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CONSEIL
DE LA



MAGISTRATURE
DU QUÉBEC

30
YEARS

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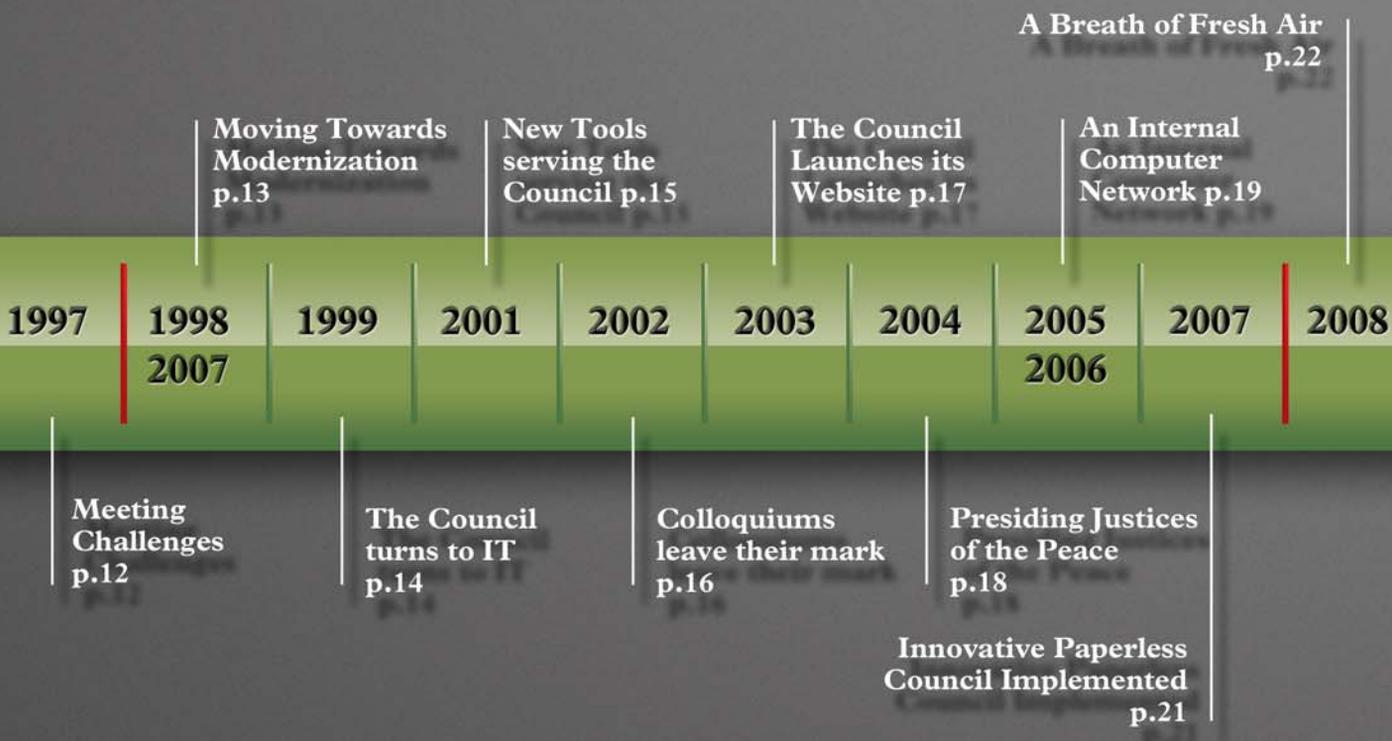
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In this year when all eyes are turned toward our 400 year old capital city, we shouldn't forget that 2008 is also the thirtieth anniversary of the Conseil de la magistrature.

To mark this event, I am delighted to present a document showing the ground we've covered since the Council was created.

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

November 2008

INTRODUCTION

The *Conseil de la magistrature du Québec*, which was created in 1978 to ensure compliance with judicial ethics and to review complaints filed against provincially appointed judges, is celebrating its 30th anniversary this year.

Canada's judicial councils emerged in the late 1960s. The first (in Ontario) dates back to 1968, and others were added gradually until 1985.

Many reasons were given for the need to establish these organizations, but first among them was the perceived need to replace certain mechanisms that had been criticized for their inconsistent handling of certain issues related to ethics in the administration of justice. It was felt that the members of the judiciary needed to be monitored by their peers to ensure that they carried out their judicial roles with constant rigor and that it was time to fine tune official judge training programs. Across Canada, judicial councils were given a variety of roles, but they all share the common objective of ensuring compliance with judicial ethics.

