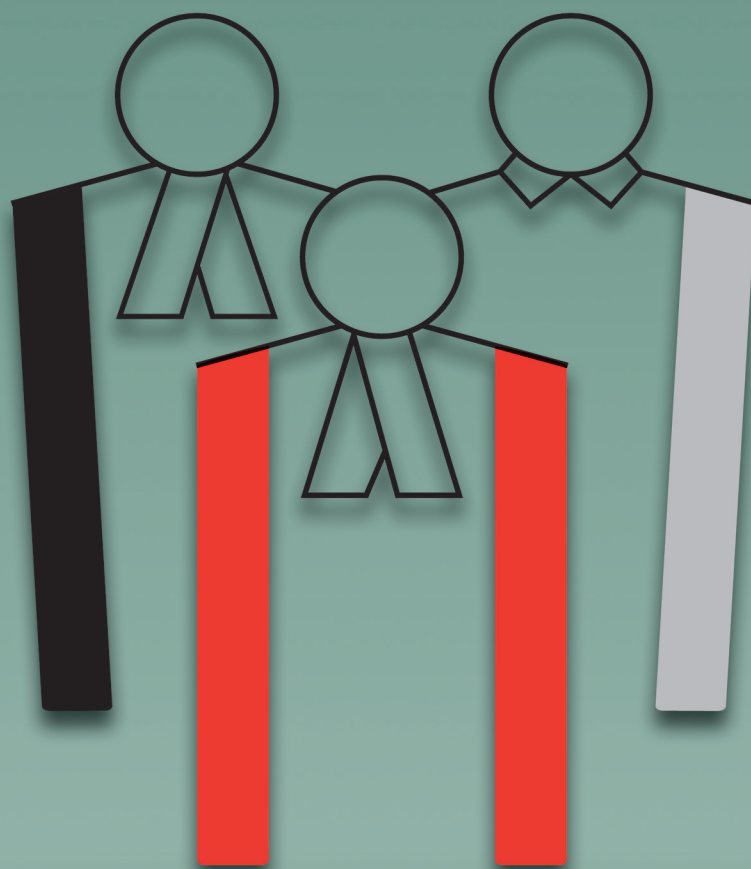


ACTIVITY REPORT

2006-2007



CONSEIL **DE LA**
MAGISTRATURE
DU QUÉBEC

2006-2007

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Message

from the President



I am pleased to present the activity report of the Conseil de la magistrature du Québec for the 2006-2007 financial year.

This document covers the main activities of the Conseil. Our mission is to oversee compliance with judicial ethics and ensure that judges have the appropriate means to maintain and upgrade their skills.

By virtue of its mandate to ensure compliance with judicial ethics, the Conseil helps to maintain public confidence in the judicial system and the judiciary in particular. The Conseil ensures compliance not only with judicial ethics but, more particularly, with the Judicial code of ethics and the Code of ethics for municipal judges of Québec.

Last fall, the Conseil formed a committee to prepare an exceptional conference to be held in Québec City in 2008, when many festivities will take place to celebrate the 400th anniversary of the founding of the “Old Capital”.

The conference will mark the third occasion Québec City hosts provincially appointed judges from across Canada, and the first time judges appointed federally and from other countries will join the Conseil for this major event.

The chief judges of the Court of Appeals and the Superior Court have notably delegated judges to participate in preparing the program, under the heading *Quel juge pour quelle société?* (What judge for what society?).

The participating judges will have the opportunity for exchanges on the subject of world knowledge and the act of judging, justice in the public arena and political mobilization of the law. They will also be invited to examine milestone events in Québec City’s legal and judicial history.

Currently, over 600 judges are expected at the conference. They will be able to take advantage of this unique gathering to discuss concerns inherent in judicial duties. The event will doubtless be conducive to the contribution of new ideas, as well as reflections that will be enriched by the diversity of the distinguished speakers.

I would also like to emphasize the importance of our next conference, which will be held in Montreal from November 7-9. The theme will be “*Les tribunaux face aux nouvelles réalités culturelles*” (Courts facing new cultural realities) and we expect the conference to be a great success.

In conclusion, I would like to thank the members and staff of the Conseil for their availability and dedication with respect to carrying out the Conseil’s mandate. I am extremely grateful to them for their thorough and excellent work.

A handwritten signature in black ink, appearing to be 'G. Gagnon', written in a cursive style.

Guy Gagnon,
President of the Conseil de la magistrature
Chief Judge, Court of Québec

Québec City, May 2007

Message

from the Secretary



The following is the last Conseil de la magistrature activity report with which I will be involved, due to my upcoming retirement.

Over the last eight years, I have participated in the administrative activities of the Conseil, and am grateful for the experience and all I have learned from it.

The exercise of my duties has notably brought me into contact with persons involved, in one capacity or another, in the judicial process: parties to a dispute, witnesses, victims, relatives, accused persons, etc.

Whatever their situation within the legal system, many individuals contact the Conseil, expressing their lack of understanding regarding the justice system and the outcome of their legal case. I must emphasize that the majority of complainants are often highly emotionally involved in their case, and this is their only contact with the judicial apparatus. What is more, a significant percentage of them do not have legal representation: one complainant in three is a party to a dispute in Small Claims Court; for others, due to the costs involved in the legal procedures, hiring a lawyer is prohibitively expensive and they have no professional assistance in what can sometimes be a complex case.

These conditions contribute to a situation in which citizens feel disadvantaged, and experience challenges and difficulties within the judicial system. It is therefore not surprising that, in many cases, they view an unfavourable decision as a form of injustice.

In this context, many citizens turn to the Conseil to learn about their rights and to express their dissatisfaction regarding the absence of a professional available to explain the judicial process and the decision rendered, as well as consider any possible solutions.

It follows that the personnel of the Office of the Secretary of the Conseil provide information on the judicial system and the role of the tribunals and the Conseil. However, the Office of the Secretary cannot serve as a legal counsellor, and I realize that this situation can create a certain amount of frustration, despite the empathy demonstrated by the personnel.

Within the limits of its field of action, the Conseil plays a highly useful role. It meets a very real need in all persons who express confusion about the judicial system. Public confidence in the administration of justice in general, and the judiciary in particular, militates in favour of a mechanism for receiving complaints that is both respectful of individuals and protects the judiciary's guarantee for independence.

I can attest to the seriousness with which each complaint is considered by the Conseil's members. Over these past years, it has been my privilege to work alongside individuals motivated by respect for the rights of citizens and judges. I have thus shared their interest in the development of judicial ethics and the training of judges.

My final words concern the members of the Office of the Secretary staff who provide support for the Conseil's actions. Their dedication and their commitment to serve citizens and the judiciary are remarkable.

A handwritten signature in black ink that reads "Jean-Pierre Marcotte". The signature is fluid and cursive.

Jean-Pierre Marcotte, lawyer
Secretary of the Conseil

Québec City, May 2007

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The Conseil de la magistrature du Québec was created in 1978 under the *Act to amend the Courts of Justice Act and the Code of Civil Procedure and instituting the Conseil de la magistrature* (R.S.Q., chapter T.16).

The Act instituting the Conseil de la magistrature was proclaimed on July 19, 1978. As at March 31, 2007, the Act stipulates that the Conseil is to consist of 15 members plus a lawyer who serves as Secretary. Four additional employees assist the Conseil in its functions.

The list of Conseil members and staff is presented in Appendix I.

The Conseil's head office is located at the Palais de justice in Québec City. It also has offices at the Palais de justice in Montréal.

1.1 Jurisdiction

The Conseil's jurisdiction is established under the *Courts of Justice Act*. The pertinent sections are reproduced in Appendix II.

The Conseil's functions are as follows:

- Organize continuing education programs for judges
- Adopt a judicial code of ethics
- Receive and examine any complaint lodged against a judge
- When requested by the Minister of Justice, conduct an inquiry for the purpose of determining the permanent incapacity of a judge or the end of this incapacity
- Confirm or annul the recommendation of the Chief Judge of the Court of Québec concerning the modification of a judge's appointment with regard to his place of residence or the decision to transfer the judge to another division
- Promote the efficiency and standardization of procedure before the courts
- Receive suggestions, recommendations and requests regarding the administration of justice, study them and make the appropriate recommendations to the Minister of Justice
- Cooperate with any body pursuing similar aims outside Québec

The Conseil has jurisdiction over all provincially appointed judges, namely, the judges of the Court of Québec, the Human Rights Tribunal, the Professions Tribunal and municipal courts, as well as presiding justices of the peace. As at March 31, 2007, approximately 400 judges were under the jurisdiction of the Conseil.

1.2 Composition of the Conseil and Appointment of Members

As at March 31, 2007, the Conseil was composed of the following 15 members:

- The Chief Judge of the Court of Québec
- The Senior Associate Chief Judge of the Court of Québec
- The four Associate Chief Judges of the Court of Québec

- One Judge-President of a municipal court
- One judge chosen among persons performing the functions of President of the Human Rights Tribunal or Chairman of the Professions Tribunal
- Two judges chosen among the judges of the Court of Québec and appointed upon the recommendation of the Conférence des juges du Québec
- One judge chosen among municipal court judges and appointed upon the recommendation of the Conférence des juges municipaux du Québec
- Two lawyers appointed upon the recommendation of the Barreau du Québec
- Two persons who are neither judges nor lawyers

The Chief Judge, the Senior Associate Chief Judge and the four Associate Chief Judges of the Court of Québec are all ex-officio members of the Conseil. The other members are appointed by the government for a term of no more than three years. At the end of their mandate, these members remain in office until they are replaced or reappointed.

As stipulated in the *Courts of Justice Act*, the Chief Judge of the Court of Québec is the Chairman of the Conseil and the Vice-Chairman is elected by the Conseil from among its members.

Finally, the members of the Conseil who are not judges receive remuneration as determined by the government. Moreover, all members have the right to be reimbursed for expenses incurred in the performance of their duties.

1.3 Operating Structure

The members of the Conseil do not serve on a full-time basis. They meet approximately once every five weeks, as convened by the Chairman. During their meetings, the members examine complaints and any other matters brought to their attention. The quorum of the Conseil is eight members, including the Chairman or the Vice-President. The Conseil may hold its meetings in camera anywhere in Québec. During the 2006-2007 financial year, the members of the Conseil met eight times.

The Conseil may adopt by-laws to facilitate its internal governance or to create committees and determine their functions. The Conseil has adopted a set of internal by-laws that generally govern its administration and operation. These internal by-laws are found in Appendix III.

These by-laws notably call for the creation of an Executive Committee composed of five members of the Conseil, including the Chairman and the Vice-Chairman. The other members are designated by the Conseil for a term that it determines. The list of Executive Committee members is found in Appendix IV.

The Executive Committee has the following mandate:

- Examine issues brought before it and execute the mandates entrusted to it by the Conseil and then report back to the Conseil
- At the Chairman of the Conseil's request, examine certain issues in order to present recommendations to the Conseil
- Examine and make decisions regarding administrative matters between meetings of the Conseil, and submit its decisions for approval at the next Conseil meeting

The quorum of the Executive Committee is three members, including the Chairman or the Vice-Chairman. The Secretary of the Conseil also acts as the Secretary of the Executive Committee. He prepares the notice of meeting and writes up and signs the minutes of the meetings that are then tabled at the meetings of the Conseil. During the 2006-2007 financial year, the Executive Committee met twice.

The minutes of the meetings of the Conseil or those of any of its committees are deemed official upon approval by the members of the Conseil or the members of the Executive Committee, as the case may be. The same

applies to any documents or copies that are issued by the Conseil or are part of its archives, provided that the Chairman or the Secretary certifies them.

The President appoints the Secretary of the Conseil for a five-year term from among lawyers who have belonged to the *Ordre des avocats* for no less than ten years and members of the public service.

The government determines the Secretary's salary, benefits and other working conditions. From the time of his appointment, the Secretary ceases to be subject to the *Public Service Act*; he remains on leave without pay for the duration of the mandate in order to carry out the duties of his office.

The Secretary performs his functions on an exclusive basis under the authority of the Chairman. At the end of his term, he remains in office until he is replaced or reappointed.

The Secretary attends meetings of the Conseil and writes up the minutes. He also follows up on the different files and ensures that the Conseil operates smoothly.

Finally, the staff members of the Conseil other than the Secretary are appointed in accordance with the *Public Service Act*.

1.4 Financing Method

The *Courts of Justice Act* states that the funds required for the Conseil to carry out its mission are to be taken from the consolidated revenue fund.

In its operating activities and those related to judicial ethics, the Conseil thus enjoys total financial independence. Its budget is not pre-determined so that the Conseil is not influenced by budgetary considerations in its decision-making.

However, the government determines the budget pertaining to the training and continuing education of judges. If the Conseil wishes to make changes to this budget, it must seek the Minister of Justice's approval. During the 2006-2007 financial year, the training and continuing education budget was set at \$ 1,185,520.

The *Courts of Justice Act* gives the Conseil the mandate to establish information, training and continuing education programs for judges from the courts and tribunals under the legislative authority of Québec and appointed by the government. Moreover, article 3 of the codes of ethics for the judiciary and part-time municipal court judges states that a judge is obligated to maintain his professional competency.

