;
- c) de ne pas être contraint de témoigner contre lui-même dans toute poursuite intentée contre lui pour l'infraction qu'on lui reproche;
- d) d'être présumé innocent tant qu'il n'est pas déclaré coupable, conformément à la loi, par un tribunal indépendant et impartial à l'issue d'un procès public et équitable;

Affaires crimi-  
nelles et pénalesEquality before  
and under law  
and equal pro-  
tection and ben-  
efit of law

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

15. (1) La loi ne fait acception de personne et s'applique également à tous, et tous ont droit à la même protection et au même bénéfice de la loi, indépendamment de toute discrimination, notamment des discriminations fondées sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l'âge ou les déficiences mentales ou physiques.

Égalité devant  
la loi, égalité de  
bénéfice et pro-  
tection égale de  
la loi

OTT\_LAW\4046638\12

Court File No. 11-51657.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE  
ROBERT J. SMITH

Wednesday, the 31st day  
of July, 2013

BETWEEN:

**JOANNE ST. LEWIS**

Plaintiff

- and -

**DENIS RANCOURT**

Defendant

**ORDER**

**THIS CASE CONFERENCE** was heard orally on July 31, 2013 at the Ottawa Courthouse, 161 Elgin Street, Ottawa, Ontario.

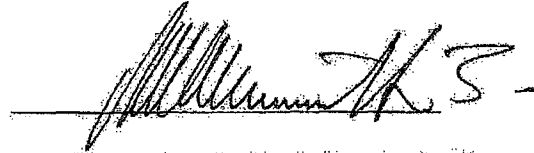
**UPON HEARING** the submissions of counsel for the Plaintiff and the Defendant, appearing in person,

**THIS COURT ORDERS**

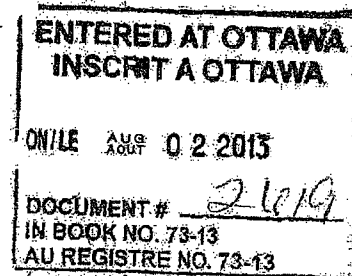
1. the Defendant's motion to re-examine the plaintiff in discovery about whether a meeting with Mireille Gervais occurred prior to the plaintiff releasing her 2008 report is dismissed on consent without costs;
2. the Defendant's Motion Seeking Leave To Appeal Justice Smith's *Costs Decision on Ms. Gervais' Refusals Motion* dated June 25, 2013 is scheduled to be heard for a half day by Justice Kane on October 10, 2013 at 10:00 a.m.; the Defendant will serve and file his Factum on September 23, 2013 and the Plaintiff will serve and file her Factum on October 3, 2013;

3. a pre-trial conference will be held before me on December 19, 2013 at 10:00 a.m. for a full day;

4. the trial of this action before a jury is to commence on May 12, 2014, for an estimated duration of three weeks.



The Honourable Justice Robert R. Smith



Joanne St. Lewis

- and - Denis Rancourt  
Plaintiff

Defendant

Court File No. 11-51657

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**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**PROCEEDING COMMENCED AT**  
**OTTAWA**

---

**ORDER**

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**GOWLING LAFLEUR HENDERSON LLP**

Barristers & Solicitors

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Ottawa ON K1P 1C3

Tel: (613) 786-0135

Fax: (613) 788-3430

**Richard G. Dearden (LSUC #019087H)**

**Anastasia Semenova (LSUC #60846G)**

Counsel for the Plaintiff

File number: \_\_\_\_\_

**IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE ONTARIO SUPERIOR COURT OF JUSTICE)**

BETWEEN:

**Denis Rancourt**Applicant  
(Defendant)

and

**Joanne St. Lewis**Respondent  
(Plaintiff)

and

**University of Ottawa**Respondent  
(Intervening Party)

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**NOTICE OF APPLICATION FOR LEAVE TO APPEAL**

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TAKE NOTICE that Denis Rancourt hereby applies for leave to appeal to the Court, pursuant to s. 40(1) of the *Supreme Court Act*, from the judgment of the *Ontario Superior Court of Justice* in file number 11-51657 made on November 29, 2012, or such further or other order that the Court may deem appropriate;

AND FURTHER TAKE NOTICE that this application for leave is made on the following grounds:

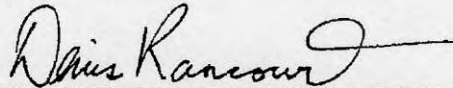
1. The judgement of the Ontario Superior Court of Justice raises the following questions which are of national importance:
  - (i) Does s. 15(1) of the *Charter* encompass a right for every individual litigant to an impartial process, both real and apparent?
  - (ii) Does the common law principle of "automatic disqualification" apply in Canada, and, if so, what form does it take?
  - (iii) Is Rule 62.02 of the Ontario *Rules of Civil Procedure* unconstitutional, in that it permits a complaint of bias to be finally barred at the court of first instance

without a hearing on merits, and, by extension:

- (a) Does a court of first instance have an obligation to hear a complaint of bias on merits; and
- (b) What test should apply for granting leave to appeal at first instance, in circumstances involving a reasonable apprehension of bias?

Dated at the City of Ottawa in the Province of Ontario this 4<sup>TH</sup> day of January, 2013.

SIGNED BY:



Denis Rancourt (Applicant)

Email: denis.rancourt@gmail.com

ORIGINAL TO: THE REGISTRAR

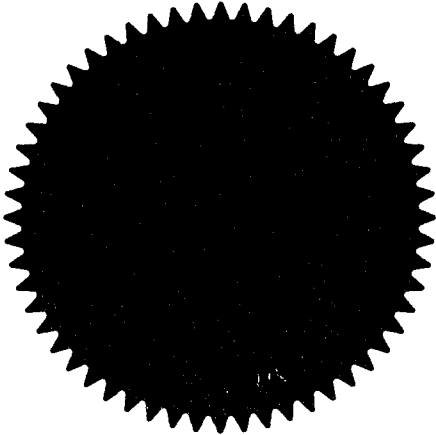
**COPIES TO: Counsel for the Respondent (Plaintiff)**

Richard Dearden, Gowlings law firm  
Suite 2600, 160 Elgin Street, Ottawa, ON K1P 1C3  
Tel. 613-786-0135  
Fax. 613-788-3430  
Email: richard.dearden@gowlings.com

**Counsel for the Respondent (Intervening Party)**

Peter Doody, BLG law firm  
Suite 1100, 100 Queen Street, Ottawa, ON K1P 1J9  
Tel. 613-237-5160  
Fax. 613-230-8842  
Email: pdoody@blg.com

**NOTICE TO THE RESPONDENTS:** A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days after service of the application. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration pursuant to section 43 of the Supreme Court Act.



No. 35305

July 4, 2013

Le 4 juillet 2013

Coram: McLachlin C.J. and Cromwell and  
Wagner JJ.

Coram : La juge en chef McLachlin et les  
juges Cromwell et Wagner

**BETWEEN:****ENTRE :**

Denis Rancourt

Denis Rancourt

Applicant

Demandeur

- and -

- et -

Joanne St. Lewis and University of Ottawa

Joanne St. Lewis et l'Université d'Ottawa

Respondents

Intimées

**JUDGMENT****JUGEMENT**

The application for leave to appeal from the judgment of the Ontario Superior Court of Justice, Number 11-51657, 2012 ONSC 6768, dated November 29, 2012, is dismissed with costs.

La demande d'autorisation d'appel du jugement de la Cour supérieure de justice de l'Ontario, numéro 11-51657, 2012 ONSC 6768, daté du 29 novembre 2012, est rejetée avec dépens.

J.S.C.C.  
J.C.S.C.

Editor's Note: Judgement released on May 3, 2013. Original judgment has been corrected with text of amendment.

**CITATION:** St. Lewis v. Rancourt, 2012 ONSC 6768

**COURT FILE NO.:** 11-51657

**DATE:** 2012/11/29

ONTARIO

SUPERIOR COURT OF JUSTICE

**BETWEEN:**

Joanne St. Lewis

Plaintiff

– and –

Denis Rancourt

Defendant

University of Ottawa

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Richard G. Dearden/Anastasia Semenova,  
for the Plaintiff

Denis Rancourt, for the Defendant

Peter K. Doody, for the University of  
Ottawa

Rule 37 Affected Participant

)

)

**HEARD:** November 15, 2012

REASONS FOR DECISION

annis j.

## Introduction

[1] This is yet another series of motions in a series of interlocutory motions brought by the defendant, on this occasion seeking leave to appeal three interlocutory decisions of Beaudoin J. and R. Smith J.

[2] The challenged orders are as follows:

- (i) The decision of Beaudoin J. made from the bench on June 20, 2012 dismissing the defendant's motion to compel the University of Ottawa ("the University") witnesses to answer questions and produce documents on the grounds that the judge demonstrated a reasonable apprehension of bias.
- (ii) The 'decision' by letter of July 31, 2012 of Smith J. as Case Management Judge to refuse to set down the defendant's motion to set aside the June 20, 2012 decision of Beaudoin J.
- (iii) The decision of Smith J. of September 6, 2012 dismissing the portion of the defendant's motion that had been adjourned by Beaudoin J. concerning the refusal of witnesses produced by the plaintiff to answer questions and produce documents.

[3] The University argued that the first two leave motions were out of time, in reply to which the defendant sought an extension of time.

[4] I am prepared to grant the defendant an extension of time to bring these leave motions. However, I dismiss the three motions for leave to appeal with costs to the plaintiff and the University as indicated.

## Factual Background

[5] The plaintiff, Professor Joanne St. Lewis, sued the defendant for defamation in respect of comments he published on his blog in which he referred to her as "Allan Rock's house negro". This comment was made following Professor St. Lewis' preparation of a report requested by the University into the issue of whether there was "systemic racism" at the University.

[6] Mr. Rancourt brought an interlocutory motion ("the champerty motion") seeking an order that the action be stayed or dismissed on the ground that it was vexatious or otherwise an abuse of process because the University is funding the litigation.

[7] The affidavit supporting the champerty motion includes the following averments:

- (1) Mr. Rancourt had worked at the University for 23 years, attaining the rank of tenured full professor in 1997, until dismissed by the University in 2009;
- (2) The dismissal is in binding labour arbitration between his Union and the University;
- (3) The University was using the fact of the defamation litigation and its content as evidence against the defendant in the arbitration;
- (4) The University was entirely funding the defamation action; and
- (5) The University was “receiving a share in the proceeds of the action” because the plaintiff had stated in her statement of claim that if punitive damages were awarded, she would donate half of the award to the “Danny Glover Roots to Freedom Graduate Law Student Scholarship Fund”.

[8] The University intervened in the litigation. It filed responding affidavits from Mr. Rock and Céline Delorme, the University’s counsel in the arbitration. Neither affidavit contained evidence on “information and belief”.

[9] The defendant served Robert J. Giroux, the Chair of the University’s Board of Governors, with a summons to be cross-examined.

[10] During the cross-examinations, Mr. Rock, Mr. Giraud and Ms. Delorme refused to answer several questions or to produce several documents requested. The defendant brought a motion on June 20, 2012 before Beaudoin J., the Case Management Judge at that time, contesting the refusals.

[11] Justice Beaudoin dismissed the refusals motion pertaining to witnesses produced by the University. There is no claim that he erred in law regarding his June 20<sup>th</sup> refusals rulings relating to the witnesses from the University, only that he demonstrated a reasonable apprehension of bias requiring the decision to be set aside. He provided written reasons for his decision on August 2, 2012.

[12] Justice Beaudoin adjourned the remainder of the motion pertaining to the plaintiff’s witnesses (Mr. Rock and Dean Feldthusen) to July 24, 2012. Other motions arising out of other cross-examinations were previously scheduled on that date.

[13] On the return of the refusals motion of the plaintiff’s witnesses, the defendant, without prior indication, requested an adjournment to bring a motion that Beaudoin J. recuse himself due to an apprehension of bias in connection to events relating to his late son.

[14] Notice was also not provided to counsel for the University witnesses, although the allegations sustaining the proposed adjournment pertained to the June 20, 2012 decisions.

[15] The defendant alleged that there was an apprehension that Beaudoin J. would not adjudicate matters fairly involving the University because of the existence of a scholarship in honour of his late son at the University where he had attended, which was funded by the Government of Ontario and the Beaudoin family.

[16] In addition, he argued that Beaudoin J. could be unfairly influenced by the fact that Borden Ladner Gervais LLP, which was representing the University in this matter, had named a boardroom after his late son where he had worked.

[17] The request for an adjournment was made based on dated newspaper articles describing Beaudoin J.'s grief arising from the death of his son and the memorials that were created on his behalf. The basis of the request provoked Beaudoin J. to withdraw from any further determinations involving the defendant.

[18] Prior to withdrawing, Beaudoin J. dismissed the defendant's request for an adjournment and indicated that he had no conflict of interest in respect of the decisions made on June 20, 2012.

[19] The defendant filed a notice of motion on July 30, 2012 requesting a judicial determination of reasonable apprehension of bias regarding Beaudoin J.'s prior rulings in this action. He sought, *inter alia*, an order that all prior rulings of Beaudoin J. in the action, including his case management rulings, be set aside.

[20] Justice Smith was appointed as the Case Management Judge following the recusal of Beaudoin J. He informed the defendant, by letter dated July 31, 2012 as follows:

Further to your fax of July 31, 2012, I wish to clarify, as I advised you at the motion on July 27, 2012, that I have no jurisdiction to set aside decisions of Justice Beaudoin and I will not be scheduling any motion for this purpose.

[21] On July 27, 2012, Smith J. heard the defendant's refusal motion regarding the cross-examinations of Professor St. Lewis and Dean Feldthusen. Justice Smith's Reasons for Decision dismissing the motion were released on September 6, 2012.

[22] On August 8, 2012, the defendant sought leave to appeal from Beaudoin J.'s decision of June 20, 2012 and Smith J.'s 'decision' of July 31, 2012 described above. In addition, the defendant sought leave to appeal from the September 6, 2012 decision of Smith J. on September 17, 2012.

## Issues

[23] The issues raised in these three leave applications are:

- (1) Whether the defendant should be granted an extension of time for leave to appeal Beaudoin J.'s decision of June 20, 2012 and Smith J.'s 'decision' of June 27, 2012?
- (2) Whether there is a reasonable apprehension of bias that Beaudoin J. would not decide fairly the decision made on June 20, 2012?
- (3) Whether Smith J.'s letter of July 31, 2012 is an order that can be appealed to the Divisional Court, and if so, whether the defendant meets the requirements for leave of Rule 62.02(4)?
- (4) Whether the defendant has met the requirements of Rule 62.02(4) for leave to appeal Smith J.'s decision of September 6, 2012?

## Extension of Time

[24] Rule 62.02 (2) of the *Rules of Civil Procedure* requires that a notice of motion for leave to appeal an interlocutory order shall be served within seven days after the making of the order.

[25] The time for appealing from the order is the time when the order is pronounced. An appeal is taken not from the reasons of the judgment, but from the judgment itself. It is the order of the Court which is binding, not the reasons assigned for making it. Accordingly, waiting for the release of reasons is not a valid ground for granting an extension of time. See *Byers (Litigation guardian of) v. Pantex Print Master Industries Inc.*, 2003 CanLII 42272 (ON CA), (2003) 62 O.R. (3d) 647 (C.A.) at para. 26 per Borins J.A. citing *Walmsley v. Griffith* (1886), 13 S.C.R. 434 at 438; *Canadian Express Ltd. v. Blair*, reflex, (1991) 6 O.R. (3d) 212 at para. 12 (Ont. Gen. Div.); *Westinghouse Canada Inc. v. Canada (Canadian International Trade Tribunal)*, [1989] F.C.J. No. 540 (F.C.A.) at p. 4.

[26] The factors to be considered in allowing an extension of time for service of a notice of motion for leave to appeal to the Divisional Court are as follows:

- (a) the prejudice, if any, to the respondent;
- (b) when the applicant formed the intention to appeal;
- (c) the explanation for the delay; and
- (d) whether or not an extension is required by the justice of the case.

[27] I am satisfied that the defendant should be granted an extension of time to seek leave to appeal the decisions of Beaudoin J. of June 20, 2012 and of Smith J. of the June 27, 2012.

[28] I agree that the time for appealing Beaudoin J.'s order started to run from June 20, 2012 when it was pronounced, as is clearly described from the transcripts of those proceedings. There were no outstanding matters to be decided with respect to the defendant's refusals motion for the

three University witnesses after the hearing on that date. Accordingly, I accept the plaintiff's submission that the defendant was late in seeking leave.

[29] Nevertheless, no attempt was made either by the plaintiff or the University to claim procedural prejudice by an order extending time to seek leave to appeal. In addition, I find that there were unusual intervening circumstances between the date of Beaudoin J.'s oral decision and the filing of the leave to appeal motion which demonstrate a continuing intention to appeal and provide some explanation for the delay.

[30] These include the adjournment of the uncompleted portion of the defendant's motion, the subsequent determination of the remainder of that motion by another judge, the defendant's attempt to bring a motion on the same issue on July 30, 2012 and the subsequent release of Beaudoin J.'s written reasons on August 2, 2012.

[31] I have considered declining the request for an extension given the indication on the record that the defendant is abusing procedural processes, which in most circumstances would lead a court to refuse an extension.

[32] Nevertheless, I think it is in the interests of justice, not only from the perspective of the defendant, but also to uphold the reputation of this court, that an allegation of an apprehension of bias of one of the Court's judges be considered, at least for the purpose of deciding whether to grant leave to appeal.

[33] It is not clear on the evidence that the defendant was out of time for seeking leave to appeal Smith J.'s letter refusing to schedule his motion.

## Leave to Appeal an Interlocutory Order

[34] Leave to appeal to the Divisional Court may only be granted pursuant to Rule 62.02(4) of the *Rules of Civil Procedure* on the following grounds:

- (a) there is a conflicting decision by another judge or court in Ontario or elsewhere on the matter involved in the proposed appeal and it is, in the opinion of the judge hearing the motion, desirable that leave to appeal be granted; or
- (b) there appears to the judge hearing the motion good reason to doubt the correctness of the order in question and the proposed appeal involves matters of such importance that, in his or her opinion, leave to appeal should be granted.

[35] The test for granting leave to appeal from an interlocutory order is an onerous one. The first ground for obtaining leave to appeal requires the defendant to demonstrate that "conflicting decisions" present a difference in the principle chosen as a guide to the exercise of judicial discretion and not merely in outcome as a result of the exercise of discretion. See *Bell ExpressVu Limited Partnership v. Morgan* (2008), 67 C.P.C. (6th) 263 (Div. Ct.) at para. 1

and *Brownhall v. Canada (Ministry of National Defence)*, 2006 CanLII 7505 (ON SC), (2006) 80 O.R. (3d) 91 (Sup. Ct.) at para. 27.

[36] The second ground for obtaining leave to appeal requires the defendant to convince the court that there is a good reason to doubt the correctness of the judge's decision and proposed appeal involves matters of such importance of leave should be granted. The court should ask itself whether the decision is open to "very serious debate" and, if so, whether the decision warrants resolution by a higher level of judicial authority. See *Brownhall, supra*, at para. 30.

## Reasonable Apprehension of Bias

[37] The test to be applied for determining whether there exists a reasonable apprehension of bias has been formulated by the Ontario Court of Appeal in *Bailey v. Barbour*, 2012 ONCA 325 (CanLII), 2012 ONCA 325, 110 O.R. (3d) 161 at para. 16 as follows:

...what would an informed, reasonable and right-minded person, viewing the matter realistically and practically, and having thought the matter through conclude. Would he or she think it is more likely than not that the judge, whether consciously or unconsciously, would not decide fairly?

[38] Determining whether a reasonable apprehension of bias arises requires a highly fact-specific inquiry. The test is an objective one. The record must be assessed in its totality and the interventions complained of must be evaluated cumulatively rather than as isolated occurrences from the perspective of a reasonable observer throughout the trial. Moreover, isolated expressions of impatience or annoyance by a trial judge as a result of frustrations do not of themselves create unfairness. See *Lloyd v. Bush*, 2012 ONCA 349 (CanLII), 2012 ONCA 349, 110 O.R. (3d) 781 at paras. 25-26.

[39] There is a strong presumption in favour of the impartiality of the trier of fact. Where a party seeks the recusal or disqualification of a judge, allegations of judicial bias will have to overcome the strong presumption of judicial impartiality. See *Bailey v. Barbour, supra*, at para. 19.

### Analysis

[40] This is not a case that could possibly give rise to a reasonable apprehension of bias on the part of Beaudoin J. There are no interventions or declarations by him that could lend themselves to a concern of partiality. He is not personally involved in any of the circumstances of the case. There is nothing the defendant could point to in Beaudoin J.'s conduct which could begin to suggest that he somehow favoured the University.

[41] Moreover, the University is a large quasi-governmental institution in our community. Being multifaceted, ubiquitous and amorphous, it is anonymous and thus does not permit a suggestion that a judge by setting up a memorial scholarship in the name of his departed son could give rise to an apprehension that the judge might be favourably disposed to the University in litigation brought before him or her.

[42] The University was merely the means whereby Beaudoin J. could obtain some solemnity from the untimely death of his son in establishing a scholarship for others who wished to study at the University. Actions of this nature intended to benefit Society, even if taken to memorialize a close relation, are not the type of conduct that consciously or unconsciously could suggest a judge cannot act fairly.

[43] Similarly, no reasonable apprehension of a favourable consideration by Beaudoin J. towards the University could possibly arise by the University being represented by a law firm that had named one of its meeting rooms in memory of his son where he was working at the time of his premature demise.

