



[TRANSLATION]

File: 07-0001
20 August 2007

The Honourable J.J. Michel Robert
Chief Justice of Quebec
Ernest-Cormier Building
100 Notre-Dame Street East
Montréal, Quebec
H2Y 4B6

Dear Chief Justice:

I am writing further to your letter of 3 April 2007 in which, in your capacity of Chief Justice of Quebec, you filed a complaint against the Honourable Yves Alain of the Superior Court of Quebec.

In accordance with the Council's *Complaints Procedures*, I have referred your complaint to the Honourable John D. Richard, Chief Justice of the Federal Court of Appeal and Vice-chairperson of the Council's Judicial Conduct Committee.

Your complaint concerns the conduct of Justice Alain on 7 December 2006. On that date, Justice Alain was stopped by police because he was driving a motor vehicle while impaired by alcohol. He was charged and convicted for driving while impaired. These facts are public knowledge and therefore not in dispute.

Justice Alain provided his comments at the request of Chief Justice Richard. He expressed his sincere regrets and acknowledged that his conduct was inappropriate and that it may have tarnished the judiciary's reputation. Justice Alain unreservedly acknowledged his responsibility, pleaded guilty to the criminal charges and accepted the sentence as recommended. He also indicated that he had taken concrete steps, in consultation with his Chief Justice, to ensure that he does not re-offend.

Chief Justice Richard considers Justice Alain's conduct clearly inappropriate and unbecoming the honour and dignity of his office. Indeed, impaired driving is an offence that must be strongly condemned.

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Chief Justice Richard noted, however, that Justice Alain has a reputation as an excellent jurist who enjoys the full confidence of his Chief Justice and of other legal professionals and that he acknowledged his serious error without reservations. Chief Justice Richard concluded that, taking all circumstances into account, Justice Alain will still be able to perform his functions fairly and impartially in future.

In light of the foregoing, Chief Justice Richard has decided to close the file.

Yours sincerely,

[ORIGINAL SIGNED BY]

Norman Sabourin
Executive Director and General Counsel