The Québec organization was instituted on July 19, 1978, under the *Act to amend the Courts of Justice Act and the Code of Civil Procedure and instituting the Conseil de la magistrature*. The Québec National Assembly followed the recommendations proposed by the Minister of Justice in 1975 in his paper entitled *Livre blanc sur la justice contemporaine*.

The Council was assigned the following duties, which it still performs today: develop

codes of ethics for judges and for part-time municipal judges, process complaints, organize judicial training programs, and implement other activities related to the administration of justice—notably to provide access to sufficient legal documentation that is constantly refined.

Although the Council may hear complaints by citizens concerning a judge's conduct, it cannot revise or modify a judgment, nor does it have the power to order new trials.

The composition of the *Conseil de la magistrature du Québec* has been modified a number of times due to changes in the court structure. Today it is made up of 15 members who are under the authority of the chief judge of the Court of Québec: 11 judges from various Québec courts, two lawyers appointed by the government upon recommendation of the Barreau du Québec, and two individuals from the general public who are not legal officers.

The chief judge, senior associate chief judge, and four associate chief judges from the Court of Québec are ex-officio members of the Council. The other members are appointed by the government for a maximum three-year term. At the end of their term, all members remain in office until they are reappointed or replaced.

As such, the Council consists of one judge who is the chair of a municipal court, one judge chosen from among the persons exercising the functions of president of the Human Rights Tribunal or chair of the Professions Tribunal, two judges chosen from among the judges of the Court of Québec and appointed upon recommendation of the Conférence des juges du Québec, and one judge chosen from among the judges of the

municipal courts and appointed upon recommendation of the Conférence des juges municipaux du Québec.

Which judges fall under the jurisdiction of the Conseil de la magistrature? The some 400 judges appointed by the Government of Québec who work in the following courts and tribunals: the Court of Québec (including the Small Claims Division), the Human Rights Tribunal, the Professions Tribunal, and the municipal courts. The Council also has jurisdiction over presiding justices of the peace.

Although presented this way the Council's structure may appear simple, it has nonetheless gone through many crucial stages that have marked its evolution. Its path has been wrought with questions and various modifications have been made as the need has arisen. Today, the future looks bright and every possible effort is being made to build a communication network between the various judicial councils and organizations in Canada and abroad.

Members of the first Conseil de la magistrature

Honourable Alan B. Gold, President (1979–1983)

Honourable Bernard Tellier, Judge (1979–1987)

Honourable Georges Chassé, Judge (1979–1985)

Honourable Jean Rouillard, Judge (1979–1985)

Honourable Yves Mayrand, Judge (1979–1984)

Honourable Gaston Rondeau, Judge (1979–1981)

Honourable Louis Carrier, Judge (1979–1980)

Honourable Paul-Émile Champagne, Judge (1979–1980)

Honourable Albert Dumontier, Judge (1979–1980)

Louis Philippe de Grandpré, Lawyer (1979–1982)

Jacques de Billy, Lawyer (1979–1981)

Estelle Nepveu Bilodeau (1979–1987)

Ludovic Pelletier (1979–1982)

Jean-Pierre Barrette, Secretary (1979–1989)

1978-1997

CREATION AND INSTITUTION

The first year for the Conseil de la magistrature was one of setup and organization.

The provisions of the act governing the Council's activities, which appear in Part VII of the *Courts of Justice Act* under the heading *The Conseil de la magistrature, Refresher Programs for Judges and Judicial Ethics*, extend its jurisdiction to judges appointed by virtue of this same act; to judges at the municipal courts of Laval, Montréal, and Québec City; and to justices of the peace with extended powers.

In the last 30 years, the Council's composition is not the only thing that has changed, and as the structure of courts has changed over time, so too, to some degree, have the provisions of the initial act.

The main legislative changes involved extending the Act to apply to part-time municipal judges (1980), extending it to apply to presiding justices of the peace (2004), and modifying the secretary appointment process. In 1978, the Act stipulated that the secretary had to be a lawyer. In 1987, the Act was amended to require the secretary to be chosen from among judges. In 1997, a provision governing the secretary appointment process once more required the secretary to be a lawyer.

From the early years, the Council developed codes of ethics and took inventory of judges' legal documentation needs while also developing professional training programs.



1978



1993



2008

1978-1979

THE FIRST STEPS

The first Council chair was Alan B. Gold, Chief Judge of the Provincial Court. At that time and through 1988, the Act stipulated that the chair had to be the chief judge of the Provincial Court.