[44] It is unreasonable to suggest that the mere act of respect by a law firm towards one of its associates who was the son of a judge and whose untimely death touched the firm could indirectly cause the judge to be biased in favour of the law firm's clients. Were this to be the case, Beaudoin J. could not hear any case pleaded by Borden Ladner Gervais LLP. This is an untenable proposition that fails to recognize that lawyers are officers of the court who are required to advance their clients' interests without adopting them as their own.

[45] The defendant's motion for leave to appeal the decision of Beaudoin J.'s decision of June 20, 2012 is dismissed with costs to the University.

## The Letter 'Decision' of Justice Smith

[46] The plaintiff contends that the letter of Smith J. was not a decision: he was merely informing the defendant that his proposed motion was in the wrong court and therefore would not be scheduled to proceed.

[47] I cannot see any problem with a Case Management Judge refusing to set down a motion entirely void of merit, such as occurred here when the defendant's request was to set aside the decision of a fellow Superior Court judge on grounds of apprehension of bias.

[48] Nevertheless, whether the form is one by letter indicating immediate rejection of the motion or the refusal to set it down, substantively the results are the same, i.e. a decision rejecting the defendant's motion. As such, the defendant is entitled to seek leave to appeal the decision not to schedule his motion.

[49] This said however, leave is refused because the defendant seeks by his motion to set aside the interlocutory decision of Beaudoin J. of June 20, 2012 on grounds of reasonable apprehension of bias: a remedy which only the Divisional Court can consider.

[50] In addition, having decided that there is no possibility of success on a claim of reasonable apprehension of bias by Beaudoin J., leave to appeal this decision would serve no purpose if granted.

[51] Accordingly, it is dismissed with costs to the University.

## **The University Witnesses Refusal Motion**

[52] As it is clear that no judge could conclude that the proposed appeal involves matters of any importance or that it would be desirable to grant leave, the defendant's motion for leave to appeal the order of Smith J.'s decision of September 6, 2012 is dismissed with costs to the plaintiff.

[53] For the record, I also conclude that there is no reason to doubt the correctness of the orders of Smith J., and in particular, I reject the defendant's main submission that although the applicable legal principles were properly stated, he misapplied them to the facts.

## **Costs**

[54] The plaintiff and the University may file submissions on costs not to exceed three (3) pages in addition to a costs outline within ten (10) days of the release of these reasons. The defendant may respond within ten (10) days with submissions limited to three (3) pages.

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Mr. Justice Peter Annis

**Released:** November 29, 2012

**CITATION:** St. Lewis v. Rancourt, 2012 ONSC 6768

**COURT FILE NO.:** 11-51657

**DATE:** 2012/11/29

ONTARIO

SUPERIOR COURT OF JUSTICE

**BETWEEN:**

Joanne St. Lewis

Plaintiff

– and –

Denis Rancourt

Defendant

University of Ottawa

Rule 37 Affected Participant

REASONS FOR DECISION

Annis J.

**Released:** November 29, 2012

CITATION: St. Lewis v. Rancourt, 2012 ONSC 6768

COURT FILE NO.: 11-51657

DATE: 2013/05/03

## ONTARIO

## SUPERIOR COURT OF JUSTICE

BETWEEN:

Joanne St. Lewis

Plaintiff

– and –

Denis Rancourt

Defendant

Richard G. Dearden and Anastasia  
Semenova, for the Plaintiff

Denis Rancourt, self-represented

University of Ottawa

Rule 37 Affected Participant

Peter K. Doody, for the University of Ottawa

HEARD: November 15, 2012

AMENDED REASONS FOR DECISION (CORRECTION)ANNIS J.

[1] The Amended Reasons for Decision dated January 2, 2013 is corrected to reflect neutral citation 2012 ONSC 6768 instead of neutral citation 2013 ONSC 49.

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Mr. Justice Peter Annis

**Released: May 3, 2013**

**CITATION:** St. Lewis v. Rancourt, 2012 ONSC 6768

**COURT FILE NO.:** 11-51657

**DATE:** 2013/05/03

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

Joanne St. Lewis

Plaintiff

– and –

Denis Rancourt

Defendant

University of Ottawa

Rule 37 Affected Participant

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**AMENDED REASONS FOR DECISION  
(CORRECTION)**

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Annis J.

**Released: May 3, 2013**

**CITATION:** St. Lewis v. Rancourt, 2011 ONSC 5923

**COURT FILE NO.:** 11-51657

**MOTION HEARD:** 2011/10/06

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** JOANNE ST. LEWIS, Plaintiff

**AND:**

DENIS RANCOURT, Defendant

**BEFORE:** Master MacLeod

**COUNSEL:** Richard G. Dearden, for the plaintiff

Denis Rancourt, in person

No one appearing for Claude Lamontagne

**HEARD:** October 6, 2011

**REASONS FOR DECISION**

- [1] This is an action for defamation. The motion before me today is to compel answers to certain undertakings and refusals arising from cross examination of the defendant and of Claude Lamontagne who is a deponent of an affidavit.
- [2] By way of context, the affidavits themselves were sworn in opposition to a motion brought by the plaintiff to compel the defendant to participate in mandatory mediation under Rule 24.1. In fact the motion as I understand it is to abridge the time for mediation and to require the parties to use an experienced private mediator rather than a mediator from the roster. That motion (the main motion) is returnable tomorrow before a judge.
- [3] In response to the main motion, the defendant filed his own affidavit and an affidavit of Claude Lamontagne which is proffered as expert opinion. Mr. Dearden cross examined on those affidavits and brings this motion today to compel answers to certain refusals by Mr. Rancourt as well as two undertakings given by Mr. Lamontagne.
- [4] The undertakings and the first group of the refusals are in response to questions directed to the independence of Mr. Lamontagne, to his neutrality, to the instruction or information he received from Mr. Rancourt or to his qualifications to give expert opinion evidence.

- [5] A second set of refusals has to do with the means, income and assets of Mr. Rancourt. These questions were asked in response to Mr. Rancourt's own affidavit in which he attests he is of limited means and cannot afford the fees for the proposed mediator.
- [6] There is a further group of refusals which relate to an application made by Mr. Rancourt to Law Help Ontario. These questions are also directed to the means and income of Mr. Rancourt. Again, this relates to the evidence given by Mr. Rancourt that he cannot afford the mediator proposed by the plaintiff. Mr. Dearden seeks access to the applications made to Law Help Ontario in order to verify whether the financial information provided to Law Help confirms or contradicts the evidence in the Rancourt affidavit.
- [7] Finally there are two questions directed to the issue of insurance coverage. Rule 30.02 (3) deals with the obligation to answer such questions but these questions also relate to the affordability of mediation. If there is coverage then the defendant has access to funding for legal counsel and of course for mediation fees.
- [8] Mr. Rancourt argues that the main motion is itself improper and does not comply with the Rules of Civil Procedure. He will argue that there is no jurisdiction in the court to grant the relief sought by Mr. Dearden on the main motion. He asks me to deal with that today but I have declined to do so. This is one of the issues on the main motion which is returnable tomorrow before a judge.
- [9] The issue before me is whether or not the questions must be answered in relation to the evidence the defendant himself has tendered in response to that very motion. Obviously if the judge dismisses the main motion without the need to consider the affidavit evidence or the cross examination, that decision may render any order I make today moot. In that event perhaps the judge will stay the order and relieve the defendant from providing the answers. On the other hand if the judge believes it appropriate to review the evidence before him or her and in that context must decide whether or not to admit the opinion evidence of Mr. Lamontagne my ruling today will in all probability be germane.
- [10] Both parties refer to the decision of Perell, J. in *Ontario v. Rothmans Inc.* 2001 ONSC 2504 (S.C.J.); leave to appeal refused 2011 ONSC 3685 (S.C.J.) as well as my own decision in *Caputo v. Imperial Tobacco Ltd.* (2002) 25 C.P.C. (5<sup>th</sup>) 78; [2002] O.J. No 3767 (Master). These cases contain the guiding principles in assessing cross examination on affidavits as opposed to discovery. *Caputo* is directly on point since it also deals with the relevance of questions directed to admissibility and weight of expert testimony proffered by way of affidavit.
- [11] There can be no doubt that all of the questions asked are relevant because they are either directed to the admissibility of the expert testimony (including impartiality, bias and qualifications of the expert) or flow directly from evidence tendered by the

defendant himself. Relevance is the first consideration but just because a question is of some relevance does not mean the court will order it to be answered. Other considerations come into play.

- [12] The defendant focuses on paragraphs 144-146 of the *Rothmans* decision. He interprets the comments of Perrell J. having to do with premature discoveries and not disturbing the fairness of the adversary system as somehow establishing a novel principle that would block any question which might also be asked on discovery.
- [13] With respect, that is not the thrust of the Rothman decision. Perrell J. is simply exemplifying instances where the court will not order answers to apparently relevant questions. The court for example will not condone questions that are:
- Abusive or improper;
  - Disproportionate in the sense of requiring efforts or expense not justified by the nature of the issues in dispute;
  - Not directed to evidence which is admissible or probative; or,
  - Asked for an improper purpose
- [14] These categories are not exclusive. In any event, there is no blanket prohibition on asking a question on cross examination just because it might also be a question asked on discovery. The issue, once relevance has been established, is whether or not there is a basis for withholding an order because it would be unjust to make the order notwithstanding that the question may be relevant.
- [15] In these matters the question of relevance is a question of law. The question of whether the court ought to order answers to be given is a matter of discretion.
- [16] All of the questions are relevant as a consequence of the affidavits tendered in response to the main motion and the answers given under cross examination with the possible exception of the members of the committee discussed in the Lamontagne cross examination. Mr. Lamontagne volunteered the information however and it may be relevant to the question of bias. This is in my view was an undertaking and it should be answered.
- [17] In the exercise of my discretion I am not prepared to order the Law Help Ontario applications to be produced. I regard that as overly intrusive and while the financial component of such a discussion may not itself be privileged, the extent to which lawyer client privilege attaches to discussions with a service such as Law Help has yet to be fully explored. I do not regard these answers as necessary in light of the other questions I am ordering answered. All of the other questions are to be answered.

- [18] Mr. Dearden wishes to have the witnesses reattend to answer the questions under oath and to permit reasonable follow up questions. Notwithstanding that some of the questions might usefully be completely answered in written form, clearly not all of the questions are simple yes or no answers and many of them may invite proper follow up questions. In my view and notwithstanding the defendant's argument that the previous examination was conducted aggressively (a submission that I do not find to be supported by the evidence) I am ordering that the questions for production of documents be answered in writing by October 11<sup>th</sup>, 2011, that is prior to reattendance, and that the witnesses then reattend for examination. Mr. Rancourt and Mr. Dearden both confirmed their availability for October 14<sup>th</sup>, 2011. Unless otherwise agreed the witnesses are to attend on that date.
- [19] Mr Dearden also asks for clear direction as to who may attend at the cross examination. The need for that is demonstrated by the exhibit at p. 154 of the motion record. Certain individuals who are not parties to the action attended at the cross examination and refused to leave notwithstanding Mr. Dearden's objections. One of these observers then posted comments on the internet describing the cross examination and attributing unethical behaviour to Mr. Dearden while also suggesting the plaintiff herself was somehow associated with evidence of wrongdoing at the university.
- [20] Mr. Rancourt objects to such direction on the basis of the open court principle. In that he is misguided. Cross examination or discovery does not take place in open court (although it does take place under court supervision). It is only once a transcript or portions of a transcript are tendered in evidence that they become part of the court record. Motion records and exhibits at trial are part of the court record. Court hearings (such as this motion) are held in open court though that was not always the case. Prior to adoption of the "new rules" chambers motions were not considered to be in open court or on the record. In any event it is quite clear that there is no right for the public to attend an examination out of court at the office of the special examiner or court reporter. Even were that not the case however, the court could give direction about the conduct of such examinations.
- [21] There will be a follow up cross examination if the plaintiff wishes it. No one but the parties and their lawyers and the reporter may be in attendance unless otherwise agreed.
- [22] The plaintiff asks for costs. She, through her lawyer, seek costs against both Mr. Rancourt and Mr. Lamontagne. Mr. Lamontagne did not appear today although Mr. Rancourt stated that he was authorized to speak for him and advised the court that Mr. Lamontagne objected to answering the undertakings. I am advised that at one time Mr. Lamontagne had agreed to answer his undertakings but he did not do so. Mr. Lamontagne was advised that costs would be sought against him both in the notice of motion and subsequently. A minor costs award is appropriate for a non

party failing to comply with what he had agreed to do in a timely fashion. Claude Lamontagne shall pay costs fixed at \$350.00 payable forthwith.

- [23] The situation concerning Mr. Rancourt is more difficult. The motion was scheduled to take 1 hour and Mr. Dearden completed his submissions in half that time. The submissions of Mr. Rancourt then took until 4:30 p.m. On the other hand, of course, he will be submitting to the judge on the main motion that the entire motion – and therefore all of the costs – is improper and misguided. In the event that the judge agrees with this, it might not be reasonable for the defendant to be saddled with the costs of a motion within that motion. Of course he also argues that in the action as a whole he is the person being wronged because the action is simply an improper – and indeed unconstitutional – attempt by the University of Ottawa to muzzle free speech and criticism.
- [24] The putative rule under our current costs regime is a “pay as you go” rule in which costs are presumptively to be fixed at each stage and payable forthwith. A main purpose of this is to encourage the parties not to argue unnecessary motions and to adhere to the rules. There is however the possibility that the judge hearing the main motion will dismiss it and as I have stated earlier – without in any way pre-judging that issue or suggesting it is the correct result – in that eventuality the judge might consider it appropriate to stay my order. Thus I am awarding costs of the motion before me. The defendant shall pay the plaintiff the sum of \$3,000.00 on a partial indemnity scale. Subject to any contrary order of the judge hearing the main motion, those costs are to be paid within 30 days.
- [25] In summary an order will go as follows:
- a. The questions but for the Law Help questions are to be answered.
  - b. All questions that called for production of documents or copies of documents are to be answered in writing by October 11<sup>th</sup>, 2011.
  - c. The witnesses are to reattend at a place and time designated by counsel for the plaintiff to answer the questions under oath and to answer reasonable follow up questions on October 14<sup>th</sup>, 2011 unless otherwise agreed.
  - d. No one but the witness, the parties, their legal counsel and the court reporter may be present at the cross examination unless otherwise agreed.
  - e. Mr. Lamontagne shall pay costs of \$350.00
  - f. The defendant shall pay costs of \$3,000.00.
  - g. This order and the costs award is subject to variation by the judge hearing the main motion if she or he considers it appropriate.

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Master MacLeod

**Date:** October 6, 2011

**CITATION:** St. Lewis v. Rancourt, 2012 ONSC 3309

**COURT FILE NO.:** 11-51657

**DATE:** 2012-06-06

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

Joanne St. Lewis

Plaintiff

Richard G. Dearden, for Joanne St. Lewis

Peter K. Doody, for the University of Ottawa

– and –

Denis Rancourt

Defendant

Denis Rancourt, self-represented

Joseph Hickey

Moving Party

Joseph Hickey (Party seeking Intervener Status), self-represented

**HEARD:** (By written submissions)

**DECISION REGARDING COSTS**

**(MOTION FOR INTERVENER STATUS OF JOSEPH HICKEY)**

**R. SMITH J.**

**Positions of Parties**

[1] The Plaintiff Joanne St. Lewis ("St. Lewis") seeks costs on a substantial indemnity basis in the amount of \$3,876.95. Alternatively she seeks costs on a partial indemnity basis in the amount of \$2,911.95. St. Lewis seeks costs on the higher scale largely due to conduct of Mr. Hickey subsequent to the motion where it is alleged he attempted to intimidate, harass and humiliate St. Lewis in order to force her to withdraw her claim for costs against him.

[2] Following the motion Mr. Hickey wrote directly to St. Lewis and copied over 70 other people and did so after being warned that the matter was *sub judice* and not to contact St. Lewis directly.

[3] The University of Ottawa also seeks costs against Mr. Hickey on a substantial indemnity scale due to his egregious conduct of attacking the persons involved in the proceeding following the hearing of his motion to intervene. Mr. Hickey accused counsel for the University of acting unethically and copied that exchange to 86 other email addresses including the President of the University of Ottawa and the Dean of the Faculty of Common Law at the University of Ottawa.

[4] Mr. Hickey submits that costs should not be awarded in the amount claimed because he is an impecunious student and as the losing party he did not reasonably expect to have to pay the amounts of costs sought.

### **Success**

[5] In this case Mr. Hickey was unsuccessful in his motion to be added as a public interest intervener. St. Lewis and the University of Ottawa were completely successful in opposing Mr. Hickey's Motion for Intervener Status.

### **Complexity and Importance**

[6] The issues involved in obtaining intervener status are somewhat complex and were important to the parties.

### **Unreasonable Conduct of Any Party**

[7] Professor St. Lewis and the University of Ottawa do not complain about the conduct of Mr. Hickey at the motion where he sought intervener status. Rather, the conduct complained of is a series of personal attacks by email on counsel for the University in an attempt to have the University abandon its request for costs and also his attempt to intimidate and embarrass Professor St. Lewis by sending an email to many other individuals asking her to withdraw her claim for costs against Mr. Hickey.

[8] Copies of the emails sent by Mr. Hickey are attached to both the University of Ottawa's Reply Submissions and to St. Lewis' Reply Submissions. While Mr. Hickey is a student and is a self-represented party, his conduct in writing to the Plaintiff directly, when he was aware that she was represented by counsel, by copying the email to approximately 70 other individuals, and his conduct of accusing counsel for the University of unethical behaviour is unreasonable and inappropriate conduct.

[9] Mr. Hickey's conduct in pursuing this course of action following his unsuccessful motion to be added as an intervener is unreasonable conduct which will increase the amount of costs that would otherwise have been ordered. I further find that counsel for the University acted reasonably and fairly throughout the motion and that Mr. Hickey's allegations that counsel's conduct raised ethical questions was completely unfounded.

### **Scale of Costs and Offers to Settle**

[10] Costs would ordinarily be ordered on a partial indemnity scale. In order to obtain an order for costs on a substantial indemnity basis a party must be found to have engaged in

scandalous, vexatious or outrageous conduct, or to have obtained a less favourable result than a Rule 49 offer to settle. Mr. Hickey submits that the normal rules regarding costs should not apply because he alleges that he is an impecunious student.

[11] In *Myers v. Toronto (Metropolitan) Police Force*, [1995] O.J. No. 1321, at paras. 19 to 22, the Divisional Court decided that it was reasonable for a Court on fixing costs to refuse to take into account the alleged impecuniosity of a party, as there is no way to determine whether a party is in fact impecunious, and also to avoid a situation in which litigants without means can ignore the rules of court with impunity.

[12] Mr. Hickey is a university student completing his Master's degree at the University of Ottawa and was elected as a member to the University of Ottawa Senate during the past year, and he publishes a blog. I take judicial notice that there is a very high probability that university students do not earn substantial sums of money while they are students but this factor is given very little weight in the circumstances.

[13] In the hearing before me Mr. Hickey argued his motion in a very reasonable and polite fashion; however, he was also aware that the two senior counsel were representing both St. Lewis and the University of Ottawa, and he had been warned in writing by counsel for St. Lewis that costs would be sought against him if he proceeded with his motion to intervene. He accepted the risk that he would be ordered to pay legal costs if he were not successful.

#### **Hourly Rates, Time Spent, Proportionality and Indemnity**

[14] Mr. Hickey does not challenge the hourly rates for experienced senior counsel or the time spent, or that the issue was complicated as the motion lasted for the whole morning, however he submits that the amount claimed is excessive.

#### **Amount the Unsuccessful Party Would Reasonably Expect to Pay**

[15] Mr. Hickey was specifically warned that, if he did not withdraw his motion for leave to intervene in Mr. Rancourt's private lawsuit with Professor St. Lewis, costs would be claimed against him in the proceeding. Notwithstanding the written notice given to him, he decided to proceed knowing the risk that costs would be awarded.

[16] I give some allowance for the fact that Mr. Hickey is a student, is self-represented, and may not have been aware of the costs that he would incur if he were to be unsuccessful in his motion.

[17] Mr. Hickey did not seek intervener status on behalf of a recognized group and did not have a special interest to represent. He ultimately agreed during the hearing that the public interest was the same as the interest represented by the press which he sought to represent. Mr. Hickey's motivation was, as he stated in his Application, to support Mr. Rancourt's open court motion which had been denied by Beaudoin J. and Master MacLeod. Mr. Hickey's actions have caused St. Lewis and the University to incur additional legal costs to respond to his motion and he must bear some costs consequences for his actions.

**Disposition**

[18] I see no reason to depart from the general rule that costs should follow the event, and considering all of the above factors I order Mr. Hickey to pay costs to Professor St. Lewis in the amount of \$2,000.00 plus HST plus disbursements of \$16.95 inclusive of HST. In addition I order Mr. Hickey to pay costs in the amount of \$1,000.00 plus HST to the University of Ottawa.

