



Why does the University of Toronto allow a disgraced judge to teach law?

By Tom Thompson, Justice Reporter

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Should citizens who break some of the most serious laws of our land be allowed to teach law at Canada's most prestigious Universities?

While most Canadians would say that this is akin to inviting the head of an organized crime gang to teach studies in crime prevention, it seems that the powers that be at the University of Toronto are turning a blind eye to such a scenario in their own backyard.

Justice Marvin Zuker, who teaches law at the University of Toronto, while acting in the capacity of judge, was recently caught tampering with official court transcripts, which according to the Criminal Code of Canada, is an indictable offence.



Justice Marvin Zuker was caught altering official court transcripts yet allowed to keep his job as judge and at the U of T.

To be more specific, Justice Zuker's actions amounted to what is referred to in the Criminal Code of Canada as, "an obstruction of justice," a crime which is clearly covered by the Law.

Section 139 of the Code states the following:

139. (1) Every one who wilfully attempts in any manner to obstruct, pervert or defeat the course of justice in a judicial proceeding, is guilty of:

(c) an indictable offence and is liable to imprisonment for a term not exceeding two years, or

(d) an offence punishable on summary conviction.

The Criminal Code is clear and refers to "every one" in Canada, without any exception being made for judges or university law professors.

Section 139 is also very clear in that it states, "**in any manner to obstruct justice in a judicial proceeding.**"

There are no exceptions made for judges to obstruct justice and in fact the Chief Justice of Canada's Supreme Court, the Honourable Beverly McLoughlin stated on June 3, 2004, "In a democracy, **everyone** from the simplest citizen to the highest politician, **must** conduct themselves in accordance with the law."

Very simply, Justice Zuker has not followed the intent or spirit of the law and he should have known better.

Instead of being made accountable as most reasonable Canadians would expect, Justice Zuker has been allowed to keep his high paid job as a judge and to keep his high paid job at the U of T.

Unfortunately, the Ontario Judicial Council which is supposed to protect the public from the likes of Justice Zuker, has failed to take into consideration the real harm that his actions have caused to tarnish the administration of justice in Canada.

The term "Judicial activism", is a term that Canadians have been hearing more and more about these days.

The term describes when judges make laws of their own and circumvent laws as intended by Parliament to maintain the rule of law in our democracy.

It would seem that judicial activism, judicial nepotism and in simple English, "back room dealing," is at work protecting Justice Zuker.

When Justice Zuker broke the law and violated the trust of the Canadian people, his fellow judges just ignored the law as it is written and conveniently labelled a crime under the Criminal Code using the terms, "judicial misconduct" and "fall from grace."

The actions of Justice Zuker were to pervert or defeat the course of Justice by altering the transcripts to interfere with the party's ability to appeal the case, clearly an obstruction of justice.

The actions of Justice Zuker involved a number of steps which were not done by sheer accident.

At the time of this writing, other victims of Justice Zuker's justice have surfaced with more complaints about fixed or altered transcripts connected with his court.

In addition to the Criminal Code aspects of this matter, the question of integrity must be raised.

In 2006, the Ontario Judicial Council released their annual report which included a specific section on integrity.

Section one of their report which outlines the Council's position on integrity reads as follows:

"In Canada, our sense of fairness depends on more than judges' decisions—it depends on their behaviour and attitudes as well. Judges must ensure that their conduct, both inside and outside the courtroom, enhances Canadians' sense of fairness and trust in their judiciary."

In addition to the criminal component of his actions, Justice Zuker has violated the very principles that he and his fellow jurists claim to uphold for the benefit of justice in Canada.

Justice Zuker cannot use the excuse he did not know what he was doing for he is praised as being a seasoned and well respected judge who was appointed to the bench in 1978, not to mention his prestigious position with the U of T.

When the issue of Justice Zuker tampering with transcripts recently reported to the public in most of the national newspapers, a well-respected Toronto family law lawyer reported that Justice Zuker had once plagiarised his own legal writings in one of his rulings a few years earlier.

According to the Toronto lawyer, Justice Zuker copied the lawyer's writing "word by word" as if it was the judge's own without any credit to the lawyer's own original work.

This is no doubt another issue of questionable ethics employed by Justice Zuker which may raise questions about his rise to power over his years on the bench.

Not only do Canadians expect our judges and law professors to obey the laws but expect them to maintain the highest levels of integrity for the justice system itself.

By letting Justice Zuker continue to sit as a judge

and to teach as a professor at the U of T., both the Ontario Judicial Council and the U of T have sent the message to the public that judges in Ontario are above the laws of Canada which govern the rest of the people of Canada.

In essence, the message is crime does pay if you are connected to the right people.

To many Canadians, the actions of the Ontario Judicial Council in failing to remove Justice Zuker from the bench fail to protect the public's interest and are nothing short of judicial nepotism.

By its actions, the Ontario Judicial Council has shown that its organization is nothing more than a farce handing out "get out of Jail Free" cards to its close friends and associates.

Reading the Criminal Code, many would say that the actions of the Ontario Judicial Council amount to an obstruction of Justice as well in that the Council has allowed a judge to break the law.

All citizens are supposed to be equal under the law and the bottom line is that Justice Zuker should be made to face the same consequences as the rest of Canadians.

He should be charged, removed from the bench and stripped of his teaching position while his matter is before the court and given his day in court where members of the public can see for themselves if justice is being served equally to all Canadians.

The standard of having one set of unwritten laws for judges and a different set of laws for the rest of Canadians is not acceptable.

All Canadians, including law students at the U of T should be outraged at the actions of Justice Zuker and the Judicial Council.

It is time for our law-makers and law enforcement agencies to take action to fix this problem and to make Justice Zuker accountable for his actions.

To quote one of Canada's great former Prime Ministers, Mr. John Diefenbaker:

"We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms."

Not only is the very integrity of Canada's justice system at stake in this matter involving Justice Zuker, but the reputation of the U of T and the future of Canada as a free and democratic society as well.

U of T students must stand up and demand greater accountability from those who teach law at their fine university.