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Note

At the time of producing the Activity Report, the *Conseil de la magistrature's* *Secrétariat* was informed that its Chairman, the Honourable Guy Gagnon, had been appointed Judge of the Court of Appeal of Québec. The next Activity Report will review the Conseil's accomplishments during his term of office as Chairman.

The staff members of the *Secrétariat* of the *Conseil de la magistrature* congratulate Judge Gagnon on this appointment and express their heartfelt thanks to him for the confidence he showed in them all.

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Message from the Chair



The Conseil de la magistrature du Québec: Independent, Transparent, Accountable

While the Québec government consists of numerous entities, **the Conseil de la magistrature du Québec stands out as one of a kind.**

The Council is under the jurisdiction of the judiciary, as the Court of Appeal first affirmed at the start of the last decade, and as Judge Jean-Louis Beaudoin pointed out, possesses certain distinct features that set it apart structurally from other purely administrative government entities.

Further, the Council's vice chair is elected by peers and its secretary is appointed by the chair, thus not subject to the *Public Service Act*.

In terms of budget, the Council again deviates from the norm. Unlike Québec government ministries and agencies whose funding comes from budget estimates, the Conseil de la magistrature's operating budget comes from the consolidated revenue fund, revenue brought in by the government. In this sense, the Conseil de la magistrature benefits from greater administrative autonomy that further guarantees its institutional independence.

It is also distinctive in terms of its mandates. The Council is responsible for developing codes of ethics for judges, ensuring their ongoing training, and upholding judicial ethics.

Cognizant of this fact, **the National Assembly has indicated in some legislation that it does not govern the Conseil de la magistrature.** This includes the *Act respecting contracting by public bodies*, which regulates government contracts, and the *Sustainable Development Act*, which endeavors to establish a new management framework within which government can exercise its powers and carry out its responsibilities sustainably.

Exempting the Conseil de la magistrature from certain laws is a nod to the doctrine of separation of powers ascribed to Montesquieu, Locke, and Hobbs. In the spirit of that well-known model, laws are made by the National Assembly, enforced by the executive body, and interpreted by the judicial body, based on litigation submitted to the latter.

The Conseil de la magistrature, firmly entrenched within the judicial body, is obliged to remain independent and unbiased. The Council's independence ensures those who come before it that no outside pressure will be exerted, and that judges must comply with ethical rules that are a "first step toward perfection," in the words of the Supreme Court. Therefore, Council members convene in full session to examine every complaint submitted to the Conseil de la magistrature.

That said, even if the rules of good governance do not always pertain to certain broadly enforced laws, the Council follows standards that call for a high degree of transparency and disclosure. While there is no formal requirement to produce an activity report, the Council produces various publications and has created a website, attesting to its new embrace of organizational transparency and accountability.

In addition, inquiry committee hearings and decisions handed down by the Council after hearings are published in various venues and readily accessible on the website, and the major breakdown of its budget is covered in the activity report. Council meetings are held *in camera* to ensure the independence of the judiciary and protect personal data and reputations.

The Conseil de la magistrature du Québec: a Unifying Presence

The Council's 2008 conference took place in Québec City after extensive planning, and for the first time drew judges from jurisdictions all across Canada.

An audience of over 500 judges listened attentively as colleagues, law professors, and other experts discussed the judiciary of tomorrow, reflecting upon the thought-provoking and stimulating theme *Which Judge, for Which Society?* They also had the opportunity to discuss their concerns and shared problems. This highly productive event is documented for us in the published conference proceedings.

The Council, which played an active role in organizing this exceptional event, did so with very specific objectives in mind: primarily to foster communication opportunities and provide an occasion to share knowledge about training and ethics for judges. In that vein, the conference was the ideal venue to launch the second edition of *Applied Judicial Ethics* along with a website dedicated to judicial ethics. These two new tools were made available to the community under the auspices of a partnership with Centre de recherche en droit public of the Université de Montréal.

Applied Judicial Ethics, which presents Council and tribunal decisions concerning judicial ethics, is an outstanding and unprecedented work.

The judicial ethics website www.deontologie-judiciaire.umontreal.ca also represents a ground-breaking effort. It is a repository for any documents that deal with judicial ethics—regardless of their origin, language, and legal framework—including international documents, laws, codes, and legal doctrine or case law.

In that respect, modern technology makes the site a place where knowledge can be shared and information disseminated beyond the initiated few.

That is also what drives the Conseil de la magistrature to implement its mandate to cooperate with any organizations outside Québec that pursue similar objectives. We are seeing the emergence of a more structured group of organizations whose missions resemble those of the Council.

The Conseil de la magistrature: an Organization Serving the Public and the Judiciary

While the Council's mandates may seem contradictory, they are nonetheless clear: organize training programs for judges, and receive and examine any complaints made against judges.

At first glance, we would think from these two mandates that **the Council serves two clienteles, judges and citizens**. It must therefore implement ways to reach these two groups and respond to their needs and concerns. Over 400 judges, under the jurisdiction of the Council, are easily identifiable. They are offered a regular schedule of training opportunities using a predetermined budget allowance. The activity report covers activities organized for the judiciary.

The task of spreading the word about the Council's mandate in terms the general public will clearly understand presents a bigger challenge. A complete makeover of the Council website is one approach we have chosen. The Secrétariat du Conseil took specific steps to make information on its site accessible, including explanatory video clips and a highly secure interactive complaint form that provides online help to those who wish to use it.

The Conseil de la magistrature: a Vibrant Organization

The Council's activity report presents a report on the past year and a discussion of approaches to be explored during the twelve months ahead. If 2008 can be termed an extraordinary year for the judiciary—due in part to the conference held by the Council—the year ahead will see us pulling out all the stops when it comes to communicating with the public. We will see a number of initiatives carried out to help citizens better understand the world of judicial ethics.

Québec's judicial council, which has served its people for over three decades, is looked up to as a model. It has inspired reforms, such as those made in France where the Conseil supérieur de la magistrature now accepts complaints directly from citizens—a procedure heretofore prohibited. Similarly, it will be obliged to include non-judges in its ranks, which has been the case in Québec since the Council was established more than 30 years ago.

While our model may be the envy of others, the Council must remain sensitive to what is happening in the world so our entire community benefits from new developments in judicial ethics and training for judges. This is—and will remain—our challenge.

In closing, I must acknowledge the dedication of the Council members and the Secretariat staff. Their support has made it possible to turn abstract objectives into concrete accomplishments. I thank them, and hope that you will enjoy reading about the Council.



Guy Gagnon

Chair of the Conseil de la magistrature
Chief Judge, Court of Québec

Québec City, September 2009

Message from the Secretary



In producing an activity report detailing the projects carried out during the year—those that ended, those that continued, and those that were launched—the Conseil de la magistrature is fulfilling a duty it assumed several years ago.

The Council is not breaking any new ground with this reporting exercise. Instead, like any other responsible public body, it is adopting a well-established approach and following the rules of good governance.

However, such an exercise is neither trivial nor inconsequential. It is not a routine or compulsory ritual. Publishing an activity report is one way of helping meet the objective that gave rise to the Conseil de la magistrature over thirty years ago: **to maintain public trust in legal institutions.**

In tasking the Council with such a mission, it soon became clear that the goal was a highly ambitious one—especially at a time when a number of institutions have seen public trust eroded by various scandals.

In these circumstances, the recipe for success calls for two ingredients, service and ethics. Put these words together and they express the very essence of the Council's work: to serve its clients in a fully ethical manner.

A Realistic Strategic Plan

The Council's mandates are varied. While the Secretariat ought not to confuse its marching orders with those of the Council, the ties that bind the two make them inseparable.

To know where to go and avoid obstacles, detours, and excuses, the Secrétariat du Conseil charted a course in the form of a Strategic Plan that sets priorities for the coming years. In indicating our accomplishments, the activity report helps show our progress in achieving our goals.

During the second year of the Strategic Plan, the Secretariat endeavored to support the Council's work, rapidly and efficiently handle the complaints it received, suggest directions for training, and develop an organization that meets the highest ethical standards and shares the information and expertise it has acquired.

The activity report is obviously a wonderful occasion to look back and take stock. But it also constitutes an opportunity to look forward at what remains to be done. Looking back and looking forward—two key principles that describe this document. I will thus take this opportunity to assess the status of each priority of the Strategic Plan, which appears in the appendix. Second, I will discuss various projects under way for the coming year.

In addition, the Secretariat staff fields inquiries every day, primarily by telephone, regarding its mandate and the fulfillment of its duties. Although this important role is little known, the Secretariat responds to inquiries diligently and professionally. Queries that fall outside its purview are redirected to the body best qualified to respond.

Priority 1 – Support the Action of the Council

It is no surprise that the Secretariat's daily work puts a strain on its resources.

Although the number of complaints this year remained the same as in previous years, considerable time and effort was channeled into inquiries. Over the course of the year, the Council handed down three decisions following the proceedings of three inquiry committees.

At the same time, court cases monopolized the Council's attention. The Council went before the Court of Appeal in one case and the Superior Court, for a judicial review, in another.

For the Secretariat, all of this means representing the Council before the courts and tribunals, coordinating the work of the five-person committees, and ensuring that members have access to rooms, court clerks, and anything else they need to complete their tasks. As the activity report indicates, the Secretariat has met this objective.

Priority 2 – Handle Complaints Quickly and Professionally

As we know, one of the Council's primary missions is to receive and examine complaints against judges with respect to the *Judicial Code of Ethics* and the *Code of Ethics for Part-Time Municipal Judges*. After examining complaints, Council members render decisions. The Secretariat is responsible for notifying the complainant and the judge of the decision, and often for answering questions about it.

The numbers say it all. The Council has always taken pride in handling complaints as quickly as possible while respecting the rights of the parties involved.

The year 2008–2009 was no different. The Secretariat is responsible for following up on complaints promptly by quickly communicating Council decisions. In this regard, the Secretariat did its utmost to ensure that the parties concerned received a fast response to their complaints and questions, regardless of how they were formulated.

Priority 3 – Provide High Quality Professional Development Opportunities

For a number of years, the idea of establishing a judicial training institute has been moving forward. The idea is not new. This year, further to the work of a committee, the Secretariat gave renewed impetus to the project by proposing a possible legal structure for the new institute and developing scenarios for making it a reality. Council members have approved this proposal in theory, and it will now be the subject of consultations.

In addition, the Conseil de la magistrature symposium is always a highly popular training activity. Every year, nearly 300 judges take part. In 2008 for the 400th anniversary of Québec City, symposium organizers marked with distinction the contribution of judicial institutions throughout 400 years of history. The culmination of lengthy preparations on the part of a special team put together by the Secrétariat, the 2008 conference brought together over 500 judges from all jurisdictions and regions across Canada. The report discusses this unique and unprecedented event, whose success measured up to expectations.

Priority 4 – Develop Unique Expertise Combined with Ethics

Around the world, a number of bodies perform similar work to the Conseil de la magistrature. Still, the Council is unique. The Québec model stands out in that it combines professional development and judicial ethics within one organization. Furthermore, it produces and distributes a remarkable number of specialized publications. For example, for the Council's thirtieth anniversary, the Secretariat published a portfolio containing a thirty-year anniversary brochure, the Council's Strategic Plan, and the 2007–2008 activity report. This coincided with the release of the second edition of *Applied Judicial Ethics* and the launch of a judicial ethics website, both with major input from the Secretariat.

These resources, designed primarily for an informed audience, are important—even essential—tools for anyone interested in judicial ethics. By contributing to them, the Conseil de la magistrature du Québec helps share the knowledge and expertise it has developed.

The next step is to develop a user-friendly, highly readable communications tool for the general public. The concept is simple, but widely proven: better-informed citizens are better equipped to make the right decisions. The challenge has been issued, and it will be tackled over the next year.

Priority 5 – Share Expertise

As we have mentioned, the Council has developed unique expertise. It also has a duty to share that knowledge, particularly with bodies that perform similar work—a win-win situation in which both parties receive information. Throughout the year, the Secretariat has taken steps to build or strengthen ties with its Canadian counterparts. Initial results are promising and prove the significance of this initiative.

A Look Ahead

The report points to the Secretariat's agenda for the coming year. More specifically, the following tasks will require our attention and energy in 2009-2010:

• Learn

In reviewing the complaints it receives, the Council should be able to learn from them and tailor certain training opportunities in response to some of the most common criticisms of the judiciary. We therefore plan to ask that the Council, particularly within the court and tribunal training committee, modify certain existing courses or even suggest new ones based on the criticism received.