---

R. Smith J.

**Released: June 6, 2012**

**CITATION:** St. Lewis v. Rancourt, 2012 ONSC 3309

**COURT FILE NO.:** 11-51657

**DATE:** 2012-06-06

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

Joanne St. Lewis

Plaintiff

– and –

Denis Rancourt

Defendant

---

**DECISION REGARDING COSTS  
(MOTION FOR INTERVENER STATUS  
OF JOSEPH HICKEY)**

---

R. Smith J.

**Released:** June 6, 2012

2012 ONSC 3309 (CanLII)

File Number: 35676  
Appealed From C56905

**IN THE SUPREME COURT OF CANADA  
(On Appeal from the Ontario Court of Appeal)**

BETWEEN:

**DENIS RANCOURT**

**APPLICANT**  
(Appellant)

-and-

**JOANNE ST. LEWIS**

**RESPONDENT**  
(Respondent)

-and-

**THE UNIVERSITY OF OTTAWA**

**RESPONDENT**  
(Intervening Party)

**AFFIDAVIT OF KAITLIN SHORT**

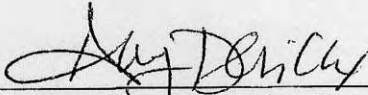
I, Kaitlin Short, of the City of Ottawa in the Province of Ontario MAKE OATH AND SAY :

1. I am an articling student with the law firm of Gowling Lafleur Henderson LLP (“Gowlings”), counsel for the Plaintiff, Joanne St. Lewis. As such, I have knowledge of the matters sworn to in this affidavit. Where my knowledge is based on information and belief, I have identified the source of my knowledge and I verily believe it to be true.
2. Attached as **Exhibit “A”** is a copy of an article by Denis Rancourt entitled “Did Professor Joanne St. Lewis Act As Allan Rock’s House Negro?” (February 11, 2011), online: UofOWatch <<http://uofowatch.blogspot.ca/2011/02/did-professor-joanne-st-lewis-act-as.html>>.

3. Attached as **Exhibit “B”** is a copy of an article by Denis Rancourt entitled “Top Dog Canadian Freedom of the Press Lawyer Targets UofOWatch Blog” (May 18, 2011), online: UofOWatch <<http://uofowatch.blogspot.ca/2011/05/top-dog-canadian-freedom-of-press.html>>.
4. Attached as **Exhibit “C”** is a copy of Exhibit 26 to the Examination for Discovery of Denis Rancourt (Denis Rancourt’s Facebook page).
5. Attached as **Exhibit “D”** is copy of a letter from David Scott to Denis Rancourt dated October 25, 2011.
6. Attached as **Exhibit “E”** is a copy of the Ontario Civil Liberties Association’s Founding Principles webpage, as found on the OCLA website at <http://ocla.ca/about/founding-principles/>.
7. Attached as **Exhibit “F”** is a copy of the Ontario Civil Liberties Association’s Executive Members webpage as found on the OCLA website at <http://ocla.ca/about/executive-members/>.
8. Attached as **Exhibit “G”** is a copy of the Ontario Civil Liberties Association Self-represented Litigants Working Group webpage, as found on the OCLA website (<http://ocla.ca/our-work/working-groups/ocla-for-slrs-group/>).
9. Attached as **Exhibit “H”** is a copy of excerpts from the Facebook page “OCLA for SRLs Working Group”.
10. Attached as **Exhibit “I”** is a copy of an article “Ottawa judge rules his colleague showed no appearance of bias” dated December 1, 2012, posted on the blog “A Student’s-Eye View”. The blog “A Student’s-Eye-View” is co-managed by Joseph Hickey and Hazel Gashoka.
11. Attached as **Exhibit “J”** is a copy of an article “Judge Accused of Conflict of Interest Loses Decorum and Withdraws from Case” dated July 24, 2012, posted on the blog “A Student’s-Eye View”.

12. Attached as **Exhibit "K"** is a copy of an article "Student's-Eye View Intervenes for Public Observation of UofO Lawsuit" dated March 22, 2012, posted on the blog "A Student's-Eye View".
13. Attached as **Exhibit "L"** is a copy of an article "Lawyer Richard Dearden Attacks Self-represented Witness: Case of St. Lewis v. Rancourt" dated September 11, 2011, posted on the blog "A Student's-Eye View".
14. Attached as **Exhibit "M"** are copies of transfer documents showing the transfer of Denis Rancourt's interest in the property at \_\_\_\_\_
15. Attached as **Exhibit "N"** is a copy of a letter dated December 11, 2012, from Richard Dearden to the Honourable Mr. Justice Robert Smith (c.c. to Denis Rancourt and Peter Doody).

SWORN before me at the City of Ottawa,  
this 21<sup>st</sup> day of January, 2014.

  
\_\_\_\_\_  
Commissioner for Taking Oaths

Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

  
\_\_\_\_\_  
KAITLIN SHORT

THIS IS EXHIBIT "A" TO THE AFFIDAVIT  
OF.....KAITLIN SHORT.....  
SWORN BEFORE ME THIS.....21.....  
DAY OF.....January....., 2014.....  
.....

*Amy Derickx*

Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

60

## U OF O WATCH

THIS SITE IS DEVOTED TO TRANSPARENCY AT THE UNIVERSITY OF OTTAWA, OTTAWA, CANADA. UOFOWATCH EXPOSES INSTITUTIONAL BEHAVIOUR THAT IS NOT CONSISTENT WITH THE PUBLIC GOOD.

U OF O WATCH MISSION, IN THE WORDS OF FOUCAULT...

*"One knows ... that the university and in a general way, all teaching systems, which appear simply to disseminate knowledge, are made to maintain a certain social class in power, and to exclude the instruments of power of another social class. ... It seems to me that the real political task in a society such as ours is to criticise the workings of institutions, which appear to be both neutral and independent; to criticise and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them." -- Foucault, debating Chomsky, 1971.*

U OF O WATCH MISSION. IN THE WORDS OF SOCRATES...

*"An education obtained with money is worse than no education at all." -- Socrates*

VIDEO OF PRESIDENT ALLAN ROCK AT WORK



DONATE TO THE DENIS RANCOURT LEGAL FUND

FRIDAY, FEBRUARY 11, 2011

Did Professor Joanne St. Lewis act as Allan Rock's house negro?



February is Black History Month in Canada and the US. UofOWatch believes that it is the right time not only to honour Black Americans who fought for social justice against masters but also to out Black Americans who were and continue to be house negroes to masters.

The term "house negro" was defined by Malcolm X in his famous "The House Negro and the Field Negro" speech (see video below).

The same spirit prevailed when civil rights icon Ralph Nader suggested that US President Obama needed to decide if he was

Donate



Denis Rancourt Legal Fund

TABARET HALL - U OF O



The central admin building in the fall.  
Photo credit: University of Ottawa

going to be an Uncle Tom: [HERE](#).

The Student Appeal Centre (SAC) of the student union at the University of Ottawa today released documents obtained by an access to information (ATI) request that suggest that law professor Joanne St. Lewis acted like president Allan Rock's house negro when she enthusiastically toiled to discredit a **2008 SAC report** [alternate [LINK](#)] about systemic racial discrimination at the university.

See today's SAC article [HERE](#). See ATI documents released today by the SAC [HERE](#).

At the time, the St. Lewis report was critiqued by UofOWatch: [HERE](#).

The newly released ATI records are disturbing far beyond the tenured professor St. Lewis' uncommon zeal to serve the university administration:

**The ATI records expose a high level cover up orchestrated by Allan Rock himself to hide the fact that the St. Lewis efforts were anything but "independent", as she characterizes her report on the first page.**

The SAC article posted today quotes Rock from the ATI documents explaining to his staff how to preserve the appearance of an independent report and the importance of preserving this appearance, in true experienced federal politician style.

This is a most damning revelation against the former Minister of Justice and former Canadian Ambassador to the United Nations, one that should disturb any university student learning about professional ethics.

Ironically, the original SAC report was about racial discrimination regarding academic fraud appeals; such as when an academic misrepresents his/her work as "independent" when it is verifiably and factually not "independent" (by any stretch!).

Former VP-Academic **Robert Major** is also found stating to a concerned student that the "independent" St. Lewis report will definitively resolve the matter (of the troublesome SAC report). In his November 2008 email Major actually says:

*"The University has received and will make public this week an evaluation, by an independent assessor, of the report of the Student Appeals Centre. I believe this analysis will answer your questions on the mandate of the Senate Appeals*

## U OF O PRESIDENT ALLAN ROCK



click image for updated posted list of ethical breaches of Allan Rock

## U OF O WATCH - CREATING TRANSPARENCY



**DENIS RANCOURT**

Email Denis Rancourt.

[VIEW MY COMPLETE PROFILE](#)

## DISCLAIMER:

Unless otherwise stated, the views expressed in posts and comments are those of the posting authors.

Except if otherwise stated, the views and positions of UofOWatch are those of Denis G. Rancourt, former professor of physics at the University of Ottawa.

Obviously, links and references to cited works do not imply agreement with or endorsement of the views expressed or information in the linked postings or cited works.

## VISITS TO DATE



## LINKS

A Student's Eye View (U of O Senate madness)

Academic Freedom - Rancourt case\*

Activist Teacher

CHUO 89.1 FM The Train campus radio show

Corporate UofO mission statement

Committee and on the whole appeals process. I invite you to read it carefully."

When the bosses have such high professional ethics why would professors be any different?



More on the professional ethics of the bosses [HERE](#).

[Correction made on April 30, 2012: "nontenured" was changed to "tenured".]

POSTED BY DENIS RANCOURT AT 6:40 PM

LABELS: ACADEMIC FRAUD, ALAN ROCK, JOANNE ST. LEWIS, RACISM, SAC

## 19 COMMENTS:

Anonymous said...

This is the most absurdly racist thing I've ever read. Please refrain from using "freedom of speech" as a curtain to hide behind when making such malicious, and racist comments.

FEBRUARY 14, 2011 AT 11:17 PM

Annemarie said...

Regardless of one's opinion of the independence and content of Prof. St-Lewis's report, your labeling of her as a 'house negro' is beyond inflammatory, Denis. I know you like to be provocative, but "celebrating" Black History Month by appropriating said history (as a white man, natch) to insult her AND make light of slave history by using its terminology this way is total bullshit that needs to be called out.

FEBRUARY 15, 2011 AT 12:57 PM

Anonymous said...

Corporate UOttawa site

Media reports about the Rancourt academic freedom case

## BLOG ARCHIVE

► 2007 (18)

► 2008 (16)

► 2009 (20)

► 2010 (82)

▼ 2011 (120)

► January (3)

▼ February (9)

How sad is this? U of O news release pushes the bo...

U of O in top 25:: Spending student tuition money...

Found hiding under a Rock:: More on Coulter saga ...

U of O "2 for 1 law degrees" scam was not approved...

Did Professor Joanne St. Lewis act as Allan Rock's...

U of O hijacked by Israel:: Senator hot on the tr...

Update::: UofOWatch documented ethical breaches of...

Motion for March 7th U of O Senate meeting::: Tran...

Is U of O a blood money U?

► March (15)

► April (11)

► May (14)

► June (13)

► July (1)

► August (10)

► September (7)

► October (13)

► November (16)

► December (8)

Who are you to use that term? Your racist comment has lost all validity of any other critique you are trying to make. And for the record I doubt Malcolm X would have been onside with you about this one.

CHECK YOUR PRIVILEGE RANCOURT cause this is straight up racist.

FEBRUARY 15, 2011 AT 1:11 PM

Anonymous said...

"This is the most absurdly racist thing I've ever read. Please refrain from using "freedom of speech" as a curtain to hide behind when making such malicious, and racist comments."

whaaa whaaa, typical establishment rhetoric. Freedom of speech also includes views you disagree with. I for one am quite tired of constantly hearing and seeing the "racism" card being played to stifle any debate, here and even more so in the USA.

FEBRUARY 15, 2011 AT 1:40 PM

Gwen M said...

HOUSE NEGRO??????

Excuse me???????????? HOUSE

NEGRO????????????????

FEBRUARY 15, 2011 AT 4:30 PM

Anonymous said...

Whatever point you were trying to bring up (which I personally think had some substance) lost its value by you referring to Mrs. Lewis as a "house negro". This is not freedom of speech but rather an attempt on your part to publicly disrespect and humiliate not only the prof but the black community as a whole. I hope you getting fired will give you some time to reflect upon your actions.

FEBRUARY 15, 2011 AT 6:03 PM

Anonymous said...

A white (by default privileged) man labeling black people "house negro" is just as absurd as labeling black people "field negro".

FEBRUARY 16, 2011 AT 2:11 PM

Denis Rancourt said...

► 2012 (47)

► 2013 (18)

#### LABELS (KEYWORDS)

52 profs (3)  
academic fraud (2)  
academic freedom (27)  
accountability (2)  
ACFAS (1)  
activism course (19)  
administration meltdown (1)  
Agnes Whitfield (1)  
Alain Roussy (2)  
Alan Rock (102)  
Allain St-Amant (5)  
Amalia Savva (1)  
Amir Attaran (1)  
Andre Champagne (3)  
Andre Dumulon (1)  
Andre Lalonde (30)  
Andre Longtin (1)  
Ann Cavoukian (1)  
Ann Coulter (13)  
anonymous disclosures (1)  
Anthony Meehan (1)  
apology (2)  
APTPUO (5)  
APUO (7)  
arbitration (22)  
ATI-FIPPA (17)  
AUCC (1)  
Baha'i (1)  
Bela Joos (3)  
Bernie Andrews (1)  
big pharma (1)  
bilingualism (1)  
Black History Month (1)  
Black Law Students Association (2)  
BLG (4)  
Blinky Blinkies (1)  
blogging (1)  
blood money (1)

I am hoping that we can agree on this TheFreeDictionary definition.

Racism:

1. The belief that race accounts for differences in human character or ability and that a particular race is superior to others.
2. Discrimination or prejudice based on race.

To accuse someone of racism is a very serious charge, given the seriousness of racism. It seems to me that sufficiently strong evidence and a coherent argument would be needed before an individual contributes to this kind of racism accusation mobbing.

Language in itself is not racist unless it's use expresses racism. It is the communication and the intent of the communication that must be evaluated.

Racism is not hurtful language. You can see in the definition that responses of emotional pain are not the basis of the definition.

Are not all whites who are not fighting against racist economic apartheid racist? To the extent that I am not fighting hard enough for the latter, I may be a racist. My criticism of St. Lewis is part of this fight.

For informed commenters to use intimidation to limit my non-racist expression on the basis that I am white would be racist.

I believe most commenters are simply not informed and are therefore only irresponsibly participating in mobbing without being racist.

I am entitled to express my views about which black persons are "house negroes" in my opinion even if I am white. I will not be deprived of one of the most powerful and meaningful expressions of class analysis in cantonized societies.

Suck it up and start thinking for yourselves.

FEBRUARY 16, 2011 AT 6:08 PM

Kimalee said...

I've heard quite a bit about you, Mr. Rancourt and I've actually come to respect a few stances that you have taken. But for you (as a privileged white man) to use such a

BOG (13)  
 branding war (2)  
 Bruce Feldthusen (6)  
 Burma (2)  
 call out (1)  
 Cameron Montgomery (1)  
 campus activism (5)  
 campus event (1)  
 CanWest (4)  
 Carleton University (1)  
 Caroline Millard (1)  
 CAUT (5)  
 CAUT-ICOI (1)  
 CCLA (8)  
 Celine Delorme (1)  
 CFS (1)  
 chalking day (3)  
 champerty (3)  
 Charter rights (2)  
 Chief Justice Beverly McLachlin (3)  
 Christian Detellier (7)  
 Christien Levien (1)  
 Christopher Guly (1)  
 CHUO-Train (2)  
 civil liberty (2)  
 Claire Maltais (1)  
 classroom (1)  
 Claude Lague (1)  
 clickers (1)  
 climate change (2)  
 Code Morin (3)  
 Code of Conduct (5)  
 collegial governance (3)  
 conflict of interest (6)  
 copyright (4)  
 corporatization (12)  
 court hearing (3)  
 covert surveillance (15)  
 criminal code (2)  
 criminology (1)  
 crisis of democracy (1)  
 cross-examinations (1)  
 CUPE (5)

derogatory term only pushes a racist agenda and completely takes away all of the substance of your argument. The discussion around the independence of the St. Lewis review has now become a moot point because you chose to be a jackass!

FEBRUARY 17, 2011 AT 9:49 AM

Anonymous said...

You accused a black woman of being a house negro because of a report that she worked on discounting systematic racial discrimination at the University of Ottawa.

Personally, I know that racial discrimination does occur at the University of Ottawa. However, as a privileged white man (no matter how "down with the struggle" you think you are), for you to accuse her of aiding and abetting the continuation of slavery or racism is the height of arrogance.

Who are you to tell a black woman that she is not behaving according to the script that you believe black people are supposed to follow? Who are you to compare her possible minimization of racism at the University of Ottawa to her propping up SLAVERY? For you, as a privileged white man, to believe that you have the insight into the black struggle to know when a black individual is or is not behaving according to your arbitrary code of black behavior is stupid. Your communication and intent IS racist and rooted in your own ignorance.

You pathetically high-jacked black history month in order to demean a black woman and further your own agenda.

It is not racist that you, as a white man, are unable to call a black person a house negro. In fact, it is racist that you think you can.

FEBRUARY 22, 2011 AT 3:58 PM

Denis Rancourt said...

@Anonymous (previous post):

Yes, I see, your logic is clearly expressed.

Oh, and what is my "agenda"?

FEBRUARY 22, 2011 AT 4:47 PM

Anonymous said...

CURIE (1)  
 Cynthia McKinney (1)  
 Daniel Woolf (1)  
 David Johnston (1)  
 David Naylor (1)  
 David Noble (3)  
 David W Scott (4)  
 deaf access (1)  
 degree inflation (2)  
 Deidre Powell (1)  
 democracy (6)  
 demotion (1)  
 Denis Bachand (1)  
 Denis Prud'homme (1)  
 Denis Rancourt (66)  
 Diane Davidson (9)  
 discipline (14)  
 Dominique Lafon (1)  
 Donate (1)  
 donor recognition (4)  
 Douglas Christie (1)  
 DTPC (3)  
 ECP video series (3)  
 Edward Broadbent (1)  
 elections (2)  
 Ellen B Zweibel (1)  
 EN FRANCAIS (2)  
 English (1)  
 Eric Poulin (1)  
 ethically challenged Allan Rock (2)  
 executive rule (1)  
 Faculty Council (6)  
 Faculty for Palestine (1)  
 Faculty of Education (4)  
 Faculty of Health Sciences (1)  
 Faculty of Science (1)  
 FAIR reports (1)  
 Farida Adam (1)  
 fascism (4)  
 Federico Carvajal (1)  
 FGPS (3)  
 filming senate (1)  
 Finding room number at Ottawa Courthouse (1)

@ Denis,

I did not mean that you had some sort of nefarious agenda. The purpose of this blog is clearly stated at the top. Although I disagree with many of your opinions, I think you have some legitimate criticisms of the way the University of Ottawa is run. I do believe that this was a racist and very poorly chosen way to criticize Prof. St. Lewis and her report.

FEBRUARY 23, 2011 AT 9:46 AM

Anonymous said...

I partially agree that the main message of this post was undermined by using the inflammatory term. I believe it is fair game to question whether Prof. St-Lewis made a wise choice by participating in this process, since the notion of "independence" would seem to be undercut by employment status and the potential heightened sense of beholding that comes with pre-tenure status.

Yet, stronger questions should be aimed at the administration for engaging in a charade. An independent report would surely require an author whose salary was not paid by the institution, and whose job-security was, in status (pre-tenure), tenuous.

Yet none of the above, explains why tones of race were raised in characterizing the situation. I suppose, those tones were pre-established by the topic of the "independent" report, but it's not clear why race became such a central element of Rancourt's provocative post.

I suppose it is tempting to conclude that the administration sought out an author with the right pedigree to counter the claims of racism. And if that was the case, I could understand how one may begrudge St-Lewis for participating under such circumstance.

But how are we to know if all that speculation (administration sought out someone with the right pedigree, the candidate, knowing the agenda, agreed) was remotely accurate. Surely we have to give the benefit of the doubt to St-Lewis. Surely that would council against using such inflammatory terms (which do appear to pre-judge the circumstance).

I would argue that invoking the term "house negro" was a poor choice. But the poor choice (we all make mistakes) does not make Rancourt a racist.

FIPPA (8)  
 Foster twins (1)  
 FPS Ombudsman (3)  
 Francine Page (2)  
 Francis Reardon (1)  
 Francois Houle (13)  
 Frank Appleyard (4)  
 Frank DeVries (2)  
 Fraser Rubens (1)  
 Fraud (1)  
 Gary Slater (8)  
 gender (2)  
 Genevieve Deguire (1)  
 Geoffrey Greatrex (1)  
 Gerald Schwartz (2)  
 Gideon Levy (1)  
 Gilles Patry (6)  
 global warming (2)  
 Goldcorp (1)  
 Governor General (1)  
 Gowlings LLP (2)  
 grading (4)  
 graffiti (3)  
 grievance (10)  
 GSAED (8)  
 Hazel Gashoka (6)  
 Heather Reisman (2)  
 honorary degree (2)  
 Howard Alper (1)  
 Howard Wilson (1)  
 human rights (24)  
 Ian Telfer (1)  
 Ibrahim Said (1)  
 Iman Amin (1)  
 income (1)  
 IPC (14)  
 Iran (1)  
 Iron Fist Award (4)  
 irony (1)  
 Irving Industries (1)  
 Isabelle Cyr (1)  
 Israel lobby (21)  
 Israeli Apartheid Week (2)

FEBRUARY 25, 2011 AT 4:27 PM

Anonymous said...

Rancourt's use of the term "house negro" was not a poor choice. It was specifically chosen for it's provocative value - this methodology is consistent with Rancourt's ideology as exhibited by his other blog posts.

What was a mistake on Rancourt's part was choosing a term which itself became the focus of discussion rather than leading into the actions of St-Lewis and the University's administration.

