

A large, stylized number '50' is the central focus. The '5' is dark blue, and the '0' is a light purple circle. The text '1971-2021 years of service to Canadians' is positioned to the right of the '0'.

1971-2021

years
of service
to Canadians

50th Anniversary
Publication
of the Canadian
Judicial Council
[2021]

Table of contents

Message from the Council Chairperson	2
50 years of service to Canadians: 1971-2021	4
An overview of the Council	5
- Council's committee structure	6
A snapshot in time	9
Council meetings throughout the years	16
Council's work:	
- <i>Ethical Principles: A revised and modernized edition</i>	20
- <i>Judicial Education: A commitment to lifelong learning</i>	22
- <i>Judicial Conduct: A commitment to judicial accountability and independence</i>	24
- <i>Improving the administration of justice in Canada: Efficiency, quality, consistency, accessibility and transparency</i>	26
Leadership during COVID-19	27
Looking ahead: Renewal	28



Message from the Council Chairperson



*The Right Honourable
Richard Wagner, P.C.*

*Chief Justice of Canada
and Chairperson,
Canadian Judicial
Council*

**I strongly believe that
justice is a basic
human need.**

Judges are entrusted with addressing this need by adjudicating legal disputes in our society so that we may move forward together. It is a responsibility judges do not take for granted. Canadians expect that when they enter a courtroom, their matter will be decided in accordance with the law. Canadians also rightly expect that their judges will deliver justice with **integrity** and **respect, diligence** and **competence, equality** and **impartiality**. Indeed Canadians should expect no less.

Since its creation 50 years ago, the Canadian Judicial Council (the Council) has strived to ensure that these expectations are met. It does so by providing judges with high quality and effective continuing judicial education. It also reviews concerns brought by members of the public about a judge's conduct. When Canadians feel that such conduct might have fallen short of their reasonable expectations, they may turn to the Council. Composed of Chief Justices and Associate Chief Justices from across the country, the Council is thus dedicated to promoting lifelong learning for judges, ensuring the highest standards of professional conduct, and safeguarding judicial independence.

The importance of protecting the Rule of Law and judicial independence cannot be overstated. In order to fulfill its duty, the judiciary must be impartial and fully independent from the political branches of government, as well as from any form of undue influence. The principle of judicial independence is a fundamental feature of Canada's Constitution and for which the Council works hard to protect.

As Chairperson of the Council, I remain convinced that the success of our justice system depends on public confidence and our efforts to promote efficiency and quality in the courts across the country. Judges throughout Canada work diligently to strengthen our justice system everyday and Canadians can indeed be proud of their judiciary.

Finally, as I reflect on the Council's 50 years of service to Canadians, I wish to thank all current and former members of Council who have so admirably provided engaged leadership. Canadians can be assured of my personal commitment to pursue this mission in view of a justice system that is responsive to the needs of one and all.

*“Canadians are entitled to expect that judges will deliver justice with **integrity** and **respect, diligence** and **competence, equality** and **impartiality.**”*

*— The Right Honourable
Richard Wagner, P.C.*

*Chief Justice of Canada and
Chairperson, Canadian
Judicial Council*



50 years of service to Canadians: 1971–2021

The judiciary plays a **fundamental role in Canadian society**. Given the judiciary's role in shaping our daily lives, we all have a tangible interest in ensuring that judges are **independent** and **impartial** and that they exhibit the highest level of professional conduct.

This is where the Canadian Judicial Council comes into play. Fifty years ago, the Council was entrusted with the responsibility of improving the quality of judicial service in Canada. This is a responsibility which continues to guide its efforts today. Much has changed since 1971 when the idea first emerged of an independent body of Chief Justices and Associate Chief Justices, working to ensure efficiency and quality across all superior courts in Canada. What has remained constant is the commitment of past and current Council members to preserve a justice system of which all Canadians can be proud.

The Council's inaugural meeting was attended 50 years ago by 22 Chief Justices, all men, who met mainly to discuss a handful of judicial conduct complaints. Today, the Council is more diverse, being comprised of 41 active and engaged members, of which 17 are women. Working in both official languages, the Council addresses a wide variety of issues such as how to preserve judicial independence, advise on ethical considerations, enhance public confidence in the justice system, and, above all, ensure access to justice for all Canadians.

The Council recognizes the importance of **accessibility** and **transparency**. This document is part of that outreach effort and heralds what we hope will be regular similar publications.

In brief, this special 50th Anniversary Report marks half a century of the Council's service to you and to all Canadians. It also provides an overview of recent and ongoing work to strengthen our judicial system and build a better and more just future for all of us.

“There is hereby established a Council, to be known as the Canadian Judicial Council....”

— Judges Act, 1971



An Overview of the Council

The *Judges Act*, enacted by Parliament 50 years ago, created the Canadian Judicial Council with the goal of promoting efficiency and uniformity and improving judicial service in courts across the country. This goal remains at the heart of the Council's mission in addressing issues affecting the administration of justice in Canada. It does so with the ultimate objective of serving the public interest by ensuring that Canadians have the benefit of a professional, dedicated and independent judiciary.

The Council, comprised of 41 members, is chaired by the Chief Justice of Canada, and includes the other 40 Chief Justices and Associate Chief Justices of Canada's superior courts. Representing the leadership of Canada's third branch of government, Chief Justices and Associate Chief Justices serve as members of Council in fulfilling its dual mandate: fostering the continuing education of judges and overseeing the conduct of judges.

