

IN THE MATTER OF *THE TERRITORIAL COURT ACT*, RSNWT 1988,
c. T-2 AND IN THE MATTER OF A COMPLAINT REGARDING THE
CONDUCT OF THE HONOURABLE JUDGE DONOVAN MOLLOY

DECISION OF THE JUDICIAL COUNCIL FOR TERRITORIAL
JUDGES RESPECTING A REQUEST FOR STANDING BY THE
COMPLAINANT, MARTHA CHERTKOW

Yellowknife, Northwest Territories

January 16, 2023

1 Proceedings taken at the Chateau Nova, Yellowknife,
2 Northwest Territories.

3

4 January 16, 2023

5

6 K.M. Shaner, J The Chair

7 J. Watson, JA Judicial Council Member

8 (Remote Appearance)

9 C. Baile, CTAJ™, C Arb Judicial Council Member

10 S. Toner, CTAJ™ Judicial Council Member

11 P. Scott, PhD Judicial Council Member

12

13 J. Rossall, KC Counsel for the Judicial Council

14 E. Holmstrom Counsel for the Judicial Council

15

16 S. Renouf, KC Presenting Counsel

17 (Remote Appearance)

18 L. Anaka With Presenting Counsel

19 (Remote Appearance)

20

21 K. Teskey, KC Counsel for the Complainant

22 (Remote Appearance)

23 M. Chertkow The Complainant

24 (Remote Appearance)

25

26

1 R. Bradbury Counsel for D. Molloy, J
2 (Remote Appearance)

3

4 C. Bernier Senior Counsel, Department of
5 Justice Canada Representing
6 Public Prosecution Service of
7 Canada

8

9 S. Masongsong Judicial Council Clerk

10 A. Vidal, CSR(A), RMR Official Court Reporter

11

12 (BEGINNING OF EXCERPT)

13 THE CHAIR: I'll now turn to the standing
14 application brought on behalf of Ms. Chertkow.
15 The Panel, upon considering the materials in
16 connection with this standing application and the
17 request for funding, is of the view that limited
18 standing should be granted and that the
19 Complainant should receive funding for counsel to
20 assist her.

21 With respect to compensation, Mr. Teskey is
22 proposing that Ms. Chertkow receive compensation
23 for legal fees incurred since the complaint was
24 filed in June of 2021, to a maximum of 30 hours
25 at a rate comparable to other counsel involved in
26 the hearing, and further compensation for fees

which are associated with having standing at the hearing.

Turning to standing itself, this is inextricably linked to the request for legal fees, and the Complainant has advanced a number of justifications. However, it is primarily justified on the basis of her having a unique personal interest in the case stemming, among other things, from the allegations about Judge Molloy's conduct towards her in court. She wishes to participate in the hearing by being able to examine and cross-examine witnesses, with permission, where their evidence relates to her personal or professional reputation or interests.

The Panel is not prepared to permit the Complainant to make submissions on what the Panel's findings should be or the final disposition. Those are matters which will be addressed sufficiently by Presentation Counsel. If Mr. Teskey considers it necessary after the hearing has gotten underway to renew the application with respect to the ability to make submissions, he can certainly do so at that time.

(END OF EXCERPT)

1 **CERTIFICATE OF TRANSCRIPT**

2

3 I, the undersigned, hereby certify that the

4 foregoing pages are a complete and accurate

5 transcript of the proceedings taken down by me in

6 shorthand and transcribed from my shorthand notes

7 to the best of my skill and ability.

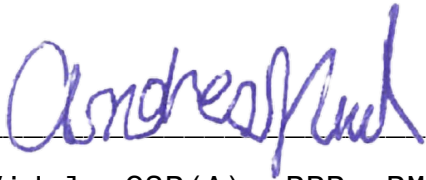
8

9 Dated at the City of St. Albert, Province of

10 Alberta, this 25th day of January 2023.

11

12

13 

14 _____

15 A. Vidal, CSR(A), RPR, RMR

16 Official Court Reporter

17

18

19

20

21

22

23

24

25

26