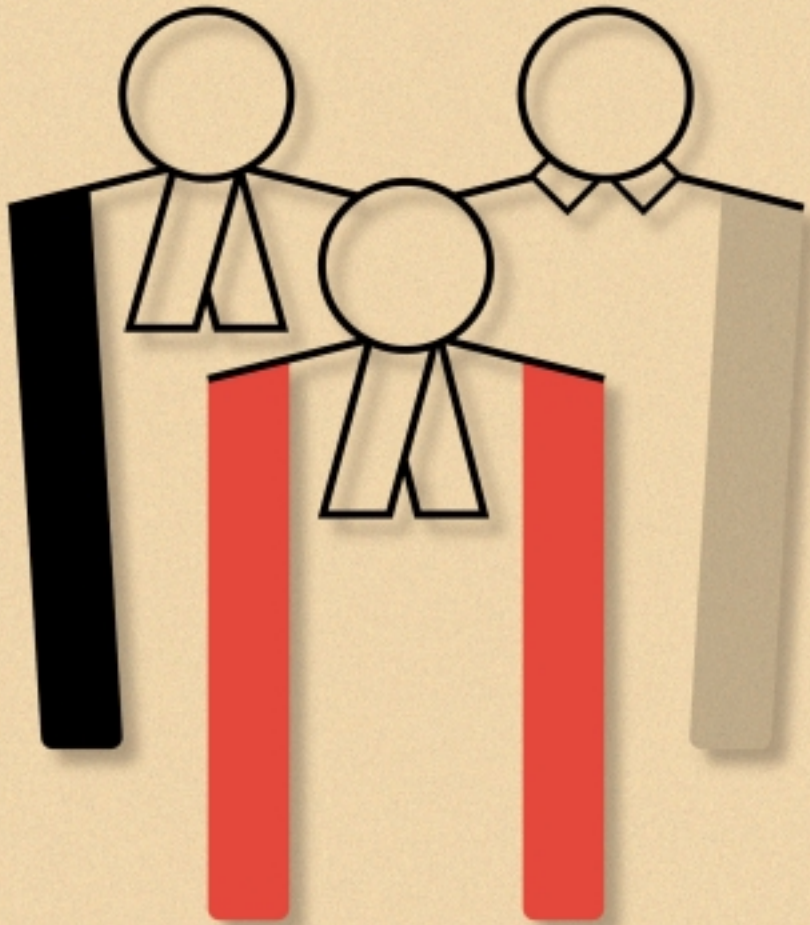


# Activity Report 1999-2000



Conseil de  
la magistrature  
du Québec

# *Activity Report* **1999•2000**

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Government of Québec

Legal Deposit — Bibliothèque nationale du Québec, 2000

ISBN 2-550-36806-1

## Message from the President

The Conseil de la magistrature du Québec (hereafter called the “Council”) is pleased to table its Activity Report for the 1999-2000 budgetary year. The report presents the Council’s major accomplishments in fulfilling the two main mandates conferred on it by the law: to ensure that judicial ethics are respected, and that judges have the means to maintain and improve their skills.

The Council is a dynamic organization that knows the importance of its social role, and its orientations and actions reflect the changes in society, justice and the office of a judge.

It is in this context that the Council examined the complaints procedure, in order to simplify and expedite the process. Consultations were held during the year, and the Council will continue its work based on the feedback received. The Council also reviewed the issue of functions that are incompatible with the office of a judge, and forwarded its recommendations for legislative amendments to the Minister of Justice.

In addition, since the decisions of the inquiry committees formed by the Council are public and judicial in nature, the Council deemed it important to compile them for easy access. The Société québécoise de l’information juridique was mandated to summarize and index all the decisions of the inquiry committees. This will help shed more light on how the ethical standards contained in the *Courts of Justice Act* and the judicial Code of Ethics have been interpreted and applied.

In fulfilling its mandate, the Council must provide judges with the basic tool for carrying out their duties, namely, appropriate legal documentation. Concerned about achieving this goal, the Council examined the current means of accessing legal documentation as well as the traditional terms and conditions for sharing the associated budget. A study was initiated in 1999-2000 to analyze the current situation and to come up with possible solutions, in order to optimize access to legal documentation and still facilitate the switchover to new technologies. This is clearly an important transition that must be addressed, with full consideration given to the environment in which judges operate.

The Council would also like to have the importance of its mission recognized and to be equipped with the appropriate financial tools. However, requests made by the Council in this regard remain unfulfilled to date. A democratic society must allow its judiciary to have access to modern tools and to have the necessary funding to ensure its development and maintain its professional competence.

Finally, I would like to thank the members and staff of the Council for their considerable support in fulfilling the organization's mandates. I particularly want to commend the members for their availability and devotion to their various tasks and the contribution of those who carry out this responsibility for free.

A handwritten signature in black ink that reads "Huguette St-Louis". The signature is written in a cursive, flowing style.

Huguette St-Louis  
Chief Judge, Court of Québec  
President of the Council

Québec City, November 2000

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# 1 Introduction of the Conseil de la magistrature

The Conseil de la magistrature was created in 1978 in accordance with the *Courts of Justice Act and the Code of Civil Procedure and instituting the Conseil de la magistrature* (now Chapter T-16 of the Revised Statutes of 1977).

The Act instituting the Conseil de la magistrature was proclaimed on July 19, 1978. As at March 31, 2000, the Act stipulated that the Council must consist of 15 members, plus a lawyer who acts as Secretary, assisted by three additional employees. The list of members and support staff of the Council is presented in Appendix 1.

The head office of the Council is located at the Palais de justice in Québec City, with other offices at the Palais de justice in Montreal.

## 1.1 Jurisdiction

The jurisdiction of the Council is granted under the *Courts of Justice Act*. The pertinent sections are listed in Appendix 2.

The Council's functions are as follows:

- to organize continuing education programs for judges;
- to adopt a judicial code of ethics;
- to receive and examine any complaint lodged against a judge;
- to conduct an inquiry when requested by the Minister of Justice, with the goal of determining the permanent incapacity of a judge;
- to confirm or annul the recommendation of the Chief Judge of the Court of Québec concerning the modification of a judge's appointment regarding his place of residence or to confirm or annul his decision of transferring the judge to another division;
- to promote the efficiency and uniformization of procedure before the courts;
- 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;
- to cooperate with any body pursuing similar purposes outside Québec.

With respect to continuing education and ethics, the Council has jurisdiction over all provincially appointed judges, namely, the judges of the Court of Québec, the judges of Human Rights Tribunal, the judges of the Professions Tribunal, the judges of the Labour Court and the judges of Municipal Courts. As at March 31, 2000, about four hundred judges were under the jurisdiction of the Council.



As for the Justices of the Peace, who have extensive judicial powers, the Council has jurisdiction over ethical matters only. However, through an administrative arrangement with the Ministry of Justice, the Council can satisfy the needs of Justices of the Peace with respect to legal documentation.

## 1.2 Structure of the Council and Appointment of Members

The Council is 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 three Associate Chief Judges of the Court of Québec;
- one of the Chief Judges from the Municipal Courts of Laval, Montreal, or Québec City;
- one judge chosen among the persons exercising the functions of Chief Judge of the Labour Court, President of the Human Rights Tribunal or Chairman of the Professions Tribunal;
- the Chief Judge of the Municipal Courts, other than those of Laval, Montreal, or Québec City;
- two judges chosen among the judges of the Court of Québec or the Municipal Courts of Laval, Montreal, or Québec City and appointed upon the recommendation of the Conférence des juges du Québec;
- one judge chosen among the judges of the Municipal Courts other than those of Laval, Montreal, or Québec City 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, the three Associate Chief Judges of the Court of Québec and the Chief Judge of the Municipal Courts of Québec are all *ex-officio* members. The other members are appointed by the Government of Québec and have a mandate of no more than three years. At the end of their mandate, these members remain in office until they are replaced or re-appointed.

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

Finally, the members of the Council who are not judges do not receive a remuneration. Nevertheless, they have the right to be reimbursed for expenses incurred in exercising their functions and as determined by the Government.

### 1.3 Method of Operation

The members of the Council do not act on a full-time basis. They meet approximately once every five weeks upon notification by the President. During their meetings the members examine complaints and any other matters brought to their attention. The quorum of the Council is eight members, including either the President or the Vice-President. The Council can hold its meetings *in camera* anywhere in Québec. Over the past year, the Council met ten times.

The Council may adopt regulations for the purpose of its internal administration or to create committees and determine their functions. Last year, the Council adopted a new set of internal by-laws that generally govern the internal administration of the Council. The internal by-laws are reproduced in Appendix 3.

These regulations notably allow for the creation of an Executive Committee composed of five members, including the President and the Vice-President of the Council. The members are appointed by the Council for a mandate that it determines. The list of Executive Committee members is reproduced in Appendix 4.

The Executive Committee has the following mandate:

- To examine questions brought before it and to execute the mandates entrusted to it by the Council and then to report to the Council;
- To examine, when requested by the President of the Council, certain questions in order to present recommendations to the Council;
- To examine and make decisions regarding administrative questions between meetings of the Council, and to submit its decisions for approval at the subsequent meeting of the Council.

The quorum of the Executive Committee is three members, which must include the President or the Vice President. The Secretary of the Council also acts as the Secretary of the Executive Committee; the Secretary prepares the notice of meeting and writes up and signs the minutes of the meetings, which are then presented at the meetings of the Council. Last year, the Executive Committee met twice.