Jean-Pierre Barrette, assisted by three clerical employees, acted as secretary until 1989.

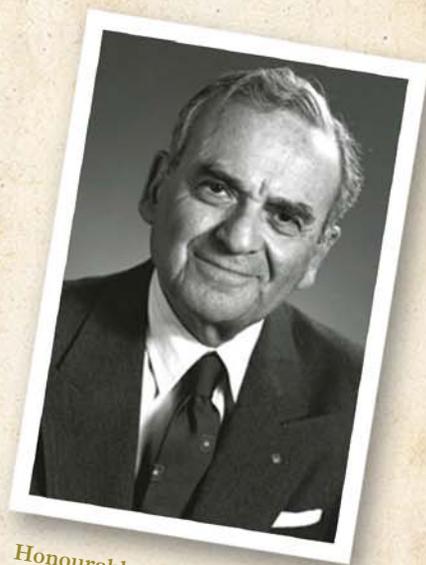
The Council's headquarters were established at the Montréal Palais de justice by virtue of a government decree issued on November 8, 1978.

From its inception, the Council formed various committees to look into ways to carry out the duties it was assigned.

In 1979, the Council adopted its first internal management regulations, which were adapted over time to take into account its changing activities.

In fall 1979, the first two study days were held on judge training. These meetings brought together all judges involved in certain activities organized by other institutions, including the Bar Association and universities.

These activities were organized jointly with the Conférence des juges du Québec, which oversaw judge training before the Council was created. In addition to ensuring that judges' legal knowledge stayed constantly up-to-date, judge training also included an English language skill development component.



Honourable Alan B. Gold

First Council meeting: July 11, 1979
First complaint received by the Council: July 27, 1979
First inquiry committee hearing: February 12, 1980
First inquiry committee report: April 22, 1980

1980-1982

TWO CODES OF ETHICS

In 1980, an amendment to the Act brought part-time municipal judges under the jurisdiction of the Conseil de la magistrature. That same year, the new organization produced its first annual report setting out its activities.

Meanwhile, the Canadian Association of Provincial Court Judges partnered with the provinces to organize specialized training on criminal issues for new judges.

The job of purchasing, renewing, and updating volumes and subscriptions—formerly the responsibility of the Minister of Justice—now went to the Conseil de la magistrature, which closely monitored the operations of its library committee. In addition to listing the volumes indispensable to judges, the library committee was put in charge of setting up libraries in courthouses in the outlying regions of Québec in collaboration with the Ministère de la Justice and Barreau du Québec.

After having consulted all judges in 1980 and 1981, the ethics committee drew up two codes of ethics in order to take into account the special situation of part-time municipal judges.

This led to the adoption of the *Judicial Code of Ethics* as well as a code of ethics for part-time municipal judges in 1982 after the Conseil de la magistrature had approved both documents the year before.

The *Judicial Code of Ethics* applies to all judges appointed by virtue of the *Courts of Justice Act*; to judges at municipal courts in Laval, Montréal, and Québec City; and justices of the peace with extended powers.

1982-1987

ADMINISTRATIVE AUTONOMY

In the same period, after numerous initiatives with the Ministère de la Justice, the Conseil de la magistrature managed to assume full administrative autonomy over the judge retraining budget. This prompted it to proceed with its efforts to land the budget it needed to fund all of its activities.

Judge Alan B. Gold, who had acted as chair since 1979, resigned on August 10, 1983, upon being appointed as chief justice of the Superior Court. Very early in 1984, he was

succeeded by Judge Gaston Rondeau, who had been appointed chief judge of the Provincial Court on December 21, 1983.

The number of Council members increased from 13 to 14 in 1986 with the addition of a part-time municipal judge upon recommendation of the Conférence des juges municipaux.

The Commissioner of Official Languages covered 50% of the costs of week-long English immersion programs for judges from 1983 to 1987, inclusively.

The Council in brief...

PROFESSIONAL DEVELOPMENT AND LEGAL DOCUMENTATION OR THE HIDDEN FACE OF THE CONSEIL DE LA MAGISTRATURE

The role of the Conseil de la magistrature—Québec's judicial Council—is to set up information, training and professional development programs for court judges and presiding justices of the peace who come under its authority; moreover, it is the Council that provides the legal documentation that judges need in order to efficiently carry out their responsibilities.

INTRAMAGIS is the name of the judiciary's Intranet. Since it was created, judges have had access to all banks of legal data, laws, regulations, jurisprudence and doctrine, in all fields of law... and everything is just one click away.

