



# Ontario Continues to Pack Courts with Children's Aid Society Affiliates

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## THE UPPER ECHELON

On Friday, January 17, 2014, the Ministry of the Attorney General issued a bulletin announcing that Ontario has appointed a new judge to the Ontario Court of Justice.

Justice Lynda Susan Ross has been assigned by Chief Justice Annemarie E. Bonkalo to preside in Windsor, effective January 29, 2014. As for her unique qualifications for the position, the bulletin explains:

Following a year as a staff lawyer for Children's Aid of Toronto, Justice Ross joined the practice of Hartrick and Associates of Toronto, focussing on family and child protection litigation. In 1993, she became a member of the legal panel of the Office of the Children's Lawyer and, in 1995, established a practice as a sole practitioner, working in all areas of family law. She has practiced collaborative family law and has been a child protection mediator, providing services to Children's Aid Societies and courts in Toronto, Peel and others.

In a notice posted on December 13, 2013, the Ministry of the Attorney General announced that: "Ontario has appointed two new judges to the Ontario Court of Justice, effective December 25, 2013." Justice Katherine Stacy Neill was among the two judges named. Among her disinguished qualifications:

Justice Neill was in-house counsel with the Children's Aid Society of Brant until 2004, when she became its manager of legal services.

Justice Neill "has also been a member of the Senior Counsel Network Group for Ontario Children's Aid Societies," the notice explains. Chief Justice Annemarie E. Bonkalo assigned Justice Neill to preside in Kitchener.

A bulletin issued by the Ontario Ministry of the Attorney General on April 26, 2013, bears the headline: "New Judge Appointed to the Ontario Court of Justice."

"Ontario has appointed a new judge to the Ontario Court of Justice. Justice Kathleen Baker has been assigned by Chief Justice Annemarie E. Bonkalo to preside in Brantford, effective May 8, 2013," the bulletin explains. Among Justice Kathleen Baker's qualifications:

Justice Kathleen Baker was called to the Bar in 1989 and was a legal supervisor, then in-house counsel for the Children's Aid Society of Brant. From 1990 to 1994, she was in private practice specializing in criminal and family law, including child protection matters. For six years, Justice Baker worked as senior legal counsel for the Children's Aid Society of Durham, and of Hamilton. More recently, she has been in private practice, dealing with child protection proceedings

as well as custody and access, support and property issues. Justice Baker has also been a panel member for the Office of the Children's Lawyer.

On January 16, 2009, the Canadian Newswire reported that "The province has appointed three judges to the Ontario Court of Justice, effective January 28, 2009." Among the three new judges appointed was Madam Justice Manjusha Pawagi. Among her qualifications:

Madam Justice Manjusha Pawagi was called to the Bar in 1997. Since then she has practiced family law. She worked as counsel for the Children's Aid Society (CAS) of Toronto from 1997 to 2004, where she represented the society in child protection cases in both the Superior Court of Justice and the Ontario Court of Justice. While with the CAS she also designed and delivered training for social workers, foster parents and CAS counsel on topics such as amendments to the Child and Family Services Act, court conduct, and the Human Rights Code. Later, she served as counsel for the Office of the Children's Lawyer, where she represented children in child protection and custody and access cases.

Chief Justice Annemarie E. Bonkalo assigned Justice Pawagi to preside in Brampton.

On June 22, 2009, *The Sault Star* reported that: "The region's newest Superior Court of Justice position will be filled by a local barrister."

That local barrister was Edward (Ted) Gareau, and he had just been "appointed judge of the province's highest court."

Among judge Gareau's qualifications:

He was president of the Algoma District Law Association from 2004 to 2008 and sat on numerous voluntary boards including as president of the Children's Aid Society of Algoma's from 1992 to 1997. Gareau's wife, Nadine, worked as the CAS legal counsel for 12 years.

On November 1, 2010, the Ministry of the Attorney General issued a bulletin announcing that two judges had been appointed to the Ontario Court of Justice. Among the two appointees was Justice Kevin Sherwood. The bulletin explains that:

Justice Sherwood has served as duty counsel for Legal Aid Ontario, as the solicitor of record for

the Children's Aid Society and as an agent of the Crown for the Attorney General of Ontario in Bruce County. From 1984 to 2009, he represented children on behalf of the Office of the Children's Lawyer.