The minutes of the meetings of the Council or any of its committees are deemed official once they have been approved by the members of the Council or by the Executive Committee, as the case may be. The same applies to any documents or copies that are issued by the Council or are part of its archives, provided they are certified by the President or the Secretary.

The President appoints the Secretary for a five-year mandate. The candidate for this position is chosen from lawyers belonging to the Ordre des avocats (Order of Lawyers) for no less than ten years and from members of the public service.

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

The Secretary exercises his functions on an exclusive basis, under the authority of the President. At the end of the mandate, the Secretary remains in office until replaced or re-appointed.

The Secretary attends every meeting of the Council and is responsible for writing up the minutes of the meetings and following up on the different files and ensuring that the methods of operation of the Council are properly followed.

Finally, the staff members of the Council, other than the Secretary, are appointed and receive a remuneration according the *Public Service Act*.

#### **1.4 Method of Financing**

According to the *Courts of Justice Act*, the funds required to carry out the mission of the Council are taken from the consolidated revenue fund.

In its operating activities and those related to judicial ethics, the Council therefore enjoys total financial independence. Consequently, the Council cannot be influenced by budgetary constraints in its decision-making.

However, the Government determines the amounts that require the approval of the Minister of Justice, for the Council to be able to incur an expense pertaining to the continuing education of judges.

Since the 1997-1998 budgetary year, the Government has allocated a budget of \$967,700 to the Council for training and continuing education. However, following a request from the Council to the Minister of Justice, the Council received an additional \$175,000 that it used to host a symposium of provincially appointed judges from across Canada, and to increase its budget for the training and continuing education of judges from the Municipal Courts of Québec.

## 2 Training and Continuing Education

The *Courts of Justice Act* gives the Council the mandate to establish information, training, continuing education and retraining programs for judges from the courts and tribunals under the legislative authority of Québec and who are appointed by the Government. Moreover, section 3 of the Code of Ethics for full-time judges and part-time municipal judges states that a judge is obligated to maintain his professional competency.

The budget set aside for training and continuing education programs must respond to the judges' needs with respect to legal documentation and training activities. A portion of this budget is allocated for purchasing the necessary documentation for judges. A second portion of the budget is allocated for the organization of judges' training activities, while the last portion is designated for activities offered to all judges from courts and tribunals.

### 2.1 Legal Documentation

The funding policy regarding legal documentation recognizes that specific needs may exist for certain regions and jurisdictions of judges. According to this policy, chief judges and presidents of tribunals or courts receive a budget based on amounts determined by the Council, taking into consideration the various matters to be handled by the judges.

During the last budgetary year, the Council allocated approximately \$500,000 for the purchase of legal documentation, representing more than half of the Council's training and continuing education budget.

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

The Council entrusts the organization of training and continuing education activities to the courts and tribunals. The Council allocates a budget to a court or tribunal, prorated according to its number of judges. An additional sum 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 budgets, except for those allocated for second language courses and training sessions for newly appointed judges in criminal matters, which are administered by the Council.

The funds for the participation of judges in symposiums and conferences not organized by the courts and tribunals are included in the budgets for each court or tribunal. The Council has established a guideline that no more than ten percent of the budget which has been allocated to a court or tribunal can be used for external training.

In order to allow for more flexibility in budgetary allocations, the Council has decided to create a reserve fund to enable it to respond to specific requests or to resolve any particular situations at the start of or during the budgetary year. Specifically, this fund allows the Council to take into account the situation of courts or tribunals that have a limited number of judges.

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

The following sections present the various training and continuing education programs implemented during the 1999-2000 budgetary year.

It is important to note that the programs set up by the courts and tribunals were made possible not only with the help of the budget allocated to the Council, but also with the considerable and immeasurable support of many judges who offered their time and expertise to help develop and disseminate educational programs.

## **2.2.1 Court of Québec**

### **2.2.1.1 Jurisdiction**

The Court of Québec consists of different divisions: the Civil Division, which includes the Small Claims Division, the Criminal and Penal Division, and the Youth Division.

The Court of Québec, which is composed of no more than 270 judges, is under the supervision of a Chief Judge, assisted by a Senior Associate Chief Judge, and three Associate Chief Judges. Ten co-coordinating judges and eight associate co-coordinating judges advise and assist the Chief Judge in the functions pertaining to the distribution of cases and the scheduling of Court sessions, as well as assigning judges according to the regions under their responsibility.

As at March 31, 2000, the Court of Québec was composed of 268 judges.

### **2.2.1.2 Training and Continuing Education**

To fulfill the Court's training activities, the Chief Judge of the Court of Québec designates one judge responsible for training. The judge holds this position on a full-time basis and has a three-year mandate. Other than distributing the relevant training information to the members of the Court, the judge responsible for training is also responsible for developing the annual training program, determining the costs relating to this function, setting up and organizing activities to meet expressed needs, recruiting the human resources required to carry out this function, and preparing an annual report. In the case of regional activities, he works in conjunction with the co-coordinating judges.

In addition, the Chief Judge has created an advisory committee that counsels the Chief Judge on matters involving training. This Committee is composed of ten members: three associate chief judges, six other judges who deal with different subjects (two for civil matters, two for youth affairs, and two for criminal and penal issues), and the judge responsible for training presides over this committee. The Committee advises the Chief Judge on all matters concerning training and assists the judge responsible for training in carrying out his functions.

Last year, the Court of Québec organized numerous training activities, including:

- initial training seminar on youth law;
- seminar for judges working in Aboriginal communities;
- seminar on conducting a trial;
- seminar on judgments;
- seminar on social realities;
- session on civil law;
- session on criminal law;
- session on preparing for retirement;
- session on youth law;
- training session for instructors;
- workshops on computer training;
- two initial training sessions for newly appointed judges;
- fourteen sessions on periodic training given on a regional basis.

The sessions on periodic training concentrated on the following areas:

- admissibility of evidence in Small Claims Court;
- discretion of judges in matters of close treatment;
- expert witness;
- pre-sentence reports;
- professional secrecy;
- sentencing;
- verbal and non-verbal communication in the courtroom.

## **2.2.2 Human Rights Tribunal**

### **2.2.2.1 Jurisdiction**

The Human Rights Tribunal is a specialized judicial tribunal. It has jurisdiction over matters concerning discrimination, exploitation of the elderly and the handicapped, and affirmative action programs.

The Commission des droits de la personne et des droits de la jeunesse can address the tribunal in the defense of a victim of discrimination or exploitation. It is therefore the Commission that pleads the case and pays the legal fees.

The Human Rights Tribunal is composed of at least seven members. The President and the assessors are all appointed by the Government. The President is chosen, after consultation with the Chief Judge of the Court of Québec, from the judges of this Court who have experience, expertise, sensitivity, and an ardent interest in matters concerning human rights and freedoms.

As at March 31, 2000, not including the President, the Tribunal was composed of two judges, who perform their duties concurrently with the Court of Québec, and ten assessors, who were selected according to a regulation set forth by the Government.

#### **2.2.2.2 Training and Continuing Education**

Last year, the Human Rights Tribunal held two summits dealing with the following topics:

- Canada before international human rights organizations;
- discrimination: religion and fundamental rights;
- discrimination: mental health and fundamental rights;
- rights of children in Québec and Canada after the United Nation's Convention on the Rights of the Child;
- scope of human rights for refugees;
- social housing in Québec.

During the same period, the Tribunal organized six additional meetings to examine the following topics:

- rights of privacy;
- sexual harassment and pregnancy as grounds for discrimination.

#### **2.2.3 Professions Tribunal**

##### **2.2.3.1 Jurisdiction**

The Professions Tribunal principally hears appeals of decisions rendered by the 44 disciplinary committees of the various professional corporations.

The Professions Tribunal consists of eleven judges from the Court of Québec designated by the Chief Judge of the Court of Québec. The Chief Judge appoints a President and a Vice-President from amongst them.

As at March 31, 2000, excluding the President, this Tribunal was composed of ten judges, including a Vice-President. These judges perform their duties concurrently with the Court of Québec.

### 2.2.3.2 Training and Continuing Education

Last year, the Professions Tribunal held a three-day training program where the following subjects were discussed:

- “compellability” of professionals in disciplinary law;
- disclosure of evidence;
- order of prosecution witnesses;
- state of jurisprudence relating to intervention in an appeal.

### 2.2.4 Labour Court

#### 2.2.4.1 Jurisdiction

The Labour Court has jurisdiction in administrative and penal matters. In administrative matters, the Court has exclusive jurisdiction and is the final appeal board for the decisions of the Labour Commissioners, notably in matters of accreditation, labour standards, dismissal and other disciplinary measures. The Court also has direct jurisdiction over applications under the Pay Equity Act and appeals of decisions made by the Commission de l'équité salariale (Commission for Pay Equity) and by the President of the Commission de la construction (Building Commission), in accordance with the *Act respecting labour relations in the construction industry*.

Furthermore, it is the court of first instance in cases stipulated in the *Labour Code*. In particular, the Court can authorize an employee, upon dismissal or a disciplinary sanction, to submit a claim for arbitration when his union refuses to do so for reasons that are unjustified according to the Code.

In penal matters, the Court has exclusive jurisdiction, in the first instance, to rule on legal proceedings launched for violations against the *Labour Code*, the *Act respecting occupational health and safety* and the *Act respecting industrial accidents and occupational diseases*.

