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'Now, I've had it!': Meet Richard LeBlanc, the family court judge who's investigating Muskrat Falls

He's earnest, meticulous and singularly focused on a project that will loom large for generations to come

[Terry Roberts](#) · CBC News · Posted: Jun 22, 2019 7:00 AM NT | Last Updated: June 22



Justice Richard LeBlanc is the commissioner of the Muskrat Falls public inquiry. (Terry Roberts/CBC)

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It's 9:29 a.m. and Richard LeBlanc is standing in a hallway, just outside a lawyer-filled room at the Beothuk Building in St. John's.

When the half-hour arrives, he makes his way — like clockwork — to the front of the room with brisk steps, all business in his suit and tie, documents under his arm.

Stepping onto a platform, he takes his seat behind a desk and settles in for another day of testimony, with a large sign with the words "Commission of Inquiry Respecting the Muskrat Falls Project" directly behind him, flanked by the flags of Canada and Newfoundland and Labrador.

Before him, lawyers scramble to their desks, and in a deep, almost gravelly voice, LeBlanc asks the witness if he wants to be "sworn or affirmed."

After that, a simple question: "Mr. Learmonth?"

More than 4,000 exhibits entered

Welcome to another day at the Muskrat Falls inquiry, a long-running investigation into the troubled Nalcor-led hydroelectric project that has seeped its way into the psyche of just about every Newfoundlander and Labradorian.

The project has come to be associated with words like "boondoggle," with even the current CEO of Nalcor, Stan Marshall, saying in the past it should never have been built.





Muskrat Falls protesters Jim Learning and Eldred Davis speak with LeBlanc outside the hearing room for the Muskrat Falls inquiry in Happy Valley-Goose Bay in September. (Terry Roberts/CBC)

Roughly 120 days of public hearings since September, and about the same number of witnesses — from politicians and former CEOs to bureaucrats and major project experts — have stepped into the chair off to LeBlanc's right. More than 4,000 exhibits have been entered into evidence, from a collection of nearly six million documents.

Up to March, more than \$11 million had been spent on everything from lawyers' fees, a forensic audit and expert reviews to commission salaries and travel.

Through it all, a clear picture has developed, illustrating how and why Muskrat was conceived, the process by which it was sanctioned, and the resulting missteps that have seen the construction budget soar by nearly \$4 billion (when interest during construction and commissioning costs are included, the cost balloons to \$12.7 billion).

Reputations have been damaged

Reputations have been damaged. Institutional shortcomings have been exposed. Fingers have been pointed. And dire warnings have been issued.

LeBlanc has taken it all in, feverishly making notes or staring attentively at the person giving evidence, his chin supported by his thumb and two fingers, a pen at the ready.

He's saddled with the heavy responsibility of delivering a report by year-end that answers some very big questions, including why the original budget was so wrong, whether Nalcor's decision to proceed with the project was reasonable, and whether government officials naively supported a high-risk project that further threatens an already fragile public treasury.

And he's walking a theoretical tightrope, having to balance the need to fulfil the [terms of reference](#) given to him by government, and the danger of giving litigious contractors any ammunition in their quest to extract more money from Nalcor.

But he won't make any rulings or recommendations regarding civil or criminal responsibility of any person or organization.

Not speaking with media

LeBlanc is leading what some say is the most important commission since the Hughes Inquiry, which investigated the response of the justice system to abuses at the notorious Mount Cashel orphanage. One critic of Muskrat, Ron Penney, said the project "demonstrates the weakness of our democracy and civil society."

So who is the man carrying such a burden on his shoulders?

Well, there's the obvious, which can be found easily online. LeBlanc is a supernumerary judge with the Newfoundland and Labrador Supreme Court, and most recently was the senior administrative judge for the court's family division, where those familiar with his work say he overhauled what was a backlogged, clunky system.

He has a bachelor of commerce degree from St. Mary's University, and a law degree from Dalhousie.

He's decided cases in civil, criminal and family law.





LeBlanc is seen in Happy Valley-Goose Bay in March during public hearings on the Muskrat Falls project. (Terry Roberts/CBC)

But beyond that, you won't get any answers from LeBlanc, because he's not speaking to the media until he delivers his final report, which is due on or before Dec.31.

Not even co-counsel Barry Learmonth, who handles media inquiries for the inquiry, would confirm Wednesday that LeBlanc is a Nova Scotian, runs long distances every morning, is the father of a medical doctor, and planted roots in this province because it's his wife's home province.