Every year, the Council invests over \$1 million in training and legal documentation. In counting on information technologies, the Council encourages online documentation.

With regard to professional development, the judges' outstanding dedication makes it possible to offer the judiciary training

courses in various formats that foster the acquisition of knowledge and keeping the judges up to date, generally in a context that promotes exchanges and meetings.

The Conseil de la magistrature's annual seminar is an opportunity to address topics of interest to the judiciary as a whole. The seminar provides food for thought and discussions favouring exchanges in plenary sessions and small groups.

The Council also gives judges a chance to perfect their English-language skills. And the Council occasionally joins with other groups, such as the Canadian Association of Provincial Court Judges, to organize specific training, such as specialized sessions on criminal law.

1988-1997

A DECADE OF QUESTIONS AND CHANGES

Modifications to the court structure between 1988 and 1997 triggered changes in the composition of the Conseil de la magistrature.

The main change, in 1988, was to bring the Provincial Court, the Court of the Sessions of the Peace, and the Youth Division under the umbrella of the Court of Québec.

The second change was made in 1995 to modify the Court of Québec's administrative structure to include a chief judge, a senior associate chief judge, and three associate chief judges.

By law, when Albert Gobeil was appointed chief judge of the Court of Québec he also became chair of the *Conseil de la magistrature du Québec*. Another replacement when Jean-Pierre Barette resigned as secretary upon being appointed as judge at the Court of Québec. On November 22, 1989, Barette was succeeded by Judge Bernard Tellier, who was appointed by decree for a three-year term. This complied with the recent amendment stipulating that the secretary be chosen from among the judges and appointed by the government.

Another major change occurred in December 1989, when the Superior Court established that inquiry committees would exercise judicial powers. As such, unless otherwise directed, their sessions were to be public and not closed as they had been in the past. In 1993, the Superior Court was called on once more to issue a ruling, this time on the process for forming an inquiry committee. On this specific point, it concluded that since this was neither a judicial nor a quasi-judicial proceeding, it could be closed.

In 1991, the Council's composition was altered again: an additional member was appointed from among those exercising the functions of chief judge of the Labour Court, president of the Human Rights Tribunal, or chair of the Professions Tribunal.

Council presidents

Honourable Guy Gagnon	2003–
Honourable Huguette St-Louis	1996–2003
Honourable Louis-Charles Fournier	1995–1996
Honourable Albert Gobeil	1988–1995
Honourable Gaston Rondeau	1983–1988
Honourable Alan B. Gold	1979–1983

1991

INFORMATION AND TRAINING

In February 1991, the Council adopted a communications policy aimed at providing judges and the general public with better information. This led to more comprehensive activity reports.

The Council's inability to act as the sole body in charge of retraining judges—due to its insufficient resources—led its members to conclude that the task of organizing training-related activities had to be relegated to the courts.

Under the guidance of the Court of Québec, which had worked to develop a training framework program, the Council asked the courts to submit a retraining program—complete with details on related costs—for its approval. This practice prevailed until 1999.

The adopted retraining program proposed general training for judges, specialized training for new judges, basic training for those acting in other jurisdictions in emergency situations, and periodic refresher courses. It also provided all parties with a resourcing and retirement preparation session. The program also provided for administrative training for judges called on to act in a management capacity.

This program required an increase in the judge retraining budget (including legal documentation), which was boosted to some \$1.2 million in 1992. This was a considerable improvement given that in 1979, the training budget was only \$325,000. The allotted budget, which was set annually by government

decree and remained roughly the same until 1994, was then divided into three components: documentation, judge participation in conferences, and retraining courses.

In 1993, judges were required to take training made mandatory by the new *Civil Code of Québec*. These courses were provided with the help of the Barreau du Québec.

The same year, Judge Bernard Tellier's term as Council secretary was renewed for one year, and later renewed again in 1994 for the fifth consecutive year.

Council secretaries

André Ouimet	2007–
Jean-Pierre Marcotte	1998–2007
Honourable Jean Alarie	1996–1998
Honourable Bernard Tellier	1989–1996
Jean-Pierre Barrette	1979–1989

1994-1995

KEY DECISIONS

A new management structure at the Court of Québec, adopted by way of legislative action, came into force on September 1, 1994. It once again modified the composition of the Council, whose membership was decreased from 15 to 14. The administration of the Court of Québec then included a senior associate chief judge and three associate chief judges, in addition to the chief judge.