After consulting with the Conseil général du Barreau du Québec and the Conseil consultatif du travail et de la main-d'œuvre, the Québec Government appoints the members of the Court from among the judges of the Court of Québec, and chooses a Chief Judge, an Associate Chief Judge and a Coordinating Judge from among the members of the Court.

As at March 31, 2000, the Labour Court was composed of eight judges, including the Chief Judge.



#### **2.2.4.2 Training and Continuing Education**

Last year, the Labour Court held two meetings with union and management counsels to study a number of topics relating to their specific concerns. The members of the Court also had the opportunity to attend a training session on the Azimut data bank.

#### **2.2.5 *Municipal Court of Laval***

##### **2.2.5.1 Jurisdiction**

The Municipal Court of Laval has jurisdiction in civil matters, notably tax collection, permits, licenses and matters involving the leasing by the municipality of real estate or other properties valued at less than \$30,000, with the exception of residential properties. In penal matters, this court has jurisdiction over statutory offences to the municipal by-laws and to hear cases initiated under the Code of Penal Procedure, the Highway Safety Code and various provincial and federal laws. This court also exercises its jurisdiction in accordance with section XXVII of the Criminal Code concerning summary proceedings.

Finally, the judges of this court can hear cases regarding offences that occurred within the city limits of Laval.

As at March 31, 2000, the Municipal Court of Laval was composed of four judges, including the Chief Judge.

##### **2.2.5.2 Training and Continuing Education**

Last year, the Municipal Court of Laval participated in training activities organized by the Court of Québec. These activities notably involved judgments and court proceedings.

#### **2.2.6 *Municipal Court of Montreal***

##### **2.2.6.1 Jurisdiction**

The Municipal Court of Montreal has jurisdiction in civil matters, notably tax collection, permits, licenses and matters involving the leasing by the municipality of real estate or other properties valued at less than \$30,000, with the exception of residential properties. In penal matters, this court has jurisdiction over statutory offences to the municipal by-laws and to hear cases initiated under the Code of Penal Procedure, the Highway Safety Code and various provincial and federal laws. This court also exercises its jurisdiction in accordance with sections XIV and XXVII of the Criminal Code concerning summary proceedings.

Finally, the judges of this court can hear cases regarding offences that occurred within the city limits of Montreal and also within the judicial district of Montreal.

As at March 31, 2000, the Municipal Court of Montreal was composed of sixteen judges, including a Chief Judge, an Associate Chief Judge and a Co-coordinating Judge.

#### **2.2.6.2 Training and Continuing Education**

Last year, the Municipal Court of Montreal organized conferences where the following topics were discussed:

- offences pertaining to the public's well being;
- ruling on by-laws.

Furthermore, the judges of this municipal court participated in training activities organized by the Court of Québec. These activities notably involved judgments and court proceedings as well as regular sessions organized for the judges of the Criminal and Penal Division from the Montreal area.

#### **2.7.7 *Municipal Court of Québec City***

##### **2.2.7.1 Jurisdiction**

The Municipal Court of Québec City has jurisdiction in civil matters, notably tax collection, permits, licenses and matters involving the leasing by the municipalities of real estate or other properties valued at less than \$30,000, with the exception of residential properties. In penal matters, this court has jurisdiction over statutory offences to the municipal by-laws and to hear cases initiated under the Code of Penal Procedure, the Highway Safety Code and various provincial and federal laws. This court also exercises its jurisdiction in accordance with sections XIV and XXVII of the Criminal Code concerning summary proceedings.

Finally, the judges of this court can hear cases regarding offences that occurred within the city limits of Québec, Saint-Augustin-de-Desmaures, Beauport, Charlesbourg and Vanier.

As at March 31, 2000, the Municipal Court of Québec City was composed of one judge, with the position of Chief Judge being vacant.

## **2.2.8 *Municipal Courts of Québec***

### **2.2.8.1 *Jurisdiction***

The Municipal Courts of Québec, other than those found in Montreal, Laval, and Québec City, have jurisdiction in civil matters, notably tax collection, permits, licenses and matters involving the leasing by the municipalities of real estate or other properties valued at less than \$30,000, with the exception of residential properties. In penal matters, these courts have jurisdiction over statutory offences to the municipal by-laws and to hear cases initiated under the Code of Penal Procedure, the Highway Safety Code and various provincial and federal laws. These courts also exercise their jurisdiction in accordance with section XXVII of the Criminal Code concerning summary proceedings.

As at March 31, 2000, there were 131 of these courts found throughout the Province of Québec. These Courts are presided over by 93 municipal judges, including the Chief Judge.

### **2.2.8.2 *Training and Continuing Education***

Last year, the Municipal Courts held two symposiums, two regional conferences and one day of training where the following topics were dealt with:

- attitude and behaviour of a judge at the dawn of the 21st Century;
- correctional services and the administration of sentences;
- different aspects of perjury;
- duty to act in a reserved manner;
- ethics from various points of view;
- offences with respect to the public's well-being;
- reasonable doubt in criminal and penal matters;
- sentencing;
- subjection to municipal by-laws;
- suspended sentences;
- vested rights.

## **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 for newly appointed judges in criminal matters.

During the 1999-2000 period, the training session was held in Québec City from April 23 to April 30, 1999, and the following topics were discussed:

- administration of the Young Offenders Act;
- *Charter of Rights and Freedoms* and the Supreme Court of Canada;
- children and adult witnesses;
- conducting a trial;
- defenses in criminal and statutory law;
- discovery of facts and theories on credibility;
- excluding evidence;
- hearsay: proof of character, evidence obtained illegally, credibility;
- hypothetical sentences;
- judicial independence;
- justice and First Nations people;
- practical aspects to post-verdict decisions;
- relief based on the Charter;
- temporary release from custody;
- written and oral judgments.

In all, twelve judges from Québec, including ten from the Court of Québec, one from the Municipal Court of Montreal, and one from the Municipal Court of Laval, attended this training session.

### **2.3.2 Second Language Courses**

The Council also oversees second language training courses for judges. This training may be in the form of private courses, semi-private courses or immersion programs, and training is available to provincial and municipal court judges of Laval, Montreal, and Québec City.

In July 1992, the Council entered into an inter-governmental cooperation agreement with the Canadian Government for the promotion of official languages.

This agreement contains terms pertaining to the financial contribution from the Canadian Government for initiatives designed to promote access to judicial services in English by providing English language training for provincially appointed judges. According to this agreement, the Department of Canadian Heritage and the Council share expenses incurred under this agreement. However, the maximum contribution from the Department of Canadian Heritage was fixed at \$20,000.

Finally, pursuant to an agreement signed in 1997, the Office of the Commissioner for Federal Judicial Affairs is now responsible for organizing private and semi-private second language courses.

During the 1999-2000 budgetary year, more than 70 judges participated in private and semi-private second language courses.

### **2.3.3 Participation in External Symposiums**

In addition to the training provided by the courts and tribunals, the Council encourages judges to participate in training programs offered by various organizations. The criteria for selecting the judges for such activities can be found in Appendix 5.

During the 1999-2000 budgetary year, 21 judges participated in the following activities:

- Conference organized by the Association of Family Mediation, entitled “Family Violence and Family Mediation: Is a Balance Possible”, held in Montreal in November 1999 (one judge);
- Conference organized by the Association of Judicial Administrators of Canada, entitled “Strengthening Your Executive Team”, held in Ottawa in April 1999 (one judge);
- Conference organized by the Association of Youth Centres, entitled “Conference on Child Victims of Sexual Abuse”, held in Montreal in September 1999 (one judge);
- Conference organized by the Canadian Institute for the Administration of Justice, entitled “Writing of Judgments”, held in Montreal in July 1999 (three judges);
- Conference organized by the Canadian Institute for the Administration of Justice, entitled “Sentencing at the Turn of the Century”, held in Saskatoon in September 1999 (one judge);
- Conference organized by the Canadian Institute for the Administration of Justice, entitled “The Increasing Power of Judges: Its Causes and Effects”, held in Montreal in September 1999 (one judge);
- Conference organized by the Canadian Institute of Advanced Legal Studies, entitled “The Cambridge Lectures 1999”, held in Cambridge, England in July 1999 (three judges);
- Conference organized by the National Judicial Institute, entitled “Evidence in Cases Involving Penal Matters”, held in Halifax in March 2000 (six judges);
- Conference organized by the Federation of Law Societies of Canada, entitled “National Criminal Law Program”, held in Montreal in July 1999 (one judge);
- Conference organized by the Society of Criminology, held in Montreal in May 1999 (one judge);
- Conference organized by the Barreau du Québec, entitled “International Forum of French-Speaking Jurists”, held in Montreal in October 1999 (one judge);
- Conference organized by the Barreau du Québec, entitled “Recent Developments in Civil Rights”, held in Montreal in November 1999 (one judge).

#### **2.3.4 *Hosting of a Pan-Canadian Symposium***

The Canadian Association of Provincial Court Judges, the Conférence des juges du Québec and the Conseil de la magistrature du Québec jointly organized a symposium which ran from October 27 to October 29, 1999 in Québec City. Since the creation of the Council, this was the second time in 20 years that Québec hosted the Canadian Association for a symposium that brought together full-time judges from across Canada.

On this occasion, some 300 judges, including approximately 100 from outside Québec, took part in workshops facilitated by well-known professionals from various fields. The program of this symposium was developed by a committee created by the Council, and presided over by Judge Paule Gaumond, who oversees training at the Court of Québec.

