

Multiple Sclerosis has been further devalued and she feels she will be exposed to a further risk of being abused and the risk of being coerced into assisted dying rather than the law protecting her and she is totally reliant on others providing services to help her to live with dignity and alleviate her substantial suffering.

Justice Christine Baudouin is a bias Jurist that should never have decided Truchon's fate and put the lives of all Quebec and Canadian person with disability in grave harm and jeopardy

This was a case of a bias judge with an actual conflict of interest or at least there was at least a clear perception of reasonable apprehension of bias.

The legal test is easily met in this case.

In the *Committee for Justice and Liberty v. National Energy Board*, [1976 CanLII 2 \(SCC\)](#), [1978] 1 S.C.R. 369, at p. 394:

Justice B stated:

the apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is "**what would an informed person, viewing the matter realistically and practically -- and having thought the matter through -- conclude**".

As Le Dain J. points out in *Valente v. The Queen*, impartiality relates to the mental state possessed by a judge;

It is undeniable that there is reasonable apprehension of bias, if not actual bias. Justice Baudouin mental state was blinded by changing the law to what she and her father wanted the law to be and was unable to apply the law to the fact secondary to her bias and conflicts of interest.

Under the Code of Civil Procedure in Quebec it is obvious the judgement of Christine Baudoin was bias and the judgment must be retracted as she ought to have been recused.

Grounds of recusation set out in [Code of Civil Procedure, R.S.Q., c. C-25.01](#), which states:

chapter C-25.01

Code of Civil Procedure

CHAPTER IV

RECUSATION

202. The following situations, among others, may be considered serious reasons for questioning a judge's impartiality and for justifying the judge's recusation:

(1) the judge being the spouse of one of the parties or of the lawyer of one of the parties, or the judge or the judge's spouse being related or connected by marriage or civil union to one of the parties or to the lawyer of one of the parties, up to the fourth degree inclusively;

yes, the plaintiff used the Judges father's evidence and the Judge used the her own father's evidence on behalf of the plaintiff to reach her judgement

For decades the family of Baudoin have been pro-euthenia and the father belonged to organizations that favoured the plaintiffs and Menard. Menard participated in similar writings that advanced similar desired outcomes.

(3) the judge having given advice or an opinion on the dispute or having previously dealt with the dispute as arbitrator or mediator;

Yes, Justice Christine Baudoin made known her opinions extra-judicially when she gave a talk expressing her opinions on Medical Assistance in Dying at the University of Montreal

(5) the judge being a shareholder or an officer of a legal person or a member of a partnership or an association or another group not endowed with juridical personality that is a party to the proceeding;

Yes, Baudoin family associated with pro-euthanasia associations

(6) a serious conflict existing between the judge and one of the parties or the lawyer of one of the parties, or threats or insults having been uttered between them during the proceeding or in the year preceding the application for recusation.

yes, the plaintiff used the Judges father's evidence and the Judge used the her own father's evidence on behalf of the plaintiff to reach her judgement

For decades the family of Baudoin have been pro-euthenia and the father belonged to organizations that favoured the plaintiffs and Menard. Menard participated in similar writings that advanced similar desired outcomes.

2014, c. 1, a. 202.



203. A judge who has an interest or whose spouse has an interest in a case is disqualified and cannot hear the case.

Yes, Justice Baudoin had an interest in the case and should have been disqualified. For decades the family of Baudoin were pro-euthenia and the father belonged to organizations that favoured the plaintiffs and Menard. Justice Baudoin was no interested in expanding the sliding practices of Assisted Dying, she did not even consider the optics of having here make decisions about such an important life and death case on her father's evidence. Perhaps she thought nobody would find out because Jean Louis Baudoin is not cited in her decision directly although the father is the source of evidence for her decision making.

There is no doubt, Justice Christine Baudouin was not an Independent and Impartial Jurist and failed to disclose her conflict of interest rendering the trial decision illegitimate, as there was a reasonable apprehension of bias.