As such, members of the Council take an active role on judicial education and conduct matters, as well as on committees and working groups to develop policies, tools and resources to strengthen the administration of justice. They do so in an open, respectful and productive manner aimed at promoting and building strong relationships and collegiality. As the Council is called upon to deal with increasingly complex issues, it conducts its work according to principles for collaboration to ensure that all voices and perspectives are heard and considered.

The Council ultimately exists to ensure that Canadians benefit from the highest standards of judicial excellence. Fostering a strong and independent judiciary is a key goal in that regard as reflected, in particular, by its organic and evolving committee structure.

Council's Committee Structure

When the Council was established 50 years ago its mandate, at that time, was mainly focused on the continuing education of judges, the handling of complaints involving federally-appointed judges, and the exchange of information on best practices to support the administration of justice.

Over the last 50 years, the Council has evolved and adapted through active and efficient committees. The Council has thus expanded its areas of focus in order to address various aspects of the administration of justice in Canada.

Comprised of Council members, other judges, academics and advisors, these committees give life to ideas, issues and questions regarding the judiciary, always with a view to ensuring access to justice for all. With new initiatives on the horizon in an ever-evolving world, new or additional committees may be created to provide guidance in adapting to the needs and expectations of Canadian society.

The Executive Committee

The Executive Committee of Council is chaired by the Council Chairperson, the Chief Justice of Canada, and is comprised of the Chairs of standing committees as well as other Council members. The Executive Committee is responsible for the supervision and management, including the financial administration, of the affairs of the Council. A number of sub-committees, *ad hoc* committees and working groups report to it, including the following:

- The Renewal Committee
- The Efficient Access to Justice in Superior Courts Committee
- The Technology Committee
- The Judicial Committee on Inter-jurisdictional Child Protection

- The Salaries and Benefits Committee
- The National Committee on Jury Instructions

The Judicial Education Committee

The Judicial Education Committee provides advice and recommendations to the Council with a view to ensuring that the federally-appointed judiciary has access to high quality, relevant and, ongoing judicial education and professional development. As our world constantly evolves, so too does the justice system. The Council helps judges keep in step with this ever-shifting landscape by providing a rigorous and complete continuing education program. This Committee identifies the educational needs and priorities of judges, and develops policies for continuing judicial education. It also recommends which courses, seminars, and conferences would benefit the judicial education or professional development requirements of federally-appointed judges.

The Judicial Conduct Committee

The Judicial Conduct Committee deals with complaints about the conduct of federally-appointed judges in a manner that is fair to both the complainants and the judges, respectful of judicial independence, and transparent to the Canadian public. A fundamental element of our justice system is public confidence in the conduct of our judges. The Council is committed to doing everything possible to ensure that Canadians know that their judges are highly qualified, professional, and unaffected by any outside influence.

The Public Information Committee

The Public Information Committee works with the Council's communications staff to lead the timely development, implementation and coordination of communications to the Canadian public regarding

the work of Council, including outreach and public education activities. Public confidence in our justice system depends on the public's understanding of how our justice system works. This Committee accordingly serves the Council's objectives of accessibility and transparency.

The Nominating Committee

The Nominating Committee is mandated to provide advice and make recommendations to Council regarding the membership of Council standing committees, taking into account preferences expressed by Council members and the skills of *puisne* judges. These recommendations, whenever possible, should take into consideration the requirement for balanced regional, jurisdictional, gender representation, diversity and other factors.