Professor Hubert Reeves, an astrophysicist, invited his audience to examine the evolution of the world by taking a look at the great scientific adventure of the 20th century and by describing the main issues of the next millennium.

Professor Pierre Noreau, from the Research Centre on Public Law at Université de Montréal, presented the evolution of the concept of justice in the world at the end of the century. Professor Noreau examined the role of the law and judicial institutions, the legitimacy of the courts and alternative methods of conflict resolution.

The presentation by Professor Patrick Glenn, from the Institute of Comparative Law at McGill University, dealt with the impartiality of judges and the concept of judicial independence and its consequences at the end of the century.

Finally, Doctor Yves Lamontagne, President of the College of Physicians and Surgeons of Québec, examined the various ways in which judges handle stress in their profession, keep their motivation, and maintain their competence. During this workshop, two judges – Judge Micheline Corbeil-Laramée from the Court of Québec and Judge Frédéric Arsenault from the Provincial Court of New Brunswick – served as guest speakers and related their own personal experiences.

#### **2.3.5 *Visiting Trainee Judge***

The Council welcomed a trainee judge from the École nationale de la Magistrature de France, for a two-month internship organized by the judge responsible for training at the Court of Québec. During this period, the trainee judge was able to interact with judges working in the various divisions of the Court of Québec. This internship also allowed the trainee to familiarize herself with the administrative procedures of the court clerks and to meet with a number of court specialists and resource persons.

The trainee also participated in two seminars organized by the Court of Québec focusing on youth law and social realities.

Finally, the trainee also had the opportunity to observe the treatment of sexual offenders in a specialized hospital for a period of two days.

## 3 Ethics

### 3.1 Code of Ethics

Two codes of ethics determine the rules of conduct and the duties of provincially appointed judges toward the public, litigants and lawyers. One code is for full-time judges and the other is for part-time municipal judges. Furthermore, part-time municipal judges are bound, according to the *Act respecting municipal courts* (c. C-72.01), to respect the regulations as stated in Section 45 of the Act. The Codes of Ethics and Section 45 of the Act are presented in Appendix 6.

The rules of ethics were developed for an independent judiciary, in that they do not dictate standards to judges, but simply establish general principles relating to their conduct which are intended as a reference tool for judges.

The Council evaluates the conduct of judges according to these general principles. The Council and, where applicable, its inquiry committees, is called upon to clarify these principles during the procedure surrounding the examination of a complaint.

In a case which it examined in 1995, the Supreme Court of Canada recognized the general principles as stated in the Code of Ethics by stating the following:

“[...] there is no doubt [...] that the overall conduct of a member of the judiciary may be assessed under the Code of Ethics [...] Ethical rules are meant to aim for perfection. They call for better conduct not through the imposition of various sanctions but through compliance with personally imposed constraints. A definition, on the other hand, sets out fixed rules and thus tends to become an upper limit, an implicit authorization to do whatever is not prohibited. There is no doubt that these two concepts are difficult to reconcile, and this explains the general nature of the duty to act in a reserved manner: as an ethical standard, it is more concerned with providing general guidance about conduct than with illustrating specifics and the types of conduct allowed.”<sup>1</sup>

### 3.2 Complaints Process

Anyone can file a complaint against a judge. The complaint must be made in writing to the Secretary of the Council and it must state the facts relating to the judge's wrongdoing and any other circumstances. The Secretary of the Council then forwards an acknowledgement of receipt to the plaintiff and a copy of the complaint to the judge.

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1. *Ruffo v. Conseil de la magistrature et al.*, [1995] 4 S.C.R. 316, 332-333.



The complaint is examined by the members of the Council. If at this stage, additional information is required, the Council may mandate one of its members to obtain all the necessary information and to report to the Council. The plaintiff and the judge are kept informed of the Council'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 was filed by a member of the Council, this individual cannot participate in the Council's examination of the complaint.

After examining the complaint, if the Council finds that the complaint is unfounded or that its nature and importance do not justify an inquiry, the Council then advises the plaintiff and the judge of its decision, along with the grounds for such decision.

If the Council decides that the complaint warrants an inquiry, the Council forms a committee consisting of five individuals. It is important to note that when a complaint is filed by the Minister of Justice, the Council must form a committee to conduct an inquiry.

An Inquiry Committee can be made up of current and past members of the Council. This committee must consist of no more than three members of the Council, one of whom is designated as Chair, 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 commissions of inquiry*, except for the power to impose imprisonment.

The Inquiry Committee forwards a copy of the complaint to the judge. Within 30 days following the forwarding of this complaint, the committee calls the judge in question and the plaintiff to appear at the inquiry. It also advises the Minister of Justice that the Minister or his representative can intervene during the inquiry.

At this stage, the Council can retain the services of a lawyer or another expert to assist the committee in conducting the inquiry. The judge in question can also retain the services of a lawyer.

The committee hears the "parties", their lawyers and their respective witnesses. It can inquire about relevant facts and summon any person qualified to testify on these facts. The witnesses can 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 case of *Ruffo v. Conseil de la magistrature et al.*, as quoted previously, 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 uphold the Code of Ethics and to ensure

the integrity of the judiciary. The function of the inquiry committee is to act in the public's best interest.

Depending upon the nature of the complaint, the Council may suspend the judge with pay for the duration of the inquiry. This suspension is not a sanction but is intended to protect the credibility of the justice system.

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

If the inquiry report concludes that the complaint is unfounded, the Council notifies the Minister of Justice, the judge concerned, and the plaintiff. The notice states the grounds on which it is based.

Moreover, if the inquiry report determines that the complaint is founded, the Council, 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 for an inquiry. If the committee makes a recommendation for removal, the Council suspends the judge for a period of 30 days.

Regarding the removal of judges, the Council has only the power of recommendation. If the Minister of Justice and Attorney General files a motion with the Court of Appeal, the judge is automatically suspended from his position until the Appeal Court rules on this matter. After its inquiry, the Court of Appeal sends a report to the Government, which has the power to remove a judge from the bench.

The Supreme Court of Canada has ruled on the fact that the legislature had only foreseen two possible sanctions:

“The Committee’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 Committee 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 Committee’s establishment: not to punish a part that stands out by conduct that is deemed unacceptable but rather to preserve the integrity of the *whole*.”<sup>1</sup>

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

### 3.3 Confidentiality of the Complaints Process

The entire complaints process prior to the holding of the first hearing of the inquiry committee is *in camera*. This procedure was upheld by the Superior Court, which concluded, in July 1993<sup>2</sup>, that the pre-inquiry stage is not a judicial or quasi-judicial procedure.

However, the hearings of the inquiry committees are public, subject to a specific order to the contrary.<sup>3</sup>

### 3.4 Statute of the Council Regarding Its Ethical Responsibilities

In a decision rendered on February 24, 2000<sup>4</sup>, the Court of Appeal allowed an appeal brought by the Council, declaring that the Commission d'accès à l'information did not have jurisdiction over the Council's ethical responsibilities.

This case began in 1991 when the Council received two complaints that it considered unfounded. Unsatisfied with the Council's decision, the plaintiffs then requested that the Council provide them with the documents that were used in its decision-making process. The Council refused to provide these requested documents on the grounds that they pertained to *in camera* proceedings that were protected by the law of secrecy.

Before the Commission d'accès à l'information, the Council claimed that it was an organization closely linked to the judiciary and hence could not fall under the ambit of the *Act respecting access to public bodies and the protection of personal information* or the Commission, an organization that falls under the executive branch. The Commission d'accès à l'information, and subsequently the Superior Court of Québec, did not rule in the Council's favour.

In a decision rendered by Justice Jean-Louis Baudoin, with Justice Louis LeBel and Justice Jacques Philippon concurring, the Court of Appeal held that, on matters regarding judicial ethics, the Council was not subject to the *Act respecting access to public bodies and the protection of personal information*, on the grounds that it could violate the principle of judicial independence. The Court of Appeal found that there could be potential breach of judicial independence if the Council was subject to the *Act*, and hence ruled that the Council was not subject to the *Act*.

In its decision, the Court of Appeal was called upon to define the judicial status of the Council. In doing so, the Court made the following observations:

2. *Southam inc. v. Procureur général du Québec et l'honorable juge en chef Albert Gobeil*, [1993] R.J.Q. 2374 (C.S.).
3. *Southam inc. v. Yvon Mercier et al.*, [1990] R.J.Q. 437 (C.S.).
4. *Conseil de la magistrature v. Commission d'accès à l'information et al.*, C.A. Montréal, n° 500-09-001731-942, reported in J.E. 2000-549.

“The observation is that in matters of ethics, the Council is very much its own master and, in actual fact, acts in a manner similar to a real judicial tribunal, not subject to any formal direct or indirect influence from the executive branch, both in defining and in applying the ground rules. In my view, the inescapable conclusion is that, in matters of ethics, the Council, by virtue of its functions and the types of cases it handles, exercises real judicial power and that, accordingly, it does not meet the criteria of jurisprudence by which it would be termed a mere administrative agency.