Judge Louis-Charles Fournier, who was appointed chief judge of the Court of Québec on August 30, 1995, assumed his new position on September 1, when he became the new chair of the Conseil de la magistrature.

On December 14, 1995, a Supreme Court in *Ruffo v. Conseil de la magistrature*, (1995) 4 R.C.S. 267, ruling answered a certain number of questions that had been raised in previous

years before the Council, the inquiry committees, the Superior Court, and the Court of Appeal. The provisions of the Act—concerning, among other things, how complaints are processed by the Conseil de la magistrature, the composition of the Council and inquiry committees, a chief judge’s power to lodge a complaint, and the nature of the powers of the Council and its committees—had been submitted to the highest court, which validated their application by the Council and its committees.

This raised other ethical issues, which were answered in the inquiry committees and courts.

1995-1996

HEADQUARTERS MOVED FROM MONTRÉAL TO QUÉBEC CITY

DECEMBER 20, 1995

In a major shift, the Québec government established the Conseil de la magistrature headquarters in Québec City.

On February 28, 1996, Judge Jean Alarie was appointed Council secretary to replace Judge Bernard Tellier.

On August 28 of the same year, Judge Huguette St-Louis was appointed chief judge of the Court of Québec, which also made her the chair of the *Conseil de la magistrature du Québec*.

Also in 1996, the Council gained greater financial independence with regard to its operations and judicial ethics. This budget came from the Consolidated Revenue Fund. The Council also gained full responsibility over the acquisition of legal documentation and retraining.



1997

MEETING CHALLENGES

In 1997, due to a wave of budget cuts imposed by the Government of Québec, which was trying to eliminate all deficits from its administration in what was informally called the effort to achieve a “zero deficit”, the Conseil de la magistrature had to take an innovative approach to finding the means to carry out its mandates on a smaller budget.

In April 1997, an agreement was reached with the Université de Montréal Centre de recherche en droit public to make it possible to consult inquiry committee reports via the research center's website.

In Ottawa, the Department of Canadian Heritage reevaluated all agreements signed with the provinces and territories from the

perspective of budgetary restraint. As a result, the Government of Canada's maximum contribution was set at \$20,000 instead of \$35,000.

Still in 1997, the Secrétariat du Conseil and the Office of the Commissioner for Federal Judicial Affairs signed an agreement to organize individual and small group second-language courses for Québec judges.

1998-2007

MOVING TOWARDS MODERNIZATION

The years 1998 to 2007 were years of processing Conseil de la magistrature decisions, disseminating judicial ethics caselaw, and developing tools for Council members, judges, and the general public with regard to ethics and legal information.

The Council's composition was modified once again in 1998 with the addition of the chief judge from the municipal courts, which brought the number of members back up to 15.

Jean-Pierre Marcotte was appointed secretary of the Council on September 21, 1998, in accordance with the new provisions of the Act, which since 1997 stipulated that the secretary henceforth be a lawyer and not a judge.

In 1998, the committee tasked the previous year with reviewing the complaint processing process submitted its report to the Council, which is currently reviewing it. This document is aimed at streamlining complaint processing, while respecting the rights of both those filing the complaint and the judges concerned.

1999

THE COUNCIL TURNS TO IT

Just as the legal documentation budget was subject to a new policy, the training budget was also reviewed in 1999. The courts received an overall budget based on the number of judges on staff and had to submit their program to the Council for approval.

Legal documentation for judges—which up to then was available essentially on paper—started to be computerized.

The Council produced a document to serve as food for thought on the functions or activities that are incompatible with the duties of a judge.

Thanks to timely budgetary efforts by the Ministère de la Justice, the *Conseil de la magistrature du Québec* was able to host judges from Canadian provincial courts as it had done in 1990. But the congresses and conferences the Council was forced to abandon in 1997 and 1998 for lack of resources did not resurface until 2002.

On February 24, 2000, the Court of Appeal in *Conseil de la magistrature v. Commission d'accès à l'information*, (2000) R.J.Q. 638, declared the *Act respecting Access to documents held by public bodies and the protection of personal information*

inoperative with regard to the Council's ethics-based activities. However, it stipulated that in terms of ethics, the Council acts like a court of law and thus exercises true judicial power.

By virtue of an agreement with the Conseil de la magistrature, the Société québécoise d'information juridique (SOQUIJ) undertook to process, summarize, and document the Council's decisions in the review phase. It also agreed to review inquiry reports and create databanks available on its website.

2001

NEW TOOLS SERVING THE COUNCIL

In 2001, the Council developed two new research tools to provide better monitoring of its administrative operations: a proceedings research databank and a complaint databank.