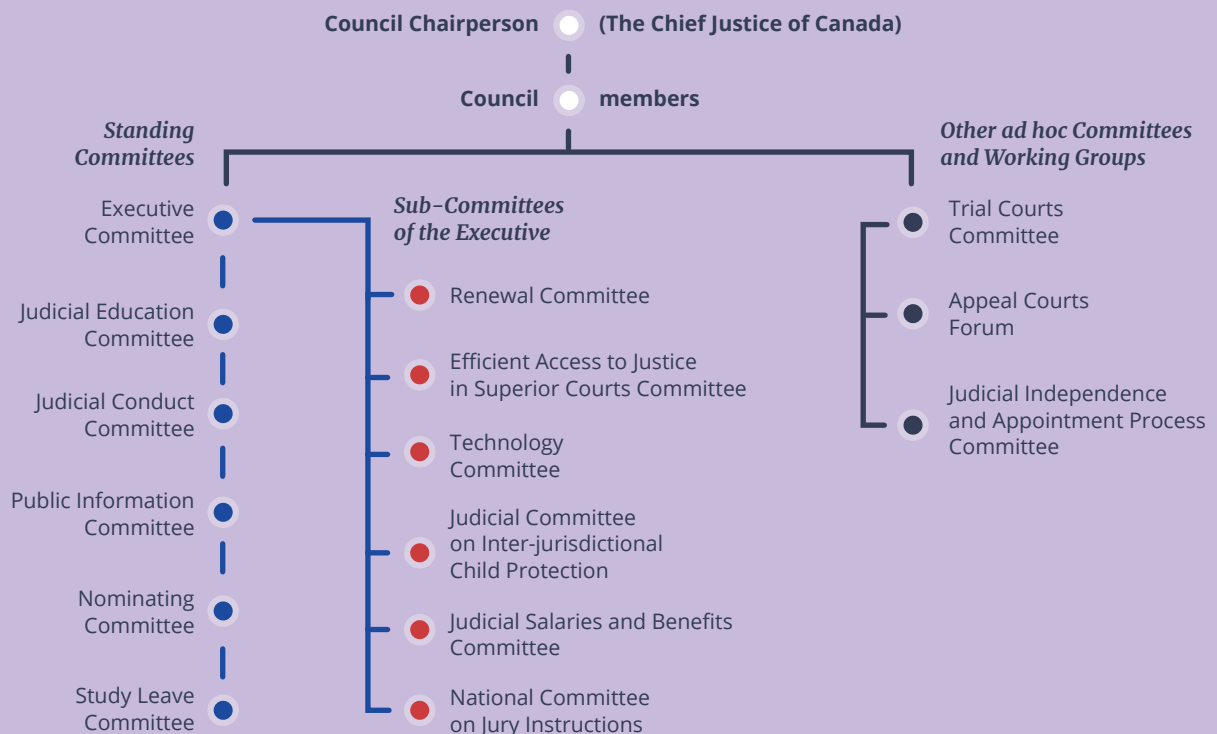
Study Leave Committee

The Study Leave Committee oversees the administration of and recommendations to the Executive Committee with respect to the study leave program administered in partnership with the Council of Canadian Law Deans.

Other ad hoc Committees and Working Groups

Various other committees or working groups are also key to the Council's operations. For instance, the **Trial Courts Committee** and the **Appeal Courts Forum** are where Chief Justices and Associate Chief Justices exchange information on best practices, serving in particular as a forum to discuss ways to keep the courts open and accessible.

Canadian Judicial Council



The Judicial Independence and Appointment Process Committee

The Judicial Independence and Appointment Process Committee makes recommendations to the Council aimed at protecting and promoting judicial independence, as well as offering recommendations with regard to the judicial appointment process. The Committee recently completed a significant overhaul of *Ethical Principles for Judges*, a Council publication that provides ethical guidance for judges.

Renewal Committee

The Renewal Committee is tasked with reviewing the Council mandate and proposing amendments to its governance model and its internal structure and operations.

Efficient Access to Justice in Superior Courts Committee

The Efficient Access to Justice in Superior Courts Committee works to improve access to quality judicial services, facilitate uniformity and efficiency in the administration of justice, and provide resources and documentation, including the sharing of best practices.

Technology Committee

The Technology Committee is mandated to provide advice and make recommendations on emerging technology issues of specific interest to the Council and the judiciary as a whole.

Judicial Committee on Inter-jurisdictional Child Protection

The Judicial Committee on Inter-jurisdictional Child Protection serves to facilitate inter-jurisdictional judicial communications, including information

exchanges respecting the judicial, legal and social systems of the jurisdictions involved, in inter-jurisdictional child protection cases. Child protection cases include a range of child-related proceedings, such as parental child abductions, custody and access disputes and related enforcement proceedings.

Salaries and Benefits Committee

The Salaries and Benefits Committee studies and makes recommendations to the Council with regard to all matters affecting the salaries and benefits of federally-appointed judges.

National Committee on Jury Instructions

The Council's National Committee on Jury Instructions works diligently to provide judges with standard language which they may use when speaking with members of juries about their duties, the nature of the criminal charge before the court, and the legal rules which apply to the jury's deliberations. The jury instructions are drafted in both French and English, in plain language, and are updated regularly. The goal of the Committee is to create uniformity in instructions, assist busy trial judges, help jurors understand both their role and the law they need to apply, and reduce the number of appeals from jury trials.

The Council Secretariat

In addition to the work of its various committees and working groups, the Council holds plenary meetings twice a year, always striving to develop consensus in its decision-making and encouraging an open exchange of information between all members of Council.

The Council is served by a small Secretariat composed of dedicated staff located in Ottawa who assist the Council in developing its initiatives and projects – all designed to improve the administration of justice in Canada and to contribute to judicial excellence.



A snapshot in time

From the Canadian Judicial Council's beginning to today, its Chief Justices of Canada have shaped its work over the past 50 years. The Council recognizes the immense contribution of its current and former Chairpersons, who have inspired excellence in judges, advocated for increased access to justice for all, and bridged the important relationship between the judiciary and the public.

Chairpersons:



*The Right Honourable
Gérard Fauteux
(1971–1973)*

Council's first Chairperson and author of *Le Livre du magistrat*, a manual on the responsibilities of judges and judicial ethics widely considered as the precursor to the modern *Ethical Principles for Judges*.



*The Right Honourable
Bora Laskin
(1973–1984)*

Considered by many to have been a transformational figure, he was the first person of non-British or French ancestry to join the Supreme Court of Canada, and who, upon his elevation as Chief Justice, helped shape the Council as a unique Canadian institution.



*The Right Honourable
Brian Dickson
(1984–1990)*

Remembered for his foundational *Charter* judgments, he championed the notion that the law must be shaped to keep pace with changes in society and social values, thereby bridging the perceived gap between judges and the public – a goal on which the Council continues to work.



