

## YUKON JUDICIAL COUNCIL

### ANNUAL REPORT

2018

#### **Executive Summary**

The mandate of the Yukon Judicial Council is set out in s. 31 of the *Territorial Court Act*. These functions include:

- (a) the making of recommendations for the appointment of Judges and Deputy Judges, and Justices of the Peace, and
- (b) judicial conduct complaints and discipline.

As well, the Council has broad authority to make recommendations in the areas of judicial education and reform and improvement of the court system.

Pursuant to Council's recommendations to the Minister in 2018, two Deputy Judges were appointed and one Deputy Judge was reappointed.

Additionally one Yukon Judicial Council appointment was revoked, two terms expired and two new members were appointed. Sadly, one member passed away in late 2018 and the position has not yet been filled.

There was one formal complaint made to Yukon Judicial Council in 2018.

#### **Introduction**

The Judicial Council of the Territorial Court is a body created by statute, originally in the *Territorial Court Act* of 1985 and continued under the present *Territorial Court Act* R.S.Y. 2002, c. 217. Section 31 of the *Act* sets out the functions of the Council:

31. The functions of the Council are:
- (a) to make recommendations to the Minister respecting appointments of Judges and Justices;
  - (b) subject to Part 5, to deal with complaints respecting Judges and Justices;

- (c) to make recommendations to the Minister and the Chief Judge on such matters as it considers necessary respecting the efficiency, uniformity or quality of judicial services;
- (d) to report to the Minister and the Chief Judge respecting proposals for improving the judicial services of the court or on such other matters as may be referred to it by the Minister;
- (e) after consulting with the Chief Judge and the Minister, to consider and recommend such judicial training as in its opinion may reasonably be necessary;
- (f) to serve in an educational capacity, in any manner as it sees fit;
- (g) for the better consideration of justice issues of concern to the community, to establish working committees to consider reform and improvements in the areas of family and young offenders matters and criminal, and civil laws, and to make recommendations on these areas to the Council. The membership of these committees shall be in the discretion of the Council, but the Council shall attempt to include representatives of all interested groups on these committees;
- (h) at the request of the Supervising Judge, to consider whether a change of residence or occupation of a Justice merits the dismissal of the Justice;
- (i) at the request of the Supervising Judge, to assess whether or not Justices have satisfactorily completed training opportunities offered by the court or whether or not Justices have engaged in behaviour inconsistent with the due administration of justice and, where it considers advisable, to refer its concerns about a Justice to a tribunal; and
- (j) to perform such other duties as it may be requested to perform by the Minister or the Chief Judge.

The Judicial Council consists of eight people representing the general public, the legal profession, Yukon First Nations, the Judiciary, and the Justices of the Peace. The statutory provision for the composition of the Judicial Council is contained in section 32 of the *Act*. It provides that the Commissioner in Executive Council shall appoint the Council from:

- (1)(a) two members nominated by the Minister, one of whom shall be a member of the Law Society of Yukon and the other shall be a lay person,
- (b) two members nominated by Yukon First Nations, at least one of whom shall be a lay person,
- (c) one member nominated by the Law Society of Yukon,

- (d) one member nominated by the Chief Judge,
  - (e) one member nominated by Justices, and
  - (f) a Resident Judge of the Supreme Court nominated by the Senior Judge who may, *ex officio*, participate in the affairs of the Council, on matters other than complaints and discipline.
- (2) The Council may recommend the appointment of one further lay member who shall, in so far as it is reasonably possible after considering the existing membership, ensure that the Council reflects the demographics and diversity of Yukon.

The Council selects a chair from its members and where the chair is for any reason unable to act, the other members of the Council choose a member to act in his or her absence. Chief Judge Peter Chisholm is the current Chair of the Council.

The Council attempts to operate by consensus whenever possible, however, should it prove necessary, the *Act* provides that the Council is to make its decisions by majority vote and where in a proceeding before Council there is no majority decision, the chair casts a second and deciding vote.

The members of the Council in 2018 were:

Benjamin Bruce Warnsby, nominated by Yukon First Nations  
Gary Burgess, nominated by the Justice of the Peace Association  
Brenda Warren, nominated by Yukon First Nations (term ended June 18, 2018)  
Michelle Parsons, nominated by Yukon First Nations (term started July 17, 2018)  
Christine Plante, nominated by the Minister  
David Christie, nominated by the Law Society of Yukon  
Graham Lang, nomination of the Minister (term ended March 30, 2018)  
Katherine Mercier, nomination of the Minister (term started March 31, 2018)  
Peter Chisholm, nominated by the Territorial Court of Yukon  
Leigh Gower (*ex officio*), nominated by the Supreme Court of the Yukon Territory

### **Territorial Court Judicial Appointments**

One of the major functions of the Judicial Council is assessing applications for the positions of Territorial Court Judge, Deputy Territorial Court Judge and Justice of the Peace.