The budget allocated for training and continuing education programs serves to meet the judges' needs with respect to legal documentation and training activities. A portion of this budget is therefore allocated for the purchase of legal documentation needed by judges. A second portion of the budget is used by the courts and tribunals to organize their training activities. A final portion is designated for activities offered to all judges of the courts and tribunals.

2.1 Legal Documentation

The funding policy regarding legal documentation recognizes that specific needs may exist with respect to certain regions and jurisdictions exercised by judges. This policy states that chief judges and presidents of tribunals are to receive an overall budget based on amounts determined by the Conseil, taking into consideration the matters to be handled by the judges.

Judges are also able to access various on-line works found on their own intranet site. Developed by the Conseil, this site allows notably for the pooling of information emanating from the courts and tribunals under the Conseil's authority.

Lastly, the Conseil has reached a partnership agreement with the Centre for access to legal information that allows for increasing the body of documentation currently available to the judiciary, and provides it with access to well-organized libraries within close proximity.

In 2006-2007, the Conseil allocated slightly more than \$ 500,000 for the purchase of legal documentation (hard copy and electronic formats).

2.2 Training and Continuing Education Activities Organized by the Courts and Tribunals

The Conseil entrusts the organization of training and continuing education activities to the courts and tribunals. It allocates to a court or tribunal a budget prorated according to its number of judges. An additional amount is allocated to judges who exercise their jurisdiction concurrently in the Court of Québec and in a specialized tribunal. The courts and tribunals manage these funds, except for those allocated for the seminar organized by the Conseil, second language courses, and the training session on criminal matters for newly appointed judges organized by the Canadian Association of Provincial Court Judges. The Conseil administers these funds.

The funds for the participation of judges in seminars and conferences not organized by the courts and tribunals are disbursed to each court or tribunal. The Conseil has established a rule that no more than 20 % of the budget so allocated to a court or tribunal may be used for such external training.

To allow for more flexibility in budgetary allocations, the Conseil has decided to create a reserve fund for the purpose of responding to certain requests or resolving specific situations at the start of or during the financial year. This reserve fund allows the Conseil to take into account notably the situation of courts or tribunals with fewer judges.

With respect to part-time municipal judges, the budget for training and continuing education covers both legal documentation and training activities.

The following sections present the jurisdictions of the courts and tribunals, as well as the various training and continuing education programs implemented during the 2006-2007 financial year. It should be noted that the programs set up by the courts and tribunals were made possible not only thanks to the budget allocated to the Conseil, but also thanks to the considerable and immeasurable support of many judges who agreed to devote a portion of their time and expertise to helping develop and disseminate educational programs.

2.2.1 Court of Québec

Jurisdiction

The Court of Québec is composed of no more than 270 judges, including the Chief Judge, the Senior Associate Chief Judge and four associate chief judges: one for the Civil Division, one for the Criminal and Penal Division, one for the Youth Division and one responsible for municipal courts. In addition, the Chief Judge designates, from among the judges of the Court and with the approval of the government, 10 coordinating judges to assist him in the various regions and, when circumstances warrant, a maximum of eight associate coordinating judges.

The Senior Associate Chief Judge performs the same functions as the Chief Judge but under his authority. The three associate chief judges assist the Chief Judge and the judges in each of the matters under the Court's jurisdiction.

The jurisdictions of the three divisions of the Court can be summarized as follows.

Civil Division

The judges who sit in the Civil Division hear cases where the amount involved in the litigation is less than \$ 70,000, except with respect to applications for support falling under the jurisdiction of the Superior Court and matters reserved for the Federal Court of Canada. They also have jurisdiction over applications for the rescinding or cancellation of contracts or the reduction of obligations when the amount involved in the litigation is less than \$ 70,000 as well as over applications for cancellation of lease when the amounts claimed for rent and damages total less than \$ 70,000.

The Civil Division also handles applications for the collection of municipal or school taxes or for a review of property assessment rolls. It can also hear petitions concerning usurpation, detention or illegal exercise of a function in a municipality or school board, as stipulated in the *Code of Civil Procedure*.

The Civil Division also has jurisdiction to hear appeals of decisions rendered by various administrative tribunals, such as the Tribunal administratif du Québec, the Régie du logement, the Comité de déontologie policière du Québec or the Commission d'accès à l'information. This appeal jurisdiction also applies to certain decisions rendered by the Québec Minister of Revenue with respect to provincial taxation.

When sitting in the Small Claims Division of the Civil Division, judges hear any claims not exceeding \$ 7,000 submitted by individuals or by companies or associations that, during the 12-month period preceding the application, had no more than five people under their direction. The same applies to any application concerning the resolution, rescinding or cancellation of a contract when neither the value of the contract nor the amount claimed exceeds \$ 7,000.

In this Division, the procedure is simple and informal. The person submitting a claim is not represented by counsel, unless authorized to do so due to the complexity of the case. It is the judge who directs debate, examines witnesses and hears the parties. Judgments are without appeal.

Summary appeals in tax matters can also be filed in the Small Claims Division.

Criminal and Penal Division

Judges who sit in the Criminal and Penal Division have jurisdiction over proceedings brought under various federal and provincial statutes.

Examples of federal statutes include the *Criminal Code* and the *Controlled Drugs and Substances Act*. In this regard, judges sit alone without a jury and can hear cases involving multiple criminal charges. In fact, they hear all criminal cases except for those heard by a court consisting of a judge and a jury.

Under federal laws, these judges can also hear cases for summary offences and act during preliminary proceedings.

As for provincial laws, the judges concerned act under the *Code of Penal Procedure* and preside over cases involving almost all laws passed by the National Assembly, such as the *Highway Safety Code*, the *Income Security Act*, the *Environmental Quality Act* and the *Consumer Protection Act*.

Youth Division

The judges who sit in the Youth Division have jurisdiction over all matters involving young people. They deliver their judgment in civil cases, as well as in criminal and penal matters.

In civil matters, they hear, in the main, any proceeding regarding the security or development of children (0-18 years of age) under the Youth Protection Act, which allows notably for intervening in cases where the security or development of a child is or may be compromised. They also hear adoption cases in accordance with the *Civil Code of Québec*.

As concerns criminal and penal matters, within the scope of the *Youth Criminal Justice Act*, judges are competent with regard to legal proceedings undertaken pursuant to various federal laws, notably the *Criminal Code and the Controlled Drugs and Substances Act*, and involving offences allegedly committed by persons when they were under the age of 18 but over the age of 12.

In this regard, judges sit alone without a jury and can hear cases involving multiple criminal charges (excluding murder).

Under federal laws, these judges may also hear cases involving what are called summary offences, this being, with regard to the *Youth Criminal Justice Act*, the preferred method used in connection with all offenses. The judges may also preside over preliminary hearings.

As for provincial laws, the judges concerned act under the *Code of Penal Procedure* and preside over cases involving almost all laws passed by the National Assembly, such as the *Highway Safety Code* and the *Act respecting the Conservation and development of wildlife*, as well as other laws concerning persons who have allegedly committed an offence when they were between 14 and 18 years of age.

As at March 31, 2007, the Court of Québec was composed of 295 judges, including 32 supplying judges chosen from among retired judges. These supplying judges have been authorized by the government to continue, for a fixed period, performing the judicial functions assigned to them by the Chief Judge.

Training and Continuing Education

To carry out the court's training activities, the Chief Judge of the Court of Québec designates, for a three-year term served on a part-time basis, one judge responsible for training. In addition, the Chief Judge designates, for a three-year term, a judge responsible for the Court's interprovincial and international activities, which include training provided outside Québec.

The Chief Judge is advised by an advisory committee made up of the three Associate Chief Judges responsible for the Civil Division, the Youth Division and the Criminal and Penal Division, the judge in charge of training, and the judge responsible for the Court's interprovincial and international activities.

This committee is presided over by one Assistant Chief Judge named by the Chief Judge.

In addition, the judge responsible for training is assisted by the judges who organize the seminars listed in the Court Training Program.

Finally, the coordinating judges are responsible for the training sessions in their own regions.

During the 2006-2007 financial year, the judges of the Court of Québec had the opportunity to take part in numerous training activities:

- A facilitation seminar on criminal cases
- A seminar on conducting a trial
- A seminar on judicial conciliation in youth-related matters
- A seminar on retirement planning
- A seminar on the amicable civil settlement conference
- A seminar on the Charter and the different forms of discrimination
- A training session on civil law
- A training session on criminal law
- A training session on youth law
- Five periodic training sessions given on a regional basis
- One seminar on new technologies
- One seminar on social realities
- Two seminars on the formulation of judgments
- Two training seminars for newly appointed judges

The periodic training sessions dealt notably with the following topics:

- Compensatory damages for bodily injury
- Drugs and their effects on human behaviour
- Filiation
- Good faith and equity in contractual matters
- Illiteracy
- International adoption
- Judicial review through the appeals process
- Legal and tax aspects of termination of employment and severance pay
- Racial profiling

Presiding Justices of the Peace

Jurisdiction

The functions of the presiding justices of the peace are to hear cases brought under part XXVII of the *Criminal Code* concerning violations of federal laws other than the *Criminal Code*, as well as cases concerning infractions of Québec and federal laws to which the *Code of Penal Procedure* applies.

These judges also preside over hearings, order remands in custody and issue orders, warrants of arrest and other types of authorizations for searches, frisks, seizures, access to premises and other means of investigation under the *Criminal Code* as well as under other federal and provincial laws over which justices of the peace have jurisdiction.

Finally, these judges grant certain authorizations concerning youth protection.

As at March 31, 2007, there were 33 justices of the peace.

Training and Continuing Education

Also during the 2006-2007 financial year, the presiding Justices of the Peace took part in two seminars on the formulation of judgments and a training session on criminal law that notably covered the following issues:

- Rules of evidence in penal matters
- Search warrants and other judicial authorizations

2.2.2 Human Rights Tribunal

Jurisdiction

The Human Rights Tribunal is a specialized judicial tribunal independent from the Court of Québec. Under the Québec *Charter of Human Rights and Freedoms*, the Tribunal is competent to hear cases involving discrimination and harassment based on one of the grounds prohibited by section 10 of the Charter, namely, race, gender, a handicap or the use of means to offset the handicap, sexual orientation, religion, etc. The Court may also hear cases involving the exploitation of elderly or handicapped individuals and cases involving affirmative action programs.

The Commission des droits de la personne et des droits de la jeunesse (human rights and youth rights commission) may bring a suit before this Tribunal on behalf of a victim of discrimination, harassment or exploitation. It thus acts upon request for the benefit of the complainant, whom it represents before the Tribunal. If the Commission decides not to bring the matter before the Tribunal despite evidence sufficient to do so, the complainant may himself or herself, at his or her own costs, bring a suit before the Tribunal.

The Human Rights Tribunal is made up of at least seven members, including the President and the assessors, named by the government. After the chief judge of the Court of Québec is consulted, the President is chosen from among the judges of this court who possess considerable experience, expertise, sensitivity and interest with respect to human rights and freedoms. The other members of the Tribunal are also chosen on the basis of these criteria.

As at March 31, 2007, not including the President, the Tribunal was composed of two judges and 10 assessors selected according to a procedure established by government regulation. The two judges perform their duties concurrently with those of the Court of Québec.

Training and Continuing Education

During the 2006-2007 fiscal year, the Human Rights Tribunal gathered for two three-day summits and eight monthly training meetings. These activities addressed the following issues:

- Access to a tribunal specialized in the right to equality
- Foundations and values of a new system for the safeguarding of human rights
- Principal aspects of the reform of the system for safeguarding human rights in Ontario
- Significant aspects of a new system for safeguarding human rights in Québec
- Freedom of religion in light of the prohibition on discrimination

- Recent developments in European human rights law
- Recent developments in international human rights law
- Representation with respect to fundamental rights before the courts of justice

2.2.3 Professions Tribunal

Jurisdiction

The Professions Tribunal principally hears appeals of decisions rendered by the governing bodies, by the disciplinary committees of the various professional orders and by the administrative committees of some of these orders.

The Tribunal consists of 11 judges from the Court of Québec designated by the Chief Judge of this court. From among these judges, the Chief Judge appoints a Chairman, as well as a Vice-Chairman to replace the Chairman in case he is absent or is prevented from assuming his role.

As at March 31, 2007, the Professions Tribunal was composed of 11 judges, including a Chairman and a Vice-Chairman, who perform their duties concurrently with their Court of Québec duties.

Training and Continuing Education

During the 2006-2007 financial year, the Professions Tribunal held two training activities during which the following subjects were discussed:

- Amendments to the Professional Code
- New ethical issues for the international legal profession
- Review of standards with respect to registration and revival of registration
- Subpoenaing of witnesses and refundable costs
- Uniformity in the writing of decisions

2.2.4 Municipal Courts

Structure

Municipal courts and their judges come under the authority of the Associate Chief Judge of the Court of Québec, who is responsible for municipal courts. Under the authority of the Chief Judge of the Court of Québec, this judge performs the functions of the Chief Judge with respect to municipal courts.

There are 86 municipal courts in Québec serving approximately 90 % of the population. These courts are governed by the *Act respecting municipal courts*.

Each municipal court is composed of at least one judge. The government may appoint several judges to the same court to ensure that it functions properly.

