

Views from the Water's Edge

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Accountability missing for an Ontario judge ... even though he edited the record

by Edgewater Views

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Even though judicial appointments are for life and in spite of the fact there is no real accountability for "subtle" misconduct, there is accountability for those judges who blatantly break the rules ... at least in theory. Unfortunately, it seems an Ontario Family Court judge is not being held to the same standards as others for whatever reason.

The [Toronto Star](#) reports today that Justice Marvin Zuker acknowledged he committed judicial misconduct when he altered court transcripts in 2005, after learning they were to be used in an appeal case. Because of his "clean" record Justice Zuker was let off with a warning even though the panel reviewing the case could have ordered the removal of Zuker from the bench.



Justice Marvin Zuker

While I appreciate the principle of "forgiveness" especially when persons who have done wrong take responsibility, judges need to be held to higher "standards". This is especially when they demonstrate that they can

be motivated for self interested reasons to break fundamental rules upon which depends our justice system and our society at large.

This is especially so because there already exists a lack of any accountability on the basis of decisions by judges, especially those preceding over the the family court. Arguably, many family court judges violate the Charter of Rights and Freedoms everyday by making decisions about child custody on the basis of gender rather than merit.

It is important to consider in all of this that judges are typically political appointees and former lawyers, some of whom hold their allegiances to the legal industry in higher regard than to the principles of equitability and justice. And, all of this occurs in a society where the State offers the same discretion and trust to judges that Plato might only have offered to his philosopher kings. The Guardians' innate ability to be solely about "the collective interest" makes proponents of our current judicial system look naive or perhaps manipulative. As evidenced [here](#), our judicial appointees are not at all living up to the level of altruism that would need to be in place to warrant such little accountability.

Whether the panel made the right decision here or not, I leave that up to others to decide. From my perspective, this case does highlight once again the extent there is inadequate accountability for judges, especially when it comes to conduct that would typically result in a much more severe rebuke for anyone else in our society.