Judges and Justices of the Peace are appointed by the Commissioner in Executive Council on the recommendation of the Minister of Justice.

When a Judge is to be appointed, the Council is required to submit a list of not less than three and not more than eight qualified candidates to the Minister of Justice. The Minister recommends appointment of a candidate from this list.

When a Judge is to be appointed, the Council must advertise the position in Yukon newspapers and, if it considers it advisable, in other regional and national newspapers. The Council must also give notice of the position to the Yukon Law Society and, as it considers advisable, to other potential candidates.

Applicants first complete an application form<sup>1</sup> and return it to the Judicial Council. All applications are reviewed by the Judicial Council. The Judicial Council considers information from a number of sources, including a report from the relevant Law Society on the applicant's standing, interviews members of the legal community regarding the reputation and suitability of the applicant and judges who are familiar with the applicant. After reviewing this material, the Judicial Council decides whether it will interview a candidate. After interviewing the applicant, the Judicial Council determines the acceptability of the candidate. Following this process, Council submits a list of qualified candidates to the Minister of Justice.

Candidates are informed that they will not hear about the outcome of their application unless they receive an offer of an appointment by the Commissioner in Executive Council.

At all stages of the proceedings, Judicial Council assesses each applicant against the qualifications set out in section 7 of the *Act*. The applicant must meet the following qualifications:

- normally 10 years in the practice of law (those with less legal practice may be considered if they have a range of related experience);
- is a member or is qualified to be a member of the Law Society of Yukon;
- is under 65 years of age;
- the need to have a bench which is demographically representative of the community it serves;
- the scholarship and other attainments of the applicant;
- the experience and maturity of the applicant;
- the familiarity and the involvement of the applicant in northern communities;
- the familiarity and understanding of the applicant with First Nations concerns;
- the applicant's record in the community;
- additional criteria based on the needs of the court or as determined by the Minister to be in the public interest.

Additional criteria identified by the Council are set out in a document entitled Judicial Appointment Criteria which is provided to each applicant as part of the application package. A copy of the Judicial Appointment Criteria is included in Appendix A.

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<sup>1</sup> The current application is attached as Appendix A.

Each of the Territorial Court Judges presides in family, criminal and small claims court. The Judges travel to rural communities on a regular court circuit as assigned by the Chief Judge.

### **Appointment of Deputy Judges**

The Yukon Judicial Council also makes recommendations for appointments of Deputy Judges. Since such appointments are for a five year term, subject to reappointment, Council also makes recommendations for reappointments of Deputy Judges.

Deputy Judges are current, supernumerary or retired judges of other Canadian courts. They sit in the Yukon on an as required basis to deal with times when the resident judges cannot hear cases on a timely basis. As such, Deputy Judges perform a vital role in providing adequate judicial services in the territory.

In December 2018 recommendations were made to the Minister for the appointment of two new Deputy Judges and the reappointment of one Deputy Judge.

A current list of all Territorial Court Deputy Judges is annexed as Appendix B.

### **Justice of the Peace Appointments**

The Judicial Council is also responsible for recommending the appointment of Justices of the Peace. Over the past twenty years, Yukon Justices of the Peace have evolved as an indispensable and essential part of Yukon's judicial system. Owing to the widely dispersed Yukon population, a properly functioning and vigorous Justice of the Peace program is essential for the proper administration of justice in the territory.

The Territorial Court is committed to providing more accessible community-based justice. A strong Justice of the Peace program, which is able to ensure there are trained active Justices in each community, is essential if there is to be access to justice at any time other than during the infrequent visits on court circuit.

The recruitment process for a Justice of the Peace is a community-based process. The circuit Court Judge and/or local Justices may identify possible candidates who are encouraged to apply to the Council. As well, the Council may bring the availability of a position to the attention of the local community through advertisements in the local newspaper or through local organizations. Persons interested in applying to be appointed as a Justice of the Peace are able to refer to the Yukon Courts website for information on how to apply.