Like Mr. Truchon, who never should have been assisted to die by the bias court, as he told his psychologist and in an email that he just needed the government to provide a bit more home care, Justice Baudouin never decided, Truchon's fate and the case objectively, fairly and according to the law, as they would have determine he did not really want to die or need to die and was coerced to die by a bias court and just needed some additional 70 hours of home care to relieve his suffering and live with dignity.

More vulnerable persons with disability will be put to death by the Trial Judges bias and flawed decision rather than helping those persons live with dignity, like Truchon and help them overcome some challenges in their life either physical or emotional, rather than exploiting their vulnerabilities and assisting them to an Assisted Death.

Judges like Justice Christine Baudouin are required to disclose any conflicts of interest and potential bias. They must recuse themselves in such cases. Judges like Justice Baudouin on the are not impartial and cannot decide a case based only on facts and law. Such a judge is biased and will infect the decision with their personal ideology, which happened in the Truchon decision.

Justice Christine Baudouin took no issue with Menard advocating the case while one of the authors of evidence for the conclusions was her father.

Justice Christine Baudouin should have recused herself because of her bias and conflict of interest. Her personal experiences and relationships led her to pre-determine that being at the end of one's life is not a precondition to access medical assistance in death.

The Truchon decision must be retracted forthwith as it is illegitimate and unsafe

This is not a decision that can stand and the doctrine of judicial independence cannot be relied on when allegations rise to the level of demonstrated bias or a reasonable apprehension of bias.

Therefore, Parliament cannot trust the decision as a valid decision and cannot take the decision at face value and defer to the court in the usual sense. Furthermore the findings of invalidity of the constitutional invalidity collapse and the reference to the legislature to do any thing to remedy any findings of invalidity are a nullity. Parliament can no longer rely on Truchon and Bill C7 must die so

vulnerable persons can live or at the very least Parliament ought to suspend any further deliberation until the Retraction motion is fully decided or any appeals. The political decision of Parliament would be tainted by an illegitimate bias trial judgement and further deliberation in Parliament should await the hearing of the Retraction motion by the court and any appeal, particularly given the serious nature of the Truchon case and legislation involving life and death and protecting the disabled from abuse and wrongful death.

Unless the allegations rise to the level of demonstrating bias or a reasonable apprehension thereof, we should trust that judges reach their decisions impartially. According to then-Chief Justice Lamer in *R v Lippé*, this is the very reason for judicial independence – judicial independence exists in order to secure impartiality:

However, when there is a lack of impartiality, the court must probe the issue and retract bias judgments because it undermines judicial independence, and reliance on the independents of the court.

Finally, Justice Baudoin breached the Quebec Charter of Human Rights and Freedoms under section 23 is supposed to guarantee a fair, independent and impartial hearing to decide Truchon, which did not happen.

chapter C-12

Charter of human rights and freedoms

WHEREAS every human being possesses intrinsic rights and freedoms designed to ensure his protection and development;

Whereas all human beings are equal in worth and dignity, and are entitled to equal protection of the law;

Whereas respect for the dignity of human beings, equality of women and men, and recognition of their rights and freedoms constitute the foundation of justice, liberty and peace;

Whereas the Québec nation considers State laicity to be of fundamental importance;

Whereas the rights and freedoms of the human person are inseparable from the rights and freedoms of others and from the common well-being;

Whereas it is expedient to solemnly declare the fundamental human rights and freedoms in a Charter, so that they may be guaranteed by the collective will and better protected against any violation;

Therefore, Her Majesty, with the advice and consent of the National Assembly of Québec, enacts as follows:

1975, c. 6, pream.; 2019, c. 12, s. 18.

CHAPTER III JUDICIAL RIGHTS



23. Every person has a right to a full and equal, public and fair hearing by an independent and impartial tribunal, for the determination of his rights and obligations or of the merits of any charge brought against him.

The tribunal may decide to sit in camera, however, in the interests of morality or public order.

1975, c. 6, s. 23; 1982, c. 17, s. 42; 1993, c. 30, s. 17.

Sincerely yours,

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Mr. Ken Berger Co Counsel

On behalf of Lisa D'Amico Applicant for Retraction of Truchon