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# Participatory Budgeting — Not A One-Size-Fits-All Approach

*Corporate Strategy*

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## In defence of an embattled city judge

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Byline: Mia Rabson

OTTAWA -- Several hundred lawyers and law students across Canada have risen to the defence of Manitoba Associate Chief Justice Lori Douglas, calling her treatment by the judicial community, including the most recent appointee to the Supreme Court, "callous," and "irrational."

Esther Mendelsohn, a second-year law student at **Osgoode Hall Law School** in Toronto, sent the letter last week after Douglas's decision to retire ended a four-year inquiry into her fitness to remain on the bench.

"We feel that the inquiry itself was unjust," Mendelsohn wrote in an email accompanying the letter of complaint and asking other lawyers and students to sign it.

"Sadly, ACJ Douglas resigned in order to avoid further strain on her and her family. The inquiry has had a chill effect, particularly on young female lawyers and law students."

Mendelsohn's email was also critical of Suzanne Côté, the second independent counsel hired to present the case.

"The independent counsel, (Suzanne Côté), insisted that the CJC see the photos, which would have re-victimised ACJ Douglas and would have elicited no relevant information," Mendelsohn wrote.

On Nov. 27, four days after the inquiry wrapped up, Côté was named the new Supreme Court of Canada judge. She was sworn in Tuesday.

A spokesman for the Supreme Court said Côté had no response to the letter.

The CJC did not respond when asked for comment by the Free Press Friday.

Mendelsohn said she was taken by the story because she felt Douglas should never have been the subject of an inquiry, the inquiry panel's insistence on seeing nude photos of Douglas was prejudicial, "callous and gratuitous" and this case will have an effect on other women who want to be judges.

"The suggestion that an otherwise well-respected judge would not be able to adjudicate cases impartially or that the public's faith in the administration of justice would be undermined because of the existence of nude photographs is based on outmoded notions of women and sexuality," Mendelsohn said in an email to the Free Press.

She said Douglas was a victim herself, and the fact nude photos of her posted to the Internet without her consent could later be used to discredit her as a judge and humiliate her among her peers, is wrong.

As of Friday, 387 lawyers, law professors and law students from had signed the letter, which asks the Canadian Judicial Council to publicly apologize to Douglas for humiliating her and explain why Douglas's case was taken to such lengths when more troubling complaints against other judges are handled internally with no public inquiry.

That includes a complaint against Manitoba Judge Robert Dewar, who was ordered to apologize and undergo sensitivity training in 2011 after he handed out a lighter sentence to a convicted rapist because Dewar said the victim dressed provocatively and was looking for sex the night she was attacked.

The complaint against Dewar was reviewed by a single judge and there was no inquiry.

Douglas has been on paid leave since August 2010, after a former client of her husband, lawyer Jack King, launched a sexual-harassment complaint against Douglas with the CJC. King has since died.

The complaint was dismissed for lack of evidence, but the CJC continued the inquiry into whether the existence of nude photos of Douglas posted without her consent to the Internet by her husband disqualified her from being eligible to sit on the bench.

The inquiry was also supposed to determine if Douglas had been forthcoming about the photos and the situation with King's client when she was vetted to become a judge.

Those questions will never be answered because Douglas announced Nov. 24 she will retire next May and the panel of judges and lawyers hearing the case decided to end the inquiry.

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