The process for appointing a Justice of the Peace is very similar to the process used to appoint Judges. Applicants first complete an application form and return it to the Judicial Council. Many of the qualifications considered in assessing applicants for the

position of Territorial Court Judge are also considered when assessing candidates applying to become Justices of the Peace. More specifically, candidates are assessed by the Judicial Council on the basis of the application form, training and previous work experience, health, reputation in the community, and absence of any conflicts of interest, as well as their commitment to ongoing training and education. Appointments are made as the need for a Justice of the Peace in a particular community arises.

With the amendments to the *Territorial Court Act*, Justices of the Peace are divided into two categories: administrative and presiding. Justices exercising administrative functions may receive informations, issue process, conduct small claims mediations and pre-trial conferences and perform other similar duties as determined by the Supervising Judge. A Justice exercising presiding functions has jurisdiction to exercise all the powers conferred on a Justice of the Peace, or, on two Justices, or, by a Judge of the Court, by or under an enactment of Yukon or Canada, subject to the limitations in child protection matters and imposing custodial sentences set out in section 56(2) of the *Act*.

The duties and responsibilities of each presiding Justice are set out in a letter of authorization issued by the Chief Judge. The letter of authorization system allows the Chief Judge to take account of the individual's training and abilities, as well as the specific needs of a community when assigning responsibilities and duties to a Justice. It also permits both the Justice of the Peace and the Chief Judge to identify the training needs of individual Justices.

During 2009, Judicial Council adopted a revised application form for Justice of the Peace candidates. That form is annexed in Appendix C.

In December 2018 there were no recommendations made to the Minister for the appointment of new Justices of the Peace. In 2018 three Justices of the Peace resigned.

A current list of all Yukon Justices of the Peace is annexed in Appendix D.

## **Complaints**

The principle of judicial independence requires that Judges and Justices of the Peace must be free to make their decisions based only upon the facts in a particular case and the law applicable to those facts, without outside interference. If a Judge or Justice of the Peace errs in the application of the law or the finding of the facts in a particular matter, the result may be appealed or subject to judicial review by a higher court. The principle of judicial independence, however, does not eliminate judicial accountability. Section 38(1) of the *Territorial Court Act* provides that Judges are accountable for conduct that is outside the parameters of proper judicial conduct. Any individual who believes a Judge has behaved improperly, neglected his or her duty or is impaired or diminished in his or her ability to perform his or her responsibilities, may lodge a written complaint.

The *Territorial Court Act* provides for a complaint process in sections 38 through to 44:

38(1) A person wishing to make a complaint about

- (a) the conduct of a Judge or of a Justice;
- (b) the neglect of duty by a Judge or a Justice; or
- (c) any matter which may lead a person to conclude that the ability or capacity of a Judge or Justice to perform their responsibilities has become substantially impaired or diminished or that they are otherwise unfit for office may file a complaint in writing with the registry of the court.

(2) A person who files a complaint may withdraw that complaint at any time with the consent of the council.

### **Routing of complaint**

39 The registry shall provide a copy of the complaint immediately to the council, the Chief Judge, and to the Judge or Justice who is the subject of the complaint.

### **Council to deal with complaint**

40 Within 30 days of receipt of the complaint, the chair of the Council shall call a meeting to consider the complaint.

### **Disposition of complaint by council**

41(1) On considering the complaint, the Council may

- (a) dismiss the complaint if the Council finds it unnecessary, scandalous, frivolous, vexatious, unfounded, brought in bad faith, or beyond its jurisdiction;
- (b) refer the complaint to the Chief Judge to be disposed of by the Chief Judge in accordance with section 42;
- (c) if the Council considers that the complaint is one which should be heard but which it may be able to resolve without referring it to a judicial conduct tribunal, the Council may, with the consent of the Judge or Justice who is the subject of the complaint,
  - (i) give the complainant and the respondent the opportunity to speak to the complaint in the presence of each other, and

- (ii) dispose of the complaint by way of reprimand or dismiss the complaint; or
  - (d) order an inquiry by a tribunal.
- (2) A Judge or Justice against whom a complaint has been made shall not participate as a member of Council for the purposes of its reviewing a complaint against them.
- (3) The Council may investigate a complaint as it considers advisable to determine the disposition of a complaint under subsection (1).
- (4) If the Council refers a complaint to a judicial conduct tribunal in accordance with paragraph (1)(d), it may recommend the suspension of the Judge or Justice who is the subject of the complaint with or without pay to the tribunal that is to hear the complaint. The tribunal shall determine immediately whether or not the suspension is warranted and, if it considers the suspension is warranted, it shall suspend the Judge or Justice until the complaint is disposed subject to any terms and conditions it considers advisable.