Council statistics over the years

In 1978, the Council received	5 complaints
In 1988, it received	37 complaints
In 1998, the total was	76 complaints
In 2008 so far, it has received	100 complaints

The Council in brief...

QUÉBEC'S JUDICIAL COUNCIL REACHES ITS CLIENTELE

Through its website and by publishing a pamphlet that explains the complaint handling procedure, the Conseil de la magistrature strives to increase public awareness of its existence and what it does. The Council's website makes it possible for everyone who consults it to have access to a wide range of information—for instance, to find out the status of the Council's jurisprudence, the role of the inquiry committees as well as full information for anyone wanting to file a complaint with the Council.

2003

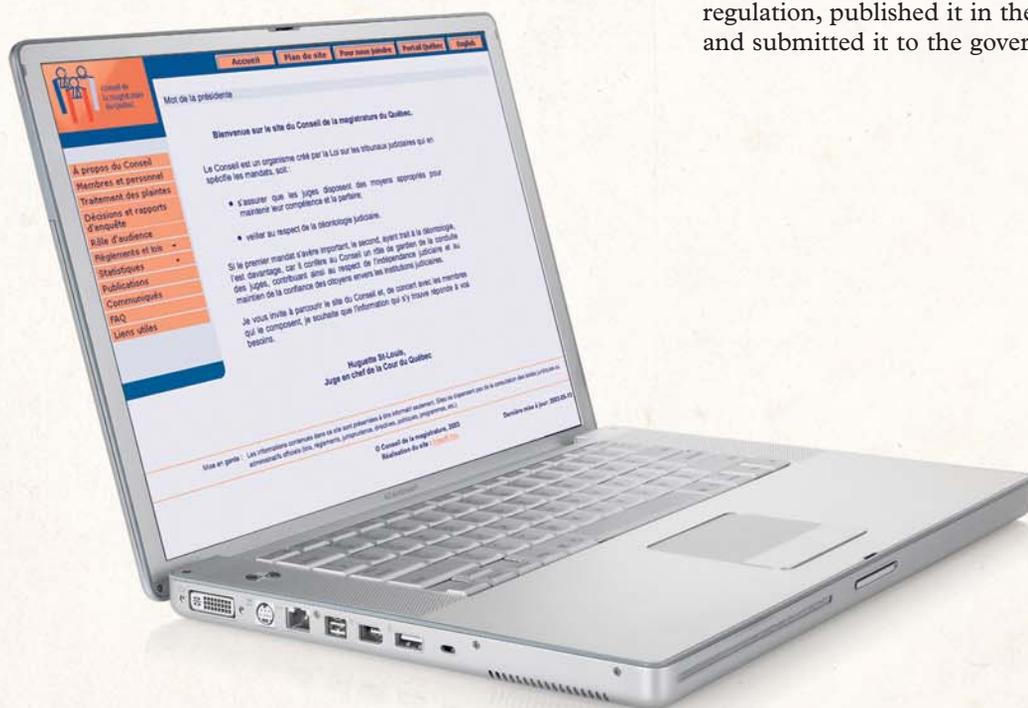
THE COUNCIL LAUNCHES ITS WEBSITE

Under a 2003 agreement, the *Conseil de la magistrature du Québec* and the *Centre d'accès à l'information judiciaire (CAIJ)* agreed to pool their respective library information resources together in courthouses.

On April 1, 2003, the Council took a big step forward and launched its website (www.cm.gouv.qc.ca). The site provides the public with information on the Council, including its activity reports, inquiry reports, the acts and regulations that apply to the Council's activities, and various useful publications.

Judge Guy Gagnon, who was appointed chief judge of the Court of Québec on September 24, 2003, became the 6th chair of the *Conseil de la magistrature*.

In order to review the draft code produced by the committee tasked with developing it in 2002, the Council convened full- and part-time municipal judges for a consultation meeting on May 2, 2003. On June 18, 2003, the Council adopted this code of ethics by regulation, published it in the *Gazette officielle*, and submitted it to the government.



2004

PRESIDING JUSTICES OF THE PEACE

In 2004, the Québec National Assembly adopted a bill amending the *Courts of Justice Act*, which created a new category of judges: presiding justices of the peace. Presiding justices of the peace were placed under the authority of the chief judge of the Court of Québec and made subject to the ethical jurisdiction of the Council, which is responsible for overseeing their training.