A balance of probabilities would have a reasonable person see St-Lewis' actions motivated by financial incentives, professional advancement, and societal privilege rather than an issue of race.

Perhaps the University's administration wanted the public image of having a black person refute racism, but that doesn't imply that St-Lewis had the same motive. There is no indication that St-Lewis is not looking to actively alienate herself from the visible minority community that she belongs to.

HOWEVER, the subject matter of what St-Lewis is dealing with IS relevant to Rancourt playing the race card because, whether motivated by race or not, in effect what St-Lewis is doing is supporting a system that is inherently racist: St-Lewis is actively working against the "negro" community that she belongs to.

FEBRUARY 26, 2011 AT 8:22 PM

Anonymous said...

You're an idiot Rancourt! Any respect I had for you in down the drain. As an African-Canadian, your term is offensive and ignorant, and displays your subtle racist mentality in using the term. You do not belong to any visible minority group so please stop watching movies and television shows that display white Hollywood's version of how "black people" are supposed act. Maybe St. Lewis is just a douche, but why make racist assumptions about her actions based on the colour of her skin. It's funny how some people who purport to be "educated" are sometimes the most ignorant of all. Grow up Rancourt!

MARCH 10, 2011 AT 1:24 AM

Jacques Bradwajn (2)  
 James Harden (1)  
 James Worthington (1)  
 Jan Veizer (1)  
 Jean-Yves Leduc (2)  
 Jeff Schmidt (3)  
 Jeremy Kerr (2)  
 Jesse Hall (1)  
 Jim Orban (2)  
 Joanne Larose-Dubois (1)  
 Joanne St. Lewis (54)  
 John Currie (1)  
 John Molloy (1)  
 John Sinclair (1)  
 Joseph Hickey (57)  
 JP Prevost (1)  
 Justice Peter Annis (3)  
 Justice Robert Beaudoin (6)  
 Justice Robert Smith (1)  
 Kathryn Prud'homme (1)  
 Keiko Hattori (1)  
 Keith Benn (1)  
 Kevin McLeod (1)  
 Khalid Aba-Alkhalil (2)  
 La Rotonde (3)  
 language rights (1)  
 law (28)  
 learning (1)  
 legal action (51)  
 Legal Fund (1)  
 Liam Kennedy (3)  
 Liberal (2)  
 Linda Pietrantonio (1)  
 list of lies (2)  
 Lloyd Axworthy (2)  
 locked door madness (1)  
 Louise Hotte (1)  
 Louise Page-Valin (2)  
 LSUC (2)  
 Luka Magnotta (1)  
 Lynn Hamden (12)  
 Macleans rating (3)  
 Mahdi Darius Nazemtoaya (4)

Anonymous said...

"A white (by default privileged) man labeling..."

= White men are privileged, so shut your mouth.

"You do not belong to any visible minority group so please..."

= You're white so shut your mouth.

"For you, as a privileged white man, to believe that you have the insight into the black struggle..."

= For you to have an opinion on any race other than your own means you're a racist, so shut your mouth.

Real racism is evident all over these comments, and none of them have to do with Mr. Rancourt. Check your bigotry at the door...none of you have experienced slavery or \*legalized\* discrimination (being specifically excluded for the Canadian Human Rights Charter for being white and a man, being refused equal opportunities for employment or financial assistance under the guise of "equality" and "affirmative action" for being white and a man, etc.), so when you actually have something to complain about then maybe you can open your hypocritical mouths.

And twenty bucks says that anyone who responds to this comment will continue to bring up slavery, or discrimination, or racism, without even attempting to verify for yourselves whether or not what I say is true. And even if you do, you'll justify your own bigotry, by going right back to these old stalwarts that I know for a fact NONE of you have experienced.

In other words, you don't give a damn that the real, actual, provable, systemic racism and discrimination in this country is happening against white men. I'm even willing to bet that you'd say we deserve it, or that it's right, or just, or some other such B.S.

And this is all based on what you've read in history books or may have had the privilege of learning from your grandparents, who would've told you that crap like that didn't even take place in Canada (underground railroad lead to here).

The only legal, systemic, acceptable form of racism is against

malfeasance (34)  
 Manal Al-Saigh (3)  
 Manon Gauthier (1)  
 Marc Jolicoeur (7)  
 Marc Kelly (20)  
 Marie Galoppe (1)  
 Marie Josée Berger (5)  
 Martin Schoolts-Mcalpine (3)  
 Maureen Robinson (7)  
 media (30)  
 mediation (2)  
 medical (5)  
 medication (1)  
 medicine (9)  
 Mei-Zhen Dang (1)  
 mental health (4)  
 Michael Geist (1)  
 Michael Ignatieff (1)  
 Michaëlle Jean (2)  
 Michel Foucault (1)  
 Michel Picher (2)  
 Michel Racine (1)  
 Micheline Lessard (1)  
 Michelle Flaherty (10)  
 Minto Group Inc (1)  
 Mireille Gervais (12)  
 mobbing (3)  
 Mort Shirkhanzadeh (1)  
 Nathalie Des Rosiers (12)  
 Nathalie Page (3)  
 NATO (1)  
 natural justice (4)  
 neuroleaks (2)  
 news (2)  
 Nick Day (1)  
 Norman Finkelstein (1)  
 Notice of Libel (3)  
 Nusrat Saleem (1)  
 OCLA (4)  
 OCP (3)  
 OHRT (8)  
 Oli Cosgrove (1)  
 OLRB (3)



able-bodied white men, and it's all in black and white in your Human Rights Charter. And it's defended by ignorant, small-minded, myopic dipshits who are the first to decry racism – but only when it applies to THEM.

JULY 27, 2011 AT 12:26 PM

Anonymous said...

This is disgraceful commentary! I fully support the lawsuit that you are now facing!

<http://www.ottawacitizen.com/technology/prof+says+blog+post+wasn+racist/5163356/story.html>

As an aside, I am curious whether you will delete this post as I too am exercising my freedom of speech.

JULY 27, 2011 AT 3:07 PM



Denis Rancourt said...

The more recent comment stream in this matter is [HERE](#)

JULY 27, 2011 AT 3:18 PM

Anonymous said...

I think we should all stand up against anyone who holds the power or helps those who hold the power to the detriment of those who have no power, who can be crushed by the system because they critic those who hold the power or help those who hold the power, no matter which race we are (I am chinese by the way but it should not matter at all in any case.)

The power should be shared by everyone and not only by a few people who hold or help to hold the power.

OCTOBER 15, 2012 AT 9:15 PM

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 Paul Bragg (1)  
 Paul Desmarais (3)  
 pay equity (1)  
 Peter Biesterfeld (1)  
 Peter Doody (1)  
 Peter Harder (1)  
 petition (1)  
 Philippe Marchand (2)  
 photo essay (2)  
 PHY 1703 (1)  
 PHY 4006 (4)  
 physics profession (2)  
 PIPSC (1)  
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 police (13)  
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 Policy 92 (4)  
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 Post Office Box (1)  
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 PSUO (1)  
 psychology (2)  
 public letter (9)  
 public meeting (1)  
 Queen's University (2)  
 R2P (1)  
 racism (20)  
 radio (2)  
 Rancourt dismissal (16)  
 Raymond St Jacques (1)  
 recycling (1)  
 remember this (1)  
 research environment (1)

"WITHIN THE UNIQUE UNIVERSITY CONTEXT, THE MOST CRUCIAL OF ALL HUMAN RIGHTS ARE THE RIGHTS OF FREEDOM OF SPEECH, ACADEMIC FREEDOM AND FREEDOM OF RESEARCH. AND WE AFFIRM THAT THESE RIGHTS ARE MEANINGLESS UNLESS THEY ENTAIL THE RIGHT TO RAISE DEEPLY DISTURBING QUESTIONS AND PROVOCATIVE CHALLENGES TO THE CHERISHED BELIEFS OF SOCIETY AT LARGE AND OF THE UNIVERSITY ITSELF. IT IS THIS HUMAN RIGHT TO RADICAL, CRITICAL TEACHING AND RESEARCH WITH WHICH THE UNIVERSITY HAS A DUTY ABOVE ALL TO BE CONCERNED; FOR THERE IS NO ONE ELSE, NO OTHER INSTITUTION AND NO OTHER OFFICE, IN OUR MODERN LIBERAL DEMOCRACY, WHICH IS THE CUSTODIAN OF THIS MOST PRECIOUS AND VULNERABLE RIGHT OF THE LIBERATED HUMAN SPIRIT." --STATEMENT OF INSTITUTIONAL PURPOSE, UNIVERSITY OF TORONTO.

THIS IS EXHIBIT " B " TO THE AFFIDAVIT  
OF.....Kaitlin Short.....  
SWORN BEFORE ME THIS.....21.....  
DAY OF.....January....., 2014.....  
.....



Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

72

# U OF O WATCH

THIS SITE IS DEVOTED TO TRANSPARENCY AT THE UNIVERSITY OF OTTAWA, OTTAWA, CANADA. UOFOWATCH EXPOSES INSTITUTIONAL BEHAVIOUR THAT IS NOT CONSISTENT WITH THE PUBLIC GOOD.

U OF O WATCH MISSION, IN THE WORDS OF FOUCAULT...

*"One knows ... that the university and in a general way, all teaching systems, which appear simply to disseminate knowledge, are made to maintain a certain social class in power; and to exclude the instruments of power of another social class. ... It seems to me that the real political task in a society such as ours is to criticise the workings of institutions, which appear to be both neutral and independent; to criticise and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them." – Foucault, debating Chomsky, 1971.*

U OF O WATCH MISSION, IN THE WORDS OF SOCRATES...

*"An education obtained with money is worse than no education at all." – Socrates*

VIDEO OF PRESIDENT ALLAN ROCK AT WORK



DONATE TO THE DENIS RANCOURT LEGAL FUND

WEDNESDAY, MAY 18, 2011

Top dog Canadian freedom of the press lawyer targets UofOWatch blog



[Richard G. Dearden; Gowling Lafleur Henderson LLP]

This very blog, the UofOWatch blog, has received a threat of legal action, again.

## Short history of past threats against this blog:

- The first such threat was in 2007 from the University of Ottawa VP-Resources Victor Simon using the BLG law firm directed in Ottawa by Marc Jolicoeur who, at the time, was President of the university's Board of Governors (BOG). [HERE](#) is that Notice of Libel (alternate link). And [HERE](#) is the blog post that prompted it, and [HERE](#).

Donate



Denis Rancourt Legal Fund

TABARET HALL - U OF O



The central admin building in the fall.  
Photo credit: University of Ottawa

- Jolicoeur continued to mix work with community service after stepping down as president of the BOG, [HERE](#).
- Following this, the university went on a 2008 discipline campaign against the blog and suspended its author for alleged image copyright infringement: [LINK-1](#), [LINK-2](#), [LINK-3](#). Here is the video of how it went down in terms of BOG due process: [VIDEO](#). Presently, the university is disregarding labour law by refusing to schedule arbitration over the discipline-for-copyright matter.
- In 2009 the blog author was summarily fired from his tenured university position using a pretext involving his teaching and grading method in one course, after the university knowingly approved the grades. Binding arbitration in the dismissal case began this year.

The new threat comes in the form of [THIS](#) letter dated May 16, 2011.

The letter is signed by Richard G. Dearden of the Gowlings law firm. Gowlings has close ties with U of O. One of its founding members was Chancellor of the university in the 1990s, and [HERE](#).

Dearden has represented Prime Minister Stephen Harper ([LINK](#)) and usually fights for protecting freedom of the press.

A 2009 Supreme Court of Canada decision gave blogs the same protections as the print and broadcast media ([Grant v. Torstar Corp.](#), 2009 SCC 61).

Here, now, Dearden finds himself threatening an untenable case about [THIS](#) blog post concerning a professor Joanne St. Lewis; more than three months after St. Lewis was asked to make any comments or corrections (see [EMAILS](#) below) and did not reply.

One wonders why Dearden would counsel his client this way?

I did not say that Prof. St. Lewis acted like a house negro because she is black. I said it because it was reasonable to conclude in the matter that she acted like a house negro and because it is my reasoned opinion that she acted like a house negro.

She did so while attempting to discredit a 2008 student union report that alerted the university to its now more than evident problem of systemic racism: See all posts about U of O racism [HERE](#).

EMAILS:

---

From: Denis Rancourt <>

U OF O PRESIDENT ALLAN ROCK



click image for updated posted list of ethical breaches of Allan Rock

U OF O WATCH - CREATING TRANSPARENCY



 DENIS RANCOURT

Email Denis Rancourt.

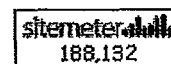
[VIEW MY COMPLETE PROFILE](#)

DISCLAIMER:

Unless otherwise stated, the views expressed in posts and comments are those of the posting authors. Except if otherwise stated, the views and positions of UofOWatch are those of Denis G. Rancourt, former professor of physics at the University of Ottawa.

Obviously, links and references to cited works do not imply agreement with or endorsement of the views expressed or information in the linked postings or cited works.

VISITS TO DATE



LINKS

A Student's Eye View (U of O Senate madness)

Academic Freedom - Rancourt case  
Activist Teacher

CHUO 89.1 FM The Train campus  
radio show

Corporate UofO mission statement

Date: Fri, Feb 11, 2011 at 9:14 PM

Subject: About Joanne St. Lewis and Allan Rock  
To: allan.rock@uottawa.ca, president@uottawa.ca,  
joanne.stlewis@uottawa.ca

Dear Mr. Rock and Ms. St. Lewis,

This blog post is about you:

<http://uofowatch.blogspot.com/2011/02/did-professor-joanne-st-lewis-act-as.html>

Please provide any factual corrections or comments for posting.

Yours truly,

Denis Rancourt

From: Denis Rancourt <>

Date: Fri, Feb 11, 2011 at 11:26 PM

Subject: Re: About Joanne St. Lewis and Allan Rock

To: allan.rock@uottawa.ca, president@uottawa.ca,  
joanne.stlewis@uottawa.ca

Also, please inform your colleague Robert Major so he can verify the content about him.

On Fri, Feb 11, 2011 at 8:14 PM, Denis Rancourt wrote:

Dear Mr. Rock and Ms. St. Lewis,

This blog post is about you:

<http://uofowatch.blogspot.com/2011/02/did-professor-joanne-st-lewis-act-as.html>

Please provide any factual corrections or comments for posting.

Yours truly,

Denis Rancourt

#### Possibly related posts:

#### Rancourt dismissal goes to arbitration

POSTED BY DENIS RANCOURT AT 7:47 PM

LABELS: GOWLINGS LLP, JOANNE ST. LEWIS, RACISM, RICHARD DEARDEN

#### 1 COMMENT:

Steve E. Noble said...

Amended Comment: Given Rock's lack of transparency with regard to controversial issues it's not outside the realm of possibility that he would use another person to give the

Corporate UOttawa site

Media reports about the Rancourt  
academic freedom case

#### BLOG ARCHIVE

► 2007 (18)

► 2008 (16)

► 2009 (20)

► 2010 (82)

▼ 2011 (120)

► January (3)

► February (9)

► March (15)

► April (11)

▼ May (14)

Rancourt case -- Arbitration  
hearing day 1 -- Repo...

U of O media relations  
manager on academic  
freedom...

Ottawa university presidents  
Rock and Runte make a...

Rock attempt to manipulate  
senate minutes on Israe...

U of O union-busting posturing  
against part-time p...

U of O and big pharma --  
"Medication" for better l...

Featured comment by former U  
of O professor Steve ...

Yet another human rights  
tribunal case tied to U o...

Top dog Canadian freedom of  
the press lawyer targe...

Rock's U of O is transparency-  
challenged, since 20...

UofOWatch update::: Richard  
Dearden promises to su...

Law society acknowledges  
ethical breaches by lawye...

Rock's senate: Democratic in  
name

appearance of "objectivity" to address a controversy - in this case, of systemic racism. But, if he was truly serious about this, why would he use a lone ethnic professor from inside the university to deal with racism? If he were serious about getting at the issue, he should have put together a diverse panel (male/female, ethnically diverse, etc.) from outside the university to investigate. Society complains when the police investigate itself when things go awry, why would Rock expect anything less when the university investigates itself and does so with one person that Rock, himself hand picks? Perhaps he felt that if a Black person found no racism, that would give greater credence and legitimacy to effectively cancel out the complaints of students? If so, is that not also a form of racism? I don't know the professor involved here, so I can only speak from a view as to what this whole episode looks and feels like from the outside. My perspective comes from my own White father and Jamaican mother background and the wisdom of my parents explaining to me the complexities of how concepts of "race" can be used to perpetuate racism and prejudice from within the ranks of ethnic diversity, often at the behest of outsiders. Further, I am deeply concerned when I read about administrators (issues of racism) and profs (complaints about Berger) try and shut down the complaints of students rather than take their issues seriously. Instead, law suits are used to muzzle free speech about a public institution that is said to believe in and practice open dialogue.

MAY 19, 2011 AT 7:20 AM

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LIBERTARIAN VALUES THAT CREATE AN OPENING... (NO ONE ELSE?!)

**"WITHIN THE UNIQUE UNIVERSITY CONTEXT, THE MOST CRUCIAL OF ALL HUMAN RIGHTS ARE THE RIGHTS OF FREEDOM OF SPEECH, ACADEMIC FREEDOM AND FREEDOM OF RESEARCH. AND WE AFFIRM THAT THESE RIGHTS ARE MEANINGLESS UNLESS THEY ENTAIL THE RIGHT TO RAISE DEEPLY DISTURBING QUESTIONS AND PROVOCATIVE CHALLENGES TO THE CHERISHED**

U of O student union clique election coup

- ▶ June (13)
- ▶ July (1)
- ▶ August (10)
- ▶ September (7)
- ▶ October (13)
- ▶ November (16)
- ▶ December (8)

▶ 2012 (47)

▶ 2013 (18)

## LABELS (KEYWORDS)

52 profs (3)  
 academic fraud (2)  
 academic freedom (27)  
 accountability (2)  
 ACFAS (1)  
 activism course (19)  
 administration meltdown (1)  
 Agnes Whitfield (1)  
 Alain Roussy (2)  
 Alan Rock (102)  
 Allain St-Amant (5)  
 Amalia Savva (1)  
 Amir Attaran (1)  
 Andre Champagne (3)  
 Andre Dumulon (1)  
 Andre Lalonde (30)  
 Andre Longtin (1)  
 Ann Cavoukian (1)  
 Ann Coulter (13)  
 anonymous disclosures (1)  
 Anthony Meehan (1)  
 apology (2)  
 APTPUO (5)  
 APUO (7)  
 arbitration (22)  
 ATI-FIPPA (17)  
 AUCC (1)  
 Baha'i (1)

BELIEFS OF SOCIETY AT LARGE AND OF THE UNIVERSITY ITSELF. IT IS THIS HUMAN RIGHT TO RADICAL, CRITICAL TEACHING AND RESEARCH WITH WHICH THE UNIVERSITY HAS A DUTY ABOVE ALL TO BE CONCERNED; FOR THERE IS NO ONE ELSE, NO OTHER INSTITUTION AND NO OTHER OFFICE, IN OUR MODERN LIBERAL DEMOCRACY, WHICH IS THE CUSTODIAN OF THIS MOST PRECIOUS AND VULNERABLE RIGHT OF THE LIBERATED HUMAN SPIRIT." --STATEMENT OF INSTITUTIONAL PURPOSE, UNIVERSITY OF TORONTO.

THIS IS EXHIBIT "C" TO THE AFFIDAVIT  
OF.....Kaitlin Short.....  
SWORN BEFORE ME THIS.....21.....  
DAY OF.....January....., 2014.....  
.....

*Amy Derickx*

Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

78

See All Messages

Home Account Settings



Ana Stasia

## Denis Rancourt

Lives in Ottawa, Ontario From North Bay, Ontario

### Philosophy

Religious Views



Atheist

Political Views



Anarchist

Favorite Quotations

"An education obtained with money is worse than no education at all."  
--Socrates

"To succeed in the world it is not enough to be stupid, you must also be well-mannered." -- Voltaire

### Arts and Entertainment

Music



Brad Morden



Erin Saoirse Adair



Three Little Birds



John Carroll

Books



Paved with Good

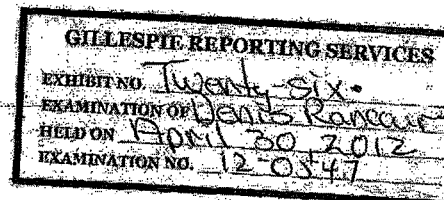
### Activities and Interests

Activities



Anarchy

To practice anarchy is to work towards supporting and creating participatory democracy and to oppose oppression of the individual by dominance hierarchies.



Wall

Info

Photos

Friends

Subscriptions (1)

Friends (447)



Joseph Hickey  
University of Ottawa



Kimberly Elyse...



Joshua Blakeney



Edward Lee Dur...  
UBC



Amandine Chen



Jacques Drolet



Jane Scharf



Jennifer Scharf  
University of Ottawa



Alan Gasser

Jason Kunin

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SWORN BEFORE ME THIS 21  
DAY OF January, 20 14

Amy Derickx

Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

David W. Scott  
T 613.787.3525  
dscott@blg.com

Borden Ladner Gervais LLP  
World Exchange Plaza  
100 Queen St. Suite 1100  
Ottawa, ON, Canada K1P 1J9  
T 613 237 5160  
F 613.230.8842  
blg.com

**BLG**  
Borden Ladner Gervais

October 25, 2011

**Delivered by Email and by Mail**

Dr. Denis Rancourt

Dear Dr. Rancourt

**Re: University of Ottawa**

We represent the University of Ottawa and are responding to your communication of August 28.