### **Disposition of complaint by Chief Judge**

42 The Chief Judge shall rule on every complaint referred to the Chief Judge under paragraph 41(1)(b) within 30 days of receiving the complaint and shall promptly report the disposition of the complaint to the complainant, the Judicial Council, and to the Judge or Justice who was the subject of the complaint.

### **Review of Chief Judge's ruling**

43 A complainant who believes that the Chief Judge has erred in the disposition of the complainant's complaint may, within 30 days of the receipt of the Chief Judge's ruling, ask the Council to review the complaint and the Council shall deal with the matter in accordance with either paragraph 41(1)(c) or (d).

### **Judicial conduct tribunal**

44 A judicial conduct tribunal constituted to hear a matter referred to it by the Council under section 41 of this Act shall be a Deputy Judge of the Supreme Court appointed by the Senior Judge of the Supreme Court.

As a protection for both the complainant and the Judge or Justice, the Council will not make public names or information that would serve to identify those involved.



## **Education**

Another important function of the Council is to ensure that both Judges and Justices of the Peace have opportunities for ongoing education.

As the role for the Justices of the Peace has evolved, individuals require a higher level of training as a precondition of appointment and to maintain authorization. The Council continues to support the Supervising Judge in his/her efforts to develop a formal training process for Justices of the Peace. The Agendas for the Justice of the Peace training colleges held in 2018 are annexed as Appendix E.

During 2009, a revised Justice of the Peace Training Manual was developed and it continues to be in use. The table of contents is annexed as Appendix F.

The Council has also taken steps toward providing information to the public respecting the Council's role in the Yukon Justice system by posting its Annual Report, as well as detailed information concerning the Council and the appointments and complaints process on the Yukon Courts website, [www.yukoncourts.ca](http://www.yukoncourts.ca).

**APPENDIX A**  
**JUDICIAL CANDIDATE APPLICATION FORM**

## JUDICIAL CANDIDATE APPLICATION FORM

**THIS APPLICATION MUST BE TYPED**

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### 1. PERSONAL INFORMATION

FULL NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE NUMBER & AREA CODE: (\_\_\_\_) \_\_\_\_\_

RESIDENTIAL ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE NUMBER & AREA CODE: (\_\_\_\_) \_\_\_\_\_

Date and Province or Territory of call to bar: \_\_\_\_\_

Languages spoken or written other than English:  
(Indicate level of proficiency – read, write, speak)

\_\_\_\_\_

\_\_\_\_\_

Current Speciality of Law, if any: \_\_\_\_\_

I, \_\_\_\_\_, hereby authorize the Yukon Judicial Council to make inquiries with respect to my suitability and qualifications for judicial appointment from any source at the appropriate stage of the Council's deliberations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **2. PROFESSIONAL AND EMPLOYMENT EXPERIENCE:**

In chronological order, give a brief account of each position you have held beginning with your pre-law work experience.

(a) Pre-law and Non Legal Experience:

For each position indicate the years you held it and describe briefly the general nature of the work you did and the experience you gained.

(b) Legal Career Experience:

For each position indicate the years you held it and describe briefly the nature of the work you did and the experience you gained.

**3. COMMUNITY AND CIVIC ACTIVITIES:**

THE COUNCIL IS PARTICULARLY INTERESTED IN ACTIVITIES WHICH IN YOUR VIEW SHED LIGHT ON YOUR SUITABILITY FOR A JUDICIAL APPOINTMENT. Describe briefly your involvement, and the length of time of such involvement in any community or civic activities.

**4. PARTICIPATION IN PROFESSIONAL ASSOCIATIONS:**

Provide information on your membership in any professional associations, including those associated with the legal profession. Advise of those in which you have been more than a fee-paying member (e.g. serving on committees, holding an executive position).

**5. PUBLICATIONS:**

The Publications you list here need not be confined to writings on legal topics.

**6. PERSONAL SUITABILITY:**

- (a) Please advise of any matters of a physical, emotional or psychological nature that may adversely impact on your ability to function as a judge or prevent you from fulfilling your duties on the Territorial Bench.
  
- (b) Please advise of any professional, business or other interests that could cause a conflict or an appearance of a conflict if appointed to our Territorial Bench.
  