The legislative analysis I have just carried out convinces me that, in exercising its ethical and disciplinary power, the Council, which operates on a peer review system (11 judges out of 15 members), based on the rules of procedure and evidence found in all judicial bodies (legal representation, the right to be heard, taking of testimony, etc.), based on a Code of Ethics created by the Council alone, and led by inquiry which guarantees complete independence, constitutes a judicial forum, as per the meaning imparted by jurisprudence, even if, with respect to other responsibilities, it can also exercise functions of a merely administrative nature. Faced with a complaint which has been accepted past the pre-inquiry phase, the Council must decide whether the actions being criticized were carried out in the performance of a judicial function, or whether they violate the Code of Ethics, and what the sanction should be. These decisions are of a judicial nature and are directly related to the permanence of a judge.” *OUR TRANSLATION*

### **3.5 Statistics**

#### **3.5.1 *Complaints Received Since the Creation of the Council***

From its creation to March 31, 2000, the Council received 874 complaints.

It is important to note that according to the law, once a written complaint is lodged against a judge, a file is automatically opened. This means that even if the complaint is not based on the behaviour of the judge, but is rather an appeal of the decision rendered, it nevertheless appears as a complaint and is cause for the opening of a file.

Further details concerning the statistics pertaining to complaints handled by the Council since 1979 can be found in Appendix 7.

#### **3.5.2 *Data for the 1999-2000 Budgetary Year***

During the past year, the Council received 76 complaints, of which 59 were deemed unfounded and one led to the establishment of an inquiry committee. Furthermore, a new inquiry committee was formed to hear a case that another Inquiry Committee had previously heard. As at March 31, 2000, sixteen complaints were at the examination stage.

Also during the past year, two Inquiry Committee reports were referred to the Council. In one case, the Inquiry Committee concluded that the complaint was not founded and in the other it recommended a reprimand for the judge. Furthermore, the Council received a report from a committee which was created following a request from the Minister of Justice in accordance with section 93.1 of the *Courts of Justice Act*, pertaining to the incapacity of a judge. The reports of these committees are summarized later in this document.

With respect to complaints received during the 1999-2000 budgetary year, the following table shows the complaints according to the jurisdiction exercised by the courts:

<b>Jurisdiction</b>	<b>Number</b>
Small Claims Division	31
Criminal and Penal Division	19
Municipal Courts	10
Civil Division (excluding the Small Claims Division)	8
Youth Division	5
Specialized Tribunals	3
<b>TOTAL</b>	<b>76</b>

Compared to the previous budgetary year, the number of complaints in the Small Claims Division increased from 20 to 31, whereas in the other courts, the numbers essentially remained the same.

It is interesting to note that, other than the aspect of jurisdiction or subject matter, complaints can be further sub-divided by whether or not the plaintiff is a party to the case, or has legal representation, his region of origin, and the type of allegation raised.

According to the data collected, 70 out of the 76 plaintiffs were party to the case, and of this number, 15 had legal representation.

The origins of the complaints are presented in Appendix 8, which shows that 56.5% of the complaints originated from three regions: 26.3% from the Montreal area, 15.7% from Montérégie and 14.5% from the Capitale-Nationale.

The allegations raised by the plaintiffs can be divided according to whether they concern the behaviour of a judge inside or outside the courtroom. It should be noted that very few complaints concern the behaviour of a judge outside of the courtroom and that they usually concern matters of conflict of interest.

With respect to the behaviour of a judge during court proceedings, the complaints raised usually pertain to the judge's comments and attitude, or the fact that the judge did not apply the rules of law, including the fact that the decision was unfounded or erroneous. This theoretical division is not etched in stone, since many complaints involve

more than one allegation. For instance, a complaint may be brought against a judge for his attitude during the court proceedings and the fact that his decision was erroneous.

In order to illustrate the types of complaints received, it is important to use the wording that a plaintiff used in formulating his complaint.

With respect to the comments made during court proceedings, plaintiffs claim that the judge had:

- been disrespectful or impolite;
- made defamatory comments;
- made inappropriate comments.

As regards the judge's attitude during court proceedings, plaintiffs claim that the judge had:

- been aggressive;
- been arrogant;
- been disrespectful;
- been impatient;
- been prejudicial towards the plaintiff;
- carried out the proceeding too hastily;
- had an unfavourable attitude because the plaintiff had no legal representation;
- not listened during the proceedings.

Occasionally, the plaintiffs reproduce the judge's comments textually, but they more often do not. They try to explain their perception of the judge's attitude by referring to his manner of running the trial or his comments. Examination of the complaint by the members of the Council, specifically by listening to the court recordings, helps shed light on claims made by plaintiffs.

With respect to the non-application of the rules of law by the judge, plaintiffs claim that the judge had:

- not listened to their claims with an open mind;
- not taken into account the testimony of an expert;
- rendered an incorrect decision;
- shown bias in only listening to the opposing party.

Often the allegations found in the complaints pertain to the discretionary power of the judge in administering evidence and the primary function of a judge, which is to render a decision.

### **3.6 Decisions of the Council**

This section contains abstracts of some complaints handled from April 1, 1999 to March 31, 2000. It includes complaints dealt with exclusively by the Council at the examination stage and all inquiry reports submitted during this period.

As stated previously, the pre-inquiry process is held in camera. As a result, the name of the judge mentioned in a complaint is omitted at the examination stage.

#### **3.6.1 Decisions of the Council at the Examination Stage**

##### **3.6.1.1 Allegation of Partiality**

###### **Complaint**

In this case, the plaintiff claimed that during the hearing, his witness and himself were not allocated sufficient time to explain themselves, unlike the defendant. The plaintiff requested that the Council inquire into this matter and take the appropriate measures and to overturn the decision.

###### **Examination of the Complaint**

The Council needed additional information and, to this end, assigned one of its members to listen to the court recordings.

After listening to the court recordings, the Council felt that the judge had listened patiently to all the parties and their witnesses. Furthermore, the judge expressed himself in a courteous manner and never showed any partiality towards either party.

###### **Decision**

The Council found that the hearing took place in accordance with existing rules and showed respect for both parties. Nothing in the behaviour or conduct of the judge led to any breach of the Code of Ethics.

On these grounds, the Council declared the complaint to be unfounded.

##### **3.6.1.2 Allegation of Partiality**

###### **Complaint**

In this case, the plaintiff made the following allegations: his case was not registered in the docket, the judge did not have his file by the time of the hearing, the court recordings only represented a portion of the hearing, and the plaintiff was unable to express himself properly because the judge seemed to have already made his decision prior to hearing the case.

## **Examination of the Complaint**

The Council needed additional information and, to this end, assigned one of its members to gather the information. The Council then listened to the court recordings.

Contrary to what the plaintiff had claimed, the judge had read the motion, had examined the file and had listened to the explanations from both parties.

## **Decision**

Neither the fact that the judge has read a file without it being included in the docket, nor the malfunctioning of the recording system constitute a breach of the Code of Ethics. In fact, the plaintiff's second claim turned out to be false.

On these grounds, the Council declared the complaint to be unfounded.

### **3.6.1.3 Allegations of Partiality and Error in Law**

#### **Complaint**

In this case, the plaintiff made the following allegations: he did not have the right to a full and complete defence, the judge had refused to grant his request for an adjournment, the plaintiff was forced to testify, and he was intimidated by the judge.

#### **Examination of the Complaint**

The Council needed additional information and, to this end, assigned one of its members to gather the information. The Council also listened to the court recordings and obtained further information from the plaintiff. The plaintiff explained, among other things, the meaning of the phrase "the judge had erred in law", which he had written in his complaint. The plaintiff wanted to point out that the judge had deliberately decided to deprive him of his rights by refusing to adjourn the case, by ordering him to testify, and by failing to inform him of his rights.

It appeared that the plaintiff had represented himself during the hearing. At the beginning of the hearing, the prosecutor presented the necessary documented evidence. The judge then asked the plaintiff if he wished to be heard. The plaintiff explained that he was under the impression that this was only for the exchange of evidence. After rejecting a preliminary motion from the plaintiff, the judge informed him that he was ready to hear his defence. Since the plaintiff then stated that he had no defence to "offer", but began to give explanations, the judge reiterated that he was prepared to hear his case, but that the plaintiff must be sworn in first.

Furthermore, the Council noted that this case had proceeded soundly, without any explanation to the plaintiff. However, the plaintiff was evidently able to understand the proceedings of the hearing. In fact, the plaintiff had informed the judge that this was not



the first time that he had been before the court defending himself. In addition, in his brief comments, the plaintiff was able to cite the applicable statutes and case law.

### **Decision**

Despite the expeditious nature of this case, the Council noted that the judge had not forced the plaintiff to testify. The judge had informed the plaintiff that he was prepared to hear his defence, and since the plaintiff had carried on with his explanations, the judge was therefore completely justified in asking the plaintiff to be sworn in before putting up his defence.

With respect to the request for an adjournment, the court recordings showed that the judge had not refused this request from the plaintiff since no formal request have ever been presented by the plaintiff. However, the Council pointed out that such a decision falls under judicial discretion, over which the Council does not have jurisdiction.

On these grounds, the Council declared the complaint to be unfounded.

#### **3.6.1.4 Allegations of Conflict of Interest**

### **Complaint**

In this case, the plaintiff complained that the judge waited until the time of his deliberation to inform the lawyers that he personally knew one of the parties in the case. The plaintiff also claimed that he had no other choice but to refuse the request of the judge to remove himself from this case, considering the expenses and time already spent. The plaintiff added further that this request had been rejected by the judge.

### **Examination of the Complaint**

The members of the Council noted that the judge had explained to the parties the difficult situation in which he had found himself and invited them to express their respective positions regarding this issue. Both parties agreed that the judge should render his decision.

### **Decision**

Even though the judge did not inform the parties about this situation as quickly as he should have, his action does not constitute a breach of the Code of Ethics.

