



15 August, 2008

Mr. Chris G. Paliare
Paliare Roland Rosenberg Rothstein LLP
250 University Avenue
Suite 501
Toronto, ON M5H 3E5

Dear Mr. Paliare:

Re: Inquiry Committee regarding The Honourable Mr. Justice Paul Cosgrove

In your request that I provide you with a letter setting out my views as to the character of the Honourable Mr. Justice Paul Cosgrove, you correctly state that I am familiar with his character in respect of integrity and fairness based on my experience and dealings with him.

Before Paul Cosgrove was appointed to the bench in 1984, I knew him only by reputation. I have, however, come to know, understand and appreciate him as a colleague over the past 24 years. He has demonstrated to all who know him that he is an individual of honour, integrity and fairness. It is my observation that he has always conducted himself to the best of his ability and acts in good faith. The Paul Cosgrove that I am familiar with would never knowingly engage in any conduct that might undermine public confidence in the judiciary.

Perhaps, I am able to offer a somewhat different perspective on the work carried out by the judges of our court, having served as both as a local administrative judge and a regional senior justice. In those roles, I learned very quickly that real care needs to be taken when making judicial assignments. Although we are a generalist court and any judge can be assigned to do any of the work of the court, it is clear that certain judges should not be assigned to certain cases. The reasons are obvious: personality conflicts, lack of related experience, reluctance to take control in difficult situations, lack of a sense of urgency, unusual work ethic.

I do not suggest that Justice Cosgrove should not have been assigned to the case that has resulted in the proceeding now before the Canadian Judicial Council. If I had made that assignment as his regional senior justice, however, I would feel that at least some degree of responsibility rested with me and that Justice Cosgrove's responsibility would, therefore, be diminished to that extent.

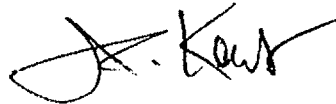
Mr. Chris G. Paliare

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If the foregoing is the case, the Inquiry Committee might wish to consider that when a trial goes "off the rails" the responsibility is not entirely that of the trial judge. It would seem, therefore, that where responsibility is shared, a recommendation that a judge be removed from office is too harsh a remedy.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Kew". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke extending to the right.

JCK:aw