

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

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DECISION OF THE JUDICIAL COUNCIL FOR TERRITORIAL  
JUDGES RESPECTING A REQUEST FOR AN ADJOURNMENT BY THE  
HONOURABLE JUDGE DONOVAN MOLLOY

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Yellowknife, Northwest Territories

May 4, 2023

1 Proceedings taken at the Northern United Place  
2 Yellowknife, Northwest Territories

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4 May 4, 2023

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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

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13 J. Rossall, KC Counsel for the Judicial

14 (Remote Appearance) Council

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16 S. Renouf, KC Presenting Counsel

17 (Remote Appearance)

18 E. McIntyre Counsel for the Complainant

19 (Remote Appearance)

20 M. Chertkow The Complainant

21

22 B. Martland, KC Counsel for D. Molloy, J

23 (Remote Appearance)

24 J. Gordon, KC Counsel for D. Molloy, J

25 (Remote Appearance)

26

1	C. Bernier	Counsel for the Public
2	Z. Hennessy	Prosecution Service of
3		Canada
4		
5	G. Saville	Judicial Council Clerk
6	K. Davidsen	Official Court Reporter

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**(BEGINNING OF EXCERPT)**

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**Decision**

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10 THE CHAIR: Our Panel has decided, upon  
11 considering the evidence and the relative  
12 advantages of having Judge Molloy represented by  
13 counsel, it will grant a very brief adjournment.

14 We do so very reluctantly. We have great  
15 concerns that what has happened here, namely  
16 Judge Molloy discharging his lawyer on what is  
17 the eve of the hearing, will happen again. We  
18 are also cognizant of the length of time it has  
19 taken to have the complaint adjudicated because  
20 of the number of adjournments granted at  
21 Judge Molloy's request.

22 This said, there are advantages to having  
23 Judge Molloy represented by counsel. It will  
24 serve the public interest, it will assist the  
25 Panel in adjudicating the matter, and it will  
26 ensure that Judge Molloy, who appears to be

1           incapable of representing himself, will have  
2           representation.

3           The adjournment is granted peremptorily on  
4           Judge Molloy. In layman's terms, that means that  
5           there will be no more adjournments. This will go  
6           ahead. We have also identified the very few  
7           dates that we are all available. There are five  
8           of us. We all have day jobs, and we recognize  
9           that all of the counsel have busy schedules as  
10          well. It is our expectation that counsel will do  
11          their best to try and accommodate the sets of  
12          dates that we have, and we are hoping that you  
13          will be available. I will get to those dates  
14          momentarily.

15          I want to discuss, as well, the request for  
16          a publication ban over certain documentation. My  
17          understanding, and I will just confirm this with  
18          you, Mr. Martland, is that the medical documents  
19          which you wish to have subject to a publication  
20          ban are those that are attached to Vanessa Lang's  
21          affidavit. So those are the letter from  
22          Dr. Delva and the letter from Dr. Vermaak as well  
23          as Mr. Naidoo's affidavit; is that correct?

24        B. MARTLAND:                Yes, it's just those three,  
25          Justice, and that's right.

26        THE CHAIR:                 Okay. And it is our

1           understanding as well that you are not seeking to  
2           block public access to those documents, you are  
3           just looking to have the publication ban.

4       B. MARTLAND:               Correct.

5       THE CHAIR:               All right. We will issue the  
6           publication ban; however, in fairness to the  
7           media or other parties which may have an interest  
8           in that, we will grant leave to any journalistic  
9           organizations or others who wish to challenge the  
10          ban, and they will do so on the day that is set  
11          aside for prehearing motions upon notice to all  
12          parties.

13               Just to clarify, the documents will not be  
14          sealed. They will be accessible through the  
15          Director of Court Services, as other documents  
16          are, and they are just subject to a publication  
17          ban respecting the medical documentation that I  
18          just mentioned.

19                               **(END OF EXCERPT)**

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**CERTIFICATE OF TRANSCRIPT**

I, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability. Judicial amendments have been applied to this transcript.

Dated at the City of Calgary, Province of Alberta, this 19th day of May 2023.



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Kaylene Davidsen  
Official Court Reporter