On August 6, 2010, Canada's Department of Justice announced that: "The Honourable Mary Jane Hatton, Senior Judge of the Family Court Branch of the Superior Court of Justice of Ontario, is appointed Judge of the Superior Court of Justice of Ontario," in Durham. Among judge Hatton's qualifications:

Madam Justice Hatton was appointed Senior Judge of the Family Court Branch in 2008. She was appointed a Judge of the Family Court Branch of the Superior Court of Justice of Ontario in 1999 and a Judge of the Ontario Court of Justice in 1990. Prior to her appointment, she was Chair of the Case Management Operations Committee for the pilot project in the Toronto Family Court. She was counsel at the Children's Aid Society of Metropolitan Toronto for five years and was in private practice for nine years specializing in family law.

Madam Justice Hatton was one of three appointed judges announced at the time by Hon Rob Nicholson, P.C., Q.C., M.P. for Niagara Falls, Minister of Justice and Attorney General of Canada.

"A pair of lawyers will put on a new set of robes Wednesday when they assume their posts as judges of the Ontario Court of Justice," notes *Law Times* in an article posted on December 1, 2008.

Among the two judges that Attorney General Chris Bentley named to the Court was Justice Nathalie Gregson. Among her qualifications:

She has represented the Children's Aid Society for the districts of Nipissing and Parry Sound, helped organize a collaborative family law program in North Bay, and acted for children as an Office of the Children's Lawyer panel member.

On March 30, 2007, The Ministry of the Attorney General announced the appointment of Roselyn Zisman as a provincial judge to the Ontario Court of Justice. Among her qualifications:

Madam Justice Zisman was called to the Bar

in 1976 and since then has been in private practice in family, child protection and criminal law. She has also advised and represented several Children's Aid Societies, including Native Child and Family Services.

On December 15, 2003, a press release issued by the Ontario Ministry of the Attorney General announced the appointment of Margaret McSorley and Robert Rogerson as provincial judges to the Ontario Court of Justice.

Regarding the appointment of Margaret McSorley, the release explains "she was senior counsel at the Family and Children's Services of St. Thomas and Elgin. Madam Justice McSorley was a board member of the Make-A-Wish Foundation and the Thames Valley Addiction Assessment Referral Centre."

With respect to Justice Rogerson, among his qualifications: "Mr. Justice Rogerson was a founding board member of Victim Services of Perth County and served as a member of the Child Abuse Review Team for the Children's Aid Society in Perth County."

## **LOWER RUNGS OF JUDICIAL LADDER**

As for positions that occupy lower rungs on the judicial ladder, on May 25, 2011, the Ministry of the Attorney General announced that the province has appointed eight new Justices of the Peace to the Ontario Court of Justice effective May 25, 2011.

Among the eight appointees in the group was Peace Claire Thérèse Robinson Winchester. Among her unique qualifications for the position are that:

Justice of the Peace Winchester has been a board director of the Children's Aid Society of the United Counties of Stormont, Dundas and Glengarry.

On July 28, 2011, the Ministry of the Attorney General issued a bulletin announcing that six new Justices Of the Peace and two Regional Senior Justices Of The Peace were appointed to the Ontario Court Of Justice.

Among those appointed to the position of Justice of the Peace was Cristina M. Almeida Santos. As the bulletin explains her qualifications

for the position:

Justice of the Peace Cristina M. Almeida Santos has more than 25 years of experience managing the delivery of victim and social services in the Toronto area. Most recently, she served as executive director at the Abrigo Centre, where she played a key role in the development of the centre's Partner Assault Response Program. Prior to joining the Abrigo Centre in 1990, she held positions at the Catholic Children's Aid Society of Metropolitan Toronto, Toronto Western Hospital, and the Mississauga YMCA. An active volunteer in her community, she has put her skills and knowledge to work for many social services organizations . . .

On October 12, 2010, The Minisry of the Attorney General announced that the province had appointed 10 new justices of the peace to the Ontario Court of Justice effective October 13, 2010.