*The Right Honourable
Antonio Lamer
(1990–2000)*

Known as a true champion of judicial independence, he was instrumental in advancing the protection of judicial independence in *Reference re Remuneration of Judges of the Provincial Court (P.E.I.), 1997*, which remains a key judgment regarding the understanding of the true role of judges in Canada.



*The Right Honourable
Beverley McLachlin
(2000–2017)*

The longest-serving Chairperson, and the first woman to serve in this role, she is known, among other contributions, for *The Way Forward*, a document that set out a strategic path for the Council, including public outreach initiatives and a revised committee structure.



*The Right Honourable
Richard Wagner
(2017–current)*

Chief Justice Wagner has led the Council in a spirit of renewal. Since his appointment in 2017, Chief Justice Wagner has focused his efforts on how the Council can be more transparent, accessible and modern in order to better meet the expectations of Canadians and safeguard their confidence in the judiciary.

Over the last 50 years, Chief Justices and Associate Chief Justices have played key and impassioned roles on the Council and they have all served with dedication and commitment.

List of all current and former members of Council

1971 – present

Legend:

SCC = Supreme Court of Canada

FCA = Federal Court of Appeal

FC = Federal Court

TCC = Tax Court of Canada

CMAC = Court Martial Appeal Court

Lavender highlight =

Current member as of fall 2021

Below are abbreviations for Canadian provinces and territories:

AB = Alberta

BC = British Columbia

MB = Manitoba

NB = New Brunswick

NL = Newfoundland and Labrador

NWT = Northwest Territories

NS = Nova Scotia

NU = Nunavut

ON = Ontario

PEI = Prince Edward Island

QC = Quebec

SK = Saskatchewan

YT = Yukon

A

. ADAMS, William G. (NL 1982-1986)

B

. BATTEN, Mary J. (SK 1983-1990)

. BAUMAN, Robert J. (BC 2009-current)

. BAYDA, Edward D. (SK 1981-2006)

. BELL, B. Richard (CMAC 2015-current)

. BENCE, Alfred H. (SK 1961-1977)

. BENNETT, Colin E. (ON 1969-1973)

. BISSON, Claude (QC 1988-1994)

. BLAIS, Pierre (FCA 2009-2014)

. BLANCHARD, Edmond P. (CMAC 2004-2014)

. BOWMAN, Donald G.H. (TCC 2000-2008)

. BRENNER, Donald I. (BC 2000-2009)

. BROWNE, Beverley A. (NU 1999-2009)

. BURNETT, William (MB 2011-2013)

C

. CALLAGHAN, Frank W. (ON 1985-1994)

. CAMPBELL, David (BC 1987-1995)

- . CARRUTHERS, Norman H. (PEI 1985-2000)
- . CHARBONNEAU, Louise A. (NWT 2012-current)
- . CHARTIER, Richard J. (MB 2013-current)
- . CHRISTIE, Donald (TCC 1984-1998)
- . CLARKE, Lorne O. (NS 1985-1998)
- . CLEMENTS, Tracey L. (PEI 2017-current)
- . CORMIER, Adrien (NB 1964-1982)
- . CÔTÉ, Pierre (QC 1984-1992)
- . COUTURE, Jean-Claude (TCC 1984-1998)
- . COWAN, Gordon (NS 1967-1981)
- . CRAMPTON, Paul (FC 2011-current)
- . CRÊTE, Marcel (QC 1980-1988)
- . CULLEN, Austin (BC 2011-2017)
- . CULLITON, Edward M. (SK 1962-1981)
- . CUNNINGHAM, Douglas (ON 2002-2012)

D

- . DAIGLE, Joseph Z. (NB 1994-2003)
- . DAVEY, Herbert W. (BC 1954-1972)
- . DESCHÊNES, Jules (QC 1973-1983)
- . DESLONGCHAMPS, André (QC 1996-2005)
- . DesROCHES, J.S. Armand (PEI 2001-2004)
- . DEWAR, Archibald S. (MB 1973-1985)
- . DeWARE, Tracey (NB 2019-current)
- . De WEERDT, Mark (NWT 1981-1996)
- . DICKSON, R.G. Brian (SCC 1984-1990)

- . DIONNE, René (QC 1992-2001)
- . DOHM, Patrick D. (BC 1995-2010)
- . DORION, Frédéric (QC 1963-1973)
- . DOUGLAS, Lori (MB 2009-2015)
- . DRAPEAU, J. Ernest (NB 2003-2018)
- . DUBIN, Charles (ON 1987-1996)
- . DUNCAN, Patrick J. (NS 2020-current)
- . DUNCAN, Suzanne M. (YK 2020-current)
- . DUVAL HESLER, Nicole (QC 2011-2020)

E

- . ESSON, William (BC 1989-1996)
- . ESTEY, William Z. (ON 1976-1977)
- . EVANS, Gregory (ON 1976-1985)

F

- . FAIRBURN, J. Michal (ON 2020-current)
- . FARRIS, John (BC 1973-1978)
- . FAUTEUX, J.H. Gérald (SCC 1970-1973)
- . FERGUSON, Robert F. (NS 1999-2010)
- . FINCH, Lance (BC 2001-2013)
- . FOURNIER, Jacques J. (QC 2015-current)
- . FRASER, Catherine A. (AB 1992-current)
- . FREEDMAN, Samuel (MB 1971-1983)
- . FRY, Deborah E. (NL 2018-current)
- . FURLONG, Robert S. (NL 1959-1979)