When the court is composed of a number of judges, the government designates, from among them, the judge in charge of the court. However, in courts where judges perform their duties on a full-time and exclusive basis, as is the case in Laval, Montréal and Québec City, the government appoints, from among them, a judge-president when it considers that this is warranted by the volume of judicial work. It may also appoint an associate judge-president to assist the judge-president in performing his tasks.

Jurisdiction

In penal matters, municipal courts have jurisdiction notably with regard to ruling on statutory violations of municipal by-laws and hearing cases initiated under the *Code of Penal Procedure*, the *Highway Safety Code*, and various provincial and federal laws. These courts also exercise, in certain cases, i.e., when an agreement to this effect has been reached with the Minister of Justice and Attorney General, their jurisdiction in accordance with part XXVII of the *Criminal Code* concerning summary convictions.

In civil matters, municipal courts have jurisdiction notably over tax collection, permits and licenses, as well as actions involving an amount less than \$ 30,000 related to the leasing by the municipality of movables and immovables, with the exception of a residential property.

As at March 31, 2007, in addition to the Associate Chief Judge, these courts were composed of 89 judges, including one judge-president in the municipal courts of Laval, Montréal and Québec City, one associate judge-president in the Montréal municipal court, and one judge responsible for the Gatineau and Longueuil municipal courts.

Training and Continuing Education

In 2006-2007, the municipal courts held many training activities:

- Five regional seminars
- One seminar on criminal law
- One seminar on criminal law
- One seminar on oral judgments
- One seminar on social realities
- One seminar on writing a judgment
- One symposium
- Two study days

These activities addressed the following issues:

- Assaults
- Disclosure of evidence
- Hearsay
- Independence and impartiality
- Nuisances
- Postponement
- Reasonable timeframes
- Speeding infractions
- Strict liability
- The *Highway Safety Code*

2.3 Other Training and Continuing Education Activities

2.3.1 Specialized Training in Criminal Matters for Newly Appointed Judges

Each year, the Canadian Association of Provincial Court Judges, in conjunction with the provinces, organizes a specialized training session on criminal matters for newly appointed judges.

During the 2006-2007 financial year, the training session was held in Québec from April 21 to April 28, 2006. Eight judges from the Court of Québec and four judges from the Laval municipal court participated.

During this event, the following topics were notably discussed:

- Alcohol-related driving infractions
- Child witness before the court
- Conducting a trial
- Formulation of judgments
- Procedure in criminal matters
- Rules of evidence
- Sentencing an adolescent
- Sentencing Natives
- Social context with respect to deciding upon a sentence
- The Canadian Charter of Rights and Freedoms

2.3.2 English Courses

The Conseil oversees english-language training for judges. The monies disbursed by the federal government together with the amount the Conseil spends on this training allow for the organizing of semi-private courses and participation in immersion sessions.

The federal Department of Justice participates in funding these courses as part of the Access to Justice in Both Official Languages Support Fund program. The Conseil has signed a three-year agreement for the period from April 1, 2004 and March 31, 2007 that sets the federal contribution at \$ 90,000 per year.

The request to extend this agreement was refused by the committee responsible for its examining. The Chairman of the Conseil has thus approached the federal justice ministry to have this decision reviewed due to its negative impact on the quality of justice.

This year, the Conseil mandated a firm to organize semi-private courses and delegated 11 judges to participate in the immersion session organized by the Office of the Commissioner for Federal Judicial Affairs. It mandated Concordia University to organize and give an intensive one-week course for 10 judges.

To maximize the financial resources at its disposal, the Conseil requires judges participating in immersion sessions to pay 35 % of the cost in view of the fees involved (approximately \$ 4,000 per judge) in order to provide the greatest possible number of judges access to semi-private courses.

2.3.3 Participation in External Seminars

In addition to the training provided by the courts and tribunals, judges participate in training activities organized by other organizations. The courts and tribunals draw on their allocated budgets to cover the costs of these activities.

During the 2006-2007 financial year, 31 judges participated in the following activities:

- Conference organized by the Association Québécoise de Droit Constitutionnel entitled “Charte des droits et libertés après 30 ans d’existence”, Québec, May 2006 (1 judge)
- Conference organized by the American Judges Association entitled “Le système de justice canadien et québécois”, Louisiana, October 2006 (1 judge)
- Conference organized by the Barreau du Québec and the Canadian Bar Association entitled “Droit fiscal”, Québec, May 2006 (3 judges)
- Conference organized by the Barreau du Québec and the Canadian Bar Association entitled “Symétrie ou asymétrie en droit administratif”, Québec, June 2006 (1 judge)

- Conference organized by the Canadian Association of Provincial Court Judges entitled “Les vraies couleurs de la magistrature”, New Brunswick, September 2006 (1 judge)
- Conference organized by the Canadian Institute for the Administration of Justice entitled “L’expert devant le tribunal: efficacité et objectivité, comment y parvenir?”, Québec, October 2006 (3 judges)
- Conference organized by the Federation of Law Societies entitled “Colloque national sur le droit criminel”, New Brunswick, July 2006 (2 judges)
- Conference organized by the Fondation de l’enfance entitled “Protection des enfants au cours de séparations parentales conflictuelles”, France, March 2007 (2 judges)
- Conference organized by the International Association of Women Judges on judicial independence, Australia, May 2006 (1 judge)
- Conference organized by the International Association of Youth and Family Judges and Magistrates entitled “À la poursuite de la justice: où en sommes-nous?”, Ireland, September 2006 (3 judges)
- Conference organized by the National Judicial Institute entitled “Questions relevant de la Charte: audition et décision”, New Brunswick, July 2006 (2 judges)
- Conference organized by the National Judicial Institute entitled “La preuve”, British Columbia, August 2006 (1 judge)
- Conference organized by the National Judicial Institute entitled “Economic Crime”, Alberta, March 2007 (1 judge)
- Conference organized by the University of Ottawa entitled “Conférence internationale sur les droits de l’enfant”, Ontario, March 2007 (2 judges)
- Conference organized by Université de Sherbrooke entitled “Journées pluridisciplinaires Charles Coderre”, Québec, May 2006 (2 judges)

2.3.4 Conseil de la magistrature conference

The Conseil organized a conference held in Québec City on November 9 and 10, 2006. A committee established by the Conseil developed the conference program.

The committee was made up of the following persons:

- Associate Chief Judge Michel Simard, Q.C.J., chairman
- Judge Michel L. Auger, Q.C.J.
- Associate Chief Judge Maurice Galarneau, Q.C.J.
- Judge-President Gilles Gaumond, M.C.J.
- Associate Chief Judge Paule Gaumond, Q.C.J.
- Judge Jean-Pierre Lortie, Q.C.J.
- Judge Patrick Thérout, Q.C.J.

More than 250 judges attended this conference, whose theme was “Une magistrature moderne... des approches nouvelles”.

The opening presentation reflected upon the principles of conciliation, international trends in this field and its underlying philosophy. There followed presentations and workshops on judicial conciliation in civil, youth and criminal matters.

Lastly, the conference’s closing guest speakers addressed the judge’s role in trial management and therapeutic justice.

2.3.5 Visiting Trainee Judge

Each year, in conjunction with the Court of Québec, the Conseil welcomes a trainee judge from the École nationale de la magistrature de France. This aspiring judge’s internship was organized by the judge in charge of the Court of Québec’s international component and took place between February 18 and April 29, 2007.

The internship deals primarily with the specificities of the Québec judicial system, more particularly, comparative law concerning the work of the crown attorney of Québec and the crown attorney of Canada compared with the work of the Procureur de la République in France. During this period, the trainee judge is able to interact with judges working in the various divisions of the Court of Québec and to attend hearings.

3.1 Codes of Ethics

In 1981, the Conseil adopted two codes of ethics: one for part-time municipal court judges and the other for full-time judges. The judges of the municipal courts of Laval, Montréal and Québec City are governed by the latter code.

The codes of ethics were developed for an independent judiciary in that they do not dictate standards to judges, but simply establish general principles relating to the judges' behaviour. They are therefore intended as a reference tool for judges. The Conseil evaluates the behaviour of judges according to these general principles.

The Conseil and, where applicable, its inquiry committees are periodically called upon to clarify these principles when examining complaints.

3.2 Complaints Process

Anyone may file a complaint against a judge. The complaint must be made in writing to the Secretary of the Conseil and must state the facts relating to the judge's alleged wrongdoing and any other relevant circumstances. The Secretary of the Conseil then forwards an acknowledgement of receipt to the complainant and a copy of the complaint to the judge.

The complaint is examined by the members of the Conseil. At this stage, if additional information is required, the Conseil may assign someone to obtain the desired information and to report to the Conseil. The complainant and the judge are then informed of the Conseil's proceedings. For example, if the incident warranting the complaint took place during a hearing, the designated person will be able to request a complete copy of the file from the court, as well as a copy of the court recordings.

If the complaint has been filed by a member of the Conseil, this person may not participate in examining it.

After examining the complaint, if the Conseil finds that it is unfounded or that its nature and significance do not justify an inquiry, it advises the complainant and the judge of its decision and the grounds for the decision.

If the Conseil decides that the complaint warrants an inquiry, it sets up a committee consisting of five persons. It should be noted that when a complaint is filed by the Minister of Justice, the Conseil is obliged set up an inquiry committee.

An inquiry committee can be made up of current and past members of the Conseil. However, this committee must include at least three members of the Conseil, one of whom is designated as chairman, and no more than two past members. The quorum of the committee is three members.

For the purpose of the inquiry, the members of this committee are vested with the powers and immunities of commissioners appointed under the *Act respecting public inquiry commissions*, except the power to order imprisonment.

As prescribed by the *Courts of Justice Act*, the inquiry committee forwards a copy of the complaint to the judge. Within 30 days thereafter, the committee calls the judge in question and the complainant to appear at the inquiry. It also advises the Minister of Justice. The Minister or his representative may intervene during the inquiry.

At this stage, the Conseil may retain the services of a lawyer or another expert to assist the inquiry committee in its work. The judge in question may also retain the services of a lawyer.

The committee hears the "parties", their lawyers and their respective witnesses. It may inquire about relevant facts and summon any person qualified to testify with regard to these facts. The witnesses may be examined and cross-examined by the "parties".

Although the Act uses the word "parties", it is important to note that the Supreme Court of Canada stated, in the Ruffo¹ case, that the process before the inquiry committee is not an adversarial one.

In fact, the committee's inquiry is intended to be the expression of purely investigative functions in search of the truth. Its primary goal is to ensure respect for judicial ethics in order to preserve the integrity of the judiciary. The function of the inquiry committee is to maintain public order.

Depending on the nature of the complaint, the Conseil may suspend the judge for the duration of the inquiry. This suspension, which is not a sanction, is intended to protect the credibility of the justice system.

Once the inquiry is completed, the committee submits its report and recommendations to the Conseil.

If the inquiry report concludes that the complaint is unfounded, the Conseil must send a notification with the grounds of its decision to the Minister of Justice, the judge concerned and the complainant.

On the other hand, if the inquiry report determines that the complaint is founded, the Conseil, following the recommendations of the report, reprimands the judge or makes a recommendation to the Minister of Justice and Attorney General to file a motion in the Court of Appeal asking that it conduct an inquiry. If the committee makes the latter recommendation, the Conseil suspends the judge for a period of 30 days.

Regarding the removal of judges, the Conseil has the power of recommendation. If the Minister of Justice and Attorney General files a motion in the Court of Appeal, the judge is automatically suspended from his position until the Court of Appeal issues its report. After its inquiry, the Court of Appeal sends a report to the government, which has the power to remove a judge from the bench.

In 1995, the Supreme Court of Canada has ruled on the role of the inquiry committee:

The Comité's mandate is thus to ensure compliance with judicial ethics in order to preserve the integrity of the judiciary. Its role is remedial and relates to the judiciary rather than the judge affected by a sanction. In this light, as far as the recommendations the Comité may make with respect to sanctions are concerned, the fact that there is only a power to reprimand and the lack of any definitive power of removal become entirely comprehensible and clearly reflect the objectives underlying the Comité's establishment: not to punish a part that stands out by conduct that is deemed unacceptable but rather to preserve the integrity of the whole².

3.3 Confidentiality of the Complaints Process

The entire complaints process prior to the holding of an initial hearing by an inquiry committee is in camera. This procedure has been upheld by the Superior Court, which concluded in July 1993³ that the pre-inquiry stage does not constitute a judicial or quasi-judicial procedure.

However, the hearings of an inquiry committee are public, subject to a specific order to the contrary⁴.

¹ *Ruffo v. Conseil de la magistrature et al.*, [1995] 4 R.C.S. 332-333.

² *Ruffo v. Conseil de la magistrature et al.*, [1995] 4 R.C.S. 309.

³ *Southam inc. v. Procureur général du Québec et l'honorable juge en chef Albert Gobeil*, [1993] R.J.Q. 2374 (C.S.).

⁴ *Southam inc. v. Yvon Mercier et al.*, [1990] R.J.Q. 437 (C.S.).

3.4 Statistics

3.4.1 Complaints Received Since the Creation of the Conseil

From its creation in 1978 until March 31, 2007, the Conseil received 1,425 complaints. Since the 1990s, it has received an average of 74 complaints per year.

Further details on the statistics regarding complaints handled by the Conseil since 1979 can be found in Appendix VI.