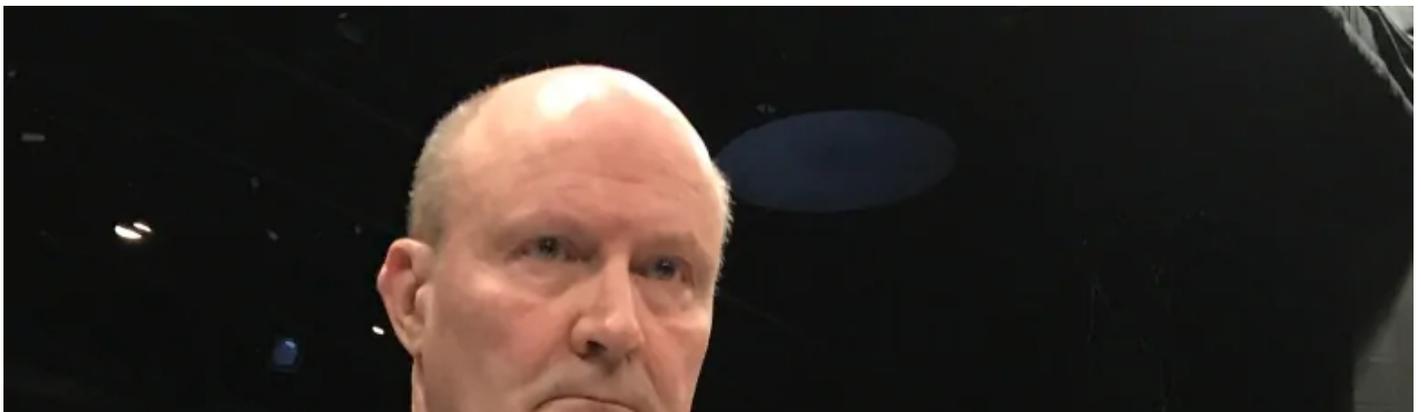
"I am not authorized at this time to provide any information on this," Learmonth wrote in an email.

'Impacted my life'

But it's not hard to get a measure of the man when you observe him in action at the inquiry, and discreetly speak to those around him every day.

What's amazing, they say, is that a commission involving so many moving parts, and such a complex topic, has remained on schedule, is trending under budget, and barring any disasters, will see LeBlanc deliver his report on time.

It's a credit, they say, to LeBlanc's time-management skills, and the work of co-counsels like Learmonth and, more recently, Irene Muzychka.





Barry Learmonth is co-counsel at the Muskrat Falls inquiry. (Terry Roberts/CBC)

There were concerns the inquiry might stumble following the appointment of former co-counsel Kate O'Brien to the province's Supreme Court in March, but it doesn't appear to have broken its stride, with public hearings expected to conclude, as planned, with Premier Dwight Ball as a witness of July 4-5.

- [**Muskrat Falls inquiry co-counsel Kate O'Brien appointed judge of Supreme Court**](#)

Meanwhile, people use words like "earnest," "focused" and "meticulous" to describe LeBlanc, with one inquiry staffer saying LeBlanc had affected their life "in a very favourable way."

He has the deportment of a military commander. The intelligence of a scholarly professor. And what those around him say is an unrelenting work ethic.

He closely monitors every expenditure, knowing taxpayers are picking up the tab, and had to be convinced at one point to authorize a coffee purchase while the inquiry was holding hearings in Happy Valley-Goose Bay.

That's the kind of thing that goes on behind the scenes, but when hearings are in session and being streamed live over a webcast, LeBlanc is in his element.

He's aware enough to give lawyers some latitude, but is not shy about telling one to "sit down" or even deny a short recess request if time is tight.

- [**'Rude' Ed Martin chastised by commissioner amid Muskrat inquiry meltdown**](#)

He leaves no doubt about who's in charge. He'll announce at his own discretion that hearings will begin 30 minutes earlier the next day, will encourage lawyers to "make good use of your time" if a time crunch is approaching, and recently kept hearings going until 8:15 p.m. on a Friday.

"He does what it takes to gets things done," said another inquiry staffer.



LeBlanc leaves the hearing room in December, not long after chastising the witness, former Nalcor CEO Ed Martin, over his behaviour while testifying. (Terry Roberts/CBC)

There have been some tense moments, but only once has Leblanc lost his cool.

It came in December with former Nalcor boss Ed Martin in the witness chair, jousting with lawyer Geoff Budden of the concerned citizens coalition.

The room fell silent when LeBlanc slammed his hand on his desk, glared at Martin and shouted, "Now, I've had it! I've had this foolishness."

LeBlanc chastised Martin, calling him rude and saying he was being unresponsive to questions.

"I wouldn't put up with it in court, and I'm not gonna put up with it here," Leblanc exclaimed.

Such as outburst hasn't happened since. Message received.

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