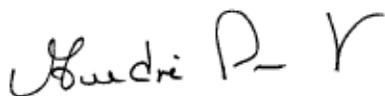
• Inform citizens

The Secretariat will be creating a new website to help inform citizens of their rights. Drawing on an existing partnership with Éducaloi, a nonprofit organization dedicated to legal literacy, the new site will provide information on the Council's mandates and help visitors understand what is within the Council's purview and what is within the purview of the courts.

• Strengthen existing ties and forge new ones

Lastly, the time has come to reach across borders and establish relationships with organizations that share the same concerns. The Conseil de la magistrature du Québec already has ties to its Canadian counterpart, so it seems logical to work toward building a network of organizations with a stake in judicial ethics.

In closing, thanks to our dedicated and efficient staff—whom I thank heartily—the past year has seen the Secretariat complete major projects while at the same time remaining attentive to the citizens who call on it, meeting both their needs and those expressed by the Council and the judiciary. This reflects the Secretariat's maturity and points to a bright future ahead.



André Ouimet
Lawyer

Québec City, September 2009

Introducing the Conseil de la magistrature

Québec created a judicial council in 1978, following in the footsteps of a number of the world's nations. Its Conseil de la magistrature has 15 members and is supported by a permanent secretariat. A lawyer serves as secretary, and four employees assist with Council functions.

1.1 Composition of the Council

The chief judge, Senior associate chief judge, and four associate chief judges from the Court of Québec¹ are ex-officio members of the Conseil de la magistrature. They hold these positions for seven-year terms. The chief judge of the Court of Québec serves as chair, while the vice chair is elected by the Council from among its members. Other members include

- One of the presiding judges of a municipal court²
- The president of the Human Rights Tribunal or the chair of the Professions Tribunal³
- Two judges chosen from among the judges of the Court of Québec and appointed upon the recommendation of the Conférence des juges du Québec
- One judge chosen from among municipal court judges and appointed upon the recommendation of the Conférence des juges municipaux du Québec
- Two lawyers appointed upon the recommendation of the Barreau du Québec
- Two persons who are neither judges nor lawyers

These two persons are appointed by the government for a term of no more than three years. At the end of their mandate, these members remain in office until they are replaced or reappointed.

1.2 The Mandate

The Council's mandate is multi-faceted. Most of the Council's effort is devoted to fulfilling primary mandates, and secondary mandates are addressed less frequently.

Primary Mandates

- Judicial ethics: receive and examine any complaints brought against judges
- Legal documentation: oversee the purchase of legal documentation for judges
- Training: oversee implementation of training activities for judges

Other Mandates

- Promote the efficiency and standardization of proceedings before the courts
- Receive suggestions, recommendations, and requests regarding the administration of justice, study them, and make the appropriate recommendations to the Minister of Justice

¹ Associate chief judges are those associate chief judges of the criminal and penal division, civil division, and youth division, as well as the judge responsible for municipal courts.

² There are three presiding judges of municipal courts, in Montréal, Laval, and Québec City. The presiding judge in Québec City is, at March 31, 2009, a member of the Council. In other Québec cities, judges are considered part-time municipal judges (even if they actually devote almost all their time to this role). In municipal courts, the associate chief judge is responsible for ensuring that these judges comply with applicable rules.

³ The current president of the Human Rights Tribunal is a member of the Council.

- Confirm or annul the recommendation of the chief judge of the Court of Québec concerning modification of a judge's appointment with regard to his or her place of residence or the decision to transfer the judge to another division
- When requested by the Minister of Justice, conduct an inquiry to determine whether a judge has become permanently incapable of carrying out the functions of his or her position
- When requested by the Minister of Justice, conduct an inquiry regarding municipalities that refuse to remedy a reported situation (Sec. 91, *Act respecting municipal courts*)
- Cooperate with any body pursuing similar aims outside Québec

The Council has jurisdiction over all provincially appointed judges, i.e., judges of the Court of Québec, Human Rights Tribunal, Professions Tribunal, and municipal courts, as well as presiding justices of the peace.

In all, there are nearly 270 Court of Québec judges, 33 presiding justices of the peace, 32 full-time municipal judges, and 51 part-time judges. There are also some 30 deputy judges. In addition, nearly 400 judges are under the jurisdiction of the Council. To learn more, please see Appendix 6.

1.3 How the Council Operates

Members of the Council do not serve on a full-time basis. They generally meet once every five weeks at the discretion of the chair. During their sessions, they examine complaints and other matters brought to their attention. Eight members are needed for a Council quorum, including the chair or vice chair. Council meetings are closed and may be held anywhere in Québec. During fiscal 2008–2009, Council members met eight times.

1.4 Executive Committee

To ensure that work would continue between Council sessions, an executive committee was formed. It consists of five Council members, including the chair and vice chair. The Council appoints the other members for two-year terms.

The Executive Committee's mandate is to

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

During the course of fiscal 2008–2009, the Executive Committee met five times.

1.5 The Secrétariat du Conseil

The chair appoints the secretary of the Council for a five-year term from among lawyers who have belonged to the Ordre des avocats for at least ten years and are members of the public service. The government determines the secretary's salary, benefits, and other working conditions.

Once appointed, the secretary ceases to be subject to the *Public Service Act*, remaining on leave without pay for the duration of the mandate in order to carry out the duties of this office.

The secretary performs functions of the position on an exclusive basis under the authority of the chair. At the end of the term, the secretary remains in office until replaced or reappointed.

In order to help carry out the mission of the organization, the secretary is assigned numerous responsibilities. The secretary sees to it that the Council functions properly and, with staff support, provides followup for various administrative issues and coordinates all Council activities. The secretary attends meetings of the Council and executive committee and prepares minutes.

The head office of the secretary of the Council is located at the Palais de justice in Québec City, with a second office at the Palais de justice in Montréal.

1.6 Budget

The Council budget has three main categories: judicial ethics, training for judges, and Council operations (day-to-day operations). The *Courts of Justice Act* states that funds required for the Council to carry out its mission are to be taken from the government's financial reserves.

While unusual, this specific feature guarantees the Council the complete financial independence needed to properly conduct its business, especially as regards judicial ethics. It avoids having complaints go unexamined for lack of funding.

The budget for training, continuing education, and legal documentation for judges is established annually by the government. If the Council wishes to modify it, a request must be submitted to the Minister of Justice.

The Secrétariat du Conseil

As shown in the preceding section, the Conseil de la magistrature is made up of judges, lawyers, and citizens who are neither judges nor lawyers. These individuals, working full time in their respective fields, serve part time as members of the Council. To enable them to properly carry out their roles, the Council relies upon an experienced team of professionals dedicated to its mission. Its permanent Secretariat is tasked with formulating recommendations, supporting member activities, and ensuring continuity of day-to-day administrative operations. The Secretariat is also the repository for official Council documents.

The Council Secretariat has a staff of five: a secretary, administrative assistant, secretariat officer, desk officer, and paralegal. The team, albeit small, accomplishes a great deal.

Along with its day-to-day responsibilities, the team took on a number of substantial projects during the 2008–2009 fiscal year. They are described in the sections that follow.

2.1 Milestones

2.1.1 A Revitalized Look

The Conseil de la magistrature is an autonomous and independent organization that enjoys significant credibility. It also serves as a source of inspiration for similar entities worldwide. To emphasize its independence, it has adopted its own visual identity, distinct from that of the government and the judiciary.

Commemorating the 30th anniversary of its founding, the Council has taken on a new image, with a redesigned logo and new color palette. The new identity is to appear on all stationery, business cards, Web pages, strategic plans, and publications.

2.1.2 A Look Back at the Council's 30 Years

July 19, 2008, marked the 30th anniversary of the Conseil de la magistrature. In commemoration of its history, the Secretariat produced a brochure recounting the story of those who gave their all over the years to build and develop this institution.

The Council's mission within the democratic system is an important one: that of maintaining public trust in legal institutions. Its 30th anniversary year was an opportune time to commemorate what six chairs, 88 members, five secretaries, and 10 staff members have accomplished throughout the years rich in anecdotes and historic occasions.

The brochure, which contains information not previously published, accentuates the main challenges that the Council has taken on and shows how much ground has been covered since its founding.

This brochure is available under *Publications* on the Council website, www.conseildelamagistrature.qc.ca.

2.1.3 SAGIR, One Year Later

The Conseil de la magistrature is not subject to any government rules or policies. To comply with a government decision, however, on April 1, 2008, the Council began implementing SAGIR, a system for managing human, financial, and material resources. In its 2007–2008 activity report, the Secrétariat du Conseil described the many obstacles that made this a major challenge. Implementing such a system, which is designed for large organizations, in a much smaller organization is no easy task. Using a very limited team to manage financial resources and training materials for several hundred judges, for example, requires agile responses born of flexibility and resourcefulness.

The initial months of implementation were labor-intensive, but our staff's dedication, respect for clients, and willingness to embrace the new technology allowed the Secretariat to take ownership of the project without diminishing the quality of the service offered.

One year later, we are intimately familiar with the program. Moreover, the Secretariat has set an exemplary objective when it comes to processing time for reimbursement of travel expenses. With that goal attained, we can say "mission accomplished!"

2.1.4 Applied Principles of Judicial Conduct, an Enhanced Edition

Since Conseil de la magistrature du Québec was established in 1978, it has received and analyzed more than 1,500 complaints against judges. The majority were rejected as unfounded. It also must be noted that in a number of cases, complainants were seeking to have decisions overturned rather than filing complaints about judges' behavior.

Nonetheless, the Council's analysis of these complaints and the conclusions of its inquiry committees or tribunals have resulted in a body of case law that has proved extremely useful in helping to discern new guidelines or even rules.

In order to disseminate them, the Council has posted inquiry committee decisions and reports on its Internet site for many years. These documents are also available in the databases of the Société québécoise d'information juridique (SOQUIJ) and the Canadian Legal Information Institute (CanLII).

The Secretariat also publishes a summary of decisions handed down by the Council and the inquiry committees in its annual activity report.

Applied Judicial Ethics, when published in 2005, was another milestone.

A second edition of this work was published in conjunction with the 2008 conference and the Council's 30th anniversary. The new version, considerably more than a mere update, was thoroughly revised and now sports a subject index and new graphics. Published by professor Pierre Noreau, the book lets the public and the legal and judiciary communities appreciate the extent to which the Council, its inquiry committees, and the courts and tribunals have applied the law and legal code. With over 300 pages, the book represents a veritable educational tool attesting to the Secretariat's commitment to widely disseminating its decisions. A French-language version of *Applied Judicial Ethics (La déontologie judiciaire appliquée)* is also available.

2.1.5 Support for Other Judicial Councils

Québec's Conseil de la magistrature has developed singular, one-of-a-kind expertise.

To share its knowledge and experience, the Council publishes many of its documents and all of its decisions online. The website has attracted a cadre of frequent users. The Council also responds readily to requests when solicited. Judges from outside Québec who visit the province are presented the opportunity to become familiar with the Conseil de la magistrature. On occasion, the Council is also asked to provide specific information on its mandates and the ways in which they are carried out.

2.1.6 Creation of a New Reference Tool for Judicial Ethics

Guides for judicial behavior exist in many countries of the world. The 2002 adoption of the Bangalore principles of judicial conduct has spurred their creation, and today they can be found in a variety of forms. In addition, the conduct of judges can be addressed in laws, codes, rules, and even guidelines. A website (www.deontologie-judiciaire.umontreal.ca) has been created to provide access to these various documents. The purpose of the site is to share information among organizations involved with judicial ethics, to allow judges and citizens to benefit from up-to-date technology, and to offer researchers access to a timely, user-friendly database that can point them toward international articles and others that address legal doctrine.

This priceless virtual library is the result of work done at Université de Montréal's Centre de recherche en droit public, under the direction of attorney Pierre Noreau, with the support and encouragement of the Conseil de la magistrature du Québec.

This commendable initiative will ensure wider international recognition for the principles of judicial ethics by spotlighting the efforts of various judicial councils around the world, describing their enabling legislation and their roles in applying the codes of ethical conduct.

The website, launched at the 2008 conference, is a work in progress. It represents a beginning, a first step. It will be perpetually "under construction," modified continuously as legislation, regulations, and case law evolve. New content on legal doctrine will be added regularly. The Internet is clearly the vehicle of choice for sharing such information.

Other early adopters may possibly join the Centre de recherche en droit public and the Conseil de la magistrature du Québec in this effort. France's Institut des hautes études sur la justice de France is already an active partner in this worthy initiative, and others are expected to come on board in 2009.