3.4.2 Data for the 2006–2007 Financial Year

During the 2006-2007 financial year, the Conseil continued the examination of 4 complaints that were at the examination stage as at March 31, 2006 and received 90 new complaints, 1 more than during 2005-2006. The 90 complaints were filed by 108 complainants.

The results of the 4 complaints that were being examined as at March 31, 2006 are as follows: 2 complaints were deemed unfounded, including 1 that required additional information; 2 complaint were deemed not of a nature or significance as to warrant an inquiry.

Of the 90 complaints received in 2006-2007, 76 were deemed unfounded, 2 were deemed not of a nature or significance as to warrant an inquiry, 1 was rendered moot, the Conseil having agreed to the complainant's withdrawal request, and 11 were at the examination stage by the end of the financial year.

The following table shows the complaints received during the 2006-2007 financial year according to the jurisdiction exercised by the courts.

Jurisdiction	Number of Complaints
Small Claims Division	36
Civil Division (excluding the Small Claims Division)	3
Criminal and Penal Division	15
Youth Division	20
Presiding Justices of the Peace	3
Municipal Courts	10
Specialized Tribunals	1
Other	2*

* These complaints did not concern any jurisdiction in particular.

The number of complaints per jurisdiction has been consistent over the last few years. More than one in three complaints received concern the Small Claims Division, while one in five concerned the Criminal and Penal Division.

According to the data collected, 64 out of the 108 complainants were men (59.2 %), 96 were parties to the case (88.8 %), and 76 were not represented by a lawyer (70.4 %).

The regional origins of the complaints are presented in a table in Appendix VII.

The allegations raised by the complainants can be sub-divided into two groups: those concerning the behaviour of a judge inside the courtroom and those involving his behaviour outside the courtroom. It should be noted that very few complaints concern a judge's behaviour outside the courtroom. In fact, only two complaints were

filed in this regard: one concerning a judge's alleged behaviour while he was a lawyer and the other concerning actions that allegedly occurred outside the courtroom.

With regard to judges' behaviour inside the courtroom, the complaints filed concern judges' comments, attitude in court, or failure to apply the rules of law, including rendering supposedly erroneous or unfounded judgments. A complaint cannot always be considered a single type since many complaints involve more than one allegation. A complainant may criticize a judge for his attitude in the courtroom and also for having rendered a decision he deems erroneous. To illustrate this point, an analysis of the 88 complaints received concerning the judge's behaviour in the courtroom shows that 12 cite a judge's comments, 55 are objections to a judge's attitude in court and 70 concern how a judge applied the rules of law. Thus, more than 5 out of 10 complaints included multiple allegations.

With regard to the allegations themselves, the complaints summarized in section 3.5.1 provide an overview of the complainants' allegations.

Also during the 2006-2007 financial year, the Conseil considered a decision of an inquiry committee that terminated its work, noting that there was no further purpose in pursuing the inquiry in view of the resignation of the judge in question and the issues raised by the complaint in its entirety¹.

Lastly, it is worth mentioning the time taken to handle complaints. Cases at the examination stage must be distinguished from cases under inquiry. For cases at the examination stage, data are complete for 2005-2006 because these cases are closed.

Hence, regarding the 89 complaints received during 2005-2006, the results are as follows:

- For the 72 complaints not requiring additional information, the average processing time was 32 days²
- For the 17 complaints requiring additional information, the average processing time was 123 days³
- For all 89 complaints, the average processing time was 50 days⁴

Still with regard to timeframes, for cases that were the subject of an inquiry since the creation of the Conseil and in which the reports were forwarded before March 31, 2007, a distinction should be made between cases in which common law courts intervened and those in which they did not:

- For the 50 cases in which common law courts did not intervene, the average processing time was 7.2 months⁵
- For the 11 cases in which common law courts intervened, the average processing time was 30.3 months⁶
- For all 60 cases, the average processing time was 11.4 months⁷

3.5 Decisions of the Conseil

This section summarizes all Conseil's decisions rendered in 2006-2007 following the gathering of additional information.

The complaints not requiring additional information involve appeals of judicial decisions or do not contain any fact likely to constitute a breach of ethics. They are therefore not summarized.

This year, the Conseil considered 58 of the 79 complaints examined to be unfounded, with no need to obtain additional information.

¹ See the June 21, 2006 decision of the inquiry committee regarding Mr. Donald Horne's complaint against Judge Andrée Ruffo.

² The period between the date that the Secrétariat du Conseil received the complaint and the date of notification of the Conseil's decision.

³ See Note 2.

⁴ See Note 2.

⁵ The period between the committee's establishment and the date that the report is transmitted.

⁶ See Note 5.

⁷ See Note 5.

Since the creation of the Conseil, nearly 60 per cent of the complaints received have been considered to be unfounded, with no need to obtain additional information, again because the complaint in question has involved the appeal of a judicial decision, or has not contained any fact likely to constitute a breach of ethics.

Lastly, the Conseil and the inquiry committees have ruled, with regard to 96.8 per cent of these complaints that the judge who was the subject of the given complaint had not failed to respect his or her ethical obligations.

3.5.1 Decisions of the Conseil at the Examination Stage

The pre-inquiry process is held in camera. For this reason, the names of the judge and the complainant mentioned in a complaint are omitted at this stage.

Allegation of aggressive attitude and disrespectful comments

In his complaint, the complainant, who was then acting in the capacity of attorney, contended that the judge raised his voice, became angry and used inappropriate language after he, the complainant, had spoken a number of times.

Since the complaint concerns what is said to have occurred in the judge's chambers and not a hearing room, it could not be examined by listening to the hearing recording, thus rendering it necessary to contact the persons involved.

The questioning of the parties' attorneys resulted in contradictory versions regarding certain points, although there was unanimity concerning the general tone of the debate, which followed upon a case involving a certain degree of animosity between the parties.

According to the versions of the three attorneys, the debate was disorganized, poorly directed and took place in a heated atmosphere.

The judge apparently suggested that the complainant keep quiet and it appears that the judge told the complainant he knew the *audi alteram partem* rule well and if the complainant was not happy, he could appeal the matter.

For his part, the judge, without clearly denying these allegations, stated that what he said was justified, particularly by the complainant's numerous utterances.

Moreover, the case's highly charged atmosphere seems to have carried over to the judge's chambers, where the tone used by the parties, especially among themselves, was not necessarily courteous.

Given the testimony gathered, it is possible that, in a situation created by the parties, including the complainant, the judge departed from the serene composure customarily expected of a judge.

For these reasons, the Conseil ruled that the character and significance of the complaint did not justify an inquiry.

Allegation of unfair behaviour

In her complaint, the complainant contended that the judge acted arrogantly towards her because they did not share the same religious beliefs.

The hearing recording demonstrates that the judge treated the complainant with great patience and care. There was never any question of the complainant's religious beliefs or those of the other parties.

For these reasons, the Conseil ruled that the complaint was unfounded.

In his complaint, the complainant contended that the judge used an arrogant tone in addressing him because he is English-speaking.

The hearing recording demonstrates that, as of his swearing in, the complainant showed that his French is impeccable, mentioning that it is his third spoken language.

The judge commented on the complainant's spoken French, telling him, "You've really mastered it very well!" [translation]. At no time did the complainant ask that the hearing take place in English.

The judge was courteous and patient and at all times exhibited the serenity his position requires.

For these reasons, the Conseil ruled that the complaint was unfounded.

Allegation of disrespectful attitude and comments

In her complaint, the complainant contended that the judge did not treat her with dignity and that, through his behaviour and words, he had insulted and humiliated her. She added that the judge had directed contemptuous remarks at her in a sarcastic tone of voice and had abused his authority.

The recording and the stenographic notes of the hearing reveal that the judge spoke three times during the complainant's testimony. The third time, he reproached her for speaking too much and being overly dramatic. At that time, he raised his voice needlessly and demonstrated impatience, which contributed to creating an emotional and difficult atmosphere for the complainant.

The complainant's testimony was addressed to the court and the lawyers in a calm, poised and respectful tone of voice despite the judge's utterances.

The impatience shown by the judge may well have caused the complainant anxiety. The judge should have ensured that the climate in the courtroom was conducive to her testifying in a calm atmosphere.

Moreover, the judge is required to consider the testimony rendered before him. Since he made his comments during the proceedings, the complainant might have felt unsettled.

For these reasons, the Conseil ruled that the character and significance of the complaint did not justify an inquiry.

In her complaint, the complainant contended that the judge had not treated her with dignity and that, through his behaviour and words, he had ridiculed, discredited and humiliated her.

The hearing recording demonstrated that, during identification of the complainant, the judge's remarks were made in a cordial and respectful tone of voice, which he maintained throughout the proceedings. At all times he was impartial, objective, polite and courteous in his behaviour towards the parties.

The judge rendered a substantiated and well-founded verbal judgment in accordance with the preponderance of evidence rule. In doing so, he simply applied the law and the Conseil cannot take any action in this regard.

For these reasons, the Conseil ruled that the complaint was unfounded.

Allegation of disrespectful attitude and bias

In her complaint, the complainant contended that the judge had sided with the youth protection director, had adopted an arrogant and contemptuous attitude towards her, and had shown a great lack of respect for her.

The hearing recording demonstrates that the complainant had the opportunity to provide all the explanations necessary in support of her claims, without any interruption from the judge. Several times, the judge asked if she had other details to add to her testimony or other questions to put to her two witnesses.

The judge acted calmly, displaying poise and respect. No sign of aggressiveness, impatience, contempt or arrogance was observed.

For these reasons, the Conseil ruled that the complaint was unfounded.

Allegation of inappropriate behaviour

In his complaint, the complainant contended that, while the judge was a lawyer, he had taken part in a campaign of denigration in order to harm his reputation and had used unethical tactics running counter to the sound administration of justice.

The events attributed to the judge occurred in the exercise of his profession of lawyer, before being appointed to the bench. The Supreme Court of Canada has confirmed that the Conseil is competent to examine a judge's past behaviour that may affect his ability to perform his judicial duties¹.

The Conseil must exercise its jurisdiction to rule upon a complaint involving allegations concerning questions of ethics. Thus, its analysis must be conducted within the limited context of the ethical and general obligations the judge must assume by reason of his function and the role attributed to him in the judicial system.

The Conseil must therefore avoid considering questions that pertain to the judge's personal responsibility and demonstrate prudence in providing reasons for its conclusions since certain facts cited in the complaint are the subject of a petition before the Superior Court.

Having examined the allegations concerning ethical considerations, the Conseil concludes that there is no risk of the judge's past behaviour affecting his ability to perform his judicial duties.

For these reasons, the Conseil ruled that the complaint was unfounded.

Allegation of discrimination

In his complaint, the complaint criticized the judge for having questioned him in the hearing room in an authoritarian and rude manner as to why he was wearing a head covering. He considered this question about his appearance to be unacceptable and criticized the judge's ignorance regarding Sikhs.

The hearing recording demonstrates that the facts at the base of the complaint involved a very short timeframe (a little more than 30 seconds) preceding the cases to be heard, including the complainant's.

Seeing the complainant's head covering in the hearing room, the judge gestured to him to remove it. Given his inaction, the judge requested that he come forward and asked why he was wearing this type of head covering.

In the comments he submitted to the Conseil, the judge described the head covering as "a piece of fabric pressed against the head and held by a band" [translation].

¹ *Therrien v. La ministre de la Justice et al.*, [2001] 2 R.C.S. 3, 53-55.

In response to the judge's question, the complainant answered that religious reasons justified his wearing the head covering. The judge asked him what religion was involved and was told that the complainant is a Sikh. The judge's final question was whether a Sikh must constantly wear this head covering. When the complainant answered yes, he was invited return to his place.

There is nothing to indicate any sign of impatience, impoliteness, rudeness, aggressiveness or even irony on the judge's part during this questioning.

For these reasons, the Conseil ruled that the complaint was unfounded.

Allegation of bias

In his complaint, the complainant contended that the judge had failed to act impartially by assisting the defence attorney to his detriment and that he had not had access to all the evidence.

The hearing recording demonstrates that the judge listened to the complainant's version and, at the end of his testimony, asked him if he had anything else to add. A number of times, the judge requested that he clarify certain points.

The judge found the complainant guilty of the offence with which he had been charged. As soon as this decision was rendered, the complainant addressed the judge, telling him, among other things, that he found the decision unbelievable. The judge remained calm and repeated his decision to him.

For these reasons, the Conseil ruled that the complaint was unfounded.

In her complaint, the complainant contended that, by assisting the opposing party and favouring it by making irrelevant remarks, the judge had failed to perform his judicial duty.

The hearing recording demonstrates that the judge spoke calmly and allowed the parties to present their evidence as fully as possible. There was nothing in his attitude to indicate that he favoured one party to the detriment of the other, or that he made comments likely to constitute a breach of ethics.

For these reasons, the Conseil ruled that the complaint was unfounded.

In her complaint, the complainant contended that the judge demonstrated beyond any doubt that she had taken on the role of the other party's lawyer. At the first hearing, the judge allegedly asked to verify the existence of a clause in an act of co-ownership and during the second hearing, she allegedly asked that the recording be interrupted in order to dissuade the complainant from making herself heard. Lastly, the complainant criticized the judge for rendering an improper decision.

The hearing recording demonstrated that, at the first hearing, it was the judge's duty to inquire as to the possible existence of a clause in the act of co-ownership.

