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To: Canadian Judicial Council

**Re: The Honourable Mr. Justice Paul J. Cosgrove**

I have practised family law before Mr. Justice Cosgrove since his appointment as a Superior Court Judge of Ontario in 1984. I have appeared before him on numerous occasions in case conferences, settlement conferences, contested motions and full trials.

I do not practice criminal law or civil litigation. Therefore, I have no direct knowledge of Mr. Justice Cosgrove's conduct in the case Regina v. Julie Elliott or his conduct in any other criminal trial.

However, I feel that I have extensive knowledge of Mr. Justice Cosgrove's deportment, judicial conduct and knowledge of family law. I have a busy family law practice and I generally appear before the Superior Court of Ontario several times a week.

I have found Mr. Justice Cosgrove to be an insightful, knowledgeable and fair minded judge. When I am informed that Mr. Justice Cosgrove is sitting on a particular case I feel confident that the case will be dealt with in a thorough and fair manner. I am confident that the material will be read by Mr. Justice Cosgrove, and he will be well prepared for the hearing. If an issue of law is to be argued he will have read the relevant cases and legislation.

There is no doubt that Mr. Justice Cosgrove is a highly demanding judge. He expects counsel to be well prepared, knowledgeable on the facts of the particular case and ready to refer to the relevant law, if required. Mr. Justice Cosgrove can be impatient if he feels counsel are not properly prepared or their filed material is deficient or if he feels counsel have been relegated to the position of mere mouthpieces for their client. He can be very direct with counsel if he feels they have resorted to unfair tactics, undue delays or unnecessary complications in the process. Mr. Justice Cosgrove is acutely aware of the high financial costs to litigants and he is always anxious to ensure that any appearance before him is productive and meaningful to the parties.

Although Mr. Justice Cosgrove's conduct does sometimes appear to be abrupt with counsel, I ascribe that to his insistence on high standards and his awareness that the administration of justice

is always on trial.

In my opinion Mr. Justice Cosgrove's treatment of parties in difficult family law matters is exemplary. He is acutely aware of the common feelings of failure, humiliation and fear. Mr. Justice Cosgrove invariably makes a concerted effort to reassure parties. The vast majority of clients are highly appreciative of this approach. There is a clarity and directness which Mr. Justice Cosgrove conveys to the great relief to most clients. Generally Mr. Justice Cosgrove does not like to spend time on historical grievances, ascribing blame to various parties or rehashing mistakes that parties have made in their marriage or relationship. He wants to identify and focus on the key issues of the case.

During the years, I have found Mr. Justice Cosgrove to be very patient with litigants and sensitive to their concerns. He is well aware of human foibles so often displayed in family law matters.

I recall one very dramatic custody trial before Mr. Justice Cosgrove. The case was quite complex and the parties were not sophisticated or particularly well educated. After several days of trial a settlement was reached. On their own accord both parties in open court publicly thanked Mr. Justice Cosgrove. They stated that it was obvious to them that the judge was genuinely interested in the welfare of their little boy and they felt the case had been conducted in a fair manner.

Mr. Justice Cosgrove is diligent in ensuring that witnesses in family law cases are not bullied, harassed or abused in the witness stand. He has no hesitation in cautioning or warning counsel if he feels the cross-examination is inappropriate, prolix or repetitive. It is not infrequent that he intervenes if he feels that cross-examination is clumsy or abusive. There are certain counsel who take great umbrage at this approach. In family law where issues are frequently highly sensitive and central to the party's identity, the parties often become extremely upset. I have found Mr. Justice Cosgrove's approach appropriate for the fair and orderly conduct of the cases. Clear guidelines are set for counsel, the court explicitly takes control and the conduct of the judge engenders respect for the process.

Mr. Justice Cosgrove is fully engaged as a respected citizen in the City of Brockville. He has been instrumental in the restoration and renovation of a magnificent, historical courthouse overlooking the St. Lawrence River in downtown Brockville. While many of our courthouses resemble bus stations Mr. Justice Cosgrove championed the preservation and improvement of a historical building which clearly embodied the grandeur and authority of the justice system in Canada.

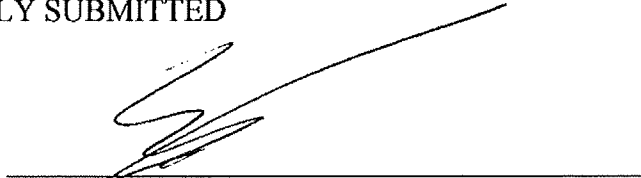
The courthouse green in Brockville is a deliberate New England feature created by Loyalists. The beautification and improvement of this landscape has been enthusiastically supported by Justice Cosgrove.

Mr. Justice Cosgrove has been a leader in initiating and conducting mock trials each Law

Day. In these trials, high school students act as counsel with local members of the bar, sit as jurors and appear as witnesses. Although some lawyers tend to be very patronizing and cynical about this process the high school students themselves and their teachers are enthusiastic supporters and participants. Mr. Justice Cosgrove presides over these proceedings with dignity.

In family law, the area of law with which I am familiar, I have found Mr. Justice Cosgrove, in the exercise of his judicial duties, to be thorough, efficient, dedicated and impartial. There has been no conduct that I have witnessed which would undermine public confidence in the administration of justice in Ontario.

ALL OF WHICH IS RESPECTFULLY SUBMITTED



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Gregory O. Best