2.2 Administrative Activities

2.2.1 The Budget for Operations and Judicial Ethics

The *Courts of Justice Act* states that monies needed to carry out the Council's mission shall come from the government's consolidated revenue fund, meaning that its operating budget is not established as a function of government-allocated budgets. The Council thus enjoys complete financial independence and need not leave complaints uninvestigated for lack of funds.

This singular characteristic is due to the fact that the Council cannot know in advance how many complaints it will receive and which of them will warrant formation of an inquiry committee. Decisions concerning activities that involve judicial ethics should not be influenced by budget considerations in any way.

Council expenditures in fiscal 2008–2009 were \$1,105,880, divided as follows:

- \$338,000 for remuneration
- \$550,683 for operations
- \$217,197 for judicial ethics

2.2.2 Training Budget for Judges

The training and continuing education budget serves to meet the needs of judges in matters of legal documentation and training. Part of this budget goes toward the purchase of legal documentation, while the rest is allocated for training activities for the some 400 judges who are within the jurisdiction.

The budget for judges' training and continuing education is established by government decree. In fiscal 2008–2009, it was set at \$1,206,720; an additional \$90,000 was added for English language training, based on a provincial/federal agreement. In addition, the Council received a one-time allocation of \$148,000 from Ministère de la Justice to cover the cost of holding the 2008 conference.

2.2.3 Annual Conference 2008

Each year in early November, the Council holds a conference that offers all judges within its jurisdiction the opportunity to delve into subjects of common interest.

In 2008, all eyes were on Québec City as the capital observed the 400th anniversary of its founding. Parliamentary, government, and municipal institutions were invited to help commemorate the anniversary as they saw fit.

The legal community also took advantage of the occasion, holding large meetings in Québec City, and the judiciary, not to be outdone, staged numerous events marking the anniversary of a city where two legal systems—civil law and common law—coexist.

The 2008 conference marked the first time that judges from throughout Canada and all jurisdictions attended—but that was just the start. Five hundred Canadian judges were joined by their peers from France, the United Kingdom, and the United States who, along with former judges and numerous academics, helped create an inquisitive atmosphere in which “*Which Judge for Which Society?*” was the topic for discussion.

The project, which began to take shape shortly after the new millennium began, was made possible with the ongoing support and active participation of countless individuals from numerous organizations. Joining together to make the event happen were the Canadian Association of Provincial Court Judges, Conférence des juges du Québec, Conseil de la magistrature du Québec, Québec Court of Appeal, Québec Superior Court, Court of Québec, and National Judicial Institute.

The conference received financial support from Québec’s Ministère de la Justice and Canada’s Department of Justice.

2.2.4 Welcoming New Judges

Newly appointed judges face myriad challenges. A welcome program has been designed to guide them as they begin this new phase of their lives.

At the same time that they must become familiar with their new responsibilities, new judges also must know the rules that will henceforth govern their conduct. For that purpose, **the Council meets with each new judge** to explain its role, mandates, and training and documentation services, with special emphasis accorded to judicial ethics.

At this meeting, the new judge is also given substantial documentation on the code of conduct.

2.3 The Conseil de la magistrature in the Québec Government

“THE FOLLOWING PRINCIPLES are intended to establish standards for ethical conduct of judges. They are designed to provide guidance to judges and to afford the judiciary a framework for regulating judicial conduct. They are also intended to assist members of the executive and the legislature, and lawyers and the public in general, to better understand and support the judiciary. These principles presuppose that judges are accountable for their conduct to appropriate institutions established to maintain judicial standards, which are themselves independent and impartial,² and are intended to supplement and not to derogate from existing rules of law and conduct which bind the judge.”

—From the Bangalore Principles of Judicial Conduct (2002)

2.3.1 Independence that is Known and Recognized

There is no better way to put it. But the Conseil de la magistrature does not enjoy independence simply because it is part of the judicial body and—like all courts—possesses the attributes of an autonomous entity.

The National Assembly acknowledged the Council’s independence by exempting it from the application of certain laws, those that are less formal. That was the case, for example, with legislation adopted in recent years, such as the **Sustainable Development Act**, the **Act respecting contracting by public bodies**, and the **Public Administration Act**.

The courts have recognized as much. The Court of Appeal, being of the opinion that the Council is governed by the *Act respecting access to documents held by public bodies and the protection of*

² Emphasis ours.

personal information when it comes to judicial ethics in the exercising of its powers, ruled that this contravenes the principle of independence of the judiciary and that consequently the judiciary, not subject to the jurisdiction of the Commission d'accès à l'information, must be afforded constitutional protection as a judicial entity.

The combined effect of constitutional principles, laws, and case law suggests that the Council is an entity completely distinct from other government bodies.

The need to preserve autonomy in an organization involved with the independence of the judiciary will be understood. Basically, the Council's mandates, which are fully described in this report, are concerned with the judiciary. Whether the Council investigates a complaint made against a judge or organizes training for judges, it is involved in judiciary activities. Because of the separation of powers theory—covered in the provisions for the Council chair—the National Assembly and the government abstain from intervening in Council affairs.

2.3.2 Accountability and Reporting

That said, does the Council operate in an abstract world, far from scrutiny and without any oversight? Surely that is not the image it wants to project. **The Council, via its Secretariat, is accountable and wishes to uphold the rules of good governance.**

A wealth of literature describes and defines good governance. According to the Organisation for Economic Co-operation and Development (OECD), the main components of good governance are:

- Reporting
- Transparency
- Efficiency and efficacy
- Responsiveness
- Forecasting
- The rule of law

The Council has shown by its actions that it is cognizant of these components. Strategic planning, activity reports, dissemination of decisions, and compliance with the law are all elements that help the Council and its Secretariat foster a lively, progressive environment that upholds the rules of good governance.

3.1 Codes of Judicial Ethics

The term judicial ethics refers to the rules that govern the conduct of judges. **We could simply define judicial ethics as a lens through which the conduct of judges is examined.**

Two codes of ethics adopted by the Conseil de la magistrature have outlined the conduct expected of judges. They are the *Code of Ethics for Judges* and the *Code of Ethics for part-time Municipal Judges*. The first applies to judges at the Court of Québec, Human Rights Tribunal, and Professions Tribunal, presiding justices of the peace, and judges at the municipal courts of Laval, Montréal, and Québec; the second specifically addresses part-time municipal judges.

The *Code of Ethics for Judges*, which applies to the greatest number of judges, contains 10 articles:

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 honor.
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.

The *Code of Ethics for part-time Municipal Judges* covers the same points. It contains similar provisions, which nonetheless take into account the fact that the judges in question perform their duties on a part-time basis.

The codes of ethics were drafted for an independent judiciary in that they do not dictate standards for judges, but establish general principles for their conduct. They are therefore a reference tool for judges.

The Québec codes have certain distinctive characteristics. They are less detailed than the code of ethics for provincially appointed judges in British Columbia (1994), for example, and do not take the same form as the Ethical Principles for Judges drafted by the Canadian Judicial Council for federally appointed judges (1998), or, on the international level, the Bangalore Principles of Judicial Conduct (2002).

So you will find neither a list of prohibited nor a list of permissible conduct in codes of ethics in Québec.

As the courts have indicated, they express values rather than setting precise rules of conduct¹:

“It is fair to describe this code as a code of values. A code of this nature does not spell out the conduct that could actualize the core values of professional practice or relations.”

¹ Re Ruffo, [2006] R.J.Q. 26, par. 50.

Besides expressing values, the codes of ethics aim to preserve the public's trust in its judicial institutions²:

"In this sense, the personal qualities, conduct, and image that judges project flow from those of the entire judicial system and, ipso facto, the public's trust in the latter. Maintaining public confidence in the justice system guarantees its effectiveness and smooth functioning. (...)

"The community will therefore demand virtually unblemished conduct from those who hold judicial office. At the very least, their conduct will have to appear above reproach. Judges should be, and be seen to be, examples of impartiality, independence, and integrity. The standard of conduct required of judges far exceeds that expected of their fellow citizens."

These considerations mean that the Council and, as needed, an inquiry committee assess judicial conduct based on the general principles of these codes of ethics. They are therefore called on to spell out these principles the process of examining a complaint.

Judicial ethics play a remedial role with respect to the judiciary, not the judge affected by a sanction. As the Supreme Court indicated in *Ruffo v. Conseil de la magistrature*, the goal is not to punish a part that stands out by conduct that is deemed unacceptable, but rather to preserve the integrity of the whole.³

By recommending a judge be sanctioned, the inquiry committee plays an educational, preventive role, to prevent any further undermining of the judiciary's integrity.⁴

Judicial ethics are unique for all these reasons. In this sense, they are not comparable to any other system of professional oversight.

3.2 The Complaints Process

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

The complaint is reviewed by Council members at the meeting following its receipt. At this stage, the Council may assign one of its members to obtain additional information. For example, if the incident warranting the complaint took place during a hearing, the appointed person will be able to demand a complete copy of the file from the court, as well as a copy of the court recordings. The complainant and the judge are always informed of the Council's proceedings. Upon the completion of this stage, the assigned person reports to the Council.

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

In contrast, if the Council decides that the complaint warrants investigation, it forms a five-member inquiry committee from among its members. An inquiry committee may be made up of past and present Council members. However, it must include at least three current Council members, one of whom is appointed chair.

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

Thirty days before beginning the inquiry, the inquiry committee summons the judge in question and the complainant in writing. It also advises the Minister of Justice. The minister or the latter's representative may intervene during the inquiry.

² Re Therrien, [2001] 2 R.C.S. 3, par. 110-111 and *Ruffo c. Conseil de la magistrature*, [1995] 4 S.C.R. 267, par. 109-110.

³ *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267.

⁴ *Lessard and Cartier* (criminal and penal division), 2004 CanLII 20545 (QC C.M.).

At this stage, the Conseil de la magistrature may retain the services of a lawyer or an expert to assist the committee in conducting the inquiry. The judge in question may also retain the services of a lawyer.

The inquiry committee hears the parties, their lawyers, and their respective witnesses. It may summon any person qualified to testify about the facts. Witnesses may be examined and cross-examined by the parties.

The function of an inquiry committee is purely to conduct an investigation in search of the truth. Its primary goal is to ensure compliance with judicial ethics to preserve the integrity of the judiciary. The function of the inquiry committee is subject to public order.

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

Once the inquiry is completed, the inquiry committee submits its report to the Conseil de la magistrature. The Council may not modify any of the report's content, in part or in full. It reviews the report and adopts its recommendations as its own.

If the inquiry report concludes that the complaint is unfounded, the Conseil de la magistrature sends a legal opinion to the Minister of Justice, the judge concerned, and the complainant.

Moreover, if the inquiry report determines that the complaint is founded, the Conseil de la magistrature, following the recommendations of the report, reprimands the judge or recommends that the Minister of Justice and Attorney General petition the Court of Appeal to hold an inquiry. If the inquiry committee makes the latter recommendation, the Conseil de la magistrature suspends the judge for a period of 30 days.

Regarding the removal of judges, the Conseil de la magistrature only has the power of recommendation. If the Council were to conclude as a result of its inquiry that removal was necessary, it would advise the Minister of Justice and Attorney General, who would petition the Court of Appeal. At this point the judge would be automatically suspended from his or her positions until the Court of Appeal rules on the 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.

To clarify the entire process, the following diagram illustrates the steps in the handling of a complaint.

COMPLAINTS PROCESS

Secretary of the Council Receives the Complaint

- Acknowledgement of receipt
- Copy of the complaint sent to the judge
- Receipt of any comments by the judge in question

Examination of the Complaint

- Full session
- In camera
- Request for additional information, as needed, and report to the Council

Decision of the Council

Unfounded Complaint

- Notification of the complainant
- Notification of the judge
- Case closed

Complaint Whose Nature and Importance Do Not Justify an Inquiry

- Notification of the complainant
- Notification of the judge
- Case closed

Complaint Justifying an Inquiry and Formation of an Inquiry Committee

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

Presentation to the Council of the Inquiry Report and its Recommendations

Unfounded Complaint

- Notification of the complainant
- Notification of the judge
- Notification of the Minister of Justice

Reprimand

- Notification of the complainant
- Notification of the judge
- Notification of the Minister of Justice

Removal of the Judge

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

Minister of Justice Petitions the Court of Appeal

- Suspension of the judge until the report by the Court of Appeal

Report by the Court of Appeal

Decision by the Government

3.3 Council Decisions

This section summarizes all decisions by the Council at either the conclusion of the examination (when additional information has been collected) or the conclusion of the inquiry committee's work. In contrast, complaints that were immediately assessed as unfounded—that is, outside the purview of the Council de la magistrature—or that did not require additional information were not summarized.