G

- . GAGNÉ, Jocelyne (FC 2019-current)
- . GALE, George Alexander (ON 1967-1976)
- . GARON, Alban (TCC 1999-2004)
- . GEREIN, Frank (SK 2000-2005)
- . GLUBE, Constance (NS 1982-2004)
- . GOLD, Alan (QC 1983-1992)
- . GOODRIDGE, Noël H.A. (NL 1986-1996)
- . GREEN, J. Derek (NL 2000-2017)
- . GUSHUE, James R. (NL 1996-1998)

H

- . HAMILTON, Alvin C. (MB 1983-1993)
- . HATCH, Gwen B. (MB 2020-current)
- . HEWAK, Benjamin (MB 1985-2003)
- . HICKMAN, T. Alexander (NL 1979-2000)
- . HINKSON, Christopher (BC 2013-current)
- . HOLMES, Heather (BC 2018-current)
- . HOWLAND, William G. (ON 1990-1996)
- . HOY, Alexandra (ON 2013-2020)
- . HOYT, William L. (NB 1993-1998)
- . HUDSON, Ralph E. (YK 1993-2003)
- . HUGESSEN, James K. (QC 1973-1983)
- . HUGHES, Charles (NB 1972-1984)

I

- . IACOBUCCI, Frank (FCA 1988-1991)
- . ISAAC, Julius (FC 1991-1999)

J

- . JACKETT, Wilbur (FC 1971-1979)
- . JENKINS, David (PEI 2008-2021)
- . JEROME, James (FC 1980-1998)
- . JOHNSON, Frederick W. (SK 1977-1983)
- . JOYAL, Glenn D. (MB 2009-current)

K

- . KENNEDY, Joseph P. (NS 1996-2019)
- . KILPATRICK, Robert (NU 2009-2016)
- . KLEBUC, John (SK 2006-2013)

L

- . LAING, Robert D. (SK 2006-2011)
- . LAMARRE, Lucie (TCC 2015-2021)
- . LAMER, Antonio (SCC 1990-2000)
- . LA ROSA, Catherine (QC 2019-current)
- . LASKIN, Bora (SCC 1973-1984)
- . LAYCRAFT, James H. (AB 1985-1991)
- . LEMIEUX, Lyse (QC 1994-2004)
- . LESAGE, Patrick J. (ON 1994-2002)

- . LUTFY, Allan F. (FC 1999-2011)
- . LYON, William D. (ON 1978-1990)

M

- . MacDONALD, J. Michael (NS 1998-2019)
- . MacDONALD, Kenneth R. (PEI 1987-2001)
- . MacKEIGAN, Ian (NS 1973-1985)
- . MacKENZIE, Anne (BC 2010-2011)
- . MacKINNON, Bert J. (ON 1978-1987)
- . MacPHERSON, Donald K. (SK 1989-2000)
- . MADDISON, Harry C. (YK 1969-1992)
- . MARQUIS, Eugène (QC 1973-1976)
- . MARROCCO, Frank N. (ON 2013-2020)
- . MATHESON, Jacqueline R. (PEI 2004-2017)
- . McEACHERN, Allan (BC 1979-2001)
- . McGILLIVRAY, William (AB 1974-1984)
- . McLACHLIN, Beverley (SCC 2000-2017)
- . McMURTRY, R. Roy (ON 1991-2007)
- . McWATT, Faye E. (ON 2020-current)
- . MERCIER, Gérald W. (MB 1993-2009)
- . MICHAUD, Pierre A. (QC 1992-2002)
- . MIFFLIN, Arthur S. (NL 1975-1986)
- . MILLER, Tevie H. (AB 1984-1993)
- . MILVAIN, James V.H. (AB 1968-1979)
- . MITCHELL, Gerard E. (PEI 2001-2008)
- . MONNIN, Alfred M. (MB 1983-1990)

- . MONNIN, Marc M. (MB 2003-2011)
- . MOORE, W. Kenneth (AB 1981-2000)
- . MORAWETZ, Geoffrey B. (ON 2019-current)
- . MORDEN, John W. (ON 1990-1999)
- . MOREAU, Mary T. (AB 2017-current)

N

- . NEMETZ, Nathaniel (Nathan) (BC 1973-1988)
- . NICHOLSON, John (PEI 1977-1985)
- . NIELSEN, G. Kenneth (AB 2019-current)
- . NOËL, Camilien (Camil) (FC 1971-1975)
- . NOËL, Marc (FCA 2014-current)

O

- . O'CONNOR, Dennis (ON 2001-2012)
- . OLIPHANT, Jeffrey J. (MB 1990-2008)
- . O'NEIL, I. Lawrence (NS 2011-current)
- . ORSBORN, David B. (NL 2009-2014)
- . OSBORNE, Coulter A. (ON 1999-2001)

P

- . PALMETER, Ian H.M. (NS 1985-1997)
- . PARKER, William D. (ON 1977-1989)
- . PERLMUTTER, Shane I. (MB 2013-current)
- . PETRAS, Eva (QC 2015-current)
- . PIDGEON, Robert (QC 2001-2019)
- . POITRAS, Lawrence (QC 1983-1996)
- . POPESCU, D. Martel (SK 2012-current)

