



Women's Legal
Education and
Action Fund

Fonds d'action et
d'éducation juridiques
pour les femmes

September 12, 2017

Women's Legal Education and Action Fund (LEAF) Welcomes Ontario Judicial Council's Decision Regarding Justice Bernd E. Zabel

On September 12, 2017, the Ontario Judicial Council (OJC) reprimanded Justice Bernd E. Zabel and suspended him for thirty days without pay.

The penalty stemmed from Justice Zabel's decision to enter his Hamilton courtroom wearing a red hat embroidered with the slogan "Make America Great Again", and then to preside with the hat sitting on the dais, the morning after the 2016 American election. The slogan is tied to Donald Trump's 2016 presidential campaign. Justice Zabel explained to the courtroom that the 2016 US election was "a historic occasion".

LEAF immediately submitted a letter of [complaint](#) to the Ontario Judicial Council (OJC) regarding Justice Zabel's conduct in court, expressing concern that his actions were in breach of the OJC's Principles of Judicial Office requiring judges to be impartial, unbiased, and to not participate in any partisan political activity.

After reviewing the complaints and the evidence from its hearing, the OJC concluded that the judge made a serious error but that it did not warrant his removal from the bench.

Noting that a suspension is the most severe penalty available to the Council short of removing a judge from the bench, LEAF Legal Director Dr. Kim Stanton, states:

The OJC properly found that Justice Zabel's actions amounted to a serious breach of the standards of judicial conduct, and that it had an adverse impact upon public confidence in the judiciary and the administration of justice. The reprimand and suspension disposition is an appropriate outcome of this incident. LEAF welcomes the judicial accountability illustrated by the OJC's handling of these complaints.

LEAF will continue to advocate for access to justice and fair treatment for women and marginalized groups in the courtroom.

About Women's Legal Education and Action Fund (LEAF)

Since April 17, 1985, when equality rights were enshrined in sections 15 and 28 of the *Charter of Rights and Freedoms*, LEAF has worked toward equality for women and girls. LEAF intervenes in key cases to ensure that when courts interpret equality rights, there will be a systemic improvement in women's lives. For more information about LEAF, visit leaf.ca.

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