It is important to point out that the Council cannot reverse decisions made by judges. The Council is not an appeals court.

3.3.1 Examination Stage (Collection of Additional Information)

The Council may request from any person such information as it may deem necessary, and examine the relevant record. Proceedings are conducted *in camera* during this stage. Playback of court recordings will usually provide sufficient insight for the Council to reach a conclusion. In our summary, names of judges and complainants have been omitted to ensure confidentiality of personal information.

Complaints Against Judges Assigned to the Small Claims Division of the Court of Québec

Most of the complaints received by the Council concern judges who are assigned to the Small Claims Division which, it should be noted, is governed by its own set of rules. For example, under the *Québec Code of Civil Procedure*, judges must provide the parties with summary explanations of the rules of evidence that must be followed and the procedures that they deem appropriate. In addition, judges are responsible for conducting oral examinations themselves and for providing all parties with fair and impartial assistance so as to apply the law and ensure that it is sanctioned.

As a result, judges are expected to intervene much more in such discussions, which may explain the greater number of complaints.

- ▶ In a complaint addressed to the Conseil de la magistrature, complainants accused a judge of partiality, stating that they did not receive a fair and just trial.

Playback of the court audio recordings showed that the judge listened to each of the parties and allowed them to express themselves without any interruption whatsoever. In addition, the playback revealed that the judge remained impartial at all times and patiently explained the reasons for his decision.

While the complainants may have felt that the judge did not properly analyze the evidence, it is not up to the Conseil de la magistrature to review judicial decisions. Under the circumstances, the Council concluded that the complaint was unfounded.

- ▶ A complainant accused a judge of partiality, citing a lack of integrity and reserve during a hearing. He also stated that the judge exhibited a racist attitude and made racist remarks.

A reading of the judgment and playback of the court audio recordings showed that the judge listened to each party and their testimony. The judge remained impartial at all times, calmly allowing the parties to express themselves and asking frequently whether they wished to make additional statements. He also questioned the parties to ensure that he fully understood their claims.

The judge did not display racist tendencies in either the written decision or during the hearing. The complainant may have felt that the judge had not properly analyzed the evidence, since he asked to have his case reviewed by a higher court or another judge. It is not, however, the Council's role to review judgments.

The Conseil de la magistrature confirmed that the complaint was unfounded.

- ▶ In a complaint to the Council, an individual accused a judge who had heard his case of being partial and aggressive toward him. The judge dismissed a complaint for damages after having concluded that the complainant created his own misfortune by causing a scuffle in which he sustained herniated discs in his neck, for which he sought damages.

The court audio recording showed that the judge had respected the rights of the parties. He at no time spoke aggressively to the complainant. To the contrary, he took time to help the complainant present his case.

The Council's decision recognized that the complainant was obviously not satisfied with the judgment handed down. It pointed out, however, that it is not up to the Conseil de la magistrature to review judicial decisions, and concluded that the complaint was unfounded.

- ▶ In a complaint prepared for the Council, a citizen claimed that a judge had prevented him from presenting all his evidence and even took it upon himself to direct the complainant's presentation of his arguments. The complainant alleged that he was not able to reply adequately to the defendant's testimony and put this all down to the fault of the judge. He further asserted that he had not had the opportunity to prove his claim by demonstrating that allegations were true.

Examination of the complaint showed that the judge spoke with the parties in their preferred languages—in English with the complainant and defendant, and in French with a witness—and was at ease moving from French into English. He asked the parties and witness to present their testimony and intervened only to clarify certain assertions and ensure that everyone had thoroughly understood the testimony. He asked for certain pieces of evidence that were mentioned in testimony but not brought before the court. He demonstrated, without dwelling on it, that the complainant's written evidence was weak.

During one exchange, the defendant attempted to question the complainant's integrity. The judge promptly stepped in, politely and firmly, and put an end to this altercation before it began. Later, when polled by the judge, each party stated that they had nothing to add.

Where small claims are involved, the judge is responsible for conducting the proceedings and providing assistance to parties who require it.

Playback of the court recordings confirmed that the judge did not violate any provision of the *Code of Ethics for Judges*. The complainant was dissatisfied with the decision handed down by the judge but the Conseil de la magistrature is not empowered to review judgments, nor is it a court of appeal. In conclusion, the complaint was unfounded.

- ▶ A couple filed a complaint with the Council asserting that they had suffered a "traumatic experience" during a legal proceeding. Specifically, they had not had the opportunity to provide explanations and had been treated with contempt and arrogance. They questioned the judge's ability to carry out his duties, since he had to correct the judgment he had handed down in this case.

It appeared that the judge, after having reviewed various documents in the file, interrogated the parties calmly, showing interest but no pressure. At no time did he raise his voice, treating the parties fairly and courteously. Playback of the court audio recordings also showed that he closely scrutinized each party's arguments.

About the corrected judgment, the *Code of Civil Procedure* addresses corrected judgments, describing specific aspects incidental to judgments handed down during a hearing.

In conclusion, the Conseil de la magistrature found that the complaint was unfounded.

- ▶ In a complaint filed with the Council, an individual maintained that he had been intimidated by a judge after hearing "Let's go—I don't want to be here at 6 o'clock" before the proceeding began. He said that he had not been given the chance to explain himself and that the judge refused to consider a document and hear two witnesses.

Playback of the court audio recordings confirmed that remarks attributed to the judge—in which he expressed the desire to avoid delays—were made not at the beginning of the trial, but some 10 minutes into the hearing. They were made at a point when the judge and the complainant were engaged in an accounting exercise, although the latter had no rights or responsibilities in this area. The judge used a firm but not aggressive tone.

Playback also revealed that the complainant was allowed to speak on any subject he brought up. At the end of the submissions, the judge issued his decision, explaining the statutory provisions that applied. However, in denying the admissibility of a legal opinion that the complainant wished to use, the judge did not explain why this document could not be entered without its author present.

Concerning his refusal to listen to witnesses, the judge took great pains to explain the reasoning behind his decision. The complainant stated twice that he was not satisfied with the judge's explanations, but thanked the judge twice at the end of the hearing.

Examination of the facts led the Council to conclude that the judge did not violate any provision of the *Code of Ethics for Judges* and that consequently the complaint was unfounded.

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- ▶ In a complaint filed with the Conseil de la magistrature, an individual alleged that since a complaint was first filed with the Council, new facts had become known in the case, causing the judge to dismiss it as unfounded. These facts had to do with the presumed disappearance of certain pieces of evidence from the file in a case that had been ruled on by the same judge.

The disappearance of evidence and content of the cases filed with the court were not within the scope of legal ethics. The complaint could not be investigated because its allegations had no tie to legal wrongdoing.

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- ▶ A complaint accused a judge of having handed down a decision after the four-month time period set forth in articles 465 and 983 of the *Code of Civil Procedure*. Was this a violation of the provisions of Article 6 of the *Code of Ethics for Judges*? The complainant further alleged that the judge was acquainted with the plaintiff, having presided over another case involving this party.

Investigation of this last assertion revealed that the judge did not recall having met the plaintiff. Even if he had, relinquishment of a case is at the discretion of the judge, so in this respect the complaint was outside the purview of the Conseil de la magistrature jurisdiction.

Concerning the time period in which to render a judgment, Article 6 of the *Code of Ethics for Judges* had been violated, but the Council felt that the judge provided sufficient explanation in this regard: he had just been appointed and was struggling to manage his workload. The Council consequently concluded that the nature and significance of the complaint did not justify an investigation.

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- ▶ A complainant asked the Council to contest a decision handed down by a judge.

Playback of the court audio recordings revealed that each party was given the opportunity to present its allegations in a pressure-free environment, with no bias displayed by the judge. While the complainant was not completely satisfied with the judgment rendered, it is not up to the Conseil de la magistrature to review judicial decisions.

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- ▶ A citizen charged that while investigating a case, a judge behaved in an arrogant and aggressive manner and displayed partiality. It should be noted that the judge had presided over a number of cases in which the complainant was a party.

Playback of the court audio recordings revealed that each party was given the opportunity to present its allegations and that such presentations were made in a courtroom free of pressure or bias. The judge directed the proceedings and provided assistance to the two parties in accordance with Small Claims Division rules. While the complainant was dissatisfied with the decision handed down by the judge, it is not up to the Conseil de la magistrature to review judicial decisions.

- ▶ A citizen complained to the Council about a judge who, he implied, may have modified the order of the list of cases for hearing to accommodate a lawyer who may have so requested, without notifying the complainant.

He further alleged that the judge immediately ruled in favor of the lawyer, even though his own request was not unfounded. He asked that the decision be overturned.

Examination revealed that the judge had no communication with the lawyer before the hearing began. According to information provided by the court clerk on the status of cases on the list, the judge modified the case order merely for management purposes.

Playback of the court audio recordings revealed moreover that the two parties had been heard, that they had been given the opportunity to present their respective allegations, and that the judge remained impartial throughout the proceeding.

As the judge did not commit any violation of legal ethics, the Council found that the complaint was unfounded.

- ▶ A citizen filed a complaint with the Council charging that a judge had displayed partiality in favor of another party, had been swayed by that party's defense, and had continually interrupted him when he spoke. He also asserted that the judge had made derogatory remarks about him.

As required by the law in small claims matters, the complainant acted on his own behalf. The judge told the complainant several times that some of his assertions regarding behavior attributed to the defendant were not supported by pieces of evidence admissible in court, and were consequently hypothetical. The judge did not interrupt the complainant when he spoke—far from it. The complainant interrupted the judge numerous times, although the latter took no offense. The judge interrupted the complainant only when he made remarks that were not germane to the jurisdiction of the court. Each time, the judge ensured that the complainant thoroughly understood the situation.

At the close of the hearing, the complainant asked the judge that his spouse be allowed to speak and received permission from the court. She was given several minutes in which to address the court without interruption.

Playback of the court audio recordings confirmed that the judge made no derogatory remarks to the complainant. The judge demonstrated integrity, impartiality, objectivity, and courtesy, remaining calm throughout the course of the hearing.

While the complainant was dissatisfied with the judge's decision, it is not up to the Conseil de la magistrature to review judicial decisions. The Council concluded that the complaint was unfounded

- ▶ A citizen lodged a complaint with the Council in which a judge was accused of acting aggressively because the complainant did not understand legal terminology. When the complainant made an error, he was upbraided by the judge, who was arrogant and self-important. The judge also spoke harshly to the complainant, causing him to become intimidated.

The hearing lasted all of 30 minutes. Playback of the audio court recordings showed that the complaints brought against the judge were unfounded. To the contrary—the judge at all times displayed respect and courtesy toward the complainant and the witnesses, except for two occasions where the complainant attempted to interrupt another individual's testimony. Using a firm but polite tone, the judge advised the complainant of rules governing the hearing of testimony in court, offering the complainant the opportunity to add to his testimony before defendants were heard.

Nothing in the judge's behavior constituted a breach of ethics. The Conseil de la magistrature consequently concluded that the complaint was unfounded.

Complaints Against Judges Assigned to the Youth Division of the Court of Québec

- ▶ In a complaint filed with the Council, a citizen made allegations about a judge's conduct during a hearing, claiming that the judge had directed humiliating remarks toward him at this time. He sought a public apology and damages.

Playback of the court audio recordings revealed that the judge did not directly reproach the complainant, the parent of the child. The issues he raised were intended to explain the situation and to justify the decision he had handed down. The Conseil de la magistrature does not have the authority to award damages or to order a judge to issue a public apology.

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- ▶ A complainant alleged that a judge abused his power and demonstrated partiality in delivering a decision regarding the protection of the complainant's child.

The complainant was not able to establish the merit of his allegations. While he alleged partiality on the part of the judge, the actual source of his dissatisfaction was the conduct of the Director of Youth Protection (DYP). He was not pleased with the way the judge and other participants handled his child's case. However, it is not up to the Conseil de la magistrature to review judicial decisions. The judge did not violate any provisions of the *Code of Ethics for Judges*.

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- ▶ A complaint was filed concerning a judge's attitude and remarks made during a hearing to request a review of temporary measures taken to suspend a complainant's contact and access rights to his two children until a hearing on the merits.

Playback of the court audio recordings revealed that throughout the proceedings, the judge listened to the parties and intervened in a firm, calm, and appropriate manner. The remarks in question were made during questioning of the complainant, who denied having violated an order. Having handed down that order himself, the judge was thoroughly familiar with the matter. In his remarks, he endeavored to have the complainant understand the gravity of the situation, and displayed no sign of partiality. Rather, his concerns were for the children, specifically their wishes and needs.