As for the second part of the complaint, the judge confirmed that she did in fact have the recording stopped, as she often does, to encourage the parties to speak to one another in private, without the presence of witnesses, in order to reach a settlement. This method is certainly not appropriate or desirable.

The judge was, however, always courteous and polite towards the parties and listened to the testimony and arguments, after which she dismissed the action, providing all the appropriate explanations. Lastly, it does not fall to the Conseil to review the judgments of the judiciary.

For these reasons, the Conseil ruled that the character and significance of the complaint did not justify an inquiry.

In her complaint, the complainant contended that the judge was biased because persons involved in the case were his friends.

The hearing recording demonstrated that the judge informed the parties that the expert witness selected by the defence was a friend of his. He expressly offered to turn the case over to another judge.

The parties agreed to his presiding over the proceedings and he displayed impartiality in allowing them to make their arguments.

For these reasons, the Conseil ruled that the complaint was unfounded.

In her complaint, the complainant contended that the judge had been biased because he had not given her time to explain herself, had interrupted her, had addressed the youth protection director to ask him whether a psychologist could assess the complainant's parenting abilities, and in the past had made errors of judgment in the cases he heard.

The hearing recording demonstrated that the complainant testified freely, without constraint. The judge was attentive, calm and respectful. He even interrupted the hearing to allow her to discuss a matter with her lawyer.

For these reasons, the Conseil ruled that the complaint was unfounded.

In his complaint, the complainant contended that the judge had not respected the *audi alteram partem* rule by rendering her decision in his absence, going against the principles of natural justice. He added that, at the second hearing, the judge told him she recalled his case well.

The hearing recording demonstrates that the hearing was characterized by objectivity and impartiality. It is true that the judge told the complainant that she remembered his case well, in which she had dismissed his application for a postponement and found him guilty.

The judge nevertheless gave the complainant time to explain his absence from the hearing in question and his means of defending himself against the charge.

Study of the complaint in fact demonstrates that the complainant was unhappy with the judgment and, in this regard, the Conseil is not competent to amend the judge's decision.

For these reasons, the Conseil ruled that the complaint was unfounded.

Allegation of bias and failure to apply the rules of law

In her complaint, the complainant contended that the judge had already been involved in her case when she was a lawyer. She added that the hearing transcript does not correspond to the written judgment nor does it demonstrate respect for her daughter's needs.

The judge was a lawyer in the office of the youth protection director before being appointed to the bench. Twice in 2000, she acted in the capacity of youth protection lawyer in a case in which the complainant, being the mother of the children involved, was a party.

In December 2005, the judge presided over a hearing involving the complainant's children. The complainant, who at that time was represented by a lawyer, did not cite the fact that the judge had acted as a lawyer in a case concerning her children.

During a telephone conversation, the complainant stated that, on that occasion, she had not recognized the judge and therefore had not made a disqualification request. It was when she received a copy of the decision that she realized that the judge in question and the lawyer who had previously represented youth protection in her children's case were the same person.

As for the judge, she acknowledged not having informed the parties that she had acted in the capacity of lawyer for youth protection in another case involving the complainant's children. She recalled that when she entered the hearing room, she was cognizant of the elements of the case, but was unable to determine whether this was owing to her work with youth protection or to her reading of the case file. She added that the transcripts of the earlier hearings, at which she had acted in the capacity of lawyer, were not in the file of the case she had to rule upon.

The hearing recording demonstrates that the complainant was able to present the facts and set forth her arguments during the proceedings in a calm atmosphere, and that the judge did not take sides.

The complainant was clearly unhappy with the judge's decision. However, the Conseil can in no way act as an appeal body in order to review judges' decisions.

For these reasons, the Conseil ruled that the complaint was unfounded.

In his complaint, the complainant contended that the judge had displayed an arrogant attitude towards him while completely siding with the other party. The judge also allegedly accepted as evidence an illegal document and the complainant asked the Conseil to quash the judgment.

The hearing recording demonstrates that the complainant was able to present the facts and put forth his arguments in a calm atmosphere. The judge asked him questions in order to help him in making his claim, with no haste involved.

The judge considered the evidence presented to him, concluded that it was insufficient, and rendered judgment from the bench.

For these reasons, the Conseil ruled that the complaint was unfounded.

In his complaint, the complainant contended that the judge continually interrupted him and did not want to take cognizance of his evidence, whereas she had accepted that of another witness. In addition, she allegedly did not allow another lawyer to replace the complainant's lawyer, who had withdrawn from the case.

The hearing recording demonstrates that, at the outset of the hearing, the complainant's lawyer made a request to withdraw as his representative and the judge agreed to this request. Another lawyer who was accompanying the complainant requested a postponement in view of his new mandate. The other parties objected. Taking into account various factors, including the needs of the child in question, the timeframes involved in the case, and the fact that the complainant wished to change lawyers for the third time, the judge rejected the request.

The hearing recording further demonstrates that the judge oversaw the exchanges, dealt with the requests presented to her and rendered judgment after listening to the parties. The complainant was able to present the facts and put forth his arguments in a calm atmosphere, without the judge taking sides.

For these reasons, the Conseil ruled that the complaint was unfounded.

Allegation of disrespectful comments

In his complaint, the complainant contended that the judge had used rude language when he appeared before him and he asked the Conseil to suspend the judge from his duties.

The hearing recording demonstrates that at no time did the judge use rude language, raise his voice or display impatience. On the contrary, he gave the complainant every opportunity to make himself heard.

For these reasons, the Conseil ruled that the complaint was unfounded.

In his complaint, the complainant contended that the judge had made abusive and slanderous remarks prior to the beginning of a bail hearing, stating that, two days earlier, the complainant had submitted “an old medical certificate” [translation], thereby implying that the certificate was a fake. The complainant contended that such a remark by the judge served to discredit him in front of his client, citizens, colleagues and public servants.

In a letter to the Conseil, the judge presented his version of the facts. He acknowledged that he had indeed described the medical certificate as “old” [translation]. However, he denied having described it as a “fake” [translation] and also denied having humiliated the complainant or having acted impolitely towards him.

The hearing recording demonstrates that, at the outset of the bail hearing, the judge asked the complainant what had prevented him from appearing before him the previous day, during which he had seen him at the restaurant at noontime and twice at the court, even though the medical certificate submitted indicated that he was to be resting at those times.

The judge reproached the complainant for forwarding an old medical certificate each time he was to hear a case. He invited him to file a disqualification application if he did not want to plead before him, which the complainant declined.

The judge’s questioning might seem surprising—indeed, inappropriate—when a greater degree of serenity and courtesy would have been expected of him. However, his remarks cannot be considered abusive or slanderous.

Moreover, throughout the bail hearing, the judge proceeded in accordance with good practice and his opening remarks did not have an influence on the course of the proceedings over which he presided.

For these reasons, the Conseil ruled that the character and significance of the complaint did not justify an inquiry.

Allegation of disrespectful comments and bias

In his complaint, the complainant contended that the judge had made vexatious comments and that her decision had already been written prior to the hearing.

The hearing recording demonstrated that the judge was patient and polite and that she took great care to explain to the complainant why his claim was inadmissible. At no time did she make any vexatious remarks.

For these reasons, the Conseil ruled that the complaint was unfounded.

In her complaint, the complainant contended that the judge had been biased, had made harsh comments, had displayed intolerance, and had often been irritable and impatient. She also alleged that he had engaged in suggestive interrogation with respect to the children who testified.

The hearing recording demonstrated that the judge ensured that the rules applicable in the matter were respected and that he had clearly explained the handling of the suggestive interrogation of the children.

The judge was courteous and polite at all times and he made no vicious remarks or comments conveying impatience with regard to anyone. He had to raise his voice a single time to re-establish order in the hearing room.

For these reasons, the Conseil ruled that the complaint was unfounded.

In her complaint, the complainant contended that the judge had subjected her to harassment in the form of repeated and malicious actions, in particular, hostile, vexatious, intimidating and unsettling remarks. She added that the judge displayed bias towards the youth protection director.

The hearing recording demonstrated that the judge frequently intervened in the exchanges during the ten days of the hearing, which involved four parties, including the complainant, represented respectively by lawyers.

Several times, the judge interrupted the presentation of the evidence to control the length of the hearing, limit the speakers' time, deal with the objections raised, or explain the law and comment on certain situations with which he was presented.

Although the judge's style may have displeased the complainant, it did not lead to a breach of ethics. The judge performed a role deriving from the powers and trusts of judges who preside over hearings, particularly with respect to youth protection since the *Youth Protection Act* expressly confers upon him this power.

While the Conseil was completing its study of this complaint, the complainant forwarded it other observations and comments in support of her complaint. Some were already included in it.

In the new elements submitted, the complainant related an incident said to have occurred outside the Court in which the judge allegedly told her he was investigating her. The judge stated that during this meeting, the exchanges dealt with general subjects and he denied having investigated her.

The last element submitted concerned remarks the judge allegedly made to the complainant in his chambers, in the presence of the other lawyers, with the goal of discrediting her. The judge confirmed that he met with the four lawyers in his chambers. There had been tension between them in the hearing room, and he had intervened in an attempt to lighten the atmosphere, the exchanges and the proceedings. His remarks were addressed to all of the lawyers and were not aimed strictly at the complainant.

For these reasons, the Conseil ruled that the complaint was unfounded.

During the 2006-2007 financial year, the Office of the Secretary carried out its regular activities, along with being involved in work arising from the specific files of the Conseil.

4.1 Request of Information

Given the Conseil's mandate, the Office of the Secretary receives numerous enquiries, primarily by telephone. The majority of these enquiries come from citizens who want to know whether they are addressing their complaint to the right place, how they can lodge a complaint and how a possible complaint would be handled. This is an ideal opportunity to explain to them the mission and operating structure of the Conseil.

To make its mission better known, the Office of the Secretary has developed a web site that can be visited at www.cm.gouv.qc.ca. It provides information on the Conseil's jurisdiction, the complaints process and useful links. The Conseil's publications can also be consulted on the site.

Lastly, there is a brochure in French and English available at the Office of the Secretary that discusses the handling of complaints. Anyone may ask the Office for a copy. Copies are also available to the public in courthouses.

4.2 Handling of Complaints

The Office of the Secretary is responsible for the processing of all files from the time the complaint is received until a decision is sent. It coordinates the docketing of files for the inquiry committees, organizes the hearings, and manages and keeps files. The Secretary is also responsible for certifying the decisions of the Conseil.

4.3 Documentation and Training Activities

The Office of the Secretary is in charge of acquiring and paying for legal documentation for the use of the judges under its jurisdiction. On an annual basis, the Office of the Secretary handles a few thousand purchase orders and subscription-renewal requests. It also keeps the Conseil informed about expenses in this regard.

The Office of the Secretary is also responsible for following up on the Conseil's decisions regarding the training and continuing education activities carried out by the courts and tribunals.

4.4 Introductory Session for Newly Appointed Judges of the Court of Québec

As part of the training activities organized by the Court of Québec, the Secretary of the Conseil participates in an introductory session for newly appointed judges. During this session, the Secretary presents the Conseil's mission, its operating structure and the activities of the Office of the Secretary to the newly appointed judges.

5.1 Judiciary training budget

For the past several years, the Conseil has petitioned government authorities for an adjustment to the budget for the training of judges. There has in fact been no increase in this budget since the mid-1990s.

With the goal of identifying possible solutions and fully meeting its responsibilities, the Conseil has proposed to the justice ministry that formulas be developed to define an objective norm to be adhered to in establishing the budget for the training of judges.

The ministry has agreed to this proposal and the Office of the Secretary of the Conseil is participating in the work underway.

The Conseil is pursuing the objective of modernizing the mechanism for establishing the budget and ensuring appropriate training funding.

5.2 Annotated Code of Ethics

In November 2005, a book by Mr Pierre Noreau and Mrs Chantal Roberge entitled *Applied judicial Ethics* was published in collaboration with the Wilson & Lafleur publishing house. The authors had been mandated to prepare an annotated code dealing with the decisions of the Conseil, its committees of inquiry and the common law tribunals.

The English-language version has been available to the public for several months and this work can also be consulted on the Conseil's website.

A second edition, with which the Office of the Secretary of the Conseil is associated, is being prepared. The launch of this new edition is planned for the fall of 2008.

5.3 English Courses

During the 1980s, the Conseil benefited from a Canadian government financial contribution in order to organize courses in collaboration with a teaching institution. This federal participation was suspended for a five-year period, forcing the Conseil to halt the courses.

In July 1992, the Conseil signed a five-year intergovernmental cooperation agreement with the Canadian government. This agreement was renewed until 2002. Subsequently, the Conseil again was forced to stop offering the courses due to a lack of funds.

In 2004, the Conseil signed a three-year agreement with the federal justice ministry that ended on March 31, 2007. Under this agreement, the Canadian government and the Conseil contributed, respectively, \$ 90,000 and \$ 35,000 per year to second-language teaching. This agreement has not been renewed.

It should be noted that the judges under the Conseil's jurisdiction hear 98 per cent of all criminal cases, i.e. cases involving the application of federal laws, notably the *Criminal Code*.

The Chairman of the Conseil has reiterated to the federal justice minister that, through its partnership with federal and university institutions, the Conseil seeks to ensure that in the different regions of Québec, there are judges able to express themselves in English so that persons under the court's jurisdiction may obtain services in the two languages.