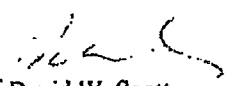
Of the many questions which you have posed, I am instructed to answer only the first. The remaining questions suggest an agenda and are beyond any requirement to respond.

Indeed, the University of Ottawa is reimbursing Professor St. Lewis for her legal fees incurred in her defamation proceeding in the Courts against you. Your defamatory remarks about Professor St. Lewis were occasioned by work which she undertook at the request of the University and in the course of her duties and responsibilities as an employee. Her efforts were not personal, but in the interests of the University. Furthermore, your outrageously racist attack upon her takes this case out of the ordinary and, in the view of the University, alone creates a moral obligation to provide support for her in defence of her reputation.

For the future, any questions which you choose to pose in respect of which there is no legal obligation to respond will be not answered.

Yours very truly

Borden Ladner Gervais LLP

  
David W. Scott  
DWS/gmb  
07701W746934wt

THIS IS EXHIBIT " E " TO THE AFFIDAVIT  
OF.....Kaitlin Shad.....  
SWORN BEFORE ME THIS.....21.....  
DAY OF.....January....., 2014.....

Amy Derickx

**Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.**

## Founding Principles



There is a crying need in Ontario for a civil liberties association that stands for civil liberties.

We distinguish an individual's societal influence by expression from an individual's actuated power that derives from his/her institutional hierarchical position.

We hold that the individual's societal influence by expression, not structurally derived from the institutional and organizational hierarchy, is an absolute right, irrespective of race, gender, orientation, etc.

We believe that societal health depends on the individual's absolute right to free expression.

We defend all individual expression as an absolute right no matter how unacceptable it may appear to others.

We support individual free expression regardless of its form or content.

We oppose all state and corporate censorship, including employer gag orders on employees.

We oppose all forms of societal mobbing that have the effect of censorship.



Regarding controversial issues of the day, we support the right to:

- all individual expression critical of any state, including Israel and Iran;
- all individual expression critical of any religion or culture, including Judaism, Islam, and Christianity;
- all individual expression critical of any sexual orientation, including straight and queer;
- all individual expression critical of both sides of the abortion conflict, including pro-life and pro-choice;
- all individual expression critical of any public policy or law, including liberal or conservative;
- all individual expression of emotions, including hate and love;
- all individual expression about criminal behaviour, including expression about child pornography, genocide, war, slavery, and serial murder;
- all individual expression critical of any person, including public figures, neighbours, and colleagues.

Sept. 18, 2012  
Ottawa, Ontario

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OF Kaitlin Short  
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DAY OF January, 2014  
.....

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Expires May 16, 2015.

## Executive Members

### JOSEPH HICKEY – EXECUTIVE DIRECTOR



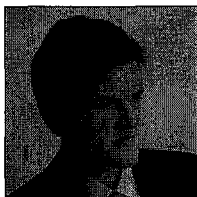
Joseph Hickey obtained a B.Sc. (*summa cum laude*) and M.Sc. (thesis nominated for the Commission on graduate studies in the sciences prize) from the University of Ottawa in Ottawa, Canada.

Mr. Hickey served two terms as the elected representative for graduate students in the Faculties of Health Science, Science, Engineering, and Medicine at the University of Ottawa Senate. Mr. Hickey's work at Senate included: leading a motion to implement the Senate's first-ever set of procedural rules to govern its meetings; challenging the university administration to pay student members of governance committees at the same rate of pay received by professors and administrators for the same work; defending video recording of Senate meetings and other transparency measures; and leading a student campaign to reopen a campus-wide consultation on the university's Policy on the Prevention of Discrimination and Harassment.

Joseph Hickey has a keen interest in freedom of expression and institutional transparency, having argued before the Ontario Superior Court of Justice in defence of his *Charter* rights to free expression as a self-represented member of the public and the media, and having secured several orders from the Information and Privacy Commissioner of Ontario regarding access to information at the University of Ottawa.

Joseph can be contacted by email at [joseph.hickey@ocla.ca](mailto:joseph.hickey@ocla.ca)

### MATTHEW FOURNIER – TECHNICAL DIRECTOR

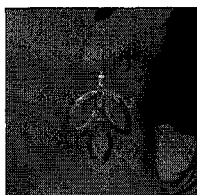


Matthew Fournier graduated with a B.Sc in physics and mathematics from the University of Ottawa in 2009. He currently is part owner and lead programmer at a small documentation services company in Ottawa, Canada.

In September of 2012, Matthew was asked to join the OCLA as Technical Director and website administrator.

Matthew can be reached by email at [matthew.fournier@ocla.ca](mailto:matthew.fournier@ocla.ca)

### CAROLINE WANG – TREASURER



Caroline Wang works as a registered dietician in Ottawa. She joined OCLA as Treasurer in October 2012.

### RIANA COLBERT – COMMUNICATIONS & SOCIAL MEDIA DIRECTOR



Riana Colbert began her studies in Philosophy and Classical Studies in 2009 at Queen's University in Kingston, Ontario. In 2012 she put her studies at Queen's on hold and currently works as a freelance editor, graphic artist and writer.

While attending Queen's University Ms. Colbert was elected as Co-Chair of the Department of Philosophy Student Council and sat on the Arts and Sciences Faculty Board as a representative. She also served on the Philosophy Department's Equity and Women's Concerns Committee where she was instrumental in putting together a symposium of university mental health. She has always been very active in her community; first as an organizer for labour rights where she took it upon herself to organize a group of childcare workers in Toronto. The Association of Caregivers was a small advocacy group focused on connecting caregivers to relevant professional and personal resources. During her tenure there Riana helped members by advocating for fairer wages and various benefits from employers. This association helped to build support and solidarity for childcare workers and their families. Following her time in Toronto she stepped into the arenas of human rights advocacy, mental health related causes, environmental justice, and poverty activist groups.

The defence, promotion, and exercise of civil liberties are activities of critical importance to Ms. Colbert and she is pleased to join OCLA as the Director of Communications and Social Media.

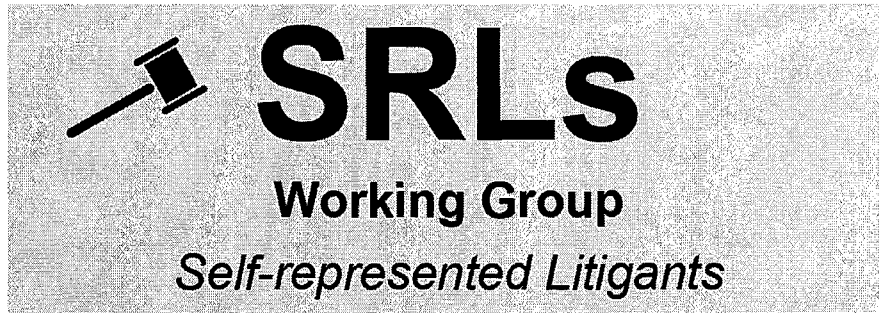
She can be reached at [riana.colbert@ocla.ca](mailto:riana.colbert@ocla.ca) or by cell phone at 647-494-1837.

THIS IS EXHIBIT • G • TO THE AFFIDAVIT  
OF Kaitlin Short  
SWORN BEFORE ME THIS 21  
DAY OF January, 2014

Amy Derickx

Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

## OCLA for SRLs Working Group



\* Join this working group online at our [FACEBOOK group!](#)



The Ontario Civil Liberties Association is proud to launch its working group project for the rights and interests of self-represented litigants (SRLs).

Follow the links below or scroll down to read more:

- [Context](#)
- [OCLA's Role](#)
- [Position Statement](#)
- [Examples](#)
- [Lobbying for Resources](#)
- [Join Group](#)



## Context

Self-represented and unrepresented litigants represent a large group of litigants in Ontario courts.

The OCLA is committed to advancing the rights and interests of SRLs who, for whatever reason, choose to represent themselves or to be unrepresented.

8 The Ontario courts are not a level litigation field for unrepresented litigants. The courts do not fairly accommodate citizens who choose to represent themselves, but rather present a palpable and often overt negative bias against the unrepresented plaintiff or defendant.

This is a systemic problem rooted in the closed environment of the legal profession in which lawyers and judges, tied by mutual professional and social relationships, work together to manage ordinary citizens.

Ontario is a backward jurisdiction in terms of treating SRLs, and its courts are both refractory and biased against SRLs. Rather than provide needed resources to SRLs, such as the funded drop-in centers of British Columbia, Ontario's focus is one of "managing the problem of SRLs" via such methods as: "educating judges", "developing practice guidelines", "steering unrepresented litigants towards representation", "steering self-represented litigants toward mediation", excessive interventional use of "case management" powers, and "putting more pamphlets on-line".

The problem for SRLs is exacerbated by the fact that Ontario's *Rules of Civil Procedure* (the rules of the court) need not be followed by judges who have the power to modify any rule "to secure the just, most expeditious and least expensive determination of every civil proceeding on its merits". In practice, this has two major negative consequences for SRLs:

- (i) The SRL cannot depend on what appear to be set procedural rules, but rather can find himself/herself before unforeseen circumstances imposed at the last minute; and
- (ii) Given the systemic bias against SRLs, the judicial "rule bending" is often applied under the unstated assumption that the SRL is being or could otherwise be unreasonable; as the judge is urged on, of course, by opposing counsel.

The Canadian *Charter of Rights and Freedoms* enshrines every litigant's right to "equality before and under the law" but this has little meaning in practice in Ontario unless self-represented litigants individually and collectively advance and defend their right for fair treatment in the courts.

Thus, there is a very real need for self-represented litigants (SRLs) to organize in order to advocate for their rights and interests, and to share resources, knowledge, and experience. The OCLA offers a forum for such organization and representation.

[\[Top of page\]](#)



## OCLA's Role

The OCLA understands that the rights and interests of SRLs is a political question that necessarily challenges the legal establishment, its statutory structures, and its professional associations. As such, self-represented litigants need a strong and independent voice.

9 The OCLA wishes to facilitate the development of this voice, to the benefit of both individual self-represented litigants and SRLs as a group. The OCLA proposes regular meetings of Ottawa area unrepresented litigants for the purpose of self-help and advancing common interests. The OCLA can provide logistic support for exercising political and administrative pressures, and is happy to facilitate communications and resource-sharing between litigants.

The OCLA may initiate and oversee a database of complaints by SRLs, for the purpose of identifying problem areas and priorities.

[\[Top of page\]](#)

## Position Statement

The OCLA's position is that, whether right or wrong, guilty or innocent, every self-represented litigant has a right to a fair and transparent process.

Further, it is OCLA's position that, in view of the systemic bias against SRLs, and in view of the intrinsic disadvantages of SRLs within the adversary system of the law, SRLs have a right to reasonable special accommodations, both procedural and in-court.

[\[Top of page\]](#)

## Examples

The OCLA's position is that no SRL should ever be treated with disrespect by a judge, master, or lawyer, inside or outside the courtroom. This includes such "small" matters as being referred to as "he" or "she" in open court, rather than by proper name and/or title.

The OCLA's position is that no procedural rule should be altered to the disadvantage of the SRL (as judged by the SRL), without reasonable judicial prior notice.

The OCLA's position is that judges should consider in detail any SRL's complaint about the professional conduct of a lawyer involved in the case, and should make corresponding findings, with reasons, in view of alerting the Law Society of Upper Canada, or in view of other appropriate measures or directives.

The OCLA's position is that no SRL should ever be imposed to argue more than one filed motion or application per day, and that there should be allowed at least four days between motions argued by a given SRL.

9 0 The OCLA's position is that lawyers opposing SRLs should, in giving any advisements, always support their positions with cited relevant rules/directives and/or case law relied on, rather than simply stating the position as a directive or ultimatum without the legal basis.

[\[Top of page\]](#)

## Lobbying for Resources

The OCLA will advocate for resources to be allocated for helping SRLs to be better SRLs, such as drop-in resource centers for SRLs housed in the courtrooms and equipped with computers, legal databases, small meeting rooms, and so on.

The OCLA will advocate for an Ombudsperson position to be created (possibly affiliated with the Office of the Ontario Ombudsman), to oversee the needs and complaints of SRLs, and to regularly evaluate the extent to which SRL needs are being addressed by the legal system.

[\[Top of page\]](#)

## Join Group

Contact OCLA-SLRs Workgroup Coordinator, Denis Rancourt to receive announcements about the Working Group's activities: [denis.rancourt@gmail.com](mailto:denis.rancourt@gmail.com)

### 3 Responses to *OCLA for SRLs Working Group*



**Matthew Fournier** says:

March 2, 2013 at 3:47 pm

The SRL working group sounds very important. As far as I can tell, as it stands now "all are equal before the law" but not all are equal before the lawyers.

[Reply](#)



**Said Boukendour** says:

August 16, 2013 at 6:45 pm

All are equal before the law is more a propaganda than reality. In fact, courts belong to powerful groups. Fighting for justice is an endless effort.

[Reply](#)



**Said Boukendour says:**

August 21, 2013 at 8:36 pm

**91** Experiencing the injustice of justice is like torture. Your working group is a wonderful initiative to cope with this experience, to provide support and to take collective action.

[Reply](#)

---

OCLA

THIS IS EXHIBIT "H" TO THE AFFIDAVIT  
OF.....*Kaitlin Short*.....  
SWORN BEFORE ME THIS.....*21*.....  
DAY OF.....*January*....., 20*14*.....  
.....

*Amy Derickx*

Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

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OCLA for SRLs Working Group

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## Open Group

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**Danny Handelman**  
Ottawa, Ontario  
Added by Joseph Hickey about 4 months ago

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**Hazel Shiko**  
University of Ottawa  
Added by Joseph Hickey over a year ago

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**Valérie Suzanne Duchesneau**  
Harvard Law School  
Added by Denis Rancourt over a year ago

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**Vincent Schiele**  
Added by Nikki Evans 8 hours ago



**Nikki Evans**  
Added by Joseph Hickey about 3 months ago

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**Andrea Armstrong**  
Added by Joseph Hickey about 2 months ago

Add Friend



**Suzy Grace Silver**  
Ottawa, Ontario  
Added by Joseph Hickey over a year ago

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**Yes Day**  
Added by Denis Rancourt over a year ago



**Denis Rancourt**  
University of Toronto  
Added by Joseph Hickey over a year ago

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**Alex Hundert**  
Added by Denis Rancourt over a year ago

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**Joseph Hickey**  
Ottawa, Ontario  
Joined over a year ago

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**O'Neil Brooke**  
Added by Joseph Hickey over a year ago

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**Terry Stavnyck**  
McGill University  
Added by Denis Rancourt over a year ago

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**Pete Robert**  
Sudbury, Ontario  
Added by Joseph Hickey about 5 months ago

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**Peter Biesterfeld**  
Carleton University  
Added by Denis Rancourt over a year ago

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**Jane Scharf**  
Carleton University  
Added by Denis Rancourt over a year ago

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**John Hughes**  
I employ Rock Stars at Obsession Live Lounge  
Added by Joseph Hickey about 6 months ago

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**David ZaMendes**  
University of Ottawa  
Added by Denis Rancourt over a year ago

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**Jen Wright**  
Added by Joseph Hickey about 3 months ago

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**Chris Carter**  
Added by Joseph Hickey about 12 months ago



**Sid Senadheera**  
Consulting Scientist at Government of Cuba  
Added by Joseph Hickey over a year ago

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## Marshalls Canada

Shape up this JanYOUary with our 5 heart healthy recipes!  
<http://www.janyouary.ca/#recipes...>



Like Page

## Popeye's Supplements

Length of the store from the front.



Like Page

**Credit of \$300-\$6,000!**  
[capitalone.ca](http://capitalone.ca)



Apply for a Capital One® card. You may be eligible for credit between \$300 and \$6,000!

**North Face Jackets**  
[pricemachine.com](http://pricemachine.com)




Get a North Face Women's Tremaya Parka Down Jacket at Price Machine!

Chat (18)

94

OCLA for SRLs Working Group

**Sorel Shoes 80% off** Kaitlin  
beyondtherack.com



No Joke. See how this unique Canadian website can get you Women's Shoes at up to 80% off

**Win NFL KIT KAT® Prizes**  
nfltailgate.ca



Show us your team pride and you could score a sweet weekly NFL KIT KAT® prize pack!

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Chat (18)

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**Kaitlin Short**  
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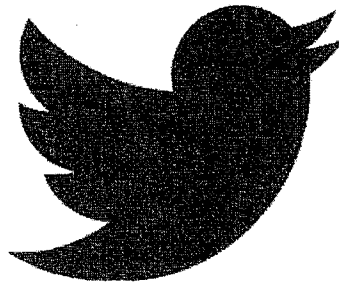
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99+

**Denis Rancourt**

A very important report about defamation law and its use by the powerful::



<http://ocla.ca/report-bill-83/>  
[ocla.ca](http://ocla.ca)

OCLA position paper on Bill 83 The tort of defamation must be abolished in Ontario [1] Bill 83, Protection of Public Participation Act, 2013, is Ontario's proposed legislation to address strategic ...

Like · Share · January 19 at 11:14am

Seen by 4

**Denis Rancourt**

Denis Rancourt files application to Supreme Court to obtain his right to an impartial court



**U OF O WATCH: Rancourt files application to Supreme Court to obtain his right to an impartial court**  
[uofowatch.blogspot.com](http://uofowatch.blogspot.com)

This site is devoted to transparency at the University of Ottawa, Ottawa, Canada. UofoWatch exposes institutional behaviour that is not consistent

Like · Share · January 7 at 1:37pm · Edited

4 people like this.

Seen by 9

View 1 more comment

**Denis Rancourt** that is the image i am using, indeed.

January 7 at 6:17pm · Like



**Chris Carter** very impressive. is there precedent mentioned in your material? I'll try and read it all eventually but please direct me specifically to the precedent if possible.

January 17 at 10:23am · Like



**Denis Rancourt** There is an index, and a page listing authorities with back-references to the paragraphs in the Memorandum of argument. After a few minutes, you will find the key SCC positions about judicial bias. I would suggest that any time a bias concern is circum... See More

January 17 at 10:41am · Like · 2

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**Ontario Civil Liberties Association**

548 members

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**Designer Clothing 80% off**  
[beyondtherack.com](http://beyondtherack.com)



No Joke. See how this unique Canadian website can get you women clothing at up to 80% off

**North Face Jackets**  
[nextag.com](http://nextag.com)



Get a North Face Women's Inlux Insulated Jacket.

146,958 people like this.

**Credit of \$300-\$6,000!**  
[capitalone.ca](http://capitalone.ca)



Apply for a Capital One® card. You may be eligible for credit between \$300 and \$6,000!

**Mother is 49, looks 27**  
[cosmopolitan.com](http://cosmopolitan.com)



Woman of 53 is a free solution against wrinkles and makes doctors furious! read more

**Spring is coming!**  
[dressvenus.com](http://dressvenus.com)



Up to 80% off for all items! Come to refresh your life here@dressvenus! Date with spring!

208,015 people like this.

**Sweet Diva Photography**  
[sweetdiva.ca](http://sweetdiva.ca)



Ottawa's premier pin-up, glamour and boudoir photographer. Find your inner Diva.

Chat (17)

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OCLA for SRLs Working

**Chris Carter**

been trying to track down this 1982 criminal case out of Brockville ON for awhile. finally just this past weekend learned the actual case citation which is R. v. Leslie 1982.

this is the case where the authorities claim that for the first time ever CAS staff in ON were charged, prosecuted but unfortunately found not guilty of having left a child under ten in the care of a violently abusive parent.

reportedly, this case is precedent in OJN in regards to establishing the...

See More

**Ontario Reports -November 29, 2013**

digital.ontarioreports.ca

We have an unparalleled understanding of what is needed for the rehabilitation, care and welfare of our clients. With over 100 combined years of experience in personal injury

Like · Share · December 2, 2013 at 12:04pm

Seen by 8



Chris Carter in Dec. 2013 Quicklaw had a free fifteen day trial allowing people access to their website. I took advantage of that. Quicklaw is significantly more expansive and comprehensive than CanLII.

ended up finding this Brockville case posted to Lexus Nexus Quicklaw. January 17 at 10:25am · Like

**Denis Rancourt via Nathan FreeSoul Finn**

interesting approach. ???



**Hunger Games in Montana: Man Forces Judge to Leave Bench Citing Natural Law**  
benswann.com

A Montana man, Ernie Tertegte appeared in court for fishing without a license and resisting arrest.

Like · Share · December 26, 2013 at 8:07pm

Seen by 8

**Denis Rancourt**

An example of a good illustration of political courts.



Chat (17)

97

OCLA for SRLs Working Group

Monsatan?

Like · Share · December 26, 2013 at 12:05pm

Seen by 10

**Andrea Armstrong** But the judges get away with it... don't they?

December 26, 2013 at 4:09pm · Like

Home Kaitlin

**Denis Rancourt**

My critique of civil court costs policy...

**Activist Teacher: Made in Canada legal system costs policy precludes access by design**  
activistteacher.blogspot.com

Like · Share · November 30, 2013 at 7:25pm

Chris Carter likes this.

Seen by 9

**Joseph Hickey** related -- SRL awarded \$200/hr. costs

December 1, 2013 at 11:27pm · Like

**Joseph Hickey** <http://drjuliemacfarlane.wordpress.com/.../bergen-v.../>

December 1, 2013 at 11:27pm · Like

**Denis Rancourt** ^ yes but that rate is lower than the rate of the lawyer who lost. where is equal pay for equal (better) work?