The Council consequently found that the complaint was unfounded.

Complaints Against Judges Assigned to the Criminal and Penal Division of the Court of Québec

- ▶ A complainant, accused of the care and control of a motor vehicle while under the influence of alcohol and having an alcohol level in excess of the allowable limit, arrived at his trial several hours late and required the judge's assistance during the proceeding. The guilty verdict handed down by the judge was set aside by the Superior Court, which ordered a new trial. On the day when the proceeding was to begin, the complainant did not show up and an arrest warrant was issued. When he finally appeared before the judge, the latter did not accept his explanation and, given that an arrest warrant had been executed, ordered the complainant detained for several hours. He was released subject to certain conditions.

The judge concluded somewhat hastily that the complainant was guilty, but this decision was applied within the framework of the law and did not constitute a breach of ethics. He allowed the complainant to explain and articulate his version of the facts. Lastly, even if a defendant appears of his own volition after failing to do so for any stage of the proceedings whatsoever, he is considered to be under arrest since the arrest warrant is considered to have been executed in accordance with Article 511 of the Criminal Code. The decision to detain the complainant and conditions for his release were therefore also made within the scope of the law. The judge was justified in not finding the complaint very credible, and it is not up to the Conseil de la magistrature to review judicial decisions. Absent any breach of ethics, the Council consequently concluded that the complaint was unfounded.

Complaints Against Presiding Justices of the Peace Assigned to the Court of Québec

- ▶ A complainant accused a presiding justice of the peace of not allowing him to present his version of the facts.

Playback of the court audio recordings revealed that the presiding justice of the peace was courteous and polite when dealing with the complainant. He provided time to testify, and his refusal to take certain statements as evidence was based on the law. He could not be accused of any breach of ethics.

- ▶ A complainant alleged that the presiding justice of the peace made comments about him to a police officer.

The presiding justice of the peace had commented about the presentation style used by the complainant, who represented himself in a proceeding heard by the judge. While the presiding justice of the peace could have refrained from commenting on the complainant's flair for theatrics, his remarks were not derogatory. It was appropriate to conclude that the presiding justice of the peace did not violate any provisions of the *Code of Ethics for Judges*.

Complaints Against Judges Assigned to the Professions Tribunal

- ▶ In 2008–2009, there were no complaints filed with the Conseil de la magistrature against judges assigned to the Professions Tribunal.
-

Complaints Against Judges Assigned to the Human Rights Tribunal

- ▶ In 2008–2009, there were no complaints filed with the Conseil de la magistrature against judges assigned to the Human Rights Tribunal.
-

Complaints Against Judges Assigned to the Municipal Court

- ▶ A citizen accused a municipal judge of having abused his powers and demonstrated partiality while presiding over a proceeding. He also claimed to have been discriminated against because of his social class. In addition, he accused the judge of having prevented his continued cross-examination of a police officer. The citizen represented himself at the hearing.

Several times during cross-examination of the police officer who had delivered the violation report to the complainant, the judge had to ask the complainant to remain courteous. Faced with the complainant's refusal to comply and belligerent attitude, the judge suspended the hearing.

Playback of the court audio recordings revealed that while the judge had to resort to a stern tone to maintain decorum in the courtroom, he at all times did so with dignity, courtesy, and respect for the defendant.

The Conseil de la magistrature concluded that the complaint was unfounded.

- ▶ A complainant accused a judge of demonstrating partiality and making offensive and threatening remarks about him during a proceeding held after violation of a municipal by-law. The complainant was accused of having injured or insulted a municipal police officer after having been found guilty of a violation related to driving a motor vehicle while impaired. He also contested the fine that the judge had imposed on him.

Playback of the court audio recordings led to the conclusion that the judge exhibited patience, helping the complainant as much as possible and remaining impartial. He interrogated a witness for the defense so as to facilitate that task. Further, the judge had not tried to intimidate or ridicule the complainant, as the latter claimed. Just before handing down his sentence, the judge warned the complainant not to repeat the actions that resulted in the charges and—because of his attitude—had him removed from the courtroom. The judge at no time showed disregard for the rights of the complainant; he demonstrated impartiality and patience. The allegations of the complaint were unfounded. Further, it is not up to the Conseil de la magistrature to hear dissatisfied complainants' requests to appeal judicial decisions.

- ▶ A complainant accused a judge of rejecting for no valid reason his request to modify a 90 day intermittent sentence involving detention from Saturday morning to Sunday afternoon so as to allow the complainant to sleep in his own home on Saturday. Back pain was cited as justification for the request.

The judge rejected the complainant's request in order to maintain the punitive character of the punishment. If he displayed sarcasm when noting the complainant's three other convictions for driving while impaired, his tone was not out of place and this cannot be interpreted as a breach of ethics. The judge's remarks were made in the context of the request that he had ruled on, and they constituted the grounds for his decision. The complaint was unfounded.

3.3.2 Inquiry Stage (Formation of an Inquiry Committee)

The Council may decide to make an inquiry. To conduct an inquiry, the Council forms a five-person committee that must hear the parties, their attorneys, and their witnesses in hearings that are open to the public.

- ▶ A former police officer filed a complaint against a former coworker for assault and battery. At the preliminary hearing, Judge Claude Provost said that he gave no credence at all to the victims of the alleged assaults. Seated in the courtroom, the complainant then—without receiving permission to speak—said “Thank you very much, Your Honor.” At that point the judge threatened to send him to prison and, after a few back and forth comments, ordered him detained immediately. The complainant was released the same day after Judge Provost found that there was insufficient evidence to commit the defendant to stand trial.

The citizen filed a complaint with the Conseil de la magistrature on June 28, 2007. After examination, it decided to hold an inquiry. A committee was then formed and hearings were held on December 14, 2007, and January 23–24, 2008. On April 30, 2008, the committee handed down its decision.

The judge maintained that he had acted in order to uphold the respectability of the court. It was his belief that judges must be firm and resolute in exercising their responsibility. He decided not to find the complainant in contempt of court, since the primary case was closed and it was better to leave matters as they were.

According to the inquiry committee, the judge, in stating that he gave no credence to a witness, was doing his duty as a magistrate and no breach of ethics occurred. It was possible that the complainant's remarks constituted contempt of court; the role of the committee, however, was not to make pronouncements in this regard, but rather to determine if the judge's handling of the situation complied with ethical standards.

As for the complainant's incarceration, the judge had not intended to ask the complainant to leave in order to maintain order in the courtroom. The exchange between the judge and the complainant—which resulted in the latter's incarceration—lasted some 30 seconds. This incarceration, as it was ordered, was for an unspecified period of time with no bond for the complainant. The judge acted to maintain courtroom order, without considering any other methods. The evidence also revealed that the complainant did not threaten the judge in any way.

In its decision, the committee also took into consideration the fact that at the hearing, the judge stated that if he had to do it again, he would.

Under the circumstances, the committee concluded that there had been a breach of ethics on the part of the judge by detaining the complainant; the Conseil de la magistrature consequently reprimanded the judge.

- ▶ On April 27, 2007, a lawyer accused Judge Jean-François Dionne of making offensive remarks about her in one of his judgments, alleging specifically that the lawyer was aggressive when cross-examining a child. The lawyer's client was accused of two charges of sexual assault against a child who was eight years of age at the time of the incidents. The judge intervened a number of times during the lawyer's cross-examination of the child and during the proceeding made a number of comments in the presence of the youngster. The lawyer accused the judge specifically of having asserted that she had made a martyr of the child. She also maintained that when the judge handed down a judgment in the packed courtroom, he overemphasized passages that concerned her and constantly gave her disapproving looks. The judge justified his actions by asserting that he intervened to ask that the lawyer restate questions that were too long and complex to be understood by the child. He alleged that he could not be reproached for the remarks in his decision because the principle of judicial independence gives him discretionary power when formulating his decisions.

The right of a defendant to cross-examine a prosecution witness without having significant and unjustified impediments imposed is a crucial element of the right to make full answer and defense. The child was a prosecution witness and the lawyer was able, through questioning, to verify the youngster's credibility so as to ensure that her client had the right to make full answer and defense. The lawyer appealed the judge's decision, attacking his behavior during the cross-examination and citing his biased attitude that, according to her, had prevented a fair trial. The fact that a court of appeal recognized that the judge's behavior prevented a fair trial did not necessarily imply that he had committed a breach of ethics. In conducting the trial, the judge used a great deal of discretion, which could be sanctioned by the Court of Appeal if he exaggerated its application. From the ethicist's point of view, the inquiry committee concluded, however, that the judge did not commit a breach of ethics in exercising the discretionary power that is granted him when conducting a trial. Neither the judge's behavior nor his interventions showed that he acted maliciously or abusively in carrying out his responsibility.

Playback of the audio recording of the reading of the verdict revealed that the judgment was delivered rapidly in a monotone, with no emphasis and without any other comments regarding the lawyer. There again, it cannot be concluded that there was a breach of ethics. However, the judge used terms that had very strong meanings and significance to qualify the conduct of the complainant. He used expressions such as "repeated and aggressive assaults," "a child who was more or less attacked," and "undermining by nature, to destroy the child." He even added that he had been forced to prevent the complainant from "yelling at the child." At no time during the trial did the complainant act as described by the judge in his decision. The judge's remarks had significant repercussions on journalists and the public, and the lawyer's reputation was seriously damaged. The comments made by the judge in his decision may have sent a negative message to the defense prosecutors, who themselves needed to ensure that their clients had the right to make full answer and defense. These remarks were inappropriate and they remained unacceptable when the situation, once exposed, was not supported by a rigorous analysis of the facts. In this respect, a judge may not invoke discretionary powers or the principle of judicial independence. Articles 5 and 8 of the *Code of Ethics for Judges* were violated and the judge's conduct essentially gave the legal process a black eye. When the public loses trust after learning of a judge's comments in a decision and in the media, the whole legal system is undermined.

The judge, who was appointed in December 1990, had a great deal of experience presiding over trials and had not been involved in previous ethical issues. He remained, however, convinced that he had acted properly.

Given these circumstances, a reprimand was issued on June 18, 2008.

- ▶ In a letter addressed to the Conseil de la magistrature on March 5, 2008, a citizen complained about the behavior of Judge Claude Provost, accusing him of criminal harassment of his former spouse. He alleged that the judge was partial and had decided upon a guilty verdict before the hearing ended.

From playback of the court audio recordings, it appeared that the judge was attentive, courteous, and patient throughout the victim's testimony. In contrast, during cross-examination of the defendant, he intervened on numerous occasions, using a tone that could have seemed aggressive. When he found the complainant guilty of the alleged violation, he called her a "pain in the neck" and a "rude, ill-mannered person."

Because the judge's remarks, interventions during the presentation of evidence from the defense, change of attitude once evidence was presented, and tone could create the impression that there were breaches of ethics, the Council decided to form an inquiry committee.

Did this conduct constitute a violation of articles 2, 5, and 8 of the *Code of Ethics for Judges*?

Even had the judge acknowledged that he could have behaved differently and intervened less, using a less aggressive tone and choosing his words more carefully, the inquiry committee felt that the allegations in the complaint were not pertinent to judicial ethics, but rather to an appeal. The committee felt that the judge did not act out of malice, nor had he committed abuses in discharging his responsibilities. Lastly, it claimed that the nature of the various claims raised was not serious enough to constitute a breach of ethics.

At the conclusion of its investigation, the committee acknowledged that judges must use their own discretion when intervening during legal proceedings. Judges who go overboard may find their decisions being set aside by higher courts that have established guidelines for this power. Judges are essentially asked to act not as inquisitors, but as legal arbitrators. While the judge in this particular case may have used a harsh tone to call the complainant to order during his initial intervention, he did so within the scope of his judicial responsibilities. However, the judge's interventions when the complainant and others provided testimony helped confirm the complainant's fears that the judge was biased. He essentially intervened very early on while the complainant was testifying in his defense.

The judge's interventionist attitude interfered with the prosecutor's questioning of the complainant, even though the latter did not cite this in the complaint. Moreover, the judge used techniques appropriate for a lawyer's cross-examination and he incorporated statements made by the victim during his testimony. During cross-examination led by the prosecutor for criminal and penal proceedings, the judge again intervened in the discussion with interrogation along the same lines as that of the prosecutor, thus bringing into the mix the authority accorded judges to decide disputes. When the prosecutor argued for the complainant, the judge intervened numerous times to stress pieces of evidence that seemed to discredit the latter. The use of unflattering terms to describe the complainant had the effect of belittling him before he could even present arguments that would affect the sentence. This served as a message from the judge to the complainant: my mind is already made up. Any rational individual who attended the trial would have concluded that the judge had not acted objectively. Such cases can only weaken the public's trust in legal institutions. In effect, the judge cast aside the reserve that he should have maintained as the person in charge of the case, and he gave the judicial process—not merely the proceeding at hand—a black eye by creating the impression that the person on trial could not adequately defend himself. The judge's conduct constituted a breach of articles 5 and 8 of the code of ethics.