R

- . RICHARD, Guy A. (NB 1982-1994)
- . RICHARD, J.C. Marc (NB 2018-current)
- . RICHARD, John D. (FCA 1999-2003 / FC 1998-1999)
- . RICHARD, J. Edward (Ted) (NWT 1988-2007)
- . RICHARDS, Robert (SK 2013-current)
- . RINFRET, Gabriel E. (QC 1977-1980)
- . RIP, Gerald J. (TCC 2006-2014)
- . RIVOALEN, Marianne (MB 2015-2018)
- . ROBERT, J.J. Michel (QC 2002-2011)
- . ROLLAND, François (QC 2004-2015)
- . ROOKE, John D. (AB 2009-current)
- . ROSSITER, Eugene P. (TCC 2008-current)

S

- . SAVARD, Manon (QC 2020-current)
- . SCHULER, Virginia A. (NWT 2011-2015)
- . SCOTT, Richard J. (MB 1985-2013)
- . SHARKEY, Neil A. (NU 2016-current)
- . SINCLAIR, William R. (AB 1979-1985)
- . SMITH, Charles R. (MB 1967-1971)
- . SMITH, David D. (NB 1998-2019)
- . SMITH, Deborah K. (NS 2004-current)
- . SMITH, Heather J. (ON 1996-2019)
- . SMITH, Sydney B. (AB 1961-1974)
- . STRATHY, George R. (ON 2014-current)

- . STRATTON, Stuart G. (NB 1984-1992)
- . STRAYER, Barry L. (CMAC 1994-2004)
- . SULATYCKY, Allen (AB 2000-2004)

T

- . THURLOW, Arthur L. (FC 1975-1988)
- . TRAINOR, Charles St. Clair (PEI 1970-1976)
- . TREMBLAY, Lucien (QC 1961-1977)
- . TRITSCHLER, George E. (MB 1962-1973)

V

- . VALLÉE, Gabrielle (QC 1976-1984)
- . VEALE, Ronald S. (YK 2000-2020)
- . VERTES, John (NWT 2008-2011)

W

- . WACHOWICH, Allan (AB 1993-2009)
- . WAGNER, Richard (SCC 2017-present)
- . WELLS, Clyde K. (NL 1998-2009)
- . WELLS, Dalton C. (ON 1967-1975)
- . WERY, André (QC 2005-2013)
- . WHALEN, Raymond P. (NL 2014-current)
- . WILLIAMS, Bryan (BC 1996-2000)
- . WINKLER, Warren K. (ON 2007-2013)
- . WITTMANN, Neil C. (AB 2005-2017)
- . WOOD, Michael J. (NS 2019-current)



Council meetings throughout the years

The Council members meet at least twice a year to discuss a variety of topics related to the administration of justice and to make decisions

to ensure that Canada continues to have a judiciary that is highly qualified, professional and independent.





Quebec 2019



Edmonton 2012



Yellowknife 1998



Halifax 1984



Calgary 1981



Fredericton 1972



Ethical Principles: A revised and modernized edition

In 2021, the Canadian Judicial Council adopted new *Ethical Principles for Judges*. The updated and modernized *Principles* were the culmination of four years of efforts by the Council and its Judicial Independence and Appointment Process Committee. Significantly, the *Principles* are the product of meaningful consultation with Chief Justices, *puisne* judges, the public and key justice system stakeholders from across Canada.

While intended to assist judges with ethical questions they may encounter, the new *Principles* are also written to provide the public with a better understanding of the role of the judiciary. This ensures that judges and the public alike are aware of the principles by which judges should guide their conduct.

In this spirit, the new *Principles* reflect that the judiciary is now more actively involved with the wider public, both to enhance public confidence and to expand its own knowledge of the diversity of cultures, communities and human experiences in Canada.

As of the Council's creation 50 years ago, judges felt the need for a written document that would provide guidance to them with regard to ethical questions they face as part of the position they hold. The ability of Canada's legal system to function effectively and to deliver the kind of justice that Canadians need and deserve depends in large part on the ethical standards of our judges, and the Council has accordingly strived to provide the required guidance in this regard.

The first iteration of *Ethical Principles for Judges*, published in 1998, has been inserted in countless information packages for new judges, distributed to foreign delegations, and referred to numerous times in the treatment and disposition of various conduct matters. A recent scan of the Council's website traffic shows that *Ethical Principles for Judges* is downloaded from Council's website an average of 240 times each month, and are thus widely consulted.

Ethical Principles for Judges reflects the desire of the Canadian Judicial Council and its members to strive for improvement, adaptability and clarity as a profession. They express the collective vision of what it means to occupy the role of superior court judge, a role that jointly impacts the lives of individuals as well as Canadian society at large.

Over the last 20 years, the work of judges has changed considerably. Society has evolved and new and emerging ethical questions must be carefully considered. Reflecting this changing environment, Council embarked on a journey to update and modernize its ethical considerations in a manner that reflects evolving public expectations. In particular, the Council reached out to Canadians and wrote to all judges asking their views about what new and emerging issues should be reflected in a new publication. Submissions were received from over 1,000 respondents and from key national stakeholders and associations.