- (c) Please advise of any civil claims or serious financial difficulties.
  
- (d) Please advise of any errors and omissions claims or complaints presently on file with the Law Society of Yukon or any other Law Society.
  
- (e) Please advise if you have ever been found guilty or convicted of a criminal offence (include discharges and offences for which you have been pardoned and/or received a Criminal Record Suspension).
  
- (f) Please advise if you have ever changed your name. If so, please provide details.

**7. DISPUTE RESOLUTION/LITIGATION EXPERIENCE**

(a) What judges, if any, have you frequently appeared before in recent years?

(b) What tribunals, agencies or boards, if any, have you appeared before in recent years?

(c) What mediation, alternate dispute resolution, and collaborative law experience, if any, do you have?

(d) Other:



**8. TRAVEL REQUIREMENTS:**

(a) Do you have a valid driver's licence?

Yes                       No

(b) Are you able to fly in a small aircraft on a regular basis and without difficulty?

Yes                       No

(c) Are you able to travel distances to court circuits that require overnight stays?

Yes                       No

(d) Can you be away from your home to attend judicial training courses or court circuits for up to a week at a time?

Yes                       No

**9. REASONS FOR INTEREST IN A JUDICIAL POSITION:**

- (a) Please explain why you are interested in serving on the Territorial Bench.

- (b) What aspects of your education, experience and character would most assist you in discharging the responsibilities of a judge?

**10. EDUCATION:**

(a) Secondary school – name and location of schools attended:

\_\_\_\_\_

extra-curricular activities \_\_\_\_\_

scholarships/awards \_\_\_\_\_

\_\_\_\_\_

(b) University other than law school:

(i) name/location from/to degree/diploma

\_\_\_\_\_

major subject(s) \_\_\_\_\_

extra-curricular activities \_\_\_\_\_

scholarships/awards \_\_\_\_\_

\_\_\_\_\_

(ii) name/location from/to degree/diploma

\_\_\_\_\_

major subject(s) \_\_\_\_\_

extra-curricular activities \_\_\_\_\_

scholarships/awards \_\_\_\_\_

\_\_\_\_\_

(c) Law School name/location from/to degree/diploma

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areas of special interest \_\_\_\_\_

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extra-curricular activities \_\_\_\_\_

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scholarships/awards \_\_\_\_\_

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(d) Post Graduate Studies in Law: name/location from/to degree/diploma

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focus of study \_\_\_\_\_

(e) Continuing Education after Call to Bar:

List courses taken.

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(f) Law-related memberships, committees and activities after graduation:

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## REFEREES – INCLUDE ADDRESS AND TELEPHONE NUMBERS

The Council DOES NOT require reference letters. Please provide the names of ONLY FOUR referees. Your referees should include one or more persons who have had direct and recent experience with your participation in community activities and one or more who have had direct and recent experience with your professional work. Your referees may be contacted by members of the Council as may other persons who are aware of your professional experience and abilities.

All information will be kept in confidence by the Council. The Council may wish to obtain information from other sources. In making these inquiries, every effort will be made to maintain confidentiality.

PLEASE SPECIFY WHETHER YOUR REFEREES ARE “LAW RELATED” OR “OTHER” and provide both their current residential and business telephone numbers.

1. Name: \_\_\_\_\_ Law related/Other  
Address: \_\_\_\_\_

Business No. (\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_) \_\_\_\_\_

2. Name: \_\_\_\_\_ Law Related/Other  
Address: \_\_\_\_\_

Business No. (\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_) \_\_\_\_\_

3. Name: \_\_\_\_\_ Law Related/Other  
Address: \_\_\_\_\_

Business No. (\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_) \_\_\_\_\_

4. Name: \_\_\_\_\_ Law Related/Other  
Address: \_\_\_\_\_

Business No. (\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_) \_\_\_\_\_

## RELEASE OF INFORMATION

I, \_\_\_\_\_, having applied to the Yukon Judicial Council for consideration for an appointment as a Territorial Court Judge, authorize the Law Society of Yukon and/or any other Law Society of which I am a member, to furnish to the Council all details of formal and informal complaints or charges, insurance or compensation claims, copies of those complaints, charges or claims and the result of such complaints, charges or claims and the present status of same.

I also authorize the Yukon Judicial Council to conduct a criminal records check through the Royal Canadian Mounted Police and to receive such report solely for the purpose of this application.