The Act instituting presiding justices of the peace stipulated that they remain subject to the *Judicial Code of Ethics* until the Council adopted special provisions concerning them, as warranted. Upon review, the Council decided that presiding justices of the peace would be subject to the *Judicial Code of Ethics* as is and without any modifications. That same year, the government then appointed 27 new presiding justices of the peace.

The Federal Department of Justice once again agreed to help fund English courses under the Access to Justice in Both Official Languages Support Fund. The Council signed a three-year agreement that set the government's annual contribution at \$90,000.

2005-2006

AN INTERNAL COMPUTER NETWORK

On April 1, 2005, the Council developed an intranet, INTRAMAGIS, reserved for the judiciary and designed to give judges easy access to legal documentation available online. Before the system could go online, the Council had to negotiate with publishers to obtain the authorizations required for access to their publications.

This site also presents administrative information about the courts and the Conseil de la magistrature.

Also in 2005, the Council adopted a new language training program that redefined the new requirements for taking part in the small-group second language classes, immersion sessions, and specialized training sessions.



2005-2006

AN ADVISORY COMMITTEE

In 2005, the Council proposed the creation of an ethical advisory committee that judges could consult for advice on certain ethical issues. It called on the Conférence des juges du Québec and the Conférence des juges municipaux du Québec for help with this initiative. Since it is responsible for ensuring compliance with judicial ethics, the Conseil de la magistrature cannot itself play an advisory role for judges because it must rule on complaints it receives about them.

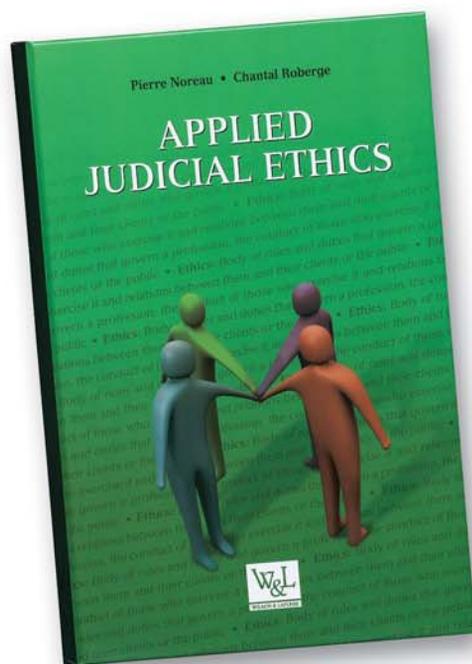
This ethical advisory committee is designed to be completely independent of the Council. Its members are appointed by another committee formed by the Council. It is made up of a Council representative, the chair of the Conférence des juges du Québec and the chair of the Conférence des juges municipaux du Québec.

A Pioneering Initiative: Publication of a work on Judicial Ethics

In November 2005, Pierre Noreau and Chantal Roberge published a document entitled *Applied Judicial Ethics*. The previous year, the Council had asked the Université de Montréal Centre de recherche en droit public to develop an annotated code based on the information contained in the Société québécoise d'information juridique databanks. It reviewed

all decisions by the Council, the Council inquiry committees, and courts. The electronic version of this work can be consulted on the Council's website.

In 2006, the Council produced an information leaflet on complaints processing. It replaced two documents previously published on the Conseil de la magistrature and judicial ethics. The leaflet was designed to help broaden the public's understanding of the Conseil de la magistrature, its jurisdiction, and how it processes complaints.



2007

INNOVATIVE PAPERLESS COUNCIL IMPLEMENTED

A new secretary, André Ouimet, took office on May 28, 2007.

In an effort to update operations, the Council sought to cut its paper use as much as possible. Following the example of the service it provided judges in 2004, the Council developed its own intranet network to give members quick access to the documents they need for their meetings.

Council members thus have access to all caselaw established by the Council, deliberations since the Council's inception, the issues discussed in each of its meetings, various caselaw and law databanks, online legal documentation, and the annotated code.

When the 2004 three-year agreement between the Council and the Federal Department of Justice ended, the Council took steps to extend the grant it had received for second language training. The grant was extended under a Canada-Québec agreement.