Given the timing of the complaint, the committee did not consider whether the judge had a prior history of ethics violations and whether any of his behavior at other trials had been brought to the attention of an inquiry committee. However, the committee took into consideration a document in which the judge admitted to have made certain errors, and shared it with members of the committee.

The Conseil de la magistrature issued a reprimand to the judge on February 4, 2009.

Documentation, Training and Continuing Education for Judges

The *Courts of Justice Act* entrusts the Conseil de la magistrature with responsibility for implementing programs for the training and continuing education of judges. It also requires the Council to provide the legal documentation that judges require to perform their duties, and allocates an annual budget with which the Council can carry out these tasks. Part of the budget is earmarked for the purchase of documentation, and the rest is for organizing training activities.

4.1 Legal Documentation

To keep current with their field, judges must have access to the laws, regulations, and reference works that comprise the tools of their trade. At the start of the year, each judge is given a budget to be used for book purchases. The policy of allocating a budget for legal documentation recognizes that specific needs may exist in certain regions or with respect to a judge's practice areas. Under this policy, chief justices and tribunal chairs receive an overall budget—based on amounts set by the Council—that takes into account the subject areas judges may need to address.

With publication prices on the rise, and as part of its ongoing effort to keep expenses under control, the Council makes use of information technology and supplies the judiciary with software and other computerized documents. Its sophisticated intranet site gives judges online access to a multitude of databases and reference works. This site, developed by the Council, allows information to be shared among all the courts and tribunals under its jurisdiction.

In addition, a partnership agreement signed with Centre d'accès à l'information juridique lets the Council ensure access to more documentation and to resource-rich libraries throughout Québec.

In the course of fiscal 2008–2009, the Council dedicated \$505,434.22 to the purchase of legal documentation in paper and electronic formats.

4.2 Training and Continuing Education Activities of the Courts and Tribunals

The Council entrusts the organization of training and continuing education activities to the courts and tribunals, allocating its budget pro rata to reflect the number of judges they have. An additional amount is awarded to judges who concurrently serve at the Court of Québec and specialized tribunals. The courts and tribunals manage funds they are allocated, with the exception of sums earmarked for the Council conference, second language courses, and a training session in criminal matters for newly appointed judges.

Budgets allocated for training must be used primarily for courses, conferences, and study days that are organized by the courts and tribunals. The Council does allow judges—with some restrictions—to take part in seminars or conferences that have not been organized by the courts and tribunals themselves. The Council has ruled that courts and tribunals cannot devote more than 20% of their total allocated budgets to outside training.

To allow for greater flexibility in the way budgets are distributed, the Council decided to create a reserve to respond to certain requests or special situations at the start of or during the fiscal year. Establishing a reserve makes it possible to take into account the situation of certain courts and tribunals that have fewer judges.

Each year the Council asks the tribunals to compile a report on the training and continuing education activities they have held. The following sections describe these activities. It is important to note that the programs implemented by the courts and tribunals were made possible not only through Council training budgets, but also through the considerable and invaluable contribution of the many judges who, above and beyond their everyday duties, agree to devote their time and knowledge to developing and delivering training programs. While they are too numerous to name here, their dedication and availability deserve commendation from the Council.

4.2.1 Court of Québec

With a view to training activities, the chief judge of the Court of Québec appointed Judge Micheline Dufour as the judge in charge of training, a part-time responsibility. In addition, the chief judge appointed Judge Claude C. Boulanger as the judge in charge of the Court's interprovincial and international activities, which include training given outside Québec.

The chief judge is assisted by an advisory committee made up of the three associate chief judges responsible for the Civil, Youth, and Criminal and Penal divisions, the judge in charge of training, and the judge in charge of the Court's interprovincial and international activities.

In addition, the judge in charge of training is assisted by the judges who organize the various seminars held as part of the Court training program.

Lastly, the coordinating judges are responsible for training activities specific to their regions.

In the course of fiscal 2008–2009, the Conseil de la magistrature allocated \$337,824.69 to the Court of Québec for its training efforts.

The following activities were available:

Seminars

- Social realities seminar
- Two seminars for newly appointed judges
- Canadian and Québec Charter seminar
- Aboriginal law seminar
- Two seminars on formulating judgments
- Computer seminar
- Seminar on settlement conferences in civil cases
- Seminar on settlement conferences in youth cases
- Retirement planning seminar
- Seminar on conduct of trial

Theme Days

- Youth days
- Civil law days
- Criminal law days

Regional Training

- Eight regional training sessions were held

4.2.1.1 *Presiding Justices of the Peace*

Presiding justices of the peace attended two training seminars, one on the conduct of trial, the other devoted to penal law.

In the course of fiscal 2008–2009, the Conseil de la magistrature allocated \$42,373.11 for training for justices of the peace.

4.2.1.2 *Professions Tribunal*

In the course of fiscal 2008–2009, the Professions Tribunal held a consultation day to discuss administrative and substantive issues.

This year, the Council allocated \$319.88 to the Professions Tribunal.

4.2.2 Human Rights Tribunal

In addition to monthly meetings for its members, the Tribunal held training sessions that explored the following topics:

- The concept of dignity in human rights
- International law and the application of Section 46.1 of the Québec Charter of Human Rights and Freedoms
- Various systems for managing equality rights in Canada
- Upholding the right to mental health
- Discrimination based on legal precedent.

The Council allocated \$4,505.32 to ensure that this training took place.

4.2.3 Municipal Courts

The municipal courts held numerous training activities, which can be broken down as follows:

Seminars

- Penal law seminar
- Oral judgment seminar
- Training for Bill C-2
- Criminal law seminar
- Judgment writing seminar
- Social realities seminar
- Symposium

Theme Days

- Study days

Regional Training

- Five regional training sessions were held

In the course of fiscal 2008–2009, the Conseil de la magistrature allocated \$112,690.29 for training of municipal judges.

4.3 Other Training and Continuing Education Activities

4.3.1 Specialized Training in Criminal Matters for Newly Appointed Judges

The Canadian Association of Provincial Court Judges partners with the provinces each year to organize specialized training on criminal issues for new judges.

This year, a training session was held in Québec City April 18–25. Nine judges from the Court of Québec and two from the Municipal Court of Montréal attended.

4.3.2 Participation in Seminars

In addition to training provided by the courts and tribunals, judges participate in training activities organized by other organizations. The cost of these activities is borne by the courts and tribunals, and paid out of the budget allocated by the Conseil to them for this purpose.

To date, 51 judges have participated in one or more of the following activities:

- *Mémoire d'avenir*, Quebec Bar Convention, May 2008, Québec City (2 judges)
- Association Henri Capitant: *Les Journées Louisianaises, Les travaux de la collection*, May 2008, Louisiana (3 judges)
- A hands-on train the trainer workshop from École de technologie supérieure, May 2008, Montréal (1 judge)
- *Dialogue between Courts and Tribunals. Timeliness and Adequacy of Reasons*, Canadian Institute for the Administration of Justice, June 2008, Gatineau (2 judges)
- *Civil Law Seminar on Emerging Issues in Tort, Focus on Public Misfeasance, the Environment, Health and Privacy*, National Judicial Institute, June 2008, Ottawa (1 judge)
- *Current Issues in Child Maltreatment*, Scan Conference, June 2008, Toronto (1 judge)
- The Strasbourg lectures, Canadian Institute for Advanced Legal Studies, entitled *Droits de la personne – éthique et droit: nouveaux défis*, July 2008, Strasbourg (6 judges)
- *Hearing and Deciding Charter Issues*, National Judicial Institute, July 2008, Montréal (1 judge)
- *2008 National Criminal Law Program*, Federation of Law Societies of Canada, July 2008, Charlottetown (1 judge)
- Evidence workshop, National Judicial Institute, July 2008, Mont-Tremblant (2 judges)
- *Judges in Contemporary Society: New Challenges, New Solutions*, Canadian Bar Association, August 2008, Québec City (5 judges)
- *International Judicial Faculty Development Seminar*, part I, National Judicial Institute, September 2008, Ottawa (1 judge)
- *International Judicial Faculty Development Seminar*, part II, National Judicial Institute, September 2008, Ottawa (2 judges)
- Study day, Société de criminologie du Québec, September 2008, Longueuil (2 judges)
- Annual conference of the Canadian Institute for the Administration of Justice, September 2008, Québec (2 judges)
- *The Dunsmuir decision and the Supreme Court of Canada*, Canadian Bar Association, October 2008, Montréal (1 judge)
- Judicial settlement conferencing, presented by the National Judicial Institute, October 2008, Vancouver (1 judge)

- Conference on how juveniles are represented in the courts, Université de Montréal, October 2008, Montréal (2 judges)
- Professional skills program in dispute resolution, east coast presentation by Pepperdine University, October 2008, Vermont (2 judges)
- Conference on youth gangs, University of Ottawa, October 2008, Ottawa (2 judges)
- Events honoring the Right Honorable Antonio Lamer, organized by the Canadian Institute for the Administration of Justice, November 2008, Montréal (2 judges)
- Presentation on delivering judgments from the bench, National Judicial Institute, December 2008, Montréal (1 judge)
- Presentation on formulating effective decisions under the Youth Criminal Justice Act, National Judicial Institute, February 2009, Toronto (2 judges)
- Conference entitled Best Interests of the Child: Meaning and Application in Canada, University of Toronto, February 2009, Toronto (4 judges)
- Seminar on criminal law, National Judicial Institute, March 2009, Montréal (2 judges)

4.3.3 English Language Courses

A federal/provincial agreement allowed Ministère de la Justice du Québec to allocate \$90,000 to the Council for classes in English as a second language. The Council added another \$35,000 to this sum.

This funding lets the Council offer judges a variety of instructional programs that address the requirements of the judiciary. These include semi-private lessons tailored to meet individual needs.

In addition, the Council for the past two years has asked Bishop University to organize and present a five-day English language immersion course. This program, which utilizes small group interaction, has been designed expressly for members of the judiciary. A session was held in March 2009 with six judges from the Court of Québec. This well-received session, praised for its quality, will be offered to justices of the peace next year for the first time.

The Council also makes immersion training from the Office of the Commissioner for Federal Judicial Affairs available to judges annually. This year, one judge was able to take advantage of this instructional program. As Council regulations state, so as to maximize available financial resources participants are required to pay 35% of the cost of these sessions. This makes it possible to allocate larger amounts for semi-private lessons, so more judges can participate.

During the past year, the Council tested software designed to facilitate English language learning. With conclusive results now available, the Council purchased licenses so that judges might perfect their knowledge of English in the comfort of their chambers, without having to travel to classes. A virtual teacher evaluates the judges online, guiding them in their learning and evaluating their progress. During the course of the coming year, the Council will consult with users to determine whether to renew licenses for this learning system.

Processing of Complaints in 2008–2009

Judicial ethics is a primary concern of the Conseil de la magistrature. The Council receives complaints, reviews them, and issues decisions. This section shows how that is done, using tables and graphics to help the reader grasp how the complaint review process works.

Between April 1, 2008, and March 31, 2009, the Conseil de la magistrature received 91 complaints. A further 10 complaints, received in 2007–2008, were not processed and resolved until 2008–2009.

Results of the examination of those 10 complaints were as follows: eight were deemed unfounded (five after examination), and in the remaining two cases, inquiry committees were formed and resulted in reprimands to the judges concerned.

How Complaints Were Handled

The following table breaks down results from the processing of the 91 complaints received in 2008–2009. It should be noted that examination of 10 complaints was still under way as of March 31, 2009.

TABLE 1

How Complaints Were Handled

| Complaints Judged Unfounded Upon Receipt | Complaints Judged Unfounded After Examination | Complaints Not Warranting Inquiry | Others (Cases Closed During Processing) | Complaints Investigated | Complaints Being Processed as of March 31, 2009 | TOTAL |
|--|---|-----------------------------------|---|-------------------------|---|-------|
| 61 | 16 | 1 | 1 | 2 | 10 | 91 |

TABLE 2

Trends in Complaints Over the Past Three Years

| | 2006–2007 | 2007–2008 | 2008–2009 |
|--------------------------------|-----------|-----------|-----------|
| Number of Complaints Received | 90 | 98 | 91 |
| Number of Complaints Processed | 94 | 104 | 101 |

The following table shows complaints handled by the Conseil de la magistrature according to the jurisdiction exercised by the courts.

