

HALTON'S PEOPLE

Provincial court judge blasts our legal system

By MAGGIE HANNAH
Herald staff writer

Justice is far less important than potholes in terms of votes and that's why the provincial government allots less than one per cent of its budget to justice while transportation gets somewhere between a quarter and a third of the funds the government spends annually. At least, so says Peel provincial court judge, Kenneth Langdon, of Georgetown.

Judge Langdon is one of five judges in the criminal division of the provincial court in the Peel judicial district. After five years on the bench, "principally at Clarence and Kennedy Road" in Brampton, he is only too aware of the problems in the province's legal system.

Provincial court is the bottom court of a three-tier system which he terms "largely obsolete." The structure of the system, he says, is largely historical and like historical things it tends to get carved in stone and be very difficult to change. Until changes are made however, taxpayers will continue to hear moans and groans about how jammed the courtrooms are and how delays are letting suspected criminals run around loose waiting for their trial.

"It's like trying to pour a quart into a pint bottle," he says, "There's just no way it'll fit."

Provincial court is the offspring of the old local magistrate's court and as a result any criminal charge that is laid will start out in that court no matter where it finally winds up.

HISTORICAL SYSTEM
"To understand the historical background of the system go back 100 years in Ontario," Judge Langdon says. "It was a very different society and transportation and communication were different then. Every settlement needed a justice of the peace or a magistrate to administer some sort of justice. These men were often just farmers or merchants respected a bit by their peers and they had no particular knowledge of the law. They dealt with everything that happened in the community from someone breaking a streetlight to someone killing his mother-in-law. The provincial court judge is his ultimate successor and that's why we deal with everything from causing a disturbance to murder."

More serious matters would go from the local magistrate to the county court judge who sat full time in the county seat. Anything really serious would go from the county court to the supreme court held by a trained judge who visited the area each spring and fall for the assizes.

Judge Langdon says that in Peel justices of the peace (J.P.'s) are hearing all the traffic and liquor offence cases now but provincial court still has to hear appeals in these cases. They also have to deal with people arrested during a weekend who couldn't be squeezed into JP's agenda or released in other ways.

THREE COURTS
The present system has three separate courts with three separate administrations which historically have very little liaison among them. This results in a colossal duplication of work, wasted effort and tremendous opportunities for delay.

The Provincial court books cases by date but the County court works by sittings. Therefore a lawyer knows his clients are to appear in the fall sitting but he may not know until a day or so before the case is next on the list. By then he may also have a case appearing in Provincial court. As a result one case has to be adjourned.

The Supreme court also works by sittings and Judge Langdon says he doesn't even know yet when it will sit this winter. This represents a possible third court which can present cases at a conflicting time and require still more delays as lawyers sort out conflicts.

To untangle the mess Judge Langdon suggests that there should be only one trial court, probably with three divisions such as criminal, civil and family. Appeals from these divisions could go either to a specialized court or to a single court of appeal.

BAD BACKLOG
Peel has a worse backlog of cases than anywhere in Ontario, Judge Langdon says.

"People getting arrested now won't appear in court until January," he says.

Asked why Peel should be so badly jammed up he pointed to a number of reasons. He suspects that Peel has a lower number of judges per capita than similar areas; the Peel courts (crown attorneys) as a body are tougher than most such departments; Peel gets a disproportionate number of long cases.

"The Toronto airport is in our area with a transient population of eight million



Ken Langdon

annually," he explains, "so we have a lot of drug cases. The minimum sentence for trafficking in drugs is seven years so you can imagine anyone facing that is going to fight pretty hard. And the harder the fight the more people are involved and the longer the trial is apt to be."

Peel Provincial court makes 12,000 to 15,000 dispositions annually just on narcotics and criminal code matters. Judge Langdon's share would be 3,000 to 4,000 of those cases, or roughly 20 per day. Each disposition can range from a one minute withdrawal of the charges by the Crown to a 20-day case.

Ontario's legal system and the restrictions it imposes on its judges came as no surprise to Judge Langdon. He jokes about how his grandfather got into his legal practice in Brighton because sitting around a law office was easier than farming but then adds that his father was one of four sons, all of whom became lawyers and three of the four have sons who entered law. Having a father K.M. Langdon who was judge of Halton's family court from the time he (young Ken) was in short pants left him with no specially bad memories, Judge Langdon says. While his father neither encouraged nor discouraged him from entering the legal profession he feels he must have made the right choice since he enjoys his work.

TEACH CAREER
He didn't start out to be a lawyer when he entered Trini-

ty College at the University of Toronto. He intended to teach modern languages. However after a couple of years of 12th century English and 14th century German he couldn't see it was going to help him with modern grammar and he quit.

"In those days you could drop subjects in high school and I hadn't enough math or science to pick up a career like medicine or engineering," he grins, "so I wound up in law by default. It seems to suit me though."

He jokes too about his two years as a "kept man" when his wife, Eleanor whom he married in 1960 supported him on a school teacher's salary while he finished his law school. After he finished articling he set up his practice with Fred Helson in Georgetown in 1966 and did a lot of family law work. He became a judge in 1974.

Judge Langdon says that although he had done a lot of family law he didn't want to be a judge in family court. It would involve too much social work and not enough law the way the system stands now so when the opportunity came to get into a provincial court he decided it was time to make the move if he was going to do it.

He says he likes the fact that he lives in Georgetown and works in Peel because that reduces the chances he'll ever find himself facing someone he knows in the courtroom.

PERFECTLY FAIR
"A judge could make a perfectly fair and proper deci-

sin based on the law and the evidence in a case between his father and a stranger," he explains, "But people would never believe it was unbiased because one of the parties was his father."

"It's appearance and conduct that count in the courtroom," he continues. "I really believe that if a judge runs his courtroom with the proper procedure and appears courteous and attentive so that the defendant feels he has had a fair hearing the judge could be the most ignorant, bigoted, old dot you could find but he'd be revered and his judgements considered brilliant. At the same time a learned, really conscientious judge could be hated and given no respect if he was too brusque or seemed inattentive during cases."

"Even the worst rounder won't hold a grudge against a judge if he feels that the whole process was fairly done. He'll recognize that it's a job and the judge is the one doing it and it was nothing personal. I mean, you don't shoot the surgeon if your mother doesn't survive the operation and it's the same with the judge."

Judge Langdon and his father were the only father and son both on the bench in 1974 and Judge Langdon (senior) retired the next year.

The Langdons have three children, Sharon, 13, Heather 11, and Ken 9.

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