2008

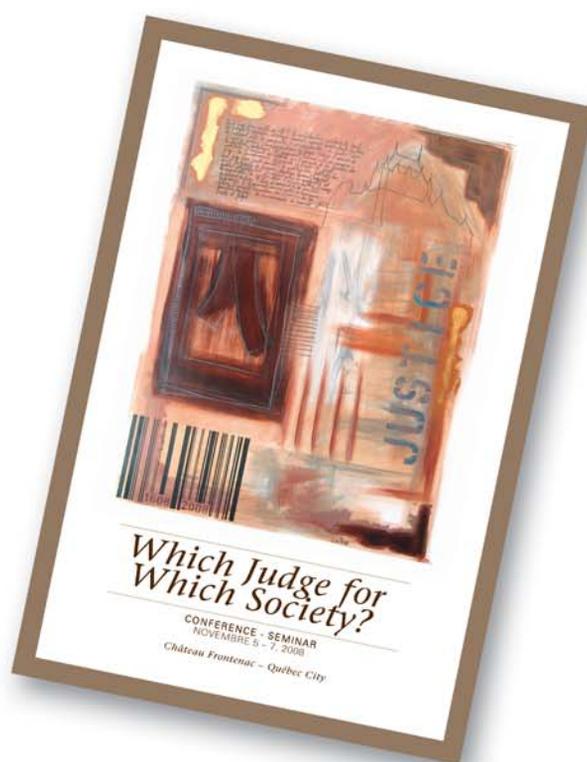
A BREATH OF FRESH AIR

The main highlight of 2008 is the international congress bringing together not the only judges under the Council's jurisdiction, but also federally appointed judges from Québec, the rest of Canada, and around the world. This large scale event is intended to mark the 30 years of operation of the *Conseil de la magistrature du Québec* and the 20 years of activity of the Court of Québec.

This 30th anniversary is a chance to pause and reflect upon the events that have marked the Council's short history. It is an opportunity to look back at the path taken and give insight into the Council's future.

The Council would like to take advantage of this opportunity to get the federal government and other Canadian provincial governments interested in creating and developing a network to promote the exchange of information between the various judicial councils and organizations. This network could ideally extend to various countries with which Canada could develop ways to exchange expertise and experience in judicial ethics as well as judge training or retraining tools.

The *Conseil de la magistrature du Québec* is continuing its efforts to persuade the ministère de la Justice and the Conseil du Trésor to set an objective standard to determine the amount of its budget dedicated to judge training and legal documentation. This would eliminate the need for annual discussions on the judiciary's needs and bring a level of budgetary stability that will be reflected in the development of technological tools such as the intranet for judges and the Council website to keep the general public informed. These tools clearly need to be kept constantly up-to-date.



For a number of years, a Council committee has been looking into the merit of forming a Québec judge training institute. While evaluating the advantages of a new system, the disadvantages must also be considered. The Council is continuing to explore the best way to carry out the important mandate of ensuring the professional development of the judiciary.

A second edition of the document entitled *Applied Judicial Ethics* is expected for release in the fall. This work by Pierre Noreau and Chantal Roberge will undoubtedly serve as a reference tool as well as a calling card for the Council. Available in French and English, it allows the Council to disseminate the main decisions it has made across Québec and elsewhere.

The *Conseil de la magistrature du Québec* is an institution that plays an active role in an important democratic mission: maintaining public trust in legal institutions. This is the objective that the 6 chairs, 88 members, 5 secretaries, and 10 other staff members have worked so hard to achieve over the last 30 years. Many judges have also devoted their time and effort by taking part in activities to train their colleagues.

This generous investment has made it possible to build the institution, to solidly entrench it in the legal world, and to ensure the respectful development of judiciary independence and citizens' rights.



The Council in brief...

JUDICIAL ETHICS OR PAVING THE WAY TO PERFECTION

The main aim of judicial ethics, as the Supreme Court enlightens us, is to maintain public confidence in judicial institutions. Judicial ethics form part of judicial independence. This code of conduct is intended to pave the way to perfection.

Every year, the Conseil de la magistrature receives more or less 100 complaints. These complaints come from various people, but mainly from individuals. The complaint examination process is a relatively simple one. Although the Council isn't an appeal body to challenge judges' decisions, and many complaints are dismissed following an initial examination, some do require closer attention. Others are subsequently subject to a more in-depth examination, and it is at that point that an inquiry committee is set up by the Council. The role of this committee is purely investigative in nature: to gather the facts and pieces of evidence in order to submit recommendations to the Council. Any considerations of legal action are therefore ruled out.

Since it was first established, the Council has handled over 1500 files, and in the great majority of cases, it had to be concluded that they were unfounded. In fact, since it was first created, the Council has accepted 92 complaints for inquiry—or 6% of the total number of complaints received in the past 30 years.

Over the years, jurisprudence has confirmed the validity of the complaint handling procedure adopted by the Council.





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