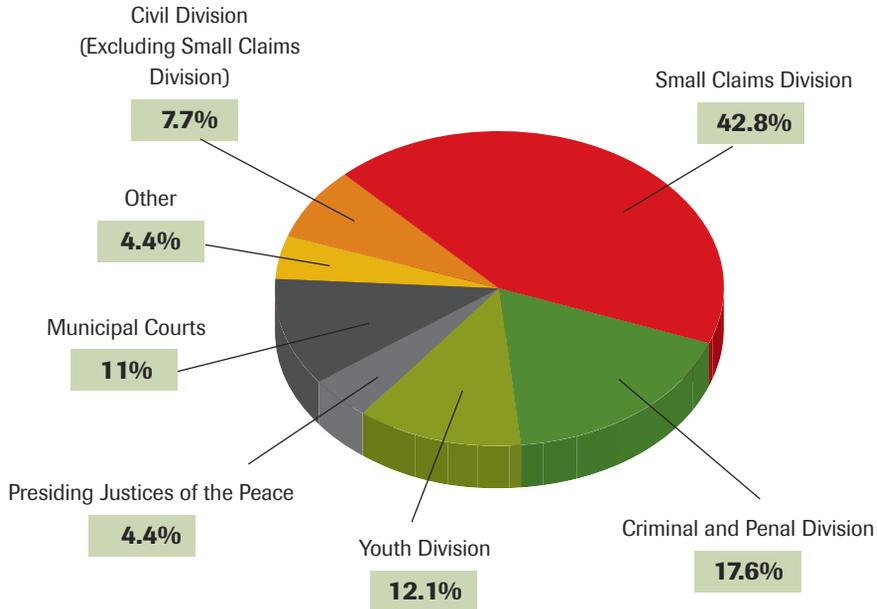
TABLE 3

Jurisdictions Subject to Complaint

| Body | Complaints Received | Complaints Deemed Unfounded | Complaints Deemed Unfounded After Examination | Other Complaints Not Warranting Inquiry | Others (Cases Closed) | Complaints Investigated | Complaints Under Examination |
|-------------------------------|----------------------------|------------------------------------|--|--|------------------------------|--------------------------------|-------------------------------------|
| Civil Division (Excluding | 7 | 6 | | | | | 1 |
| Small Claims Division) | 39 | 18 | 11 | 1 | 1 | | 8 |
| Criminal and Penal Division | 16 | 15 | 1 | | | | |
| Youth Division | 11 | 9 | 1 | | | | 1 |
| Presiding Judges of the Peace | 4 | 2 | 2 | | | | |
| Municipal Courts | 10 | 9 | 1 | | | | |
| Human Rights Tribunal | 0 | | | | | | |
| Professions Tribunal | 0 | | | | | | |
| Other | 4 | 2 | | | | 2 | |
| Total | 91 | 61 | 16 | 1 | 1 | 2 | 10 |

This graphic displays complaint jurisdictions¹ by percentage

FIGURE 1



Complaints referred to the Council this year came from 100 complainants, 31 women and 69 men. Let us take a closer look at where the complaints originated. Origin is determined by the complainants' place of residence and not the judicial district where cases were heard because certain cases may have had to be transferred to another district.

TABLE 4

Origin of Complaints

| Region of Origin | Number of Complainants |
|---------------------------|------------------------|
| Bas-Saint-Laurent | 3 |
| Saguenay – Lac-Saint-Jean | 2 |
| Capitale nationale | 15 |
| Mauricie | 3 |
| Estrie | 1 |
| Montréal | 36 |
| Outaouais | 3 |
| Chaudière-Appalaches | 2 |
| Laval | 1 |
| Lanaudière | 3 |
| Laurentides | 8 |
| Montérégie | 17 |
| Centre-du-Québec | 3 |
| Extérieur du Québec | 3 |
| Total | 100 |

¹ The Human Rights Tribunal and Professions Tribunal do not appear in this graphic as they were not the subject of any complaints in 2008–2009.





Appendices

Members and Staff of the Conseil de la magistrature as at March 31, 2009



Members of the Conseil de la magistrature :

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

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

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

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

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

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

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

Honourable Michèle Rivet, President of the Human Right Tribunal

Honourable François Beaudoin, Judge of the Court of Québec *

Honourable Gilles Gendron, Judge of the Court of Québec

Honourable Sophie Beauchemin, municipal Judge

Mr. Claude Rochon, Lawyer – Stein - Monast

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

Mr. Cyriaque Sumu, Consultant

Mr. Robert L. Véronneau, Consultant

Staff of the Conseil de la magistrature :

Mr. André Ouimet, Lawyer, Secretary of the Council

Mrs Michelle Blanchet, Secretary

Mrs Dominique Bouchard, Administrative Assistant

Mrs Liliane Gouge, Desk Officer

Mrs Rachelle Matteau-Désilets, Para-Legal

* These people are also members of the Executive Committee.

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

CHAPTER I

THE CONSEIL DE LA MAGISTRATURE

DIVISION I ESTABLISHMENT

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

1978, c. 19, s. 33.

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

- a)* the chief judge of the Court of Québec who shall be the chairman of the council;
- b)* the senior associate chief judge of the Court of Québec;
- c)* the four associate chief judges of the Court of Québec;
- d)* a president judge of a municipal court;
- d.1)* one judge chosen among the persons exercising the functions of president of the Human Rights Tribunal, or chairman of the Professions Tribunal;
- e)* two judges chosen among the judges of the Court of Québec and appointed upon the recommendation of the Conférence des juges du Québec;
- f)* one judge chosen among the judges of the Municipal Courts and appointed upon the recommendation of the Conférence des juges municipaux du Québec;
- g)* two advocates appointed upon the recommendation of the Barreau du Québec;
- h)* two persons who are neither judges nor advocates.

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

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

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

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

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

- Remuneration and expenses. **250.** The members of the council who are not judges are not entitled to any remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and within the limits determined by the Government.
- Indemnity. The judges are entitled to the indemnity provided for in section 119.
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- 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.
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- 1978, c. 19, s. 33; 1986, c. 48, s. 5.
- Meetings. **252.** The council meets as often as necessary, when convened by the chairman.
- Sittings in camera. It may sit in camera and hold its sittings at any place in Québec.
- Head office. The council has its head office in the territory of Ville de Québec or in the territory of Ville de Montréal, as the Government may decide.
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- 1978, c. 19, s. 33; 1996, c. 2, s. 985.
- Internal management. **253.** The council may make bylaws for its internal management or to establish committees and determine their functions.
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- 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.
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- 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.
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- 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.
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- 1989, c. 45, s. 7; 1997, c. 76, s. 2; 1999, c. 40, s. 324.

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

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

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

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

DIVISION II

FUNCTIONS OF THE COUNCIL

Functions. **256.** The functions of the council are:

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

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

CHAPTER II

REFRESHER PROGRAMMES FOR JUDGES

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

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

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

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

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

1978, c. 19, s. 33.

CHAPTER III

JUDICIAL ETHICS

DIVISION I GENERAL PROVISION

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

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

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

DIVISION II CODE OF ETHICS

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

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

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

1978, c. 19, s. 33.

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

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

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

DIVISION III

EXAMINATION OF COMPLAINTS

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

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

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

1978, c. 19, s. 33.

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

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

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

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

1978, c. 19, s. 33.

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

1978, c. 19, s. 33.

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

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

DIVISION IV

INQUIRY

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

Quorum. Three persons are a quorum of the committee.

1978, c. 19, s. 33.

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

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

1991, c. 70, s. 5.

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

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

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

1991, c. 70, s. 5.

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

1991, c. 70, s. 5.

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

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

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

2004, c. 12, s. 14.

- Meetings. **270.** The committee meets as often as necessary, when convened by its chairman.
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- 1978, c. 19, s. 33.
- Copy of complaint, or request. **271.** The committee communicates to the judge a copy of the complaint or of the request of the Minister of Justice made pursuant to the third paragraph of section 93.1 or the third paragraph of section 168.
- Calling by committee. Within thirty days after the communication of the complaint, the committee calls the judge concerned and the plaintiff; it also notifies the Minister of Justice, and the latter or his representative may intervene at the proof or hearing.
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- 1978, c. 19, s. 33; 1988, c. 21, s. 61; 1990, c. 44, s. 24, 2004, c. 12, s. 15.
- Hearing. **272.** The committee hears the parties, their attorneys and their witnesses.
- Facts and testimonies. It may inquire into the relevant facts and call any person apt to testify on such facts.
- Examination. The witnesses may be examined or cross-examined by the parties.
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- 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.
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- 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.
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- 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.
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- 1978, c. 19, s. 33.
- Suspension of a judge. **276.** The council may suspend a judge for the duration of an inquiry on him.
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- 1978, c. 19, s. 33.

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

1978, c. 19, s. 33.

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

1978, c. 19, s. 33.

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

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

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

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

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

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

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

1978, c. 19, s. 33.

CHAPTER IV

MISCELLANEOUS PROVISIONS

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

1978, c. 19, s. 33.

PART VIII
FINAL PROVISIONS

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

1988, c. 21, a. 64.

OTHER DISPOSITIONS FROM THE COURTS OF JUSTICE ACT

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

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

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

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

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

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

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

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

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

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

Dismissal. **167.** The Government may dismiss a presiding justice of the peace 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. 177; 1992, c. 61, s. 617; 2004, c. 12, s. 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

Rules of conduct.

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

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

1989, c. 52, s. 45.

Functions

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

Applicability

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

2002, c. 21, s. 14.

Codes of Ethics

Code of Ethics for 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 and devote himself entirely to the exercise of his judicial functions.
- 7- The judge should refrain from any activity which is not compatible with his judicial office.
- 8- In public, the judge should act in a reserved, serene and courteous manner.
- 9- The judge should submit to the administrative directives of his chief judge, within the performance of his duties.
- 10- The judge should uphold the integrity and defend the independence of the judiciary, in the best interest of justice and society.

Code of Ethics for Part-Time Municipal Judges

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

Internal Bylaws of the Conseil de la magistrature

DIVISION I – GENERAL PROVISIONS

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

DIVISION II: FUNCTIONS AND POWERS

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

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

 - a) assume, in matters of managing the resources of the Council, which have been devolved upon him according to all applicable Acts and bylaws;
 - b) prepare the meetings of the Council, draft the minutes of the meetings, and follow up on decisions made by the Council;
 - c) act as the Secretary of the Executive Committee and other committees established by the Council;
 - d) prepare an annual budget allocation plan for the Council’s training and continuing education programs;
 - e) keep and maintain the records of the Council;

- f) prepare, for the benefit of the members, documents concerning points of interest for the Council;
- g) certify the minutes of the meetings of the Council or any of its committees, as well as any documents or copies emanating from the Council;
- h) at the request of the members of the Council, express his opinion on the different issues dealt with at the meetings of the Council;
- i) prepare an annual report on the issues to be brought before the Council.

DIVISION III: COUNCIL MEETINGS

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

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

12. The Council may dispense with notice of meeting formalities if all members of the Council consent to it. A member may, before or after a meeting, waive the notice of meeting. The presence of a member at a meeting constitutes a waiver on his part to a notice of meeting.
13. The members of the Council may participate in a meeting by means that enable all participants to communicate verbally, notably by telephone.
14. The meetings of the Council shall be presided over by the President or, in his absence, the Vice-President.
15. The quorum of the Council shall consist of eight members, including either the President or the Vice-President. If a quorum is not present one half-hour after the time specified in the notice of meeting, the meeting shall be adjourned and a new notice of meeting must be issued. However, the President may extend the deadline before adjourning the meeting.
16. A meeting may, by a majority vote, be adjourned to another time or to a later date and a new notice of meeting shall not be required.
17. The decisions of the Council shall be made by a majority vote of the members present.
18. Votes shall be cast orally or by a show of hands unless the President or two members of the Council request a secret ballot.
19. In the absence of a secret ballot, the declaration by the President that a decision has been made unanimously or by a majority and the recording of this declaration in the minutes of the meeting shall constitute proof of the Council's decision, without the need to divulge the specific way in which members voted, except if a request is expressed to this effect by one of the members of the Council.
20. In case of a tie vote, the President, or the Vice-President in the absence of the President, shall have a deciding vote on any matter submitted to the Council regardless of whether the votes are cast orally, by a show of hands, or by secret ballot. The President or the Vice-President may or may not exercise his right to a deciding vote.
21. The decision to hold all or part of a meeting in camera shall be made by a majority of the members present.