I release the Law Society and its staff from any and all liability of every nature and kind arising from the release of information and documents to the Council pursuant to this Release.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

Please advise if you have ever changed your name after the age of 18. If so, please provide details.

\_\_\_\_\_

## **JUDICIAL COUNCIL OF THE TERRITORIAL COURT OF YUKON** **Judicial Appointment Criteria**

Judicial Council assesses each candidate on the following criteria:

- A member of the Law Society of Yukon, or qualified to be a member of the Law Society of Yukon
- A minimum of 10 years in the practice of law or other equivalent experience satisfactory to the Judicial Council
- The need to have a Territorial Bench that is demographically representative of the community
- Demonstrated sensitivity to Yukon First Nations' issues
- Experience living and working in northern communities
- Commitment to improving the delivery of judicial services in Yukon
- Legal reputation, including:
  - (a) review of professional record from the Law Society
  - (b) reference from the Canadian Bar Association and judges or decision makers before whom the applicant has appeared
  - (c) reputation among professional peers
- Experience in criminal, family, and civil law
- Willingness to learn and demonstrated commitment to ongoing professional education
- Knowledge of and sensitivity to current dilemmas and issues facing courts and judiciary
- Other professional competence and experience:
  - Scholarship and intellectual ability
  - Analytical and writing skills
  - Ability to listen
  - Ability to maintain an open mind while hearing all sides of an argument
  - Ability to make decisions
  - Capacity to exercise sound judgment
  - Area(s) of professional specialization, specialized experience or special skills
  - Ability to manage time and workload without supervision
  - Capacity to handle heavy workloads
  - Capacity to handle stress and pressures of the isolation of the judicial role
  - Interpersonal skills – with peers, staff and the general public
- Personal suitability including:
  - (a) even temperament
  - (b) fairness
  - (d) common sense
  - (e) compassion for and understanding of those coming before the Territorial Bench
  - (f) maturity, life experience and wisdom
- Respect in the community
- Record of community service



**APPENDIX B**  
**TERRITORIAL COURT OF YUKON**  
**DEPUTY JUDGES**

## TERRITORIAL COURT DEPUTY JUDGES

Name and Court	Expiry Date
<b>Justice Michael S. Block</b> Ontario Court of Justice	November 4, 2020
<b>Judge Michel Chartier</b> Provincial Court of Manitoba	May 5, 2020
<b>Judge Thomas Crabtree</b> Provincial Court of BC	July 29, 2020
<b>Judge Joseph De Filippis</b> Ontario Court of Justice	February 25, 2019
<b>Judge William Digby</b> Provincial Court of Nova Scotia	July 18, 2022
<b>Judge John Faulkner</b> Retired-Territorial Court of Yukon	July 21, 2022
<b>Judge Gurmail S. Gill</b> Provincial Court of British Columbia	April 4, 2023
<b>Justice Peter Griffiths</b> Ontario Court of Justice	April 4, 2023
<b>Judge Christine V. Harapiak</b> Provincial Court of Manitoba	January 28, 2021
<b>Judge Murray J. Hinds</b> Provincial Court of Saskatchewan	November 4, 2020
<b>Judge Martin Lambert</b> Ontario Court of Justice	January 9, 2022
<b>Judge Heino Lilles</b> Retired-Territorial Court of Yukon	December 12, 2019
<b>Judge Deborah Livingstone</b> Retired - Ontario Court (Prov. Div)	July 2, 2019
<b>Judge Donald S. Luther</b> Retired - Provincial Court of NL	December 14, 2020
<b>Judge E. Ann Marie MacInnes</b> Provincial Court of Nova Scotia	January 9, 2022
<b>Judge Gerald M. Morin</b> Provincial Court of Saskatchewan	January 9, 2022
<b>Judge Brian M. Neal</b> Provincial Court of British Columbia	January 28, 2021
<b>Judge Nancy K. Orr</b> Provincial Court of PEI	November 4, 2020
<b>Judge James Plemel</b> Provincial Court of Saskatchewan	February 25, 2019
<b>Judge E. Dennis Schmidt</b> Semi-Retired - Provincial Court of BC	December 14, 2020
<b>Judge Richard D. Schneider</b> Ontario Court of Justice	January 28, 2021
<b>Judge Herman Seidemann III</b> Retired: Provincial Court of BC	May 5, 2020

