

July 25, 2008

Palliare Roland Rosenberg Rothstein LLP
250 University Avenue
Suite 501
Toronto, ON
M5H 3E5

Attention Chris G. Palliare

Re: Inquiry Committee regarding the Honourable Justice Paul Cosgrove

Dear Mr Palliare:

Further to your letter of July 9, 2008 I am writing you regarding Mr. Justice Paul Cosgrove. I understand this letter will be presented to the Inquiry Committee.

I was appointed to the Supreme Court of Ontario in June of 1988. Upon the merger of the Supreme Court with the County and District Courts of Ontario in September of 1990 I was reassigned to the new court in Ottawa.

At that time, Justice Cosgrove was the Administrative Judge in Brockville. Upon merger, he remained the Administrative Judge. Justice Desmarais was the Regional Senior Justice for Eastern Ontario from the time of merger until 1994.

In December of 1994, I became the Regional Senior Justice for Eastern Ontario. Although Justice Cosgrove was a judicial colleague from 1990 to 1994 I had very little interaction with him.

Upon becoming Regional Senior Justice. I had more involvement with Justice Cosgrove. I was regional Senior Justice until 2006. During that time, Justice Cosgrove remained as the Administrative Justice in Brockville.

Justice Cosgrove was a very dedicated and hard-working Judge. Notwithstanding his role as Administrative Judge he sat on a full-time basis. If

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the workload in Brockville was not available. He was the first person to volunteer for reassignment in the East region.

During my term as Regional Senior Justice. Justice Cosgrove, never turned down an assignment or a request to perform emergency judicial services. I never had a complaint from the public or the Bar about his conduct or reserve judgments.

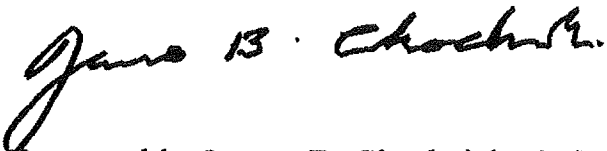
Justice Cosgrove, very seldom, if at all discussed the cases in which he was involved with his judicial colleagues or me. Although I may not have agreed with all his decisions or, his method at arriving at the decision, I considered Justice Cosgrove competent to handle his case load and reach a reasoned conclusion. To me this was part of judicial independence. I know that my judicial colleagues did not always agree with my decisions, or my method at arriving at that decision.

The case of R. vs. Elliott, which is the subject matter of the complaint by the Attorney General of Ontario, was conducted during my watch. Prior to the merger in 1990, murder cases where the exclusive jurisdiction of the Supreme Court of Ontario. As Regional Senior Justice it was my responsibility to assign Judges to various cases. Justice Cosgrove had been a Judge in since 1984 and had tried numerous criminal cases. I have no reservations assigning Justice Cosgrove to the *Elliott* case.

Through the local press, I became aware of the problems developing in the *Elliott* trial. I did not intervene nor was I consulted by Justice Cosgrove for assistance.

It is my view Justice Cosgrove handled all of his assignments in a fair and responsible manner. I have never once questioned Justice Cosgrove's integrity.

Yours very truly,

A handwritten signature in cursive script that reads "James B. Chadwick".

Honourable James B. Chadwick, Q.C.