CONSEIL DE LA MAGISTRATURE DU QUÉBEC

Complaints Handling Process

Receipt of the complaint by the Conseil Secretariat

- Acknowledgement of receipt
- Copy of the complaint sent to the judge
- Receipt of judge's comments
- Submission of the complaint to Conseil members

Review to the complaint by the Conseil

- Full session
- In camera

Unfounded complaint

- Notice to complainant
- Notice to judge
- Case closed

Complaint requiring investigation

- Designation of one person by the Conseil
- Collection of additionnal information
- Notification of the complainant
- Notification of the judge

Examination of the complaint

- Full session
- In camera

Unfounded complaint

- Notice to complainant
- Notice to judge
- Case closed

Complaint whose nature and scope do not justify an inquiry (art. 267)

- Notice to complainant
- Notice to judge
- Case closed

Complaint warranting an inquiry and formation of an inquiry committee

- The Conseil appoints the members of the inquiry committee
- The Conseil decides to retain the services of a lawyer to assist the committee
- A copy of the complaint is sent to the judge
- The judge and complainant are summoned within 30 days
- The Minister of Justice is notified of the inquiry and the hearing
- The Conseil holds a session as needed to decide whether or not to suspend the judge for the duration of the inquiry
- Inquiry committee sessions are held (public)
- Report by the committee

Presentation to the Conseil of the inquiry report and its recommendations

Unfounded complaint

- Notice to complainant
- Notice to judge
- Notice to Minister of Justice
- Case closed

Reprimand

- Notice to complainant
- Notice to judge
- Notice to Minister of Justice
- Case closed

Destitution

- The Conseil recommends that the Minister of Justice petition the Court of Appeal
- Automatic suspension of the judge for 30 jours
- Inquiry file forwarded to the Minister of Justice

Minister of Justice petitions the Court of Appeal

Report by the Court of Appeal

Decision by the Government