<b>Judge Carol Ann Snell</b> Semi-retired - Provincial Court of Saskatchewan	August 23, 2022
<b>Judge Murray P. Thompson</b> Provincial Court of Manitoba	April 22, 2020
<b>Judge David C. Walker</b> Provincial Court of New Brunswick	April 22, 2020
<b>Judge Timothy White</b> Retired: Provincial Court of Saskatchewan	January 28, 2021
<b>Judge Pamela Williams</b> Provincial Court of Nova Scotia	May 5, 2020
<b>Judge Raymond E. Wyant</b> Provincial Court of Manitoba	November 4, 2020

**APPENDIX C**  
**JUSTICE OF THE PEACE APPLICATION FORM**

## **YUKON JUSTICE OF THE PEACE PROGRAM**

### **APPOINTMENT PROCESS**

Justices of the Peace play an important role in the delivery of court services to their communities. As a lay officer of the court, a Justice of the Peace has a responsibility to perform specific judicial duties based on authorizations granted by the Chief Judge and the Supervising Judge of the Justice of the Peace program.

A Justice of the Peace's conduct must accord to certain acceptable standards which will ensure the maintenance of the position's credibility in the eyes of the public, as well as meeting the requirements of judicial independence inherent in the position.

All Justices of the Peace are trained before taking on responsibility. A strong program of continuing education is offered under the direction of the Supervising Judge of the Justice of the Peace program and the Yukon Justice of the Peace Association.

There is a wide range of responsibilities a JP may undertake. The authorizations a JP acquires depend on the needs in the JP's community, as well as upon the interests of the Justice of the Peace, the training the Justice of the Peace completes, and the demonstrated skills and abilities of the Justice of the Peace.

Responsibilities could include receiving Informations, issuing court summons and warrants, conducting pre-trial conferences, presiding in docket court, conducting judicial interim release hearings and dealing with preliminary applications of various kinds.

Justices of the Peace are also *ex officio* marriage commissioners.

#### **The Justice of the Peace Appointment Process:**

Yukon Justices of the Peace are appointed by the Minister of Justice on the recommendation of the Judicial Council. The Judicial Council welcomes applications from qualified persons seeking appointment as a Justice of the Peace (applicants must be resident of Yukon). Applicants will be considered for recommendation based on the following criteria.

## GENERAL QUALIFICATION CRITERIA:

### Personal Characteristics:

- A strong sense of fairness
- An ability to listen objectively to all sides of a matter
- Respect for people from all walks of life, regardless of sex, race or social standing
- Strong values and ethical standards
- Common sense
- Patience and compassion
- A reputation for honesty and integrity
- Reliability
- Humility and courtesy
- Not involved in activities, claims or actions in conflict with judicial office

### Skills and Abilities:

- High level of achievement in past work and volunteer activities
- Experience and/or education relevant to the work of a Justice of the Peace
- Strong communication skills
- Interpersonal skills
- Intellectual ability
- Analytical skills
- Ability to work independently
- Effective time management
- Capacity to handle the stress and pressures of the isolation of the judicial role, particularly in small communities

### Community Awareness:

- A commitment to public service
- Knowledge of Yukon communities
- Cross-cultural awareness
- Interest in alternative methods of dispute resolution
- Awareness of the social problems facing the courts
- Sensitivity to changing social values

## Yukon Justice of the Peace Application Process

**Step One:** Applicant completes attached application  
Applicant completes criminal records check through the RCMP  
Applicant returns completed application form and criminal records check to:

**Territorial Court of Yukon  
Chief Judge  
Judges' Chambers  
2134 2<sup>nd</sup> Avenue, 4<sup>th</sup> Floor  
Whitehorse, Yukon Y1A 5H6**

**Step Two:** The Territorial Court judiciary reviews the application to determine whether the applicant meets the qualification criteria and to assess the needs of the community of the applicant. A judge interviews the candidate and arranges for reference checks to be completed before making a recommendation to the Judicial Council (applicants may be required to attend a JP training conference before a recommendation is forwarded to the Judicial Council)

**Step Three:** Judicial Council reviews recommendations and selects candidates to recommend for appointment to the Minister of Justice

**Step Four:** Minister of Justice decides appointment

**Step Five:** Judge swears-in new Justice of the Peace

Questions regarding the application and appointment process may be directed to Claudia Morgan, Senior Judges' Assistant: Telephone: (867) 667-5438, Fax: (867) 393-6400 or E-mail: [claudia.morgan@yukoncourts.ca](mailto:claudia.morgan@yukoncourts.ca).