On these grounds, the Council declared the complaint to be unfounded.

## **3.6.2 Reports from the Inquiry Committees**

### **3.6.2.1 Complaint Regarding Judge Normand Lafond**

#### **Complaint**

In this case, the plaintiff took issue with the judge for being late in rendering his decision.

#### **Examination of the Complaint**

The Council required additional information and, to that end, assigned one of its members to gather the information.

The members of the Council agreed, based on the information collected, that an inquiry was justified.

#### **Inquiry Committee**

Before holding the inquiry, lawyers for the judge presented a motion to the Inquiry Committee challenging the admissibility of the complaint and the validity of the complaint examination and investigation process.

#### **Decision on the Interlocutory Motion**

##### **Motion for the Inadmissibility of the Complaint**

This motion was based on the grounds that a complaint from a party in a case regarding delays in rendering a decision does not constitute a breach of the Code of Ethics, but rather concerns the process of adjudication, which is protected by the principle of judicial independence.

With respect to this motion, the Inquiry Committee concluded that the notions of judicial independence and judicial ethics are not mutually exclusive, but rather interdependent, and that an unjustified delay in rendering a judgment falls under judicial ethics. Therefore, this complaint rests not on the grounds of the judgment, but on the delay in rendering the judgment and the Inquiry Committee held that it has jurisdiction to hear such a complaint.

##### **Motion to Declare the Examination and Inquiry Procedure Invalid and Inoperative**

This motion was based on the grounds that Sections III and IV of Part VII, Chapter III of the *Courts of Justice Act*, dealing with the examination of complaints and inquiries introduce a reasonable fear of institutional partiality, which runs against the principles

of judicial impartiality and judicial independence guaranteed by the Constitution Act of 1867 and the Québec and Canadian Charters of Rights and Freedoms.

On this motion, the Inquiry Committee pointed out that it is itself a “creation” of the Council and that its role, even though essential, is subordinated to the power of the Council by which it was created and to which it reports. With respect to the process put in place by the *Courts of Justice Act* and the powers given to the Inquiry Committee, the latter concluded that it does not have jurisdiction to annul a decision of the Council from which it originates. Furthermore, even though the subordinated jurisdiction it exercises allows this Committee to interpret and apply its enabling legislation, it does not allow the Committee to rule on general questions of law, and hence to examine the constitutionality of these provisions.

### **The Inquiry**

It was established before the Inquiry Committee that the case the judge had to deal with was a complex one. This was a serious case where the director of the youth protection service alleged that a child had been sexually abused by his father.

This case required 12 days of hearings that were spread out over a period of 13 months. During the last day of hearing, the judge reserved judgment on the matter and, in an interlocutory decision, ruled that the father could visit the child every two weeks at a “neutral” location under the supervision of the director of the youth protection service. The judge took 17½ months to render his reserved judgment.

### **Recommendation of the Report**

The Inquiry Committee was aware of the specific difficulties of the district of Saint-Jérôme as well as the dedication and availability of the judge to hear cases each time a request was made. However, no explanation was given to the Inquiry Committee to justify such a delay in rendering a judgment.

It is true that the complexity of the case required a certain length of time for analysis. However, the trauma experienced by the child and the father and the principles of law regarding youth protection required that this case be treated with the necessary diligence, to ensure the protection of the child, since the child’s notion of time is different from that of an adult and separation is irreversible.

For these reasons, the Inquiry Committee found that the judge had not fulfilled his obligation of diligence in an appropriate manner and recommended that the Council reprimand the judge.

### **3.6.2.2 Complaint Regarding Judge Gilles Plante**

#### **Complaint**

In this case, the plaintiff complained about comments made by the judge during a telephone conversation he had with the plaintiff following a Superior Court decision that overturned a previous ruling made by this judge.

#### **Examination of the Complaint**

The Council required additional information and, to that end, assigned one of its members to gather the information.

The members of the Council agreed that the information collected demonstrated that an inquiry was justified.

#### **Inquiry Committee**

It was established before the inquiry committee that the judge had communicated with the plaintiff to see if the latter, in whose favour he had ruled, defended his legal analysis.

The evidence, including the testimonies heard, led to the conclusion that the facts related by the plaintiff contained many errors or misunderstandings and that certain comments attributed to the judge had never been made.

Furthermore, the evidence before the Inquiry Committee epitomized what some refer to as the unique culture of the Labour Court, and that is necessitated by the specialized subject matter it handles. Without a doubt, members of the Labour Court carry out their functions as judges in a singular environment, which does not reflect all the rules that prevail in so-called “civilized” courts. While the uniqueness of the law applied by the Labour Court gives rise to a particular method of operation, this does not do away with the obligation of behaving in a reserved manner.

It is in this context that the Inquiry Committee examined the actions of the judge, who has been a member of the Labour Court since his appointment as a judge and was carrying out his functions in accordance with the Court’s regular practices.

#### **Recommendation of the Report**

While it is normal for a judge to hope that a decision in which he believes and which he sees as introducing a novel point of law that could help advance the law, be analyzed by a Court of Appeal, it is not recommended that he personally take the steps to make this known. It is in his decisions that a judge must express his thoughts and comments which he believes are appropriate, given the nature of the case before him. In fact, the scope of

a judge's comments outside the specific framework of a judgment is so broad that such interventions should only occur in exceptional circumstances.

Rather than wondering whether they are crossing the line between raising awareness of the importance of a case and insisting that an action be carried out, judges should forever be forbidden from contacting litigants to find out whether they intend to appeal certain decisions, for fear of creating the opposite effect, as happened in this case.

While the majority of the members of the Inquiry Committee agreed to dismiss the complaint, they also hoped strongly that the results of the analysis of this inquiry would convince the judges of the Labour Court to act differently in their dealings with people they contact on a professional level.

Furthermore, while concurring with the findings of the majority, dissenting members agreed that the complaint was valid, since in behaving as he had done, the judge had violated his duty to act in a reserved manner, as well as his obligation to preserve the integrity of the judicial system, and hence jeopardized the trust that the public must have towards this institution.

### **3.6.2.3 Request by the Minister of Justice Regarding Judge Gilles Plante (Sec. 93.1 of the Act)**

#### **Complaint**

In this case, the Minister of Justice brought to the attention of the Council nine decisions written and signed by the judge. On the basis of this documentation the Minister of Justice requested that an inquiry be held, in order to rule on the capacity of the judge to carry out his duties in a satisfactory manner, in accordance with the procedures established in section 93.1 of the *Courts of Justice Act*.

As per section 268 of the *Courts of Justice Act*, the Council is bound to hold an inquiry. It should be noted that there is no legal precedent on this issue, since section 93.1 was being raised for the first time.

#### **Inquiry Committee**

Before dealing with the merits of the case, the lawyers for the judge filed motions with the Inquiry Committee regarding the process of examining complaints.

#### **Decision Regarding the Preliminary Motions**

##### **“In camera”**

The members of the Inquiry Committee believed that the judge did not discharge his burden of justifying the “in camera” restriction and therefore ruled that the inquiry would be public.

## **Jurisdiction of the Council**

The members of the Inquiry Committee concluded that the committee established by the Council has jurisdiction under section 93.1 of the Act, whose validity was not contested, and that the Committee must hold an inquiry following this request.

## **Judicial Independence and Immunity of the Members of the Judiciary**

The Inquiry Committee stated that it has the power to examine decisions submitted to support the request by the Minister of Justice, for the sole purpose of determining whether the judge suffered from a permanent incapacity that would prevent him from fulfilling his duties in a satisfactory manner. The Inquiry Committee does not sit to hear an appeal of decisions, and therefore cannot modify them in any way.

## **Inquiry**

It was established before the Inquiry Committee that four of the nine decisions had been referred to the Superior Court for review. The Superior Court had dismissed two and allowed two. Out of the two allowed, one has been appealed to the Supreme Court of Canada on a question of procedure. Because of their impact, some of the decisions are included in the list compiled by the Société québécoise d'information juridique.

Furthermore, the Inquiry Committee noted that after completing his law studies, the judge went on to study sociology, at which time he did statistics. However, he did not obtain his diploma and switched to logic, ultimately earning a Master's degree in Mathematical Logic in 1986.

The Inquiry Committee retained as evidence the admission that the judge's style of writing based on logic had started in 1986 and continued sporadically in certain decisions until 1996.

The judge had ceased to include these digressions in his decisions following the controversy that he had created.

Finally, to complete the evidence, by consent, the lawyers submitted a letter from a psychiatrist. After reading seven judgments and the testimony of the judge in another case, the psychiatrist concluded the following:

“From a psychiatric standpoint, it is clear that I cannot make a psychiatric diagnosis based on the documents that were provided to me. Furthermore, I cannot even see any indications of a psychiatric problem.

[...]

In conclusion, after examining the file, I do not believe that it is even necessary to do a clinical psychological evaluation and I do not recommend any further evaluation or psychotherapeutic process. If someone absolutely wanted to do an evaluation, a psychological analysis via written psychological tests would be preferable, but I do not believe this would be necessary.”

### **Recommendations of the Report**

The principle of judicial independence is not called into question because decisions of judges are subject to the scrutiny of someone other than the Court of Appeal or other structures of judicial review, except in the exceptional circumstances of section 93.1 of the *Courts of Justice Act*. There is, in fact, a clear distinction between the content of a decision and the capacity of a judge to fulfill his duties in a satisfactory manner.