This latest iteration of [*Ethical Principles for Judges*](#) describes ethical considerations related to new areas including judicial mediation, participation in community activities, self-represented litigants, post-retirement return to practice and social media use, which were not part of previous iterations. The 2021 version also further expands on case management and professional development to clarify ethical standards in these areas.

The Council thanks all those who provided comments and suggestions during this process, including sitting and retired judges from across the Country. While not exhaustive, the Council would like to thank the following organizations:

- Canadian Superior Courts Judges Association (CSCJA)
- Canadian Association of Legal Ethics (CALE)
- Advocates Society
- Canadian Association of Provincial Court Judges (CAPCJ)
- Canadian Bar Association (CBA)
- Canadian Council of Chief Judges (CCCJ)
- Court of Appeal for Ontario
- Criminal Lawyers Association (CLA)
- Federation of Law Societies of Canada (FLSC)
- Ontario Superior Court Judges Association (OSCJA)

“In this current context of renewal, the judiciary must actively participate in improving our justice system and this requires, among other things, strong judicial ethics. A revision of this flagship publication was needed to ensure that the values that underpin the profession of judge can be applied in the ever-evolving societal context”.

— The Honourable Richard Wagner, P.C.

Chief Justice of the Supreme Court
of Canada and Chairperson,
Canadian Judicial Council

Judicial Education: A commitment to lifelong learning

The Council is committed to improving the administration of justice by providing judges with access to high quality judicial education and professional development so that they perform their duties fairly, effectively and efficiently, and with the required level of social awareness.

Since its creation in 1971, the Council has sought to ensure that the judiciary stays abreast of changes in Canadian society by supporting a comprehensive judge-led education program. More recently, the Council has played a policy role in education – for example, adopting the goal of 10 days of continuing education per judge, per year. The Council has also championed the concept of social context education. In this spirit, it mandates that all new federally appointed judges take continuing education on sexual assault law and the surrounding “social context,” which includes systemic racism and systemic discrimination, and gender and racial equality, particularly with a view to addressing unconscious biases.

Judicial education is critical to public confidence in the administration of justice. The Council works diligently to ensure that federally-appointed judges have access to, and participate in relevant and high quality judicial education programs. The Council recognizes the public's expectations surrounding judicial education, and in particular, the evolving realities with regard to sexual assault law, unconscious bias and systemic discrimination. It also recognizes the need to balance considerations related to **accountability, transparency and judicial independence.**

Effective social context programs for judges are designed in collaboration with academics, both legal and non-legal, and subject matter experts such as: leaders in Indigenous, racialized and religious communities; victims of sexual and domestic violence; and those with experience working with people who live in poverty or with mental health challenges.

While the responsibility to further their education ultimately falls on individual judges, it is the Council, following the recommendations of the Judicial Education Committee, that establishes seminars, plays an active role in supporting the goals of continuous learning, develops policies, and supports judges and their commitment to lifelong learning. In an effort to be more transparent and to better explain the programming available to judges, the Council publishes a list describing all the educational programs taken within the past year and the number of judges who attended.

By working in partnership with the National Judicial Institute, which provides the bulk of educational programming to judges, as well as with other

educational institutions, the Council aims to fulfil Canadians' expectations regarding the ongoing education of judges.

Judicial professional development is not static. On a long-term basis, the only certainty is that the law and Canadian society will change. Ensuring judges serve Canadians fairly, and in accordance with our fundamental values of justice and judicial independence, is the continuing role of the Council.

Below are examples of judicial education programs delivered to judges:

- Family Law: The Voice of the Child
- Mastering the Skills of Judgment Writing
- Hearing and Deciding Charter Issues
- Building Cultural Capacity
- Communications Skills in the Courtroom
- Judges and Jails: The Realities of Incarceration

Judicial Conduct: A commitment to judicial accountability and independence

Canadians expect their judges to exhibit the highest ethical conduct and good behavior both in and out of the courtroom. If there are concerns about a judge's conduct, the Council will inquire and may recommend removal. Under Canada's Constitution, only Parliament can remove a judge for misconduct. This may only be done upon a recommendation from the Council, following its investigation into the matter. In conducting such investigations, the Council must always balance the need to respect judicial accountability and judicial independence. The principle of judicial independence means that judges must decide matters free of any outside influence. The review of judicial conduct concerns must be resolved promptly, in a manner that is fair to both the complainant and the judge and that provides an adequate level of transparency and privacy, as a protection, again, for both the complainant and the judge.

Over the last 50 years, the number and the nature of complaints made to the Council has evolved considerably. In the early years, the Council received on average ten complaints a year. Each complaint was reviewed by the full Council. In 1992, a number of important amendments to the Council's by-laws were enacted, always with the understanding that Council's careful administration of its judicial conduct process is essential to maintaining the health of Canada's judicial system.

Judges collectively deal with tens of thousands of cases each year, and the number of complaints that the Council receives represents only a small fraction of interactions between judges and litigants.

Yet, new developments in the area of settlement conferences, dispute resolution, and specialized courts, for instance, have also had a profound effect on how justice is delivered. As well, the number of self-represented litigants who appear before judges and individuals who are more vocal in expressing their views generally has resulted in a steady increase in the number of persons who write to Council to raise concerns about judges.