**APPLICATION FOR APPOINTMENT  
AS A JUSTICE OF THE PEACE**

---

**1. Personal Information:**

**Full Name:**

**Date of Birth:**

**Residential Address:**

**Telephone:**

**Cell phone:**

**Email Address:**

**Business Address:**

(if applicable)

**Citizenship:**

**Number of Years in the Yukon:**

**Number of Years in current Yukon community:**

**Languages Spoken:**

**Languages Written:**



## **2. Professional and Employment Experience:**

Provide a brief account of your work experience, the employer, the positions attained and the dates of employment, starting with the most recent.

## **3. Education:**

Provide an overview of your educational experience, including any diplomas or degrees obtained, starting with the most recent.

## **4. Community and Civic Activities:**

Provide a brief account of your volunteer experience, including the names of the organizations and the nature and dates of your involvement, starting with the most recent. The Judicial Council is particularly interested in activities which, in your view, demonstrate your suitability for appointment.

## **5. Personal Suitability:**

- a) Please advise of any matters of a physical, emotional or psychological nature that may adversely impact on your ability to function as a Justice of the Peace or prevent you from fulfilling your duties as a Justice of the Peace.
  
- b) Please advise of any professional, business or other interests of yourself or your immediate family that could cause a conflict, or an appearance of conflict, if appointed a Justice of the Peace.
  
- c) Please advise if you are currently involved in any civil litigation.
  
- d) Please advise if you are the subject of any current court order.
  
- e) Please advise of any serious financial difficulties, including but not limited to default of a family support obligation, bankruptcy, or arrears with Revenue Canada.
  
- f) Please advise if you have ever been found guilty or convicted of a criminal or other offence. If so, have you received a pardon?
  
- g) Please advise if you are currently charged with a criminal or other offence.
  
- h) Please advise if there is anything in your past or present that could reflect negatively on you or the Territorial Court of Yukon.

**6. Reasons for Interest in a Justice of the Peace Appointment:**

Please explain why you are interested in serving as a Justice of the Peace and what aspects of your education, experience and character would most assist you in discharging the responsibilities of a Justice of the Peace.

### 7. Referees: include addresses and telephone numbers

The Judicial Council DOES NOT require reference letters. Please provide the names of ONLY FOUR referees. Your referees should include one or more persons who have had direct and recent experience with your participation in community activities and one or more who have had direct experience with your professional work. Your referees may be contacted by members of the Judicial Council, as may other persons who are aware of your experience and abilities.

All information will be kept in confidence by the Judicial Council. The Judicial Council may wish to obtain information from other sources. In making these inquiries, every effort will be made to maintain confidentiality.

Please specify whether your referees are “work related” or “other” and provide both their current residential and business telephone numbers.

1. Name: \_\_\_\_\_ Law Related/Other

Address: \_\_\_\_\_

Business No. (\_\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_\_) \_\_\_\_\_

2. Name: \_\_\_\_\_ Law Related/Other

Address: \_\_\_\_\_

Business No. (\_\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_\_) \_\_\_\_\_

3. Name: \_\_\_\_\_ Law Related/Other

Address: \_\_\_\_\_

Business No. (\_\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_\_) \_\_\_\_\_

4. Name: \_\_\_\_\_ Law Related/Other

Address: \_\_\_\_\_

Business No. (\_\_\_\_\_) \_\_\_\_\_ Residential No. (\_\_\_\_\_) \_\_\_\_\_

**AUTHORIZATION:**

I, \_\_\_\_\_, hereby authorize the Judicial Council to make discreet inquiries with respect to my suitability and qualifications for appointment as a Justice of the Peace from any source at the appropriate stage of the Judicial Council's deliberations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPENDIX D**

**YUKON JUSTICES OF THE PEACE  
As of December 31, 2018**

**JUSTICES OF THE PEACE  
December 2018**

NAME	LEVEL
Allen, Shawn (Haines Junction)	2
Ash, Elaine Reta (Tagish)	3
Bigras, Gigi (Dawson City)	Admin
Blackburn-Johnson, Judith (Dawson City)	3
Blewett, Ken (Carcross)	Admin
Bradasch, Robin (Whitehorse)	Admin
Braga, Valerie (Whitehorse)	3
Burgess, Gary (Whitehorse)	3
Carreau, Deborah (Faro)	Admin
Clark, Minnie (Teslin)	Admin
Edzerza, Debra (Whitehorse)	Admin
Frizzell, Shauna (Whitehorse)	3
Gage, Mildred (