After reading the nine decisions, the stenographic notes and the letter from the psychiatrist, the Inquiry Committee concluded that, even though certain passages constituted unnecessary digressions that are beyond a lay person’s grasp, the judge did not suffer from any permanent incapacity that would prevent him from carrying out his duties in a satisfactory manner. Redressing errors of judgment, if applicable, falls under the exclusive jurisdiction of the appeal courts.

For these reasons, the Inquiry Committee concluded that the judge was able to perform his duties in a satisfactory manner.

## 4 Administrative Activities

During the 1999-2000 budgetary year, the Office of the Secretary carried out its regular activities along with other work arising from the specific files of the Council.

### 4.1 Enquiries and Complaints

Given the Council's mandate, the Office of the Secretary receives a few hundred enquiries per year, mostly via telephone. The majority of these enquiries come from individuals who have gone through the court system, and who would like to know if the actions that they hold against a judge could warrant a complaint. Other enquiries have to do with the lodging of a complaint and the ensuing process.

### 4.2 Publications

The Office of the Secretary currently publishes two information pamphlets: "Le Conseil de la magistrature" and "La déontologie judiciaire".

In addition, following an agreement concluded in April 1997 with the Centre de recherche en droit public of Université de Montréal, the reports of the Inquiry Committees can be consulted on the Internet at the following address: <http://www.lexum.umontreal.ca/cmj/index.html>.

### 4.3 Clerk's Office

The Office of the Secretary of the Council is responsible for the processing of files, from the time the complaint is received until a decision is sent. It coordinates the docketing of files for the Inquiry Committee, organizes the hearings and is responsible for managing and keeping files. The Secretary is also responsible for certifying the decisions of the Council.

Since 1996, the head office of the Council has been located in Québec City, whereas it was previously based in Montreal. Since most of the Council's clients are in the Greater Montreal area and the Office of the Secretary did not have a clerk to assist the Inquiry Committees, which are principally created in this area, the Council acquired an office at the Palais de Justice in Montreal during this budgetary year. One employee from the Council now occupies this office on a permanent basis.

### 4.4 Training and Continuing Education

The Office of the Secretary is in charge of the acquisition and the payment of legal documentation to be used by the judges under its jurisdiction. On an annual basis, the



Office of the Secretary handles a few hundred orders for purchases or subscription renewals.

The Office of the Secretary is also responsible for following up on the decisions of the Council regarding the training and continuing education activities carried out by the courts and tribunals under its jurisdiction.

#### **4.5 Initial Training 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 Council participated in two initial training sessions for newly appointed judges. During these sessions, the Secretary presented the mission of the Council, its method of operation and the activities of the Office of the Secretary to the newly appointed judges.

## 5 Specific Files

### 5.1 Process of Judicial Ethics Dealing with Complaints

In 1997, the Council started examining its role and operating methods in matters of ethics. To this end, during the 1998-1999 budgetary year, it produced a report and forwarded it to all the judges under its jurisdiction and to the Minister of Justice for possible amendments to the *Courts of Justice Act*.

Basically, this report focuses on improving the efficiency of the complaints process, while respecting the rights of both complainants and judges. The questions covered include the drafting of complaints, the process of examining complaints, the Inquiry Committee, the Council, the roles of Council members, chief judges and the Court of Appeal, as well as referrals for judicial review.

During the 1999-2000 budgetary year, the Council received comments from a number of judges and the Conférence des juges du Québec. The Council intends to revisit this issue during the next year, in light of the comments raised by the report.

### 5.2 Functions or Activities Incompatible with the Office of Judge

During the 1998-1999 budgetary year, the members of the Council discussed the provisions of the *Courts of Justice Act* concerning duties or activities that are incompatible with the office of a judge. The goal was to clarify these provisions.

In 1999-2000, the Council forwarded its discussion paper on this issue to all the judges under its jurisdiction for their feedback. In May 1999, the Council also held a “study day” attended by representatives from the judiciary and the university and legal communities.

In February, following the comments received and the discussions with various representatives consulted, the Council asked the Minister of Justice for his view on the subject. The Council also submitted a recommendation for clarifying the *Courts of Justice Act*, avoiding to list certain activities or functions, as section 129 of the *Act* does. According to the Council, determining whether certain functions or activities are appropriate is an ethical issue involving the principle of judicial independence. As a result, if such a situation arises, it should be brought before the Council, which is the appropriate body to apply the Code of Ethics and develop jurisprudence on this matter.

### 5.3 Rules of Procedure for Examinations and Inquiries

The Council has begun to revise the rules of procedure regarding the receipt and examination of complaints brought before it. These rules were adopted by the Council

in May 1989 and amended in 1992. A task force has been formed and is working towards developing tools that can be used by the members of the Council for examinations as well as inquiries.

#### 5.4 Legal Documentation

Aware of its mandate to furnish judges with the necessary documentation for their professional development, the Council has hired consultants to re-evaluate the various ways of obtaining legal documentation with the introduction of new technologies.

In fulfilling their mandate, the consultants are called upon to facilitate the deliberations of a committee of judges, to clarify the environment in which the judiciary operates, and to develop a survey questionnaire for determining the conditions required to make the transition from paper to computers.

This study will be carried out at the start of the next budgetary year and the Council will have to examine its recommendations.

#### 5.5 Second Language Courses

In renewing the agreement with the Office of the Commissioner for Federal Judicial Affairs for the 2000-2001 budgetary year, the Council requested that it be provided during the upcoming year with a learning program that focused more on teaching and professional techniques.

However, taking into account the limited budgets for these issues and the increasing demand for these courses, the Council requested a financial contribution of \$35,000 from the Department of Canadian Heritage, just as it did in 1997. The Council reiterated the importance of providing second language courses to provincially appointed judges and the need to obtain the appropriate funding.

The Council pointed out that in a decision of May 20, 1999<sup>1</sup>, the Supreme Court of Canada, was called upon for the first time to interpret the language rights set forth in section 530 of the *Criminal Code*: "Courts must give effect to s. 530 of the Code in light of its remedial character, its substantive nature and its object, which is foremost to assist members of the two official language communities to enjoy equal access to specific services, in specific courts, in their own language."

Having encouraged the participation of judges in semi-private courses, the Council was forced by budgetary constraints to discontinue the participation of judges in immersion courses organized by the Office of the Commissioner for Federal Judicial Affairs.

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1. Jean Victor Beaulac v. Her Majesty the Queen, [1999] 1 S.C.R. 768.

## **5.6 Adjustments to the Council's Training and Continuing Education Budget**

Since the 1998-1999 budgetary year, the Council has been making representations to the Minister of Justice for its budget to be adjusted permanently so that it can hold an annual symposium for all full-time provincially appointed judges, and to establish the training program for part-time municipal judges. During the 1999-2000 budgetary year, the Council received \$125,000 from the Minister of Justice for the organization of a symposium bringing together provincial court judges from across Canada and an additional \$50,000 for the training of part-time municipal judges. The Council intends to continue its representations over the next few budgetary years to ensure that these funds become a recurrent allocation.

## **5.7 Information Pamphlets Concerning the Council**

The Office of the Secretary intends to re-examine the current information pamphlets. The updating of these pamphlets was delayed due to legislative amendments that may eventually be made to the *Courts of Justice Act*.

## **5.8 Record of Jurisprudence for the Council**

With the goal of improving the quality of and access to the legal tools at its disposal, the Office of the Secretary reached a service agreement with the Société québécoise d'information juridique, with the intent of establishing a bank of jurisprudence with the decisions of the Council and the Inquiry Committees.

This data bank was to become operational in the fall of 2000.

## **5.9 Development of a Complaints Documentation Bank**

Efforts were made to better understand and analyze the nature of complaints based on existing files, and to improve the available information on the subject. With this goal in mind, information was compiled on such aspects as the nature of the allegations brought to support complaints and the legal matters of the complaint.

The Office of the Secretary intends, during the next year, to continue working to establish an electronic data bank of information obtained since the creation of the Council, to facilitate access to and location of such information.

#### **5.10 Impact of the Decision of the Court of Appeal Concerning the Council's Activities Pertaining to the Code of Ethics**

The Council intends to examine the impact of this judgment on various aspects concerning the functions of the Council, and most specifically, on the subjection of the Council to different laws of general application as well as to government regulations or guidelines.

#### **5.11 Meetings with Representatives of French Judicial Services and Representatives of the Conseil supérieur de la magistrature de France**

The members of the Council welcomed, at their meeting of August 25, 1999, the director and deputy director of judicial services at the French Ministry of Justice, Mr. Bernard de Goutte and Mr. Christian Coste. This meeting allowed them to discuss the mandates and operating methods of the Councils of France and Québec, as well as their respective roles and reform perspectives and proposals.

Furthermore, the President and the Secretary of the Council met with the judges of the Conseil supérieur de la magistrature de France during a visit they made to Québec in October 1999. The following individuals were present at this meeting: Ms. Christine Riboulleau, Ms. Marie-Claude Berenger, Mr. Michel Joubrel and Mr. Jacques Fournier. This meeting allowed for the exchange of useful information on judicial ethics applied in France and Québec, despite their different systems of the administration of justice.