December 2, 2013 at 12:02pm · Edited · Like · 1


**Chris Carter**

it looks like Dec. 4/13 is going to be another in our series of "TO days of action":

next week on Wed. Dec. 4/13 a group of Court Watchers will be downtown TO to attend:

1. the hearing at Osgoode Hall where the gov't of CAN is arguing to the court to have the First Nations "60's and 70's scoop" class action lawsuit de-certified:...

See More



**Sixties Scoop Hearing - Canada's Leave to Appeal**  
Wednesday, December 4, 2013 at 10:00am  
Osgoode Hall in Toronto, Ontario  
98 people went

[Join](#)

Like · Share · November 30, 2013 at 12:39pm · Edited

Seen by 9

**Chris Carter**

on the LexusNexus Quicklaw database since last Thursday. just learned about this:

<http://www.cba.org/cba/epigram/february2007/default.aspx>

Your Source of Information about New Class Actions

The CBA is now providing "one-stop shopping" for information about new class actions. On Jan. 2, 2007, the CBA launched the National Class Action Database, a repository for information and documents about new class actions across Canada. The database is located at [www.cba.org/classactions](http://www.cba.org/classactions).

**National Class Action Database**  
cba.org

Chat (17)

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OCLA for SRLs Working Group

Home Kaitlin



The Canadian Class Actions Database is designed to give lawyers and the public easy access to court documents submitted with regard to class action lawsuits currently underway across the country.

Like · Share · November 27, 2013 at 11:01am

Denis Rancourt likes this.

Seen by 9



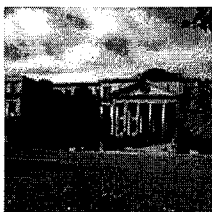
**Denis Rancourt** very nice! thanks for this information.

November 27, 2013 at 11:20am · Like · 1



**Denis Rancourt**

trying to fight unjust legal costs.



**U OF O WATCH: St. Lewis v. Rancourt:: Rancourt files Factum and Motion Record to appeal costs...**  
uofowatch.blogspot.com

This site is devoted to transparency at the University of Ottawa, Ottawa, Canada. UofOWatch exposes institutional behaviour that is not consistent with the public good.

Like · Share · November 26, 2013 at 10:17am

Seen by 9



**Joseph Hickey**

Cameras in the courtroom, 2007 report:

<http://www.slaw.ca/2011/03/22/cameras-in-ontarios-court-of-appeal-the-evaluation-report/>



**Cameras in Ontario's Court of Appeal – The Evaluation Report – Slaw**  
slaw.ca

A week ago we learned that Ontario's Attorney General is willing to consider putting video cameras in Ontario's

Like · Share · November 24, 2013 at 5:55pm

Denis Rancourt likes this.

Seen by 10

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**Joseph Hickey** <http://www.citynews.ca/.../ontarios-attorney-general.../>



**Ontario's attorney general willing to consider allowing cameras in courts**  
www.citynews.ca

A court cameras pilot project in 2007 was a big success.

November 24, 2013 at 6:10pm · Like



**Joseph Hickey** advocate for cameras in courts: <http://j-source.ca/.../daniel-henry-lack-camera-and...>



**Daniel Henry on lack of camera and electronic access to courts: 'It's just not good enough' |...**  
j-source.ca

Media lawyer Daniel Henry says when journalists – and by virtue, the public – are... See More

November 24, 2013 at 6:17pm · Like · 1



**Denis Rancourt** This would be a powerful instrument to protect SRLs in the courts.

November 24, 2013 at 9:37pm · Like



**Chris Carter**

once in awhile people post asking about how to get a judge recused.

obviously that is an expansive topic which their side isn't exactly rushing to provide the public with information in regards to.

Chat (17)

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OCLA for SRLs Working Group

but here's a 1998 case (this one is "case law" in ON) where the applicants were able to get ON's court of appeal to order a new trial based on the trial judge's misconduct:...

See More

#### CanLII - 1998 CanLII 3715 (ON CA)

canlii.org

JS and MS made a \$700,000 loan, and, after they were not repaid, they sued the Bank of NS and their solicitor; they advanced claims for breach of fiduciary duty and negligence with respect to the loan transaction. Their

Like · Share · November 22, 2013 at 4:47pm

Joseph Hickey likes this.

Seen by 11



**Denis Rancourt**

Can you identify with this?



"A cat killer? Is that the face of a cat killer?  
Cat chaser maybe. But hey—who isn't?"

Like · Share · November 21, 2013 at 10:43pm

2 people like this.

Seen by 12



**Denis Rancourt**

wow.



**Panel investigating judge's nude photos resigns, inquiry back at square one**

vancouver.sun.com

WINNIPEG - A panel investigating a Manitoba judge over nude photos has resigned en masse, potentially putting the investigation back at square one.

Like · Share · November 20, 2013 at 6:22pm

Chris Carter likes this.

Seen by 11



**Chris Carter**

LexusNexus QuickLaw is currently offering a free 15 day trial.

I'm on the website now. it appears to be significantly more comprehensive and detailed than the internet law database CanLII that i've been using until now., although i most definitely greatly

Chat (17)

100

OCLA for SRLs Working Group

appreciate CanLII.

Home Kaitlin

anybody can take advantage of this....

See More



**Quicklaw® for Microsoft Office | LexisNexis® Canada**  
lexisnexis.ca

Leverage the seamless integration of the Quicklaw® service and the open web with the Microsoft® Office applications you use every day. Save time and streamline your research process through innovative tools available

Like · Share · November 20, 2013 at 4:25pm

Nikki Evans likes this.

Seen by 11



Joseph Hickey thanks for that info!

November 20, 2013 at 6:01pm · Like · 1



Denis Rancourt

Oh yes!



**Harry Kopyto Receives OCLA Prize**  
youtube.com

"My creed is deconstructionism. Ruthless criticism of everything. My job is to destroy injustice. I use law as a political weapon. I use it to educate. The

Like · Share · November 15, 2013 at 9:13pm

Seen by 11



Denis Rancourt

Here is how it works.



**U OF O WATCH: Court of Appeal for Ontario finds no champerty: St. Lewis v. Rancourt**

uofowatch.blogspot.com

This site is devoted to transparency at the University of Ottawa, Ottawa, Canada. UofOWatch exposes institutional behaviour that is not consistent with the public good.

Like · Share · November 12, 2013 at 1:54am

Seen by 13

View 4 more comments



Chris Carter Dennis the MAG probably has records, studies, reports, academic papers etc...examining champerty. if you FIPPA it, as long as you can pay the fees (maybe \$20, \$50 etc...) you could have it in your hands in a couple of months.

November 12, 2013 at 1:15pm · Like



Denis Rancourt MAG?

November 12, 2013 at 3:11pm · Like



Chris Carter sorry. Ministry of the Attorney General. think of it like a big fat library chock full of insider information just waiting to be FOI plundered.

FOI is a weapon which, unfortunately, very very few use.

November 13, 2013 at 2:26pm · Edited · Like

Chat (17)

101

OCLA for SRLs Working

**Joseph Hickey**

"Why the Law Society should not be regulating paralegals" by the Harry Kopyto Defence Committee

<http://ocla.ca/wp-content/uploads/2013/11/Why-the-Law-Society-should-not-be-regulating-paralegals.pdf>

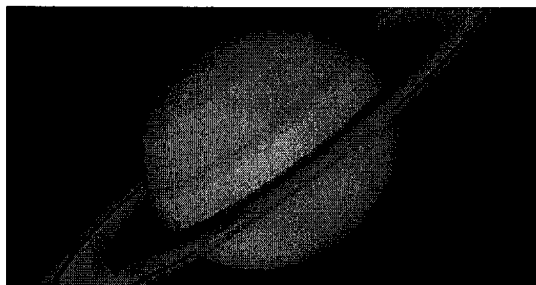
Like · Share · November 13, 2013 at 2:20pm

Suzy Grace Silver likes this.

Seen by 12

[Home](#) [Kaitlin](#)
**Denis Rancourt**

Interesting resource.



**Law and justice**  
crimetalk.org.uk

Ezine with quality comment and analysis of crime and social justice. Aims to be an educational resource at the heart of public debate, criminological research and professional practice; a site where experience meets research

Like · Share · November 2, 2013 at 11:40pm

Nikki Evans likes this.

Seen by 14

**Sid Senadheera** Picture?

November 12, 2013 at 2:02am · Like

**Denis Rancourt**

A literature review about SRLs:

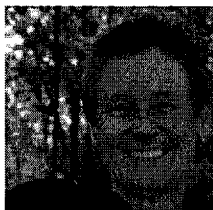
<http://www.law.monash.edu.au/centres/acji/projects/self-represented-litigants/self-rep-litigant-lit-review-acjsi-24-may-2012.pdf>

Like · Share · November 11, 2013 at 8:35am

Seen by 13

**Denis Rancourt**

Great blog post about a key needed change.



**It's the Culture, Stupid! Why lawyers aren't offering unbundled legal services**  
[drjuliemacfarlane.wordpress.com](http://drjuliemacfarlane.wordpress.com)

Interviews with 253 SRL's in my recent study (exposes the reality that despite a decade of provincial Law Societies drafting new rules of professional conduct on limited scope retainers (LSR's) ...

Like · Share · November 9, 2013 at 9:07pm

Chris Carter likes this.

Seen by 13

**Denis Rancourt**

TORONTO: Court of Appeal for Ontario November 8, 2013 hearing: St. Lewis v. Rancourt (SRL)

The appeal hearing of Defendant/Appellant Denis Rancourt's "champerty motion" will be heard:

Starting at 10:30 am, scheduled for 50 minutes.

Friday, November 8, 2013...

[See More](#)

**ONCA hearing Nov2013**  
[rancourt.academicfreedom.ca](http://rancourt.academicfreedom.ca)

Chat (17)

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OCLA for SRLs Working Group

Denis Rancourt - AcademicFreedom.ca

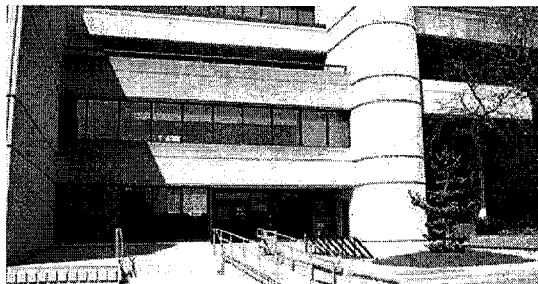
Home Kaitlin

Like · Share · November 5, 2013 at 5:39pm

Seen by 13

**Joseph Hickey**

Children's Services hires private eye to spy on parents, judge rules information shall not be disclosed to parents



**Judge rules information is privileged**  
chathamdailynews.ca

Parents have hit a judiciary brick wall in their attempt to keep their family intact.

Like · Share · October 28, 2013 at 5:35pm

Chris Carter likes this.

Seen by 14



Chris Carter thanks for posting this one Joseph.

1. ON is the ONLY province in CAN that uses these CA\$ private corporations to do the very important task of child protection. In every other province it is done directly by a gov't Ministry. but in ON we have both... See More

October 28, 2013 at 7:24pm · Edited · Like



Chris Carter Hello MPPs, Ombudsman's office and others. I'm Chris Carter from Chatham ON. I'm a member with the Court Watch program:

<http://www.canadacourtwatch.com/>... See More

October 31, 2013 at 10:54am · Like

**Denis Rancourt**

Quebec docs on SRL options in la belle province ... (also in english)



**Publications - Fondation du Barreau du Québec**  
fondationdubarreau.qc.ca

Like · Share · October 29, 2013 at 9:56pm

Seen by 14

**O'Neil Brooke**

**your  
right!**

**National Self-Represented Litigants Project (NSRLP) | Your Legal Rights - Free Legal Information...**  
yourlegalrights.on.ca

University of Windsor law professor Julie MacFarlane has

Like · Share · October 28, 2013 at 2:47pm

Seen by 14

**Denis Rancourt**

talk of bias against SRLs and talk of reform...

Chat (17)

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OCLA for SRLs Working Group

Home Kaitlin



**3 assumptions that are leading us astray - and impeding our commitment to system reform that...**

[drjuliemacfarlane.wordpress.com](http://drjuliemacfarlane.wordpress.com)

I am grateful for the opportunity to debate "the crisis in Ontario legal services" with Tom Conway, Treasurer of the Law Society of Upper Canada, and Mitch Kowlaski, author of "Avoiding Extinction..."

Like · Share · October 28, 2013 at 9:45am

2 people like this.

Seen by 14



**Pete Robert**

can anyone explain to me the process of binding arbitration i understand the binding part but how do you present youre case to the judge

Like · Share · October 25, 2013 at 11:57am

Seen by 15

[View 2 more comments](#)



**Denis Rancourt** don't assume you will actually get an arbitration hearing until one is scheduled or ordered by the Minister...

October 27, 2013 at 2:48pm · Like



**Denis Rancourt** before the hearing there will be an important step of disclosure of evidence: You must insist and work hard to get everything you can.

October 27, 2013 at 2:49pm · Like



**Denis Rancourt** At the hearing, it's run a lot like a trial... Beware of the procedural motions...

October 27, 2013 at 2:50pm · Like

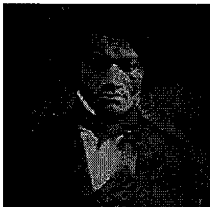


**Chris Carter**

<http://www.blackpast.org/1857-frederick-douglass-if-there-no-struggle-there-no-progress>

Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.

This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress.



**(1857) Frederick Douglass, "If There Is No Struggle, There Is No Progress" | The Black Past...**

[blackpast.org](http://blackpast.org)

BlackPast.org is an independent non-profit corporation 501(c)(3). It has no affiliation with the University of Washington. BlackPast.org is supported in part by a grant from Humanities Washington, a state-wide

Like · Share · October 25, 2013 at 11:32am

2 people like this.

Seen by 15



**Joseph Hickey** an amazing speech

October 27, 2013 at 2:01pm · Like · 1

Joseph Hickey via Jim Canie

Chat (17)

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OCLA for SRLs Working

Home Kaitlin



**Too rich for legal aid, too poor for lawyers**  
theobserver.ca  
Deborah Parker is still angry.

Like · Share · October 27, 2013 at 1:58pm  
Seen by 14



**Chris Carter**

this is a decently substantial recent development:

[http://www.thestar.com/news/queenspark/2013/10/21/kathleen\\_wynne\\_to\\_launch\\_open\\_government\\_push\\_to\\_boost\\_transparency.html](http://www.thestar.com/news/queenspark/2013/10/21/kathleen_wynne_to_launch_open_government_push_to_boost_transparency.html)

"We need to make information easier to find, understand and use, so that we can design services that deliver better results to the people of Ontario. We must also unlock public data so that you can help us solve problems and find new ways of doing things....

See More



**Kathleen Wynne to launch 'open government' push to boost transparency | Toronto Star**  
thestar.com

Dogged by the lingering controversy over the Liberals' shadowy cancellation of two gas plants at a cost of up \$1.1 billion, Premier Kathleen Wynne is

Like · Share · October 24, 2013 at 11:57am · Edited  
Seen by 16




**Denis Rancourt**

Students interested in self-representation in Montreal. The workshop, led by Denis Rancourt, will be in French.

**ATELIER AVEC DENIS RANCOURT**

Être représenté par un avocat, est-ce vraiment la meilleure option ? Denis Rancourt partagera ses expériences de non-avocat et de défendeur auto-représenté.



Atelier: Activisme juridique et Auto-représentation  
Monday, November 11, 2013 at 5:30pm  
Café Aquin in Montreal, Quebec  
76 people went

Join

Like · Share · October 23, 2013 at 6:55pm  
2 people like this.

Seen by 15



**Danny Handelman**

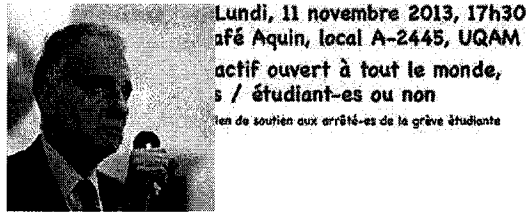
<http://hirecord.org/?p=19556>

Chat (17)

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OCLA for SRLs Working Group

Home Kaitlin

**The Socratic Method: Ralph Nader**

hircord.org

Photo by Sage Ross, Wikimedia Commons THE SOCRATIC METHOD: What do you see as the crisis in the legal profession today? RALPH NADER: The principal crisis is that the rule of law is being massively distorted by the rule of power, thereby restricting access to justice and creating a plutocratic politi...

Like · Share · October 23, 2013 at 8:16am

2 people like this.

Seen by 15

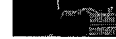
View 2 more comments

**Denis Rancourt** Ralph Nader is a giant. He never gives up.

October 23, 2013 at 10:34am · Like

**Denis Rancourt** [http://en.wikipedia.org/wiki/Ralph\\_Nader](http://en.wikipedia.org/wiki/Ralph_Nader)**Ralph Nader - Wikipedia, the free encyclopedia**  
en.wikipedia.org

born رالف نادر; Ralph Nader (/ˈneɪdər/, Arabic ...February 27, 1934)[4][5] is an A See More



October 23, 2013 at 10:35am · Like

**Chris Carter** I've got my hands full with the number of requests I currently have in with various "record holders" and the IPC or else I'd do it myself but perhaps others could consider...

...FIPPA the MAG for "any and all records pertaining to the MAG ever having ... See More

**Lawyers are rats**[www.macleans.ca](http://www.macleans.ca)

Visit Macleans.ca for the latest news, opinion and analysis on issues affecting ... See More

October 23, 2013 at 11:19am · Edited · Like · 1

**Jane Scharf**

Fight privatization of welfare for youth by the CAS.

**zation of Welfare Bill 88**

for and Jane Scharf

igned to get kids off the street and keep them out of jail as supporter is a sneaky way to privatize welfare for 16 to 24 year olds?

**Kill Bill 88 (privatization of youth welfare)**

Wednesday, October 16, 2013 at 8:00am

Queens Park in Toronto, Ontario

73 people are going

Join

Like · Share · October 22, 2013 at 8:30pm

2 people like this.

Seen by 15

**Joseph Hickey** More government/corporate control over and infantilization of young adults... "higher education" for the privileged and "children's aid" for the unprivileged?

October 23, 2013 at 8:26am · Edited · Like · 1

**Jane Scharf** Yes there are so many negative implications of this bill

October 23, 2013 at 8:36am · Like

**Denis Rancourt**

My report about a very disturbing court judgement!

**U OF O WATCH: Saudi doctors lose appeal of dismissal of University of Ottawa lawsuit -- media...**  
uofowatch.blogspot.com

Chat (17)

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OCLA for SRLs Working Group

Home Kaitlin



This site is devoted to transparency at the University of Ottawa, Ottawa, Canada. UofOWatch exposes institutional behaviour that is not consistent with the public good.

Like · Share · October 21, 2013 at 10:34pm

Seen by 15



**O'Neil Brooke** You know a couple of press releases to Saudi news outlets would probably be more effective than the Ontario Courts.  
October 21, 2013 at 11:08pm · Like



**Chris Carter**

freedom of information paid a significant dividend yesterday.

yesterday Friday Oct. 19/13 we obtained a 51 page 2002 "Program Review" of the Office of the Children's Lawyer (OCL) completed by the Ministry of the Attorney General (MAG).

we'll post it for public dissemination early next week....

See More

Like · Share · October 19, 2013 at 12:35pm

4 people like this.

Seen by 15



**Denis Rancourt** Nice work!

October 19, 2013 at 3:15pm · Like · 1



**Denis Rancourt**

I think an important part of the SRL societal phenomenon is that citizens in a democracy have a common law (and natural justice) RIGHT to represent themselves. Surely the courts and the state must reasonably and justly accommodate such a fundamental right, which is very far from being reasonably and justly accommodated at the moment in Ontario.

Like · Share · October 13, 2013 at 11:28am

4 people like this.

Seen by 15



**Chris Carter** the common law is indescribably involved, complicated, convoluted, etc...and requires literally years and years of dedicated continuous study, personal experience (often bitter) and practise (writing affidavits and motions, etc..and making arguments) t... See More

October 19, 2013 at 12:38pm · Like



**Denis Rancourt**

Excellent blog article by Dr. Macfarlane. Possibly her best comment to date on SRLs. She is finally daring to be more directly critical of judges, and one named judge in particular.



**Three Hard Realities Shaping the Self-Rep Experience: and what the Courts say about this**

[drjuliemacfarlane.wordpress.com](http://drjuliemacfarlane.wordpress.com)

As judges and the public become more aware of what is driving the self-represented litigant phenomenon – the unaffordability of private legal services and diminishing public assistance – some curio...

Like · Share · October 13, 2013 at 11:07am

Seen by 15



**Chris Carter**

here is an excellent example of one of the official and binding "presumptions" which the legal establishment provides to itself. we

Chat (17)

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OCLA for SRLs Working Group

learned about these "presumptions" from reading a legal dictionary. the presumption in this case is called omnia praesumuntur rite et solemniter essa acta=a cop will NEVER take our word over that of the CA\$ because of this nasty (but 100% official and binding on them) "presumption" which no one from their side will ever allow themselves to be que...

See More

**Presumption of regularity - Wikipedia, the free encyclopedia**  
en.wikipedia.org

It is expressed by the maxim of law[2] "omnia praesumuntur rite et solemniter essa acta donec probetur in contrarium",[3] which may be shortened to "omnia praesumuntur rite et solemniter essa acta"[4] or "omnia

Like · Share · October 9, 2013 at 3:58pm

Seen by 15



**Denis Rancourt**

There you have it.