Among the appointees was Justice of the Peace Anna Marie Hampson. The bulletin explains that Justice Hampson "has acted as a panel lawyer for the Office of the Children's Lawyer, and as a per diem Crown attorney, prosecuting Provincial Offences Act matters in Oxford County, London and Sarnia. Justice of the Peace Hampson has been a member of the board of directors of the Children's Aid Society of London and Middlesex and a member of the University of Western Ontario Health Sciences Research Ethics Board."

On October 2, 2009, the Ministry of the Attorney General announced the appointments of four new Justices of the Peace to the Ontario Court of Justice in Western Ontario. The appointments were to become effective on October 14, 2009.

Among the appointees was His Worship Abdul Ali Chahbar. Among his qualifications are that His Worship Chahbar "served as director of both London's Children's Aid Society and Merrymount Children's Services."

On February 27, 2009, the Ministry of the Attorney General announced that the province had appointed two new justices of the peace to the Ontario Court of Justice, effective March 4, 2009.

Among the appointees was Her Worship Ana Cristina Costa. Among Her Worship Costa's

unique qualifications was that “she served as Director on the Board of the Catholic Children’s Aid Society from 1995 to 2001 and as Chairperson of the Child and Family Services Committee for a year.”

On June 29, 2007, the Ministry of the Attorney General issued an announcement to the effect that nine Justice of the Peace appointments were made to the Ontario Court of Justice, effective July 11, 2007.

Among the appointees was Justice of the Peace Ernest Parsons, who, prior to his appointment, “was chair of the board of directors of the Hastings Children’s Aid Society and the Hastings and Prince Edward District School Board.”

On May 18, 2007, the Ministry of the Attorney General announced 11 Justice of the Peace appointments, to become effective May 30, 2007. Justice of the Peace Rhonda Shousterman was among the appointees, and her qualifications included that of her having had “worked as legal counsel for the Catholic Children’s Aid Society of Toronto and the Ontario Ministry of Government Services.”

## CONCLUSION

Such conflicts of interest among Canada’s judiciary are nothing new, and they are not restricted to Ontario. The Manitoba Historical Society provides biographies of “Memorable Manitobans,” among them Mary A. Wawrykow, who “was appointed Queen’s Counsel in 1965 and Judge of the Winnipeg Juvenile and Family Court in 1968. In 1975 she was appointed Judge responsible for the Provincial Judges’ Court of Winnipeg.”

Mary A. Wawrykow was well-connected to the inner circle. Her biography notes that she believed that “community service is the rent we pay for the privilege of living upon this earth,” and that based on her belief “she served on the boards of numerous organizations.” Her biography continues on to explain:

She was on the Advisory Board of the Holy Family Home, a member of the Dominion Executive of the Ukrainian Canadian Women’s

Council, the Business and Professional Women’s Club of Winnipeg, the Board of the Canadian Council of Christians and Jews, the Ukrainian Catholic Women’s League, the Children’s Aid Society of Winnipeg, the Board of the United Way, the City of Winnipeg Housing Corporation, and the Manitoba Association for Equality in Education. She was Vice-Chairman of the Driver’s Licensing Appeal Board.<sup>1</sup>

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1. Jewish Child and Family Service provides an insightful history of its role in Canadian child welfare, and provides information about the former Children’s Aid Society of Winnipeg with which Mary A. Wawrykow was involved: “We faced a crisis during the mid 1980’s when the Provincial Government decided to close down the Children’s Aid Society of Winnipeg and develop six new community-based organizations to administer the Child and Family Services Act. The government indicated their intention to withdraw our child welfare mandate, saying that the needs of the Jewish people, as all other ethnic groups, would be met by representation on the various new boards of these new quasi-private organizations. With the political support of the community we were able to maintain our mandate and have since become better integrated into the larger child welfare system. In 1991, when the government closed down the six separate organizations and centralized services once again, our services were unaffected and our mandate reaffirmed.”

With regard to the Children’s Aid Society of Winnipeg, the Report of the Aboriginal Justice Inquiry of Manitoba by the Aboriginal Justice Implementation Commission explains (chapter 14) that an Aboriginal service organization was established in 1984 to serve Aboriginal families in Winnipeg “as the result of a determined effort by Aboriginal people to remove services for Aboriginal families and children from the Children’s Aid Society of Winnipeg. Aboriginal people were convinced that the C.A.S. of Winnipeg was more interested in apprehending children than in providing support to parents to help keep their families together.”