In communicating its most recent fiscal year report, from April 1, 2020 to March 31, 2021, the Council notes that 551 complaint-related matters were reviewed. 336 complaints were opened; 303 were closed; 285 matters were closed under the authority of the Executive Director; 18 were reviewed by a member of the Judicial Conduct Committee; 3 others went before a Review Panel, and one matter is currently before an Inquiry Committee.

While the majority of complaints are dealt with and resolved in an efficient manner, the Council continues to urge the government to move forward with legislative reform in order to improve the judicial conduct process, and reduce costly proceedings.

Parliament has given the Council authority to investigate complaints about the conduct (not the decisions) of any federally-appointed judge. The process of judges judging judges, is grounded in the principle of judicial independence. Canada's democratic system of governance demands that the judiciary be free from outside influence. Our Constitution provides that only Parliament can remove a judge from office, and the Council has the authority to recommend when, and under what circumstances, Parliament should do so.

Specifically, over the past decade, we have witnessed public inquiries that have taken far too long and have been far too expensive.

For over a decade now, the Council has implored successive governments to fix this problem. In 2013, the Council launched a public consultation to hear from Canadians as to how the process could be improved. This resulted in some streamlining measures and greater efficiency. However, these efforts were limited to the parameters of the Council's internal by-laws and could not address the root problems in the *Judges Act*. Instead, any meaningful solution requires the legislative reform that the Council has so persistently sought.

Since becoming Chief Justice of Canada in December of 2017, the Council Chairperson, the Right Honourable Richard Wagner, has championed this much-needed push for legislative change. In May 2021, and again in December, the government tabled a new bill to improve the process. The Council remains hopeful that legislative change will be enacted in a timely way.

Improving the administration of justice in Canada: Efficiency, quality, consistency, accessibility and transparency

The current social, political and economic climates are much more complex than they were when the Canadian Judicial Council was created in 1971. This evolving background has an impact on the Council's institutional role vis-à-vis judicial conduct, judicial education, leadership and outreach.

Over the years, the Council has worked to fulfill its responsibility in regard to the administration of justice and has developed policies and provided guidance to judges and the public alike. Courts are established to serve the public. The Council works to ensure that the Courts operate in an efficient and accountable fashion and to enhance impartial, independent and high quality decision-making. A key goal of the Council is to ensure that the Courts are appropriately resourced, staffed and managed.

Chief Justices and Associate Chief Justices play a vital role in public outreach and community engagement. They make decisions relating to all aspects of the administration of justice in their courts, with a view to improving the public's understanding of their justice system. Always, they work with the goal of increasing the public's confidence in the Judiciary.

The Council has not only championed the need for legislative reforms to the judicial conduct process. It continues to make a concerted effort to raise awareness of the importance of protecting judicial independence for the good of our democracy. For instance, the Council plays a leadership role in the development of standard jury instructions and in fostering international cooperation to ensure key information is shared concerning child protection. It has also commissioned comprehensive studies on technology.

More recently, the Council approved a set of three handbooks to assist litigants who represent themselves in criminal, civil or family matters. These handbooks provide a bilingual, credible, single source, comprehensive, national, electronic source of material and resources for self-represented litigants.



Leadership during COVID-19

“While the pandemic has had a marked impact on all sectors of society, including the justice system, the Council has continued to explore ways to be innovative, creative, and to adapt to new challenges.”

— *The Right Honourable Richard Wagner, P.C.*

Chief Justice of Canada and Chairperson of the Council

Fifty years ago, few among us would have accurately predicted the role that technology would play in all our lives. Electronic access to court records, the introduction of electronic templates for the preparation of decisions, and other advancements, have led to the creation of court technology committees, including within the Canadian Judicial Council. The Council is proud to have been at the vanguard of many discussions surrounding judges and technology, especially in the context of the COVID-19 pandemic.

In 2020, responding to the pandemic, the Council worked to ensure that judges and courts across the country were supported in their efforts to continue to function, to provide support to judges and courts and to underscore the need for ongoing investments in technology.

In this regard, the Council takes note of the considerable efforts of the Action Committee on Court Operations in Response to COVID-19, co-chaired by Chief Justice Wagner and Minister of Justice David Lametti. This Committee provides national guidance to support the restoration and stabilization of court operations throughout Canada in response to COVID-19.

Canadians can be assured that the justice system continues to work on their behalf and that the Rule of Law prevails, even in these challenging times. All courts are continuing to take measures to adapt as required in a manner that is respectful of both fundamental judicial principles and health and safety imperatives.



Looking ahead: Renewal

The Canadian Judicial Council is proud to work on behalf of Canadians to preserve and enhance public confidence in the judiciary. As it marks its 50 years of history it acknowledges that all institutions must be agile and open to change if they are to remain relevant to the people they serve.

The Council also wants to better communicate with judges across the country and to enhance its connections with the public. All of this is contributing to a spirit of renewal.

Over the past year, the Council has been exploring how best to define the unique relationship that it has with its key stakeholders. There are important areas of convergence where collaboration and cooperation are beneficial.

The Council's members are pursuing ideas that could eventually form the basis of proposals to the Minister of Justice and to the Commissioner for Federal Judicial Affairs to improve and clarify matters in terms of its governance and independence.

Fifty years on, every effort is being made to ensure that judges have the necessary ethical and educational tools to meet society's ever-changing realities. Public confidence demands no less.



cjc-ccm.ca/en