**Judge refuses state-funded counsel for self-rep**  
canadianlawyermag.com

In a ruling a University of Windsor law professor calls "a new watershed" in the justice system, an Ontario court judge has refused to grant state-fun...

Like · Share · October 8, 2013 at 9:58am

Seen by 15



**Chris Carter** here is an excellent example of a judge intentionally making statements which he knows to be false when he claims that this mom who is trying to get a court order which will allow her to see her kids can handle the litigation on her own without a lawyer... See More

October 8, 2013 at 12:44pm · Like · 1



**Joseph Hickey via Danny Handelman**

"(Judge) Corbett said in a public interest case, it is not helpful to appoint 'an unqualified self-represented litigant to carry the torch.'"



**Woman who challenged funding of Catholic schools denied legal standing by judge**  
metronews.ca

A woman who went to court last year seeking to strip Catholic schools of almost all government funding has been denied legal standing, stopping her

Like · Share · October 3, 2013 at 9:05am

2 people like this.

Seen by 15



**Joseph Hickey** "I want to be clear that I found Ms. Landau intelligent, engaging and sophisticated. But she is not an expert in constitutional law counsel, and she was out of her depth in contending these issues with the likes of (the provincial government lawyers.)" - Judge

October 3, 2013 at 9:18am · Like · 1



**Chris Carter** excellent post. very important issue.

October 3, 2013 at 10:14am · Like · 1



Chat (17)

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Jane Scharf

Home Kaitlin

<https://www.change.org/petitions/ontario-politicians-mpp-ndp-liberal-conservative-independents-demand-that-bill-88-be-scrapped-and-call-for-accountability-of-cas>



**Ontario Politicians (MPP) NDP, Liberal, Conservative, Independents: Demand that Bill 88 be...**

change.org

Bill 88 is a bill giving Children's Aid Societies the Power to apprehend children over 16. Kids in care now can be forced to stay after 16 under the...

Like · Share · September 22, 2013 at 3:09pm near Ottawa

Chris Carter likes this.

Seen by 15



**Chris Carter** uploaded a file.

here is an August 2013 response from the MAG/OCL/OCJ pertaining to three foi requests i had filed with them seeking records of "outside of courtroom meetings" which have been occurring between the judges of the OCJ and the senior lawyers of the Office of the Children's Lawyer (OCL). i found out about these OCJ-OCL meetings from the Auditor General's 2011 "Value for Money Audit" of the OCL:

[http://www.auditor.on.ca/en/reports\\_en/en11/310en11.pdf](http://www.auditor.on.ca/en/reports_en/en11/310en11.pdf)

On the last page of that re...

See More

**foi denial from the MAG[1].pdf**

Download

Preview

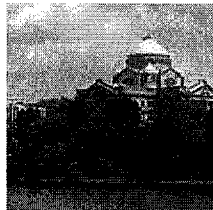
Like · Share · September 21, 2013 at 12:20pm

Seen by 16



**Joseph Hickey**

[http://en.wikipedia.org/wiki/Kids\\_for\\_cash\\_scandal](http://en.wikipedia.org/wiki/Kids_for_cash_scandal)



**Kids for cash scandal - Wikipedia, the free encyclopedia**  
en.wikipedia.org

The "kids for cash" scandal unfolded in 2008 over judicial kickbacks at the Luzerne County Court of Common Pleas in Wilkes-Barre, Pennsylvania. Two judges, President Judge Mark Ciavarella and Senior Judge Michael Conahan, were accused of accepting

Like · Share · September 21, 2013 at 9:20am

Seen by 16



**Denis Rancourt** Wow, that is way above the Ontario judge who manipulated court transcripts! A good reminder that judges can be subject to more than just an "appearance" of bias.

September 21, 2013 at 11:50am · Like · 1



**Chris Carter** it was happening here in ON since 1998/99 until just recently on a Ministry level re: how the MCSS/MCYS funded the CA\$s:

[http://www.thestar.com/.../cas\\_funding\\_formula\\_changed\\_in...](http://www.thestar.com/.../cas_funding_formula_changed_in...)

... See More

September 21, 2013 at 12:08pm · Edited · Like · 1



**Chris Carter** but if you want legal establishment corruption in ON check this out:

I imagine that you've read the Auditor's 2011 Value for Money audit of the Office of Children's Lawyer:

... See More

September 21, 2013 at 12:10pm · Edited · Like · 1



**Denis Rancourt**

<http://canadians4accountability.org/2010/04/10/professor-brian-martins-advice-to-whistleblowers-and-other-workplace-targets/>

Like · Share · August 23, 2013 at 4:22pm

Chat (17)

**Denis Rancourt**

Harry Kopyto's refreshing and inspiring blog...! Enjoy.

**Harry Kopyto**

harrykopyto.ca

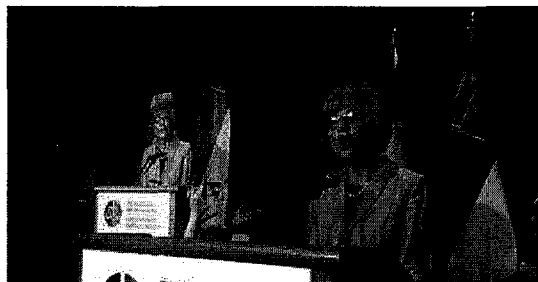
About Harry Kopyto's challenge to the Law Society's takeover of paralegals

Like · Share · August 23, 2013 at 11:05am

Seen by 16

**Denis Rancourt**

umm humm... they so much want to help...



**Access to justice in Canada a major challenge, report says - Saskatoon - CBC News**  
cbc.ca

Supreme Court of Canada Chief Justice Beverley McLachlin says the most pressing challenge facing the administration of justice in this country is

Like · Share · August 18, 2013 at 4:47pm

Seen by 16



**O'Neil Brooke** It's not that they want to help. It's naked self interest. They want to keep their position of privilege but there is a problem. They are failing in their mandate to administer our system of justice. Too many of their 'clients' are disgusted and do not get anything even closely resembling justice from their interaction with the system.

This means revolution if they do not change and they know it.

August 18, 2013 at 5:12pm · Like · 4

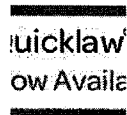


**Denis Rancourt** good point!

August 18, 2013 at 5:25pm · Like

**Joseph Hickey via Representing yourself in a legal action**

satire based on MacFarlane report



**The Access to Clothing Crisis – Slaw**  
slaw.ca

Access to Clothing[1] is a complex issue that seems almost impossible to effectively address. Some consider it one of our most pressing issues[2]. The well-off continue to be

Like · Share · July 17, 2013 at 11:41am

Seen by 16

**Joseph Hickey**

<http://www.canadianlawyermag.com/legalfeeds/1550/sad-case-over-in-mans-complaint-against-7-ns-lawyers.html>



**'Sad' case over in man's complaint against 7 N.S. lawyers**  
canadianlawyermag.com

The Supreme Court of Canada has denied a leave to appeal arguing that the laws governing Nova Scotia's legal profession are unconstitutional. <br /&...

Chat (17)

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OCLA for SRLs Working Group

Like · Share · June 28, 2013 at 2:53pm

Seen by 16

Home Kaitlin

**Joseph Hickey**Access to Justice is a fairy tale by @ianmulgrew <http://ow.ly/mbyV>  
#A2J #civlib #SRL**Ian Mulgrew: Access to justice is a fairy tale, self-represented...**ow.ly  
The final report of the National Self-Represented Litigants Project says the country's justice system isn't working

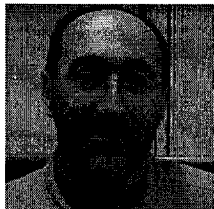
Like · June 19, 2013 at 10:35am via HootSuite

Suzy Grace Silver likes this.

Seen by 16

**Denis Rancourt**

We'll see...

**U OF O WATCH: On-going story of an application to the Supreme Court of Canada**[uofowatch.blogspot.com](http://uofowatch.blogspot.com)

This site is devoted to transparency at the University of Ottawa, Ottawa, Canada. UofOWatch exposes institutional behaviour that is not consistent with the public good.

Like · Share · June 10, 2013 at 8:43pm

2 people like this.

Seen by 16

**Joseph Hickey**

Post-traumatic court disorder

<http://www.underappeal.com/family-law/post-traumatic-court-disorder.html>Fans:  
1135**Post Traumatic Court Disorder**[underappeal.com](http://underappeal.com)

What is PTSD and what's the cure? No, you won't find this particular disorder in the official manual of standard psychiatric disorders. But that doesn't come as much

Like · Share · June 4, 2013 at 9:05am

Seen by 16

**Joseph Hickey**"Don't encourage self-reps" by a family-law lawyer <http://ow.ly/IGPX6>  
#futureoflaw #A2J #SRL**Letter: Don't encourage self-represented litigants**

ow.ly

Tweet var fbShare = { url:

"http://www.lawtimesnews.com/201306033257/letters-to-the-editor/don-t-encourage-self-represented-litigants",

Like · June 4, 2013 at 9:00am via HootSuite

Seen by 16

**Denis Rancourt**

In an interview with The Canadian Press in 2004, Morgentaler said his five-year stay in the Nazi concentration camps of Auschwitz and Dachau prepared him for his showdown with Canada's legal system.

Like · Share · May 29, 2013 at 4:02pm

2 people like this.

Seen by 16

**Denis Rancourt** <http://www.cbc.ca/.../story/2013/05/29/obit-morgentaler.html>**Abortion rights activist Dr. Henry Morgentaler dies at 90 - Canada - CBC News**

Chat (17)

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OCLA for SRLs Working Group



www.cbc.ca

Dr. Henry Morgentaler, who led the abortion movement in Canada, has died at age ... See More

May 29, 2013 at 4:06pm · Like

[Home](#) [Kaitlin](#)
**Joseph Hickey**

Op-ed about self-represented litigant at Supreme Court, freedom to not associate with union. @kselick <http://ow.ly/lqHYI>



**Get the picketers off my porch | Full Comment | National Post**  
ow.ly

In the past, individuals have been harassed in their homes by angry union members

Like · May 27, 2013 at 10:26am via HootSuite

Suzu Grace Silver likes this.

Seen by 16

**Michael Goguen**

<http://www.cbc.ca/news/canada/ottawa/story/2013/05/07/ottawa-trial-police-bowie-tran.html>

solidarity; serious issues coming to light; maybe support some people in their fight.

Like · Share · May 7, 2013 at 10:19pm

Seen by 18

[View 6 more comments](#)



**Michael Goguen** this guy isn't local, but has blogged some stuff showing p0l1c3 collusion with org cr1m3 and h3ll's ang3l's in the p1cton case in bc... covering up that involvement, looking the other way...

[gangstersREMOVEout.blogspot.PARTcom](http://gangstersREMOVEout.blogspot.PARTcom)

May 7, 2013 at 11:11pm · Like

**Michael Goguen**

<https://www.facebook.com/groups/110883345731728/>  
sorry this is the main group.

May 7, 2013 at 11:53pm · Like

**Michael Goguen**

<https://www.facebook.com/groups/110883345731728/permalink/188605914626137/>

May 7, 2013 at 11:54pm · Like

**Joseph Hickey**

Shut up, shut up, shut up

Sit up, sit up, sit up

It's a kangaroo court

<http://www.youtube.com/watch?v=s3wAVhvvXhU>

**Capital Cities - Kangaroo Court**

[youtube.com](http://youtube.com)

New single by Capital Cities

<http://itunes.apple.com/us/album/kangaroo-court-ep/id523161429>

Like · Share · May 3, 2013 at 4:44pm

2 people like this.

Seen by 17

**Denis Rancourt**

"wow" is the only word that comes to mind.

**'I Am The Law Society's Worst Nightmare!' says Kopyto**  
[harrykopyto.ca](http://harrykopyto.ca)

[Chat \(17\)](#)

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OCLA for SRLs Working Group

There are many words in the English language to describe a reaction to an event that is unexpected. Surprise. Disorientation. Bewilderment. Shock. Trauma. Freakout. But none of these words co...

Home Kaitlin

Like · Share · April 23, 2013 at 11:04am

Suzy Grace Silver likes this.

Seen by 17



**Suzy Grace Silver** I would love to meet this guy....wow

April 25, 2013 at 9:32am · Like



**Denis Rancourt**

Immediately after Dzhokhar's capture, federal prosecutors stirred controversy in legal circles by refusing to grant Dzhokhar his Miranda rights against self-incrimination, citing public safety concerns.

"He is not going to be read the Miranda warnings," ABC News Senior Justice Correspondent Pierre Thomas said Sunday. "They are going to use the Public Safety Exception, and dive in without advising him of his right to remain silent. They are taking this extraordinary step because there could be an imminent threat still out there. ... There's deep, deep concern about the amount of ammunition, guns and working bombs these men had."

Like · Share · April 22, 2013 at 6:58am

3 people like this.

Seen by 17



**O'Neil Brooke** He's not going to need his Miranda warnings because they are going to kill him in custody.

April 22, 2013 at 8:13am · Like · 1



**Michael Goguen** so those rights are going to disappear, too?

April 22, 2013 at 9:10am · Like



**O'Neil Brooke** <https://www.facebook.com/photo.php?fbid=289734267828261&set=a.191753757626313.48975.191205717681117>

Can anyone verify the assertion in the graphic?

April 22, 2013 at 11:20am · Like



**Joseph Hickey**

Story about SRLs on CBC morning radio:

<http://www.cbc.ca/thesundayedition/shows/2013/03/31/legal-access/>



**The high cost of justice | The Sunday Edition with Michael Enright | CBC Radio**  
cbc.ca

There is an ongoing discussion about who can and who cannot afford the cost of a lawyer in civil litigation. The term

Like · Share · March 31, 2013 at 11:33am

3 people like this.

Seen by 17



**Denis Rancourt**

First meeting of OCLA-SRL was held last night. Many folks present. Stimulating discussions. Group is developing ideas for action. An email report was sent to those on the email list. Send me an email to join the email list.

Like · Share · February 13, 2013 at 9:18am

2 people like this.

Seen by 17

**Denis Rancourt**

excellent media report!

Chat (17)

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OCLA for SRLs Working



**Exclusive: Judge who issued court injunctions to end rail blockades acted for CN Rail as a lawyer | aptn.ca**  
By Kenneth JacksonAPT National News The judge who signed court injunctions ending two different rail blockades

Home Kaitlin

Like · Share · February 13, 2013 at 9:15am

Peter Biesterfeld likes this.

Seen by 17

**Denis Rancourt**

The first meeting of "OCLA for SRLs" is now scheduled for Tuesday, February 12, 7pm to 9pm, McNabb Recreation Centre, 180 Percy Street, Ottawa, in the "Computer Room" (which is not a computer room). See you there!

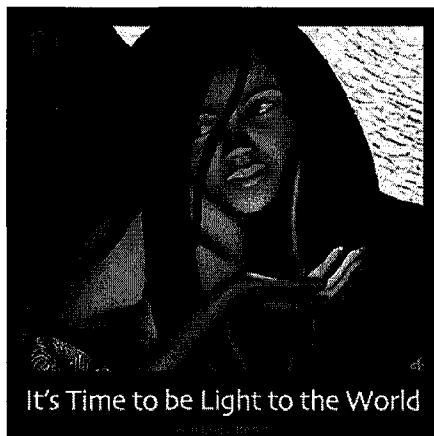
Like · Share · February 11, 2013 at 9:46pm

Chris Carter likes this.

Seen by 17

**Michael Goguen**

There are some really great ideas in this vision. I feel like this vision can co-exist with my own vision of the shift in consciousness that I perceive.



Please feel free to share this ----- I had a vision. I kept it to myself for a while, then shared it in little moments on Facebook, on Twitter. But it's time... See More

Like · Share · February 9, 2013 at 5:51pm

Seen by 18

**Denis Rancourt**

The first meeting of "OCLA for SRLs" is now scheduled for Tuesday, February 12, 7pm to 9pm, McNabb Recreation Centre, 180 Percy Street, Ottawa, in the "Computer Room" (which is not a computer room). See you there!

Like · Share · February 6, 2013 at 2:05pm

Suzy Grace Silver likes this.

Seen by 17



**Denis Rancourt** Over 50 interested persons have received this invitation by email.

February 6, 2013 at 2:06pm · Like

**Denis Rancourt**

I just sent an email to all members of the group who said they wanted to be on the private email list for the "OCLA for SRLs" group. If you should have received my email but did not, then send me your email address at: denis.rancourt@gmail.com.  
Your OCLA-SRL Workgroup Coordinator - Denis Rancourt

Like · Share · February 2, 2013 at 2:54pm

Chris Carter likes this.

Seen by 17



**Denis Rancourt** Two of the emails on the OCLA event sheet were unreadable... That's the reason.

Chat (17)

114

OCLA for SRLs Working Group

February 2, 2013 at 2:55pm · Like



**Denis Rancourt** Looks like the MacNabb CC has perfect facilities. We may have to pay a few dollars each for the room rental.  
<http://ottawa.ca/en/facility/mcnabb-recreation-centre>  
 February 2, 2013 at 5:34pm · Like

Home Kaitlin

**Chris Carter**

here is a link to one of the most recent documents we've obtained using the FIPPA:

<http://fixcas.com/cgi-bin/go.py?2013a.PECAS>

this one is about the sexual abuse of children crime wave that has been occurring in the Prince Edward County ON CA\$ and as Mr. McQuaid points out, the MCYS typically didn't bother involving any families when working on and creating this Operational Review....

See More

**Prince Edward Operational Review 30jan13**

fixcas.com

Following disclosure in the press of sexual abuse in Quinte foster homes, the Ministry of Children and Youth Services conducted an operational review of the Prince Edward

Like · Share · January 30, 2013 at 5:36pm

Seen by 17

**Chris Carter**

still think the Children's Aid \$ociety is the picture of perfection which they and others hold themselves up to be?

here is yet another of the too many to count stories of CA\$ ugliness and covering up sexual abuse, well rape actually, of a child in one their foster ummm "homes."

[http://www.torontosun.com/2013/01/29/catholic-childrens-aid-society-failed-teen-impregnated-by-foster-dad?](http://www.torontosun.com/2013/01/29/catholic-childrens-aid-society-failed-teen-impregnated-by-foster-dad?utm_source=facebook&utm_medium=recommend-button&utm_campaign=Catholic+Children%27s+Aid+Soc...)

utm\_source=facebook&utm\_medium=recommend-button&utm\_campaign=Catholic+Children%27s+Aid+Soc...

Continue Reading

**Catholic Children's Aid Society failed teen impregnated by foster dad**

torontosun.com

She thought she was finally home.

Like · Share · January 30, 2013 at 2:16pm

Seen by 17

**Denis Rancourt**

I have accepted to be the Work Group Coordinator for this OCLA Working Group for self-represented litigants. Please do not hesitate to contact me to be added to the email list to receive updates about Ottawa-based meetings, etc.

Like · Share · January 28, 2013 at 2:17pm

Suzy Grace Silver likes this.

Seen by 17



**Suzy Grace Silver** Please don't hesitate to ask me for anything, I am very interested in helping the association any ways that I am able to.

January 29, 2013 at 8:36am · Like



**Denis Rancourt** Hey SRLs: Please post your ideas for finding a room for our first meeting. Should be free, central location, available 7pm to 9pm on week nights.

January 29, 2013 at 9:03am · Like

**Chris Carter**

Here is another excerpt from the Ministry of Children and Youth Services (MCYS, Ontario) Jan. 2012 Operational Review (OR) of the Prince Edward County (PEC) CA\$ regarding that CA\$ disgusting and criminal handling of its multi-year sexual abuse of foster children in

Chat (17)

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OCLA for SRLs Working Group

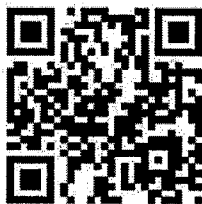
PEC CA\$ foster and group home.

Home Kaitlin

We just recently obtained this OR from the MCYS via the province of Ontario's freedom of information request process.

The full fifty six page report will posted to the fixcas.com we...

See More



**Dufferin VOCA - Reform Ontario Children's Aid**  
fixcas.com

News, research and entertainment showing that children's aid societies are the greatest danger to Ontario's children.

Like · Share · January 28, 2013 at 7:11pm

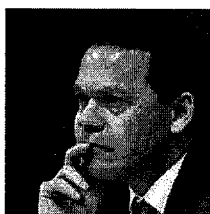
Suzy Grace Silver likes this.

Seen by 17



**Terry Stavnyck**

<http://rabble.ca/news/2013/01/canada-and-torture-afghanistan-truth-still-waiting-be-heard>



**Canada and torture in Afghanistan: The truth is still waiting to be heard | rabble.ca**  
rabble.ca

The critics may love it, but Zero Dark Thirty has made U.S. senators John McCain, Carl Levin and Dianne Feinstein very angry. The trio of politicians says that, contrary to the movie's allegedly true portrayal, torture was

Like · Share · January 25, 2013 at 7:06pm

Seen by 17



**Denis Rancourt**

Don't be fooled, this is what an exceptional lawyer looks like:



**Justice for Lynne Stewart**  
lynne-stewart.org

The story of my meeting with Ramsey in 1994 is one that I have repeated often and love to tell. I had learned from a number of sources that a search was underway for a lawyer to represent Sheikh Omar Abdel Rahman in his upcoming sedition trial (better known as the landmarks case). I got a call

Like · Share · January 23, 2013 at 9:15am

Suzy Grace Silver likes this.

Seen by 17



**Terry Stavnyck**

<http://www.thestar.com/opinion/editorials/article/1317421--government-lawyer-edgar-schmidt-courageously-blows-the-whistle-editorial>

**Government lawyer Edgar Schmidt courageously blows the whistle: Editorial**  
thestar.com

Even at the risk of his job, federal lawyer Edgar Schmidt could no longer stay quiet on whether federal laws violate

Like · Share · January 21, 2013 at 6:06pm

2 people like this.

Seen by 18



**Denis Rancourt**

"Rate your judge" site: <http://robeprobe.com/>

RobeProbe-judicial elections, voting for judges, judicial race, judicial election videos, candidates

Chat (17)

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OCLA for SRLs Working Group

Home Kaitlin



robeprobe.com

Like · Share · January 19, 2013 at 9:43pm

Seen by 18



**Denis Rancourt**

Expect what should be expected, from judges.

**Canadian Judicial Council**  
cjc-ccm.gc.ca

Like · Share · January 18, 2013 at 11:57pm

Suzy Grace Silver likes this.

Seen by 18



**Terry Stavnyck**

[http://www.youtube.com/watch?feature=player\\_embedded&v=oSZb0hcqS9A](http://www.youtube.com/watch?feature=player_embedded&v=oSZb0hcqS9A)



**Panel 3 - Evidence of Torture in Canada & Armed Conflicts: Afghan Detainees Case et al. (9 Jan 2013)**  
youtube.com  
Public Forum: "Evidence of Torture in Canada: The

Like · Share · January 18, 2013 at 4:48pm

Seen by 18



**Joseph Hickey**

SRL legal victory for airline travellers!

<http://www.thestar.com/business/article/1316235--porter-airlines-labile-for-missed-connections-flight-delays>

**Porter Airlines liable for missed connections, flight delays**  
thestar.com  
Canadian Transportation Agency rules that Porter must compensate passengers for missed connections and

Like · Share · January 18, 2013 at 4:35pm

Seen by 18



**Denis Rancourt**

Damn. Sarnia SRLs are amazing.



**We Won't Back Down: CFFLR**  
youtube.com  
Canadians For Family Law Reform. A grassroots group of women and men who offer support to each other through in the face of a broken family

Like · Share · January 16, 2013 at 10:16am

Suzy Grace Silver likes this.

Seen by 18



**Joseph Hickey**

"Self-represented litigants 'treated with contempt' by many judges, study finds".

Jan. 1, 2013 article in the Ottawa Citizen by Don Butler.

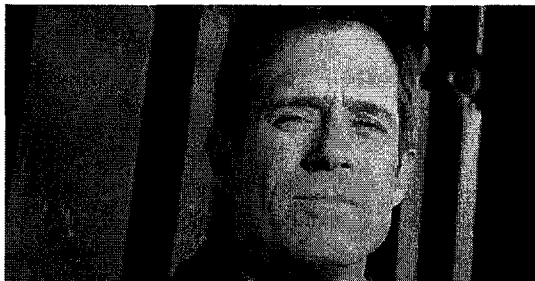
Chat (17)

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OCLA for SRLs Working Group

<http://www.ottawacitizen.com/news/Self+represented+litigants+treated+with+contempt+many+judges+study+finds/7762754/story.html>

Home Kaitlin



**Self-represented litigants & treated with contempt by many judges, study finds**  
ottawacitizen.com

Jamie Ryan has been fighting for equal access to his young daughter since the day she was born nearly three years ago.

Like · Share · January 15, 2013 at 12:30pm

Suzy Grace Silver likes this.

Seen by 18



**Joseph Hickey**



Like · Share · January 15, 2013 at 12:22pm

Alex Hill likes this.

Seen by 18



**Joseph Hickey** updated the description.  
OCLA for SRLs Working Group

The Ontario Civil Liberties Association is proud to launch its working group project for the rights and interests of self-represented litigants (SRLs).

CONTEXT...

See More

Like · January 15, 2013 at 12:20pm

Seen by 18



**Joseph Hickey** created the group.

Like · January 15, 2013 at 12:10pm

Seen by 18



**Vincent Schiele** and 28 other people are in this group.



See All Members

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Facebook © 2014 · English (US)  
OCLA for SRLs Working Group

Home Kaitlin

Chat (17)

THIS IS EXHIBIT " I " TO THE AFFIDAVIT  
 OF... Kaitlin Short .....  
 SWORN BEFORE ME THIS... 21 .....  
 DAY OF... January ....., 20 14 .....

*Ang Derickx*

**Ang Lilliemay Derickx,  
 a Commissioner, etc., Province of  
 Ontario, while a Student-at-Law.  
 Expires May 16, 2015.**

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# A Student's-Eye View

The University of Ottawa and its Senate, from the eyes of students

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## Ottawa judge rules his colleague showed no appearance of bias

DECEMBER 1, 2012

by Student's-Eye View

*Judge who threatened Defendant with contempt then stormed out of court showed no bias against Defendant: Nov. 29 ruling.*

Justice Peter B. Annis of the Ontario Superior Court has ruled that his colleague, Justice Robert N. Beaudoin did not present a "reasonable apprehension of bias" in the defamation case of *St. Lewis v. Rancourt*.

Beaudoin **withdrew from the case** on July 24, 2012, after the Defendant submitted an April 24, 2012 *Ottawa Citizen* article about him in court that revealed Beaudoin had a financial relationship with the University of Ottawa and that the lawfirm representing the university in the case, Borden Ladner Gervais (BLG), had named a boardroom in honour of Beaudoin's late son.

In his ruling, Annis states:

*"It is unreasonable to suggest that the mere act of respect by a law firm towards one of its associates who was the son of a judge and whose untimely death touched the firm could indirectly cause the judge to be biased in favour of the law firm's clients. Were this to be the case, Beaudoin J. could not hear any case pleaded by Borden Ladner Gervais LLP. This is an untenable proposition that fails to recognize that lawyers are officers of the court who are required to advance their clients' interests without adopting them as their own." [emphasis added]*

Justice Annis is himself a **former partner of the BLG firm**. His ruling is available [HERE](#).

A November 30, 2012 *Ottawa Citizen* article about the judge's decision is posted [HERE](#).

[About these ads](#)

VIDEO: NOV. 2011 SENATE MEETING



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VIDEO: APR. 2011 SENATE MEETING



VIDEO: MAR. 2011 SENATE MEETING



VIDEO: FEB.



VIDEO: JAN.

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# The University of Ottawa and its Senate, from the eyes of students

## About

"The University of Ottawa Senate sets the University's educational policies and is responsible for the sound management of academic issues on campus." – *University of Ottawa Administration and Governance page* (<http://web5.uottawa.ca/admingov/senate.html>)

"The Senate is the highest authority on campus when it comes to academic values and academic standards, and that includes academic traditions like Freedom of Expression." – *Allan Rock, President and Vice-Chancellor, Chairman of the Senate, University of Ottawa* (<http://web5.uottawa.ca/admingov/committee-video.html?id=2&vid=305>)

### Co-Managers of the Blog

Joseph Hickey was the graduate student representative to U of O Senate for the Sciences section (Faculties of Science, Engineering, Health Sciences, and Medicine) for the academic years 2010-2011 and 2011-2012. He can be contacted at [jhick059@gmail.com](mailto:jhick059@gmail.com)

Hazel Gashoka was the undergraduate student representative to U of O Senate for Social Sciences for the academic year 2011-2012. She can be contacted at [hazel.gashoka@gmail.com](mailto:hazel.gashoka@gmail.com)

One Comment   leave one →

1.

**Azadeh Almaari** PERMALINK

**July 5, 2011 9:03 am**

It is only thanks to the efforts of people with your moral calibre J. Hickey, and intellectual acuity that democratic ideals have been developed and are articulated. Each generation must protect the liberties these rights guard otherwise we have only very quickly, there is only a veneer behind which tyranny of every kind can operate with impunity.

Keep up this work and I hope other students/faculty are supporting and joining you.

Azadeh Allmaari

REPLY

[Blog at WordPress.com.](http://studentseyeview.wordpress.com/)

1 2 2

The Vigilance Theme.

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OF.....*Kaitlin Short*.....  
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DAY OF.....*January*....., 20.....*14*.....  
.....

*Ang Derickx*

**Ang Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.**

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# A Student's-Eye View

The University of Ottawa and its Senate, from the eyes of students.

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## Judge Accused of Conflict of Interest Loses Decorum and Withdraws from Case

JULY 24, 2012

by Student's-Eye View

*Judge donated money to party in lawsuit in honour of deceased son, who was a lawyer at the firm now representing the party.*

A judge of the Ontario Superior Court in Ottawa threw a fit this morning and withdrew himself from a defamation case (**St. Lewis vs. Rancourt**) after the Defendant presented documents suggesting links between the judge and another party to the case.

The Defendant, Mr. Rancourt asked Justice Robert Beaudoin this morning to hear a motion that the judge recuse himself on grounds of "reasonable apprehension of bias" and "appearance of conflict of interest." Mr. Rancourt presented an **article by the Ottawa Citizen** that described the judge's efforts to memorialize his son, including a **scholarship** he donated to the Faculty of Law at the University of Ottawa, which is a party in the proceeding (Intervener). The article also stated that a boardroom had been named after Justice Beaudoin's son at the law firm **Borden Ladner Gervais**, where the son worked as a lawyer until his death, and which represented the University of Ottawa as a party before Justice Beaudoin.

After angrily yelling at Mr. Rancourt that his request for an adjournment in preparation for a motion was denied, Justice Beaudoin threatened to hold Mr. Rancourt in contempt of court. The judge called a recess and then returned to inform the parties that he would be withdrawing himself from all further proceedings in the case, not before expressing that "never in his judicial career" had he seen actions so "disgusting and provocative" as the Defendant's submission of the newspaper article, and telling the Defendant that "unfortunately" he had "succeeded" in having the judge removed from the case.

There is nothing worse that can happen to a parent than the grief of losing his own child, and Justice Beaudoin's commitment to preserving the spirit of his son is honourable. However, his comments in the courtroom and his failure to disclose his connections to the University of Ottawa and the lawfirm representing it, Borden Ladner Gervais, raise serious ethical concerns that should be reviewed by the **Canadian Judicial Council**.

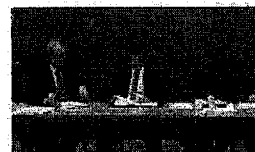
\*Update: **July 27 Ottawa Citizen article about judge's recusal**. Note that the Plaintiff's lawyer, Richard Dearden, regularly represents the Ottawa Citizen.

[About these ads](#)

VIDEO: NOV. 2011 SENATE MEETING



VIDEO: JUN. 2011 SENATE MEETING



VIDEO: APR. 2011 SENATE MEETING



VIDEO: MAR. 2011 SENATE MEETING



VIDEO: FEB. 2011 SENATE MEETING



VIDEO: JAN.

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*Amy Derickx*

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# A Student's-Eye View

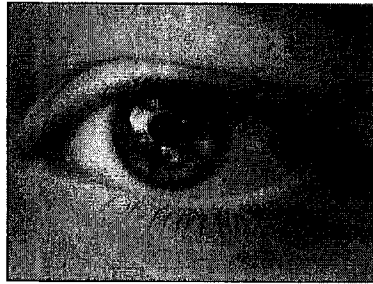
The University of Ottawa and its Senate, from the eyes of students

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## Student's-Eye View Intervenes for Public Observation of UofO Lawsuit

MARCH 22, 2012

by Student's-Eye View



Joseph Hickey, student Senator and author of "A Student's-Eye View" has filed and served material as an Intervenor on the Defendant's Motion for Leave to Appeal in the *St. Lewis v. Rancourt* lawsuit, to be heard on March 28 at the Ottawa Courthouse:

Intervenor's Motion Record + Affidavit: [HERE](#)

Intervenor's Factum: [HERE](#)

The Defendant's motion is to obtain permission to make an appeal of a judge's order blocking the public and the media from observing cross-examinations in the case, including the cross-examination of UofO President, Allan Rock, regarding his decision to fund all of Professor St. Lewis' legal fees using university money.

Last week, student Senator, Hazel Gashoka and I duly submitted a motion for the Senate to adopt a position in favour of transparency and public observation of the cross-examinations at its meeting of March 26, but President Rock and Vice-President of Governance, Diane Davidson instead decided to cancel the Senate's meeting and bar our motion from being heard (see: [1](#), [2](#), [3](#)).

It was to have been the last meeting of Ms. Gashoka and my terms as Senators for the 2011-2012 year.

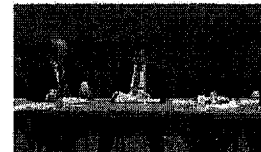
It is hoped that more student media will join in this intervention for observation rights in this legal action, which poses questions which are central to the future of University of Ottawa.

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a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

# A Student's-Eye View

The University of Ottawa and its Senate, from the eyes of students

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## Lawyer Richard Dearden Attacks Self-represented Witness: Case of St. Lewis v. Rancourt

SEPTEMBER 11, 2011

by Student's-Eye View



Richard Dearden (Gowlings LLP)

On September 6, I attended a cross-examination hearing in U. of O. Professor of Law Joanne St. Lewis' case against former U. of O. Physics Prof and critic of the university, Denis Rancourt.

Background information for the case is available at the U of O Watch blog ([link](#)), at the Academic Freedom.ca website ([link](#)), and in the mainstream media ([link-1](#), [2](#), [3](#)).

Ms. St. Lewis was present and represented by renowned defamation law lawyer Richard Dearden (Gowlings LLP). Denis Rancourt was self-represented as defendant and cross-examined on his affidavit of defense against St. Lewis' motion for an imposed and immediate mandatory mediation in the case ([link](#)). U. of O. Psychology Prof Claude Lamontagne also appeared for cross-examination on his affidavit containing his expert opinion that the term "house negro" was not racist in and of itself even when used by a white male ([link](#)). I and other members of the public were in attendance to observe the proceedings.

Mr. Dearden first attempted to block observation of the proceedings by myself and the other members of the public present, and attempted to obtain the identities of each of the observers in turn. However, Dearden refused to provide grounds for removal of observers, and instead abandoned his attempt to intimidate and exclude the public when it was clear that the observers intended to stay. Dearden threatened that the presence of members of the public at the hearing would be used for "malice purposes and aggravated damages and punitive damages" against the defendant.

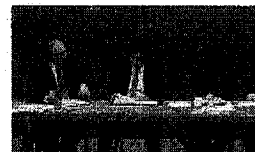
Dearden proceeded to cross-examine Rancourt, going beyond an examination of the defendant's affidavit in an attempt to probe into matters beyond the scope of the cross-examination hearing.

Dearden's interrogation of the witness was aggressive and abusive, and was clearly intended to be an exercise in intimidation. He aggressively yelled at the self-defended witness on several occasions, and refused to answer "yes or no" procedural questions about the legal requirements for the self-defended witness to answer his cross-examination questions. When Rancourt correctly complained that Dearden was "badgering" him with improper questions, Dearden again attacked the defendant with the accusation that this complaint constituted malicious conduct on Rancourt's part.

VIDEO: NOV. 2011 SENATE MEETING



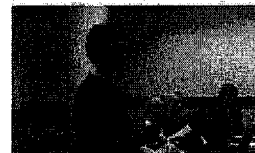
VIDEO: JUN. 2011 SENATE MEETING



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With such unethical behaviour ([link](#)) on the part of a renowned lawyer with 32 years experience while members of the public were in attendance, one wonders how Mr. Dearden would have treated the self-defended Mr. Rancourt had he been successful in excluding the public from the hearing.

Due to the serious evidence of corruption and fraud surrounding plaintiff St. Lewis' response to the Student Appeal Centre's 2008 report of systemic racism at the University of Ottawa ([link-1, 2](#)), the University of Ottawa has a responsibility to state if it has an involvement, monetary or otherwise, in the case of St. Lewis v. Rancourt.

Richard Dearden is also employed as a Part-time Professor in the Faculty of Law at the University of Ottawa. Mr. Dearden is teaching a "Media and Libel" law course during the Fall 2011 semester.

[About these ads](#)



VIDEO: DEC. 2010 SENATE MEETING



VIDEO: NOV. 2010 SENATE MEETING



VIDEO: SEPT. 2010 SENATE MEETING



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from → St. Lewis vs. Rancourt Lawsuit

← Canada-wide study of Anti-racism policies points finger at university Administration

Student Senators to be Hand-picked by the SFUO →

2 Comments leave one →



Steve

September 13, 2011 11:44 am

Not surprised in the slightest about any of this, St. Lewis does the bidding of Rock (just like Houle did with the Ann Coulter nonsense) and is forced to because of an obvious power differential and then says the report is "unbiased."

How is it possible that Richard Dearden, a law professor at the University of Ottawa (even if only a part timer) can, both, represent St. Lewis, a fellow law professor and (tangentially) the University of Ottawa, more generally, without charges of conflict of interest? Should the lawyer of St. Lewis be arm's length to St. Lewis? All of this smells to high heaven! I would be pushing the University of Ottawa to divulge how it is involved in this case, even remotely (which they probably are)? This is just the latest chapter of unethical behaviour that seemingly saturates university administration at the U of O. As for the badgering and intimidation of Dearden at the hearing – that is clearly a sign of intimidation and smells of a complete lack of professionalism (which can be used against Dearden in later hearings). I sure hope the judge is reigning in

#### ARCHIVES

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April 2012

March 2012

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August 2011

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these antics of Dearden; otherwise, that could be a grounds for appeal perhaps (if it gets to that)?

More people should be pushing back against this lack of democracy at the University of Ottawa. And these behaviours are the exemplars to students of how to behave within a "democracy" like Canada.... shameful .... appalling.

REPLY



**Joseph Hickey** PERMALINK

September 20, 2011 5:15 pm

Update, re: request for corrections from Mr. Dearden:

\*\*\*

From: Richard Dearden

To: Joseph Hickey

Date: September 19, 2011

Subject: Out of Office AutoReply: request for your corrections and comments, Student's-Eye View report

I will be out of the office until September 26th but will be checking emails periodically

\*\*\*

From: Joseph Hickey

To: Richard Dearden

Date: September 19, 2011

Subject: request for your corrections and comments, Student's-Eye View report

Dear Mr. Dearden,

This report is about you:

<http://studentseyeview.wordpress.com/2011/09/11/lawyer-richard-dearden-attacks-self-represented-witness-case-of-st-lewis-v-rancourt/>

Please provide me with any comments or corrections for posting on the blog.

Sincerely,

Joseph Hickey

REPLY

July 2011

June 2011

May 2011

April 2011

March 2011

February 2011

January 2011

December 2010

November 2010

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 OF.....Kaitlin Short.....  
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 .....

*Amy Derickx*

**Amy Lilliemay Derickx,  
 a Commissioner, etc., Province of  
 Ontario, while a Student-at-Law.  
 Expires May 16, 2015.**

This is Exhibit "N" to the  
affidavit of Kaitlin Short  
sworn before me this 21  
day of January A.D. 2014

A Commissioner, etc.

*Amy Derickx*

Amy Lilliemay Derickx,  
a Commissioner, etc., Province of  
Ontario, while a Student-at-Law.  
Expires May 16, 2015.

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**BY HAND**

December 11, 2012

The Honourable Mr. Justice Robert Smith  
Superior Court of Justice  
Ottawa Court House, 5th Floor  
161 Elgin Street  
Ottawa, ON K2P 2K1

Your Honour:

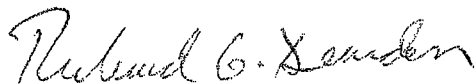
**Re: St. Lewis v Rancourt**  
**Court File No.: 11-51657**

1. The Defendant Rancourt's Confirmation Of Motion served yesterday states that he is going to seek leave to appeal Justice Annis' decision of November 29<sup>th</sup> to the Supreme Court of Canada. It is our position that the Supreme Court of Canada has no jurisdiction. The Ontario Court of Appeal has decided that the proper forum to seek leave to appeal a refusal to grant leave is to the Divisional Court pursuant to section 19 (1)(b) of the *Courts of Justice Act*. Accordingly, the Defendant Rancourt must seek leave from a Justice of the Ontario Superior Court of Justice to appeal to the Divisional Court (*Mignacca v Merck Frost*, 2009 ONCA 393; *Hillmond Investments Ltd. v Canadian Imperial Bank of Commerce*, 1996 CanLII 413 ONCA).
2. Unfortunately I have to provide a brief response to Mr. Rancourt's letter of December 10<sup>th</sup> to correct the record the Defendant Rancourt is creating. As regards paragraphs 9-10 of Mr. Rancourt's letter, it is clear that it does not matter what privileges the Court grants to the Defendant Rancourt to file post-argument written submissions or additional time to argue his never-ending motions in this libel action. The Defendant Rancourt will never consider those privileges to be adequate and fair to him.
3. The Defendant Rancourt has always been provided more time to deliver his oral arguments than Professor St. Lewis and the University of Ottawa. The Rules and allocations of time to argue a motion apply equally to self-represented litigants. The unfairness in this libel action has been to Professor St. Lewis who has had to witness the Defendant Rancourt accuse the Court of unfairness notwithstanding that he has been

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accorded disproportionate additional time to make his oral arguments and has been permitted to file post-argument written submissions.

Yours truly,



Richard G. Dearden  
RGD/mj

cc: Denis Rancourt  
Peter Doody

OTT\_LAW\3428749\1

Joanne St. Lewis

- and - Denis Rancourt

Respondent (Respondent)

Applicant (Appellant)

File Number: 35676

Appealed From C56905

**IN THE SUPREME COURT OF CANADA  
(On Appeal from the Ontario Court of Appeal)**

PROCEEDING COMMENCED AT  
OTTAWA

**AFFIDAVIT OF KAITLIN SHORT**

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