

Process Overview



	Previous Process	New Process
Stage 1: Executive Director	<p>Only matters that are an “obvious abuse of process” or are “clearly irrational” can be screened out.</p>	<p>The following matters are screened out: not about conduct; trivial; vexatious; and not in the public interest to consider.</p>
Stage 2: Judicial Conduct Committee – Review by one member	<p>A complaint can be screened out at this stage if it is not about conduct or does not warrant further consideration.</p> <p>In other cases, this is an information-gathering stage, with the following results:</p> <ol style="list-style-type: none"> 1) dismiss the matter; 2) direct further inquiries; 3) express concern if the judge agrees; 4) seek remedial measures; 5) ask a Review Panel to consider the matter. 	<p>The focus is on information gathering, with the following possible results:</p> <ol style="list-style-type: none"> 1) dismiss the matter; 2) direct further inquiries; 3) express concern and constructive advice; 4) seek remedial measures; 5) recommend to a Panel that an Inquiry Committee be constituted.
Stage 3: Review Panel – Review by 3 or 5 members	<p>This step largely duplicates the stage above (first 4 steps), with the following possible results:</p> <ol style="list-style-type: none"> 1) dismiss the matter; 2) direct further inquiries; 3) express concern; 4) seek remedial measures; 5) decide that an Inquiry Committee be constituted because the matter may be serious enough to warrant the judge’s removal. <p>The Panel is composed of 3 or 5 judges, the majority being CJC members.</p>	<p>The only decision of the Panel is whether or not there should be an Inquiry Committee, on the basis that the matter may be serious enough to warrant the judge’s removal. If not, the matter is remitted back to the Judicial Conduct Committee member who reviewed the matter.</p> <p>The Panel is composed of 5 members: three CJC members; one puisné judge; and one “lay person”.</p>
Stage 4: Inquiry Committee – Review by judicial members and Minister’s designate(s)	<p>The Council normally appoints 2 or 3 judicial members and the Minister appoints 1 or 2 members, although the composition can change. An “Independent Counsel” presents the case to the Inquiry Committee. A report is made to the full CJC (excluding members who have already considered the matter).</p>	<p>The Council normally appoints 3 judicial members and the Minister appoints 2 members, although the composition can change.</p> <p>There is no “Independent Counsel” rather one or more qualified persons may be engaged by the Inquiry Committee. The inquiry committee manages the process. A report is made to the full CJC (excluding members who have already considered the matter).</p>
Stage 5: Review by Council	<p>The judge may make a written submission to the Council regarding the report of the Inquiry Committee. A quorum of Council members must deliberate the removal from office of a judge.</p>	<p>This remains unchanged and is a affirmation of the responsibility of Council to carefully deliberate the possible removal of a judge.</p>