At the time of writing, the federal justice ministry informed us of the 2006-2007 to 2008-2009 Canada-Québec English-language services agreement reached in March 2007. This agreement concerns the Canadian government's financial support for the start-up of various projects aimed at increasing the offer of English-language services as part of Québec's strategic plan.

The Chairman of the Conseil lost no time contacting the Québec minister of justice as a component of the agreement was developed by his ministry, and one of the priorities it identifies concerns judges improving their English-language skills.

This matter will be rigorously followed up during the next financial year.

5.4 Judicial Training

The Conseil formed a committee to examine the setting up of a body in charge of judicial training.

The committee was made up of the following persons:

- Associate Chief Judge Paule Gaumont, Q.C.J., Chairman
- Judge Jean-Pierre Archambault, Q.C.J.
- Judge Rémi Bouchard, Q.C.J.
- Judge Yves Daoust, Q.C.J.
- Judge Réna Émond, P.J.P.
- Judge-President Gilles Gaumont, M.C.J.
- Coordinating Judge Jean-François Gosselin, Q.C.J.
- Judge Claude Leblond, Q.C.J.
- Judge Michèle Rivet, Human Rights Tribunal President

During the 2006-2007 financial year, the committee met three times and worked in subcommittees with a view to preparing a report for the Conseil. This document will set forth the mission of a future institute, its means of action and its target clientele, as well as describe its administrative structure and financing.

The committee's report is to be submitted in 2007.

5.5 Intranet for the Judiciary

Since fall 2005, judges have had access to their own intranet. This tool was developed by the Conseil, which formed a committee responsible, in particular, for ensuring consistency with respect to the documents deposited in the intranet. The committee consists of the following persons:

- Judge-President Gilles Gaumont, M.C.J., Chairman
- Associate Chief Judge Paule Gaumont, Q.C.J.
- Associate Chief Judge Maurice Galarneau, Q.C.J.
- Associate Chief Judge Michel Simard, Q.C.J.

The courts and tribunals under the Conseil's jurisdiction supply those portions of the intranet that concern them and ensure the updating of information. In addition, the intranet comprises links with private legal publishers, along with documents and information useful in the exercise of judicial duties.

During the 2006-2007 financial year, the Office of the Secretary added linguistic tools to the intranet, notably English-language ones as part of its second-language training program. It also designed a template to facilitate the depositing of documents and to enhance the search tools so as to make these documents more accessible.

5.6 The Conseil's Intranet

The Office of the Secretary of the Conseil seeks to ensure the availability of better information on the Conseil's activities, as well as to improve the quality of the legal instruments at its disposal and facilitate access to them. In this context, it is important to design, for Conseil members, a tool that contains information useful in performing their duties.

The Conseil's intranet is intended to serve as a unique gateway providing members with access notably to Conseil case law, the Conseil's deliberations since its creation, the complete files deposited at each of its meetings, various case law and law databanks, on-line legal documentation and the annotated code.

The intranet will also be of service with regard to meetings of the Conseil's members. All documents pertaining to a meeting will be deposited as they are processed by the Office of the Secretary.

The Office of the Secretary is coordinating this project. A mandate was given to the Irosoft firm. The Québec justice ministry's office of information technology resources is associated with this initiative. Intranet access will be provided through its security network, and it will host this system.

APPENDIX I

Members and Staff of the Conseil de la magistrature as at march 31, 2007

Members

Honourable Guy Gagnon, Chief Judge of the Court of Québec, Chairman

Honourable René de la Sablonnière, Senior Associate Chief Judge of the Court of Québec, Vice-Chairman

Honourable Maurice Galarneau, Associate Chief Judge of the Court of Québec

Honourable Paule Gaumont, Associate Chief Judge of the Court of Québec

Honourable Michel Simard, Associate Chief Judge of the Court of Québec

Honourable Gilles Charest, Associate Chief Judge of the Court of Québec, responsible for municipal courts

Honourable Michèle Rivet, President of the Human Right Tribunal

Honourable Gilles Gaumont, President-Judge of the Municipal Court of Québec City

Honourable François Beaudoin, Judge of the Court of Québec

Honourable Gilles Gendron, Judge of the Court of Québec

Honourable Guy Saulnier, municipal Judge

Mrs Odette Jobin-Laberge, Lawyer, Lavery, de Billy

Mr Claude Rochon, Lawyer, Desjardins, Ducharme

Mr Cyriaque Sumu, Consultant

Mr Robert L. Véronneau, Consultant

Staff

Mr Jean-Pierre Marcotte, Lawyer, Secretary of the Council

Mrs Michelle Blanchet, Secretary

Mrs Liliane Gouge, Desk Officer

Mrs Rachelle Matteau-Désilets, Para-Legal

Mrs Carolle Richard, Administrative Assistant

Appendix II

Jurisdiction of the Conseil de la magistrature

Excerpts from the *Courts of Justice Act* (R.S.Q., c. T-16)

PART VII

THE CONSEIL DE LA MAGISTRATURE, REFRESHER PROGRAMMES FOR JUDGES AND JUDICIAL ETHICS

CHAPTER I: THE CONSEIL DE LA MAGISTRATURE

DIVISION I ESTABLISHMENT

Constitution.

247. A body, hereinafter called the “council”, is established under the name of Conseil de la magistrature.

1978, c. 19, s. 33.

Composition.

248. The council shall be composed of 15 members, namely,

- a) the chief judge of the Court of Québec who shall be the chairman of the council;
- b) the senior associate chief judge of the Court of Québec;
- c) the four associate chief judges of the Court of Québec;
- d) a president judge of a municipal court;
- d.1) one judge chosen among the persons exercising the functions of president of the Human Rights Tribunal, or chairman of the Professions Tribunal;
- e) two judges chosen among the judges of the Court of Québec and appointed upon the recommendation of the Conférence des juges du Québec;
- f) one judge chosen among the judges of the Municipal Courts and appointed upon the recommendation of the Conférence des juges municipaux du Québec;

- g) two advocates appointed upon the recommendation of the Barreau du Québec;
- h) two persons who are neither judges nor advocates.

1978, c. 19, s. 33; 1986, c. 48, s. 4; 1986, c. 61, s. 47; 1987, c. 50, s. 8; 1988, c. 21, s. 53; 1991, c. 70, s. 4; 1995, c. 42, s. 42; 1998, c. 30, s. 40; 2002, c. 21, s. 48; 2001, c. 26, s. 172.

Appointment of members.

249. The Government shall appoint the members of the council contemplated in paragraphs d, d.1 and e to h of section 248. To sit on the council, those members shall make the oath contained in Schedule III before the chief judge or the senior associate chief judge of the Court of Québec.

Vice-chairman.

The vice-chairman of the council is elected by the council from among its members.

Term of office.

The term of office of the members of the council appointed under the first paragraph is not more than three years; at the expiry of their term, these members remain in office until they are replaced or reappointed.

1978, c. 19, s. 33; 1988, c. 21, s. 54; 1989, c. 45, s. 6; 1995, c. 42, s. 43; 1998, c. 30, s. 41; 1999, c. 40, s. 324.

Remuneration and expenses.

250. The members of the council who are not judges are not entitled to any remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and within the limits determined by the Government.

Indemnity.

The judges are entitled to the indemnity provided for in section 119.

1978, c. 19, s. 33; 1988, c. 21, s. 55.

Quorum.

251. Eight members of the council, including the chairman or vice-chairman, are a quorum.

1978, c. 19, s. 33; 1986, c. 48, s. 5.

Meetings.

252. The council meets as often as necessary, when convened by the chairman.

Sittings in camera.

It may sit in camera and hold its sittings at any place in Québec.

Head office.

The council has its head office in the territory of Ville de Québec or in the territory of Ville de Montréal, as the Government may decide.

1978, c. 19, s. 33; 1996, c. 2, s. 985.

Internal management.

253. The council may make bylaws for its internal management or to establish committees and determine their functions.

1978, c. 19, s. 33.

Minutes.

254. The minutes of the sittings of the council or of one of its committees are authentic if they are approved by the members of the council or of the committee, as the case may be; the same rule applies to documents or copies emanating from the council or forming part of its records if they are certified true by the chairman or the secretary.

1978, c. 19, s. 33.

Secretary.

255. The chairman shall appoint the secretary of the council, for a five-year term, from among the advocates on the Roll of the Order of Advocates for at least 10 years who are members of the public service. The Government shall determine the salary, the employment benefits and other conditions of employment of the secretary.

Leave.

Upon being appointed, the secretary shall cease to be subject to the Public Service Act (chapter F-3.1.1); the person appointed to the office of secretary shall be on leave without pay for the duration of the five-year term.

1978, c. 19, s. 33; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 1989, c. 45, s. 7; 1997, c. 76, s. 2.

Functions.

255.1. The secretary of the council shall exercise the functions of the secretary on an exclusive basis, under the authority of the chairman.

Oath.

The secretary shall, before taking office, make the oath set out in Schedule III, before the chief judge of the Court of Québec.

1989, c. 45, s. 7; 1997, c. 76, s. 2; 1999, c. 40, s. 324.

Expiry of term.

255.2. At the expiry of the five-year term of office, the secretary shall remain in office until replaced or re-appointed.

1989, c. 45, s. 7; 1997, c. 76, s. 2.

Appointment.

255.3. The members of the personnel of the council, other than the secretary, shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

1989, c. 45, s. 7; 1997, c. 76, s. 2; 2000, c. 8, s. 242.

DIVISION II FUNCTIONS OF THE COUNCIL

Functions.

256. The functions of the council are:

- a) to organize, in accordance with Chapter II of this Part, refresher programmes for judges;
- b) to adopt, in accordance with Chapter III of this Part, a judicial code of ethics;
- c) to receive and examine any complaint lodged against a judge to whom Chapter III of this Part applies;
- d) to promote the efficiency and uniformization of procedure before the courts;
- e) to receive suggestions, recommendations and requests made to it regarding the administration of justice, to study them and to make the appropriate recommendations to the Minister of Justice;
- f) to cooperate, in accordance with the law, with any body pursuing similar purposes outside Québec, and
- g) to hear and decide appeals under section 112.

1978, c. 19, s. 33; 1988, c. 21, s. 56.

CHAPTER II REFRESHER PROGRAMMES FOR JUDGES

Programmes.

257. The council shall establish information, training or refresher programmes for the judges of the courts and presiding justices of the peace under the legislative authority of Québec and appointed by the Government.

1978, c. 19, s. 33; 2004, c. 12, s. 9.

Preparation.

258. The council shall determine the needs, prepare the programmes and fix the terms and conditions of application; it may, for that purpose, act in cooperation in particular with the Conférence des juges du Québec, the Conférence des juges municipaux du Québec, the association representing presiding justices of the peace, the Barreau du Québec, the law faculties and the Ministère de la Justice.

1978, c. 19, s. 33; 1987, c. 50, s. 9; 2004, c. 12, s. 10.

Authorization for expenditures.

259. The Government determines the amounts over which expenditures by the council in the application of this chapter require the approval of the Minister of Justice.

1978, c. 19, s. 33.

CHAPTER III JUDICIAL ETHICS

DIVISION I GENERAL PROVISION

Applicability.

260. This chapter applies to a judge appointed under this act.

The provisions of this chapter applicable to judges also apply to the judges of the municipal courts and to presiding justices of the peace.

1978, c. 19, s. 33; 1980, c. 11, s. 98; 1995, c. 42, s. 44; 2004, c. 12, s. 11.

DIVISION II CODE OF ETHICS

Code of ethics.

261. The council shall, by regulation, adopt a judicial code of ethics.

Meeting of the judges.

However, it must previously call a meeting of the judges to whom the code of ethics applies to consult them on the draft regulation.

Approval. Coming into force.

A regulation made under this section is published in the Gazette officielle du Québec at least thirty days before it is submitted to the approval of the Government. If it is so approved, it comes into force on the date of its publication in the Gazette officielle du Québec or on a later date fixed therein.

1978, c. 19, s. 33.

Contents.

262. The code of ethics determines the rules of conduct and the duties of the judges towards the public, the parties to an action and the advocates, and it indicates in particular which acts or omissions are derogatory to the honour, dignity or integrity of the judiciary and the functions or activities that a judge may exercise without remuneration notwithstanding section 129 or 171 of this Act or section 45.1 of the Act respecting municipal courts (chapter C-72.01).

Special provisions.

It may be stipulated in the code that certain of those provisions do not apply to judges of Municipal Courts, or special provisions may be established for those judges. For the purposes of this chapter, the rules set out in section 45 of the Act respecting municipal courts are deemed to be special provisions of the code of ethics applicable to municipal judges. The provisions of the code of ethics applicable to municipal judges may vary according to whether they apply to judges exercising their functions on a part-time basis or to judges exercising their functions on a full-time and exclusive basis. Special provisions for presiding justices of the peace may also be stipulated in the code.

1978, c. 19, s. 33; 1980, c. 11, s. 99; 1988, c. 21, s. 57; 1988, c. 74, s. 8; 1989, c. 52, s. 138; 1998, c. 30, s. 42; 2002, c. 21, s. 49; 2004, c. 12, s. 12.

DIVISION III EXAMINATION OF COMPLAINTS

Object of complaints.

263. The council receives and examines a complaint lodged by any person against a judge alleging that he has failed to comply with the code of ethics.

1978, c. 19, s. 33; 1988, c. 21, s. 58.

Contents.

264. Any complaint is made in writing to the secretary of the council and states the facts with which the judge is charged and the other relevant circumstances.

1978, c. 19, s. 33.

Necessary information.

265. The council shall examine the complaint; it may, for that purpose, require from any person such information as it may deem necessary and examine the relevant record, even if the record is confidential under the Youth Protection Act (chapter P-34.1).

Conflict.

If the complaint is lodged by a member of the council, he cannot participate in the examination of the complaint by the council.

1978, c. 19, s. 33; 1986, c. 48, s. 6; 1988, c. 21, s. 59.

Copy to judge.

266. The council shall forward a copy of the complaint to the judge; it may require an explanation from him.

1978, c. 19, s. 33.

Complaint not justified.

267. If the council, after examining a complaint, establishes that it is not justified or that its nature and importance do not justify an inquiry, it shall notify the plaintiff and the judge of it and state its reasons therefor.

1978, c. 19, s. 33.

Inquiry.

268. The council may, after examining a complaint, decide to make an inquiry. It must make an inquiry, however, if the complaint is lodged by the Minister of Justice or if the latter requests it pursuant to the third paragraph of section 93.1 or the third paragraph of section 168.

1978, c. 19, s. 33; 1988, c. 21, s. 60; 1990, c. 44, s. 24; 2004, c. 12, s. 13.

DIVISION IV INQUIRY

Committee.

269. To conduct an inquiry on a complaint, the council establishes a committee consisting of five persons chosen from among its members and designates a chairman among them.

Quorum.

Three persons are a quorum of the committee.

1978, c. 19, s. 33.

Composition.

269.1. Notwithstanding the first paragraph of section 269, a committee of inquiry may be composed of members of the council and of persons who have previously been members of the council.

Composition.

However, such a committee must include at least three members of the council, from whose number the committee shall designate a chairman, and not more than two previous council members.

1991, c. 70, s. 5.

Oath or solemn declaration.

269.2. Any person who has previously been a member of the council and who is appointed to sit on a committee must, before taking up his functions, make the oath contained in Schedule III, before the chief judge or the senior associate chief judge of the Court of Québec.

1991, c. 70, s. 5; 1995, c. 42, s. 45; 1999, c. 40, s. 324.

Inquiry.

269.3. A person who ceases to be a member of the council may continue to sit on a committee of inquiry established under section 269 or 269.1 in order to complete an inquiry undertaken by the committee.

1991, c. 70, s. 5.

Remuneration and indemnities.

269.4. A person to whom either of section 269.2 and 269.3 applies is entitled for the time he is a member of a committee to no remuneration other than the remuneration and indemnities council members are entitled to receive under section 250.

1991, c. 70, s. 5.

Presiding justice of the peace.

269.5. When it establishes a committee to conduct an inquiry into a complaint made against a presiding justice of the peace, the council must designate at least one person who is a presiding justice of the peace to sit on the committee.

Oath.

Before taking up committee functions, that person must make the oath contained in Schedule III, before the chief judge or the senior associate chief judge of the Court of Québec.

Indemnity.

The person so designated is entitled for the time the person is a member of a committee to no indemnity other than the indemnity a council member who is a judge is entitled to receive under section 250.

2004, c. 12, s. 14.

Meetings.

270. The committee meets as often as necessary, when convened by its chairman.

1978, c. 19, s. 33.

Copy of complaint, or request.

271. The committee communicates to the judge a copy of the complaint or of the request of the Minister of Justice made pursuant to the third paragraph of section 93.1 or the third paragraph of section 168.

Calling by committee.

Within thirty days after the communication of the complaint, the committee calls the judge concerned and the plaintiff; it also notifies the Minister of Justice, and the latter or his representative may intervene at the proof or hearing.

1978, c. 19, s. 33; 1988, c. 21, s. 61; 1990, c. 44, s. 24, 2004, c. 12, s. 15.

Hearing.

272. The committee hears the parties, their attorneys and their witnesses.

Facts and testimonies.

It may inquire into the relevant facts and call any person apt to testify on such facts.

Examination.

The witnesses may be examined or cross-examined by the parties.

1978, c.19, s. 33.

Powers and immunity.

273. The members of the committee enjoy, for the purposes of an inquiry, the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1978, c. 19, s. 33; 1992, c. 61, s. 621.

Prohibition.

273.1. An advocate who is a judge of a Municipal Court may not act as a prosecutor for the application of this chapter.

1980, c. 11, s. 100.

Recusation of a member of the committee.

274. A party to the inquiry may request the recusation of a member of the committee for one of the causes provided for in articles 234 and 235 of the Code of Civil Procedure (chapter C-25).

Obligation to declare.

Furthermore, a member of the committee who is aware of a ground of recusation to which he is liable is bound to declare it.

1978, c. 19, s. 33.

Rules of procedure or practice.

275. The committee may make rules of procedure or rules of practice for the conduct of an inquiry.

Orders of procedure.

If necessary, the committee or one of its members makes the orders of procedure, based on the Code of Civil Procedure (chapter C-25), that are necessary for the carrying out of its duties.

1978, c. 19, s. 33.

Suspension of a judge.

276. The council may suspend a judge for the duration of an inquiry on him.

1978, c. 19, s. 33.

Report of inquiry and recommendations.

277. The committee submits the report of its inquiry and its recommendations to the council. It transmits that report to the Minister of Justice; in addition, it transmits a copy of its record of the inquiry in the case where the council makes the recommendation provided for in paragraph b of section 279.

1978, c. 19, s. 33.

Complaint not justified.

278. If the report of the inquiry establishes that the complaint is not justified, the council notifies the judge concerned, the Minister of Justice and the plaintiff. That notice states the grounds on which it is based.

1978, c. 19, s. 33.

Complaint justified.

279. If the report of the inquiry establishes that the complaint is justified, the council, according to the recommendations of the report of the inquiry,

- a) reprimands the judge; or
- b) recommends that the Minister of Justice and Attorney General file a motion with the Court of Appeal in accordance with section 95 or section 167.

Suspension.

If it makes the recommendation provided for in paragraph b, the council suspends the judge for a period of thirty days.

1978, c. 19, s. 33; 1980, c. 11, s. 101; 1988, c. 21, s. 62; 1988, c. 74, s. 9, 2004, c.12, s. 16.

Motion to Court of Appeal.

280. If the Minister of Justice and Attorney General, in accordance with section 95 or section 167, files a motion with the Court of Appeal, the judge is suspended from office until the report of the Court.

1978, c. 19, s. 33; 1988, c. 21, s. 63, 2004, c. 12, s. 17.

Services of an advocate.

281. The council may retain the services of an advocate or of another expert to assist the committee in the conduct of its inquiry.

1978, c. 19, s. 33.

CHAPTER IV MISCELLANEOUS PROVISIONS

Amounts required.

282. The amounts required for the application of this part are taken out of the consolidated revenue fund.

1978, c. 19, s. 33.

PART VIII FINAL PROVISIONS

Minister responsible.

282.1. The Minister of Justice is responsible for the administration of this Act.

1988, c. 21, a. 64.

Disability.

93.1. A judge suffering from a permanent physical or mental disability which, in the opinion of the Government, prevents the judge from effectively performing the duties. Unless the judge resumes judicial duties under the second paragraph, the judge is deemed to have ceased to hold office on the day preceding the day on which the judge satisfies any of the requirements set out in section 224.3, 228 or 246.3, as the case may be, for eligibility for a pension.

Resumption of judicial duties.

If the judge recovers, the Government may permit the judge to resume judicial duties at the same court, even if all the posts in that court are already filled.

Disability.

The permanent disability is established, after inquiry, by the Conseil de la magistrature, at the request of the Minister of Justice. Termination of permanent disability is established in the same manner.

1990, c. 44, s. 4; 2001, c. 8, s. 3.

Disability.

168. A presiding justice of the peace who is suffering from permanent physical or mental disability which, in the opinion of the Government, prevents the justice of the peace from effectively performing the duties of the office shall be relieved from duties. Unless the justice of the peace resumes duties under the second paragraph, the justice of the peace is deemed to have ceased to hold office on the day preceding the day on which the justice of the peace satisfies the requirements for eligibility for his or her pension.

Resumption of duties.

If the justice of the peace recovers, the Government may permit him or her to resume duties.

Inquiry.

Permanent disability is established, at the request of the Minister of Justice, after inquiry by the Conseil de la magistrature. Termination of permanent disability is established in the same manner.

R. S. 1964, c. 20, s. 178; 1992, c. 61, s. 617; 2004, c. 12, s. 1.

Removal.

95. The Government may remove a judge only upon a report of the Court of Appeal made after inquiry at the request of the Minister of Justice.

R. S. 1964, c. 20, s. 86; 1988, c. 21, s. 30.

Modification to a notice of appointment.

108. Any modification to the notice of appointment of a judge concerning his place of residence shall be decided by the Government on the recommendation of the chief judge. The Government may make such a decision only if the period prescribed in section 112 for filing an appeal is expired or, where an appeal is filed, if the recommendation of the chief judge is confirmed.

R. S. 1964, c. 20, s. 100; 1965 (1st sess.), c. 17, s. 16; 1982, c. 17, s. 76; 1987, c. 50, s. 5; 1988, c. 21, s. 30; 1995, c. 42, s. 26.

Assignment to another division.

111. The chief judge may, where the administration of justice so requires and after consultation with the associate chief judges concerned, assign a judge to another division after the judge concerned has been given the opportunity to present his views in that respect.

R. S. 1964, c. 20, s. 103; 1965 (1st sess.), c. 16, s. 21; 1965 (1st sess.), c. 17, s. 18; 1978, c. 19, s. 15; 1988, c. 21, s. 30; 1995, c. 42, s. 29.

Notice of decision.

112. The chief judge who makes a recommendation under section 108 or a decision respecting the permanent assignment of a judge to another division under section 111 shall notify the judge concerned. The latter may, within fifteen days, appeal to the Conseil de la magistrature which may confirm or quash the recommendation or the decision of the chief judge.

R. S. 1964, c. 20, s. 104; 1974, c. 11, s. 30; 1977, c. 20, s. 138; 1978, c. 19, s. 16; 1986, c. 95, s. 334; 1988, c. 21, s. 30.

Exclusive office.

129. Subject to the provisions of this subdivision, the office of judge shall be exclusive.

Incompatibility.

The office of judge is incompatible, in particular, with the office of director or manager of a legal person or any other constituted body, or with the conduct, even indirect, of commercial activities.

R. S. 1964, c. 20, s. 121; 1965 (1st sess.), c. 17, s. 2; 1978, c. 19, s. 25; 1988, c. 21, s. 30.

Exclusivity.

171. Presiding justices of the peace shall devote their time exclusively to duties of the office.

Incompatibility.

The office of presiding justice of the peace is incompatible, in particular, with the office of director or manager of a legal person or any other constituted body, or with the conduct, even indirect, of commercial activities.

R. S. 1964, c. 20, s. 181; 1990, c. 4, s. 888; 2004, c. 12, s. 1.

Appendix III

Internal Bylaws of the Conseil de la magistrature

Courts of Justice Act (R.S.Q., c. T-16, s. 253)

DIVISION I: GENERAL PROVISIONS

1. The following definitions shall apply in these bylaws:
 - a) “Act”: the Courts of Justice Act (R.S.Q., c. T-16);
 - b) “Council”: the Conseil de la Magistrature as established under section 247 of the Act;
 - c) “President”: the Chief Judge of the Court of Québec;
 - d) “Vice-President”: a member of the Council, elected by the members of the Council.
2. The head office of the Council shall be located in Québec City at 300 boulevard Jean-Lesage. The Council may also have an office in the City of Montreal.

DIVISION II: FUNCTIONS AND POWERS

3. The Council, in addition to its functions and powers as set forth in the Act, shall assume the following responsibilities:
 - a) approve the training and continuing education programs presented by the Chief Judges and the Presidents of the courts and tribunals under its jurisdiction, in keeping with the operating methods adopted by the Council;
 - b) determine the budget allocated to each court and tribunal for its training and continuing education programs and carry out regular follow-ups during its meetings;
 - c) establish committees and give them the necessary powers to fulfil their mandates;
 - d) approve the Activity Report of the Council.
4. The President of the Council, in addition to managing the operations of the Council, shall exercise the following functions:
 - a) prepare and preside over the meetings of the Council;
 - b) determine which issues shall be brought before the Council;
 - c) oversee the preparation of the budget and take the necessary steps to secure its approval;
 - d) sign, alone or together with any other person designated by the Council, any documents or records that fall under the jurisdiction of the Council;
 - e) assign responsibilities to the members of the Council as well as to the Secretary.
5. The Vice-President, elected by the Council from among its members, shall assume the functions and responsibilities of the President of the Council in the event of the latter’s absence or inability to act.
6. Under the authority of the President, the Secretary of the Council shall carry out the general functions pertaining to his position and those that may be assigned to him by the President or by the Council.

More specifically, the functions of the Secretary shall be the following:

- a) assume, in matters of managing the resources of the Council, which have been devolved upon him according to all applicable Acts and bylaws;
- b) prepare the meetings of the Council, draft the minutes of the meetings, and follow up on decisions made by the Council;
- c) act as the Secretary of the Executive Committee and other committees established by the Council;
- d) prepare an annual budget allocation plan for the Council's training and continuing education programs;
- e) keep and maintain the records of the Council;
- f) prepare, for the benefit of the members, documents concerning points of interest for the Council;
- g) certify the minutes of the meetings of the Council or any of its committees, as well as any documents or copies emanating from the Council;
- h) at the request of the members of the Council, express his opinion on the different issues dealt with at the meetings of the Council;
- i) prepare an annual report on the issues to be brought before the Council.

DIVISION III: COUNCIL MEETINGS

7. The Council shall hold its meetings at the head office of the Council or at any other location specified in the notice of meeting.
8. The number of meetings of the Council shall be determined by the latter in accordance with a timetable that it shall establish.
9. In addition to the regular meetings, the Council may hold special meetings as often as it deems necessary.
10. Meetings of the Council shall be convened by a written notice from the Secretary at the request of the President. The President shall arrange for a special meeting to be convened at the written request of two members of the Council.
11. The Secretary shall forward to the members of the Council, at least three days before the meeting, a written notice of meeting which shall specify the date, time and place of the meeting. This notice of meeting shall be accompanied by an agenda.

In the case of a special meeting, the notice of meeting may be given by telephone 24 hours before the meeting. During these meetings, discussions are based solely on the items on the agenda, unless members agree otherwise.

12. The Council may dispense with notice of meeting formalities if all members of the Council consent to it. A member may, before or after a meeting, waive the notice of meeting. The presence of a member at a meeting constitutes a waiver on his part to a notice of meeting.
13. The members of the Council may participate in a meeting by means that enable all participants to communicate verbally, notably by telephone.
14. The meetings of the Council shall be presided over by the President or, in his absence, the Vice-President.
15. The quorum of the Council shall consist of eight members, including either the President or the Vice-President. If a quorum is not present one half-hour after the time specified in the notice of meeting, the meeting shall be adjourned and a new notice of meeting must be issued. However, the President may extend the deadline before adjourning the meeting.

16. A meeting may, by a majority vote, be adjourned to another time or to a later date and a new notice of meeting shall not be required.
17. The decisions of the Council shall be made by a majority vote of the members present.
18. Votes shall be cast orally or by a show of hands unless the President or two members of the Council request a secret ballot.
19. In the absence of a secret ballot, the declaration by the President that a decision has been made unanimously or by a majority and the recording of this declaration in the minutes of the meeting shall constitute proof of the Council's decision, without the need to divulge the specific way in which members voted, except if a request is expressed to this effect by one of the members of the Council.
20. In case of a tie vote, the President, or the Vice-President in the absence of the President, shall have a deciding vote on any matter submitted to the Council regardless of whether the votes are cast orally, by a show of hands, or by secret ballot. The President or the Vice-President may or may not exercise his right to a deciding vote.
21. The decision to hold all or part of a meeting in camera shall be made by a majority of the members present.
22. The Council shall exercise its powers by means of decisions, except in matters that must be settled by way of a regulation, as prescribed under the Act. A decision signed by all of the members of the Council shall have the same value as a decision made during a Council meeting which was duly convened and held. This decision shall be recorded in the minutes of the meeting following the date on which it was signed.
23. The Secretary of the Council shall draft and sign the minutes of each meeting. The minutes shall contain a summary of the deliberations of the Council as well as the decisions made at each meeting.
24. Apart from the President of the Council, the Secretary may also certify the minutes, excerpts from the minutes and other documents and copies emanating from the Council or forming any part of its records.
25. In the event that the Secretary is not able to attend any of the meetings, the Council may designate a member of the Council or a member of the staff of the Council to draft the minutes. These minutes shall be signed by such person and by the Secretary of the Council.

DIVISION IV: COMMITTEES OF THE COUNCIL

26. The Council shall establish an Executive Committee consisting of five members of the Council, including the President and the Vice-President of the Council. The other members shall be designated by the Council from among its members for a mandate that it shall determine.
27. The President of the Council shall be the President of the Executive Committee and the Vice-President of the Council shall be the Vice-President of the Executive Committee.
28. The Executive Committee shall have the following mandate:
 - a) examine the matters and execute the mandates which are entrusted to it by the Council and then report to the Council;
 - b) examine, at the request of the President of the Council, certain matters in order to make recommendations;
 - c) examine and make decisions on administrative matters between meetings of the Council and to submit its decisions for approval at the next meeting of the Council.

29. The quorum of the meetings of the Executive Committee shall consist of three members, including the President or the Vice-President.
30. The Secretary of the Council shall be the Secretary of the Executive Committee and as such, shall prepare the notice of meeting, draft and sign the minutes of the meetings, which shall be presented at the meetings of the Council.
31. With the necessary adaptations, section 7, paragraph 1 of section 11, sections 12, 13 and 14, as well as sections 16 through 25 shall apply to the Executive Committee.
32. The Council may also establish other committees. The Council shall determine the composition, mandates and powers of these committees.
33. Unless the Council decides otherwise, the Secretary shall act as Secretary of the committees established by the Council under section 32.

DIVISION V: FINAL PROVISIONS

34. These bylaws shall not be amended without the prior notification of members of the Council of such amendment in a notice of meeting. The text of the proposed amendment must accompany the notice of meeting.
35. The internal bylaws of the Council shall be effective at the time of their adoption by the Council and shall replace any other internal bylaws previously adopted by the Council.

Effective: 15-12-99

Appendix IV

Members of the Executive Committee as at March 31, 2007

Honourable Guy Gagnon, Chief Judge of the Court of Québec, Chairman

Honourable René de la Sablonnière, Senior Associate Chief Judge of the Court of Québec, Vice-Chairman

Honourable Gilles Charest, Associate Chief Judge of the Court of Québec

Honourable François Beaudoin, Judge of the Court of Québec

Odette Jobin-Laberge, Lawyer, Lavery, de Billy

Appendix V

Codes of Ethics (T-16, r. 4.1)¹

Code of Ethics for Judges¹

- 1- The judge should render justice within the framework of the law.
- 2- The judge should perform the duties of his office with integrity, dignity and honour.
- 3- The judge has a duty to foster his professional competence.
- 4- The judge should avoid any conflict of interest and refrain from placing himself in a position where he cannot faithfully carry out his functions.
- 5- The judge should be, and be seen to be, impartial and objective.
- 6- The judge should perform the duties of his office diligently and devote himself entirely to the exercise of his judicial functions.
- 7- The judge should refrain from any activity which is not compatible with his judicial office.
- 8- In public, the judge should act in a reserved, serene and courteous manner.
- 9- The judge should submit to the administrative directives of his chief judge, within the performance of his duties.
- 10- The judge should uphold the integrity and defend the independence of the judiciary, in the best interest of justice and society.

Code of Ethics for Part-Time Municipal Judges

- 1- The judge should render justice within the framework of the law.
- 2- The judge should perform the duties of his office with integrity, dignity and honour.
- 3- The judge has a duty to foster his professional competence.
- 4- The judge should avoid any conflict of interest and refrain from placing himself in a position where he cannot faithfully carry out his functions.
- 5- The judge should be, and be seen to be, impartial and objective.
- 6- The judge should perform the duties of his office diligently.
- 7- The judge should refrain from any activity which is not compatible with his functions of municipal judge.
- 8- In public, the judge should act in a reserved, serene and courteous manner.
- 9- The judge should uphold the integrity and defend the independence of the judiciary, in the best interest of justice and society.

¹ At March 31, 2007 this code is applicable to the following courts and tribunals: Court of Québec, municipal courts of Laval, Montreal and Québec city, the Human Rights tribunal, the Professions Tribunal, and presiding justices of the peace.

Excerpts from the *Act respecting municipal courts* (c. C-72.01)

Rules of conduct.

45. A municipal judge, in addition to complying with the standards of conduct and fulfilling the duties imposed by the code of ethics adopted pursuant to section 261 of the Courts of Justice Act (chapter T-16), shall observe the following rules:

- 1) He shall not, even indirectly, enter into a contract with a municipality within the territory in which the municipal court has jurisdiction, except in the cases provided for in section 305 of the Act respecting elections and referendums in municipalities (chapter E-2.2), adapted as required, nor shall he advise any person negotiating such a contract;
- 2) He shall not, even indirectly, agree to represent or act against a municipality or a member of the municipal council, an employee other than an employee within the meaning of the Labour Code (chapter C-27) or a police officer of a municipality within the territory in which the municipal court has jurisdiction;
- 3) He shall not hear a case pertaining to a contract described in paragraph 1 to which an advocate with whom he practices as an advocate is a party or a case in which such an advocate is representing or acting against a municipality or person contemplated in paragraph 2;
- 4) He shall not hear a case involving a question similar to one involved in another case in which he represents one of the parties;
- 5) He shall, with respect to every case referred to him, make and file in the record a declaration stating not only the grounds of recusation to which he is aware he is liable and which are set out in article 234 of the Code of Civil Procedure (chapter C-25), but also any grounds indirectly connected with him and arising either from the fact that he is representing one of the parties or from the activities of a person with whom he practices as an advocate.

1989, c. 52, s. 45.

Functions.

45.1. Every judge exercising his or her functions in a municipal court to which a president judge has been appointed must exercise such functions on an exclusive basis.

Applicability.

The second paragraph of section 129 of the Courts of Justice Act (chapter T-16) applies to the exercise of such functions.

2002, c. 21, s. 14.

Appendix VI

Summary of Complaints Handled Since 1979

RESULTS AT THE EXAMINATION STAGE

Years	Complaints Received	Complaints Unfounded without additional Information	Complaints Unfounded after additional Information	Others Complaints Not Justifying an Inquiry ^a	Others ^b	Complaints Under Examination	Complaints Warranting an Inquiry ^c
1979-1980	5	1	2	1			1
1980-1981	1			1			
1981-1982	5		4				1
1982-1983	5		4				1
1983-1984	6		4	1	1		
1984-1985	10		5	1			4
1985-1986	10	1	4	3			2
1986-1987	18	1	12	2	1		2
1987-1988	24	2	17	1	1		3
1988-1989	37	4	26	1	3		3
1989-1990	41	16	13	2	5		5
1990-1991	56	33	17	2	2		2
1991-1992	65	50	13				2
1992-1993	51	34	14		3		
1993-1994	81	39	20		3		19
1994-1995	88	63	21		1		3
1995-1996	89	66	13	1	2		7
1996-1997	68	48	18				2
1997-1998 ^d	70	32	27	1			10
1998-1999	68	44	20	1	1		2
1999-2000	76	53	19		2		2
2000-2001	59	37	16	2			4
2001-2002	87	48	32	1			6
2002-2003	87	49	29	6			3
2003-2004	70	42	26	1			1
2004-2005	69	46	16	3			4
2005-2006	89	72	14	3			
2006-2007	90	58	18	2	1	11	
TOTAL	1 425	839	424	36	26	11	89

a These are complaints whose nature and significance did not justify an inquiry (sec. 267 of the *Courts of Justice Act*).

b These are closed files (complaints no longer applicable).

c In all, 63 committees were established to examine 89 complaints.

d Two open files involved several letters and petitions respectively and were counted as two complaints.

RESULTS OF THE INQUIRIES

Years	Complaints Unfounded After Inquiry	Complaints That Led to a Reprimand ^a	Complaints that Led to a Recommendation of Destitution	Others ^b	Complaints Under Inquiry ^c
1979-1980		1			
1980-1981					
1981-1982	1				
1982-1983	1				
1983-1984					
1984-1985	2	2			
1985-1986	2				
1986-1987	1	1			
1987-1988	2			1	
1988-1989		3			
1989-1990		2		3	
1990-1991	1	1			
1991-1992	1	1			
1992-1993					
1993-1994	13	6			
1994-1995	1	1		1	
1995-1996	3	2		2	
1996-1997		1	1		
1997-1998	1	9			
1998-1999	2				
1999-2000	1		1		
2000-2001	2	2			
2001-2002		4	1	1	
2002-2003		3			
2003-2004		1			
2004-2005		1	1	1	1
2005-2006					
2006-2007					
TOTAL	34	41	4	9	1

a The 41 complaints gave rise to 28 reprimands.

b These are files closed by the inquiry committees due to the retirement or resignation of the judges.

c A committee is established to inquire a complaint.

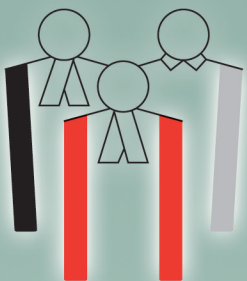
Appendix VII

Regional Origin of Complaints

Regional Origin	Number
Abitibi-Témiscamingue	2
Bas-Saint-Laurent	0
Capitale-Nationale	8
Centre-du-Québec	5
Chaudière-Appalaches	0
Côte-Nord	0
Estrie	6
Gaspésie — Îles-de-la-Madeleine	2
Lanaudière	6
Laurentides	6
Laval	4
Mauricie	5
Montérégie	18
Montréal	32
Nord-du-Québec	0
Outaouais	1
Saguenay — Lac-Saint-Jean	5
Outside Québec	8
TOTAL	108



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