22. The Council shall exercise its powers by means of decisions, except in matters that must be settled by way of a regulation, as prescribed under the Act. A decision signed by all of the members of the Council shall have the same value as a decision made during a Council meeting which was duly convened and held. This decision shall be recorded in the minutes of the meeting following the date on which it was signed.
23. The Secretary of the Council shall draft and sign the minutes of each meeting. The minutes shall contain a summary of the deliberations of the Council as well as the decisions made at each meeting.
24. Apart from the President of the Council, the Secretary may also certify the minutes, excerpts from the minutes and other documents and copies emanating from the Council or forming any part of its records.
25. In the event that the Secretary is not able to attend any of the meetings, the Council may designate a member of the Council or a member of the staff of the Council to draft the minutes. These minutes shall be signed by such person and by the Secretary of the Council.

DIVISION IV: COMMITTEES OF THE COUNCIL

26. The Council shall establish an Executive Committee consisting of five members of the Council, including the President and the Vice-President of the Council. The other members shall be designated by the Council from among its members for a mandate that it shall determine.
27. The President of the Council shall be the President of the Executive Committee and the Vice-President of the Council shall be the Vice-President of the Executive Committee.
28. The Executive Committee shall have the following mandate:
 - a) examine the matters and execute the mandates which are entrusted to it by the Council and then report to the Council;
 - b) examine, at the request of the President of the Council, certain matters in order to make recommendations;
 - c) examine and make decisions on administrative matters between meetings of the Council and to submit its decisions for approval at the next meeting of the Council.
29. The quorum of the meetings of the Executive Committee shall consist of three members, including the President or the Vice-President.
30. The Secretary of the Council shall be the Secretary of the Executive Committee and as such, shall prepare the notice of meeting, draft and sign the minutes of the meetings, which shall be presented at the meetings of the Council.
31. With the necessary adaptations, section 7, paragraph 1 of section 11, sections 12, 13 and 14, as well as sections 16 through 25 shall apply to the Executive Committee.
32. The Council may also establish other committees. The Council shall determine the composition, mandates and powers of these committees.
33. Unless the Council decides otherwise, the Secretary shall act as Secretary of the committees established by the Council under section 32.

DIVISION V: FINAL PROVISIONS

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

Effective: 15-12-99

Description of the courts and tribunals whose judges are under Council jurisdiction

I COURT OF QUÉBEC

Although the *Courts of Justice Act* stipulates that the Court of Québec is to number no more than 270 judges, there were 295 judges on the bench as at March 31, 2009, including 33 deputy judges chosen from among retired judges. They have been authorized by the government to continue exercising, for a set period, the judicial duties assigned to them by the chief judge.

The administration of the Court is entrusted to the chief judge, the senior associate chief judge, and the four associate chief judges: one for the Civil Division, one for the Criminal and Penal Division, one for the Youth Division, and another who is responsible for municipal courts. In addition, the chief judge designates from among the judges of the Court and with the approval of the government, 10 coordinating judges to assist him or her in the various regions, and, when circumstances warrant, a maximum of eight associate coordinating judges.

Civil Division

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

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

In administrative matters, the Civil Division also has jurisdiction to hear appeals of decisions rendered by various administrative tribunals, such as Commission d'accès à l'information, Régie du logement, the Administrative Tribunal of Québec, Comité de déontologie policière du Québec, and ethics committees established under the *Act respecting the distribution of financial products and services* and the *Real Estate Brokerage Act*. This appeal jurisdiction also applies to certain decisions rendered by the Québec Minister of Revenue with respect to provincial taxation. Since May 2007, this jurisdiction has been exercised by 30 judges appointed to a new division known as the Administrative and Appeal Division. The judges are from all regions and act in this capacity under the responsibility of a judge responsible for the court.

Small Claims Division

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

Procedure in the Small Claims Division is simple and informal. The claimant cannot be represented by a lawyer, unless authorized to do so because of the complexity of the case. It is the judge who directs debate, examines the witnesses, and hears the parties.

Unfamiliarity with this aspect of the proceedings on the part of claimants sometimes leads to perceptions of favoritism, leading the other party to file a complaint with the Council for breach of the *Judicial Code of Ethics*.

Youth Division

The *Courts of Justice Act* establishes the jurisdiction of the Court's judges with respect to youth matters.

The judges therefore have the authority to exercise the powers and functions of the youth court, in accordance with the *Youth Criminal Justice Act*. In this regard, the judges preside over trials of 12- to 18-year-olds accused of an offence upon committing a violation of the *Criminal Code* or a federal or provincial criminal or penal statute.

The judges also have jurisdiction over proceedings initiated under the *Code of Penal Procedure*, with regard to offences relating to public welfare committed by defendants between 14 and 18 years of age. The Court judges have exclusive jurisdiction when the accused adolescent is not able to be released or if he or she was placed in the custody of the director of youth protection, if the adolescent so requests, or if it is in his or her interest to do so. In certain circumstances, the judges also preside over the preliminary inquiry.

Moreover, the judges have jurisdiction over youth protection, pursuant to the *Youth Protection Act*. These judges therefore hear cases concerning children whose safety or development is—or may be declared to be—at risk. Once the risk situation has been established to the Court's satisfaction, the judge orders one or more protection measures to be carried out, as provided for in the Youth Protection Act, in order to put a stop to this situation.

The judges also hear all cases of adoption, including those involving international adoption.

Criminal & Penal Division

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

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

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

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

Presiding Justices of the Peace

As at March 31, 2009, there were 33 presiding justices of the peace throughout Québec.

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

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

Lastly, these judges also grant certain authorizations in matters of youth protection.

Professions Tribunal

As at March 31, 2009, the Professions Tribunal consisted of 11 Court of Québec judges designated by the chief judge, including a chair and a vice chair. With the exception of the chair, these judges perform their duties concurrently with those of the Court of Québec.

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

II HUMAN RIGHTS TRIBUNAL

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

As at March 31, 2009, not including the president, the Tribunal was composed of two judges and seven assessors selected according to a procedure established by government regulation. The two judges perform their duties concurrently with those of the Court of Québec.

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

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

III MUNICIPAL COURTS

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

There are 85 municipal courts in Québec serving approximately 90% of the population. These courts are governed by the *Act respecting municipal courts*.

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

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

As at March 31, 2009, in addition to the associate chief judge, these courts were composed of 83 judges, including one president judge in the municipal courts of Laval, Montréal, and Québec City, one associate president judge in the Montréal municipal court, and one judge responsible for the Gatineau and Longueuil municipal courts.

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

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

Main mandates

- Professional ethics: To receive and examine all complaints lodged against a judge;
- Legal documentation: To look after purchasing legal documentation for the judges;
- Training: To look after setting up training activities for the judges.

Other mandates provided for under the Act

- To promote the efficiency and standardization of the procedure before the Courts;
- To receive suggestions, recommendations and requests in relation to the administration of justice, to examine them and make recommendations to the Minister;
- To act on an appeal, upon the recommendation of the Chief Judge of the Court of Québec, with regard to a modification to a notice of appointment of a judge in relation to his place of residence or to the decision to assign him to another division;
- To conduct an investigation, at the request of the Minister of Justice, in order to decide on a judge's permanent disability ;
- At the request of the Minister of Justice, to conduct an investigation of a municipality that refuses to remedy a situation that has been subject to a complaint (section 91, *Act respecting municipal courts*);
- To cooperate with any body that is pursuing similar objectives outside Québec.

General objectives of the Secretariat

DIRECTION 1

The Conseil has various types of mandates. Given the ties that bind the Conseil and the *Secretariat*, one is an integral part of the other. The Secretariat's main concern is correspondingly obvious: to support the Conseil's action.

Objective

How to reach it

- | | |
|---|---|
| <ul style="list-style-type: none"> • To support the action of the Conseil and its committees by preparing meetings and ensuring their follow-up. | <ul style="list-style-type: none"> • Put the finishing touches on setting up the Conseil's Intranet; • Ensure that the documents are of excellent quality; • Facilitate the members' work; • Provide pertinent information; • Quickly communicate the decisions of the <i>Conseil</i> and the committees; • Provide secretariat services for the <i>Conseil's</i> committees. |
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DIRECTION 2

The public's confidence in its judicial institutions depends, in particular, on a judiciary that respects the rules of professional ethics, based on ethical behaviour. The adoption of a code of ethics is not sufficient for guaranteeing respect. By ensuring prompt handling of complaints, the Secretariat plays a role in strengthening the public's relationship of trust in judicial institutions.

Objective

- To handle complaints, to provide pertinent information on how the Conseil operates and the complaint handling procedure.

How to reach it

- Act as the first responder when complaints are received;
- Act promptly and provide appropriate information to complainants and judges;
- Update the hearing roll of the inquiry committees and support their proceedings;
- Respond, upon request, to the various media.

DIRECTION 3

As a legal professional, the judge must ensure his own professional development. Such development takes various forms: seminars, courses, conferences, legal documentation—yet the objective is always the same: to ensure quality justice to the people subject to the Court's jurisdiction. The Québec government allocates substantial funds to this purpose. Through its contribution, the Secretariat recommends directions to the Conseil, looks after managing the funds devoted to training and collaborates on the reflection relating to the establishment of a judicial training centre.

| Objectives | How to reach it |
|--|--|
| <ul style="list-style-type: none"> • In relation to legal documentation, to develop the required ties with those in charge in the courts and handle all the requests submitted by the judges, by providing them with the information they need. • To recommend training-related directions as well as prepare and ensure follow-up of the documentation and training budget, with those in charge and with the members of the Conseil. | <ul style="list-style-type: none"> • Recommend overall training-related objectives to the Conseil; • Take part in the examination of the courts' programs, as carried out by the executive committee and the Conseil; • Prepare a draft budget allocation and submit it to the Conseil; • Allocate the budget and forward it to the courts; • Handle judges' requests; • Follow up on purchases and send budget reports to those in charge, on a monthly basis; • Carry out periodical follow-up by presenting an outline at each Conseil meeting; • Act as coordinator for following up on the implementation of the judiciary's Intranet; • Handle the reimbursement requests of judges taking part in training activities; • Submit to the Conseil a report on the activities carried out by the courts; • Take part in organizing the annual conference; • Act within the committee on the establishment of a judicial training institute. |

DIRECTION 4

A small organization like the Conseil de la magistrature especially depends on versatile staff who develop state-of-the-art expertise, particularly on the original topic of judicial ethics. Given its mandates, the organization advocates values that prompt ethical conduct.

| Objective | How to reach it |
|--|--|
| <ul style="list-style-type: none"> • To develop an organization where expertise combines with ethics. | <ul style="list-style-type: none"> • Design and write an annual report on activities; • Update the website; • Identify the ethical issues of day-to-day activities; • Keep abreast of the latest developments with regard to training and judicial ethics. |

DIRECTION 5

The Conseil de la magistrature is not very well known, yet it has accomplished many high-quality and often original achievements. It is important to share the expertise that has been developed and, in return, to make the most of experiences outside Québec.

Objectives

- To cooperate with organizations outside Québec that are pursuing similar goals and to provide appropriate information on the Conseil's mandates and activities;
- To make the Conseil de la magistrature known as well as its role and its mandates.

How to reach it

- Develop ties with the Canadian Judicial Council, the National Judicial Institute and all other organizations that have the mandate of ensuring compliance with rules of professional ethics and the professional development of the members of the judiciary;
- Take advantage of the Conseil's 30th anniversary to increase the awareness of judges, lawyers, the media and the public, of the importance of a judicial council for ensuring the independence of the judiciary.

Commitments

By drawing on specific values and criteria, the Secretariat seeks to support the Conseil in its objective of fostering public trust in legal institutions. The Conseil carries out this duty with the assistance of qualified, loyal, and honest staff who are innovative, flexible, and respectful of the people who use their services.

In their communications, members of the Secretariat du Conseil team are inspired by the values of courtesy, tact, and discretion.

In the services they provide, staff members work to the highest standards by developing expertise based on quality and efficiency.

Consequently, any judge or citizen who contacts the Secretariat can expect to receive the best service and information available. Secretariat staff are committed to doing everything in their power to respond to client concerns under the authority of the Conseil.

Clients

The Conseil de la magistrature helps maintain public trust in legal institutions. In theory, all citizens can be considered clients of the Conseil. More specifically, the Conseil's clientele consists of:

- Anyone who directs a complaint to the Conseil regarding a judge;
- The fifteen Conseil members, as well as the members of its committees;
- Judges under the authority of the Conseil, to the extent that the Secretariat must ensure the training and development of the judicial branch.



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