# APPENDIX 1 Members and Staff of the Council as at March 31, 2000

## Members

Honourable Huguette St-Louis, Chief Judge of the Court of Québec, President  
Honourable Rémi Bouchard, Senior Associate Chief Judge of the Court of Québec,  
Vice-President  
Honourable Michel Jasmin, Associate Chief Judge of the Court of Québec  
Honourable Jacques Lachapelle, Associate Chief Judge of the Court of Québec  
Honourable Louise Provost, Associate Chief Judge of the Court of Québec  
Honourable Michèle Rivet, President of the Human Rights Tribunal  
Honourable Denis Bouchard, Judge of the Court of Québec  
Honourable André Cloutier, Judge of the Court of Québec  
Honourable Gilles Charest, Chief Judge of Municipal Courts of Québec  
Honourable Pierre Lalande, Chief Judge of the Municipal Court of Laval  
Judge Denis Laberge, Municipal Court of Lasalle  
Michel Caron, Lawyer, Grondin, Poudrier, Bernier<sup>1</sup>  
Manuel Shacter, Lawyer, Mendelsohn, Rosentzveig, Shacter  
Louisiane Gauthier, Psychologist  
Marlène Rateau, Teacher

## Staff of the Council

Jean-Pierre Marcotte, lawyer, Secretary of the Council  
Michelle Blanchet, secretary  
Liliane Gouge, purchasing and accounting  
Carolle Richard, executive administrative assistant

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1. Michel Caron was appointed to the Superior Court on June 22, 2000. His position on the Council has been vacant since that date.

# APPENDIX 2 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 three associate chief judges of the Court of Québec;  
(d) one of the chief judges of the Municipal Courts of Laval, Montréal or Québec;  
(d.1) one judge chosen among the persons exercising the functions of chief judge of the Labour Court, president of the Human Rights Tribunal, or chairman of the Professions Tribunal;  
(d.2) the chief judge of the municipal courts;  
(e) two judges chosen among the judges of the Court of Québec or the Municipal Courts of Laval, Montréal or Québec and appointed upon the recommendation of the Conférence des juges du Québec;  
(f) one judge chosen among the judges of the Municipal Courts other than those of Laval, Montréal or Québec 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.
- 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.
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 <i>in camera</i> .	It may sit <i>in camera</i> 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 by-laws 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.
- Expiry of term. **255.2.** At the expiry of the five-year term of office, the secretary shall remain in office until replaced or reappointed.  
1989, c. 45, s. 7; 1997, c. 76, s. 2.
- Personnel. **255.3.** The members of the personnel of the council, other than the secretary, shall be appointed and remunerated in accordance with the Public Service Act.  
1989, c. 45, s. 7; 1997, c. 76, s. 2.

## **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

- Information, programmes for judges. 257. The council shall establish information, training, refresher or reorientation programmes for the judges of the courts under the legislative authority of Québec and appointed by the Government.  
1978, c. 19, s. 33.
- 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 Barreau du Québec, the law faculties and the Ministère de la Justice.  
1978, c. 19, s. 33; 1987, c. 50, s. 9.
- 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.  
Applicability. It also applies to a judge of a Municipal Court and to a justice of the peace appointed in accordance with section 158, if the deed of appointment indicates that section 162 applies to that justice of the peace.  
1978, c. 19, s. 33; 1980, c. 11, s. 98; 1995, c. 42, s. 44.

#### 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.
- Special provisions. It may be stipulated in the code that certain of those provisions do not apply to judges of Municipal Courts other than the Municipal Courts of Laval, Montréal and Québec, 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 (chapter C-72.01) are deemed to be special provisions of the code of ethics applicable to municipal judges. The code may also indicate the functions or activities that the chief judge of the municipal courts may exercise without remuneration notwithstanding section 37.1 of the Act respecting municipal courts.  
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.

### **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.  
1978, c. 19, s. 33; 1988, c. 21, s. 60; 1990, c. 44, s. 24.

## **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. **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.

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.

- 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.  
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.
- 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.
- 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.
- Motion to Court of Appeal. 280. If the Minister of Justice and Attorney General, in accordance with section 95, 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.
- 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, s. 64.

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Disability. 93.1. A judge suffering from a permanent disability which, in the opinion of the Government, prevents him from effectively performing the duties of his office shall cease to hold such office.

Reappointment. If the judge recovers, the Government may reappoint him as a judge of the court where he formerly held office without having recourse to the selection procedure prescribed by regulation under section 88, 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.

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.

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.



# APPENDIX 3 Internal By-Laws 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 by-laws:
  - 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 by laws;
- 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 by-laws 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 by-laws of the Council shall be effective at the time of their adoption by the Council and shall replace any other internal by-laws previously adopted by the Council.

## APPENDIX 4 Members of the Executive Committee as at March 31, 2000

Honourable Huguette St-Louis, Chief Judge of the Court of Québec, President  
Honourable Rémi Bouchard, Senior Associate Chief Judge of the Court of Québec, Vice-President  
Honourable Pierre Lalande, Chief Judge of the Municipal Court of Laval  
Honourable Denis Bouchard, Judge of the Court of Québec  
Michel Caron, Lawyer, Grondin, Poudrier, Bernier<sup>1</sup>

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1. Michel Caron was appointed to the Superior Court on June 22, 2000. His position on the Council has been vacant since that date.

# APPENDIX 5 Criteria for Selecting Judges to Participate in External Symposiums<sup>1</sup>

After determining that the symposium in question is relevant for the judicial function and that its cost is acceptable given the budgetary situation, the courts select the judge(s) based on the following criteria:

## I- GENERAL TRAINING SYMPOSIUMS

- 1) the judge's merit based on his interest in his position, his involvement in his workplace;
- 2) relevance, i.e., the relationship between the content of the event and the duties performed by the judge;
- 3) seniority;
- 4) the judge's active participation in organizing the symposium, for example as a speaker;
- 5) the judge's participation in other similar symposiums;
- 6) the anticipated benefits for the judge himself.

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1. These include symposiums and conventions organized by other institutions not falling under the jurisdiction of the Council.



## II- SPECIALIZED TRAINING SYMPOSIUMS

- 1) relevance, i.e., the relationship between the content of the event and the duties performed by the judge;
- 2) the anticipated benefits for the judge himself, especially in response to a training need on a given subject;
- 3) the judge's active participation in organizing the symposium, for example as a speaker;
- 4) the judge's merit based on his interest in his position, his involvement in his workplace;
- 5) the judge's recent participation in other similar symposiums;
- 6) the commitment to transmit his acquired knowledge to other colleagues;
- 7) membership in the association organizing the symposium.

June 1999

## APPENDIX 6 Codes of Ethics

### **Code of Ethics for Provincial Judges<sup>1</sup>**

- 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.

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1. 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, the Labour Court, and justices of the peace (section 260 of the Act).

## **Code of Ethics for 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.

**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 practises 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 practises as an advocate.

1989, c. 52, s. 45.

## APPENDIX 7 Summary of Complaints Handled Since 1979

RESULTS FROM THE EXAMINATION STAGE							
YEARS	COMPLAINTS RECEIVED	Complaints Unfounded Without Additional Information	Complaints Unfounded After Additional Information	Complaints Warranting Application of Section 267 <sup>1</sup>	Others <sup>2</sup>	Complaints Currently Before Examination	Complaints Brought Before An Inquiry <sup>3</sup>
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 <sup>4</sup>	68	48	18				2
1997-1998 <sup>5</sup>	70	32	27	1			10
1998-1999	68	44	20	1	1		2
1999-2000	76	47	12			16	1
<b>TOTAL</b>	<b>874</b>	<b>481</b>	<b>266</b>	<b>18</b>	<b>23</b>	<b>16</b>	<b>70</b>

Following a review of all the complaint files processed since the creation of the Council, some of the data published previously by the Council in its Activity Reports have been adjusted.

1. Complaints which, due to their nature or importance, do not warrant an inquiry (sec. 267 of the Courts of Justice Act).
2. These are closed files (complaints that no longer applied).
3. In all, 46 committees were set up to investigate 70 complaints.
4. Under section 93.1 of the Courts of Justice Act, the Minister of Justice submitted a request to the Council and the latter then established an inquiry committee. Since this is not a complaint, it is not counted in this appendix.
5. Two files opened during the budgetary year each contained several letters and petitions and were counted as two complaints.

RESULTS OF THE INQUIRIES					
YEARS	Complaints Unfounded after Inquiry	Complaints Warranting a Reprimand <sup>1</sup>	Complaints Warranting Recommendation for Removal	Others <sup>2</sup>	Complaints Currently Before Inquiries <sup>3</sup>
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	3			6
1998-1999					2
1999-2000					1
<b>TOTAL</b>	<b>29</b>	<b>24</b>	<b>1</b>	<b>6</b>	<b>10</b>

1. The 24 complaints gave rise to 18 reprimands.

2. These are files that were closed following the retirement or resignation of the judge.

3. Four committees were set up to investigate 10 complaints.

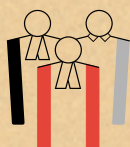
## APPENDIX 8 Regional Origin of Complaints

<b>Regional Origin</b>	<b>Number</b>
Abitibi-Témiscamingue	2
Bas-Saint-Laurent	2
Capitale-Nationale	11
Centre-du-Québec	1
Chaudière-Appalaches	5
Côte-Nord	2
Estrie	1
Gaspésie—Îles-de-la-Madeleine	1
Laurentides—Lanaudière	7
Laval	3
Mauricie	3
Montérégie	12
Montréal	20
Ottawa	2
Outaouais	3
Saguenay—Lac-Saint-Jean	1
<b>TOTAL</b>	<b>76</b>









Conseil de  
la magistrature  
du Québec