

Federal Court of Appeal



Cour d'appel fédérale

**Date: 20110330**

**Docket: A-90-10**

**Citation: 2011 FCA 123**

**CORAM: EVANS J.A.  
DAWSON J.A.  
TRUDEL J.A.**

**BETWEEN:**

**R. MAXINE COLLINS**

**Appellant**

**and**

**HER MAJESTY THE QUEEN**

**Respondent**

Heard at Toronto, Ontario, on March 30, 2011.

Order delivered from the Bench at Toronto, Ontario, on March 30, 2011.

**REASONS FOR ORDER OF THE COURT BY:**

**THE COURT**

Federal Court of Appeal



Cour d'appel fédérale

**Date: 20110330**

**Docket: A-90-10**

**Citation: 2011 FCA 123**

**CORAM: EVANS J.A.  
DAWSON J.A.  
TRUDEL J.A.**

**BETWEEN:**

**R. MAXINE COLLINS**

**Appellant**

**and**

**HER MAJESTY THE QUEEN**

**Respondent**

**REASONS FOR ORDER OF THE COURT**

**(Delivered from the Bench at Toronto, Ontario, on March 30, 2011)**

**THE COURT**

[1] The Appellant, R. Maxine Collins, has brought motions requesting that we should all recuse ourselves from hearing her appeal, principally on the ground that we have at different times made interlocutory orders in connection with this or a related appeal and denied her the relief that she has sought. The motion concerning Justice Trudel arises from the reasons that she wrote in a related appeal (reported as 2011 FCA 11).

[2] Each of us has individually considered the motion pertaining to ourselves. We are of the view that none would give rise to a reasonable apprehension in the mind of a person, who is aware of the facts and has thought the matter through in a practical manner, that we will not impartially judge Ms Collins' appeal.

[3] There is a strong presumption that judges will comply with their solemn judicial oath to administer justice impartially. This presumption is not easily rebutted. To prove an allegation of reasonable apprehension of bias against a judge requires "convincing evidence" (*R. v. S (D.)*, [1997] 3 S.C.R. 484 at para. 32). It will be particularly difficult for a litigant to establish a disqualifying bias on the basis of a judge's previous encounters with a litigant in his or her judicial capacity (*Apotex Inc. v. Sanofi-Aventis Inc.*, 2008 FCA 394 at para. 6).

[4] We are aware of no authority suggesting that a judge is disqualified by bias solely on the ground that she or he has rendered an interlocutory decision adverse to a litigant in the same or a related proceeding, or has written reasons for deciding an appeal in a related matter. That the litigant thinks that the judge's decision was wrong or misguided is irrelevant. Were it otherwise, the orderly administration of justice would be jeopardised.

[5] For these reasons, Ms Collins' recusal motions are dismissed.

\_\_\_\_\_  
"John M. Evans"

J.A.

\_\_\_\_\_  
"Eleanor R. Dawson"

J.A.

\_\_\_\_\_  
"Johanne Trudel"

J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-90-10

**(AN APPEAL FROM THE ORDER OF THE HONOURABLE MADAM JUSTICE HENEGHAN OF THE FEDERAL COURT DATED MARCH 5, 2010, DOCKET NO. T-997-09).**

**STYLE OF CAUSE:** R. MAXINE COLLINS v. HER MAJESTY THE QUEEN

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 30, 2011

**REASONS FOR ORDER OF THE COURT BY:** EVANS, DAWSON AND TRUDEL  
JJ.A.

**DELIVERED FROM THE BENCH BY:** EVANS J.A.

**APPEARANCES:**

R. Maxine Collins FOR THE APPELLANT (ON HER OWN BEHALF)

P. Tamara Sugunasiri FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

N/A FOR THE APPELLANT

Myles J. Kirvan  
Deputy Attorney General of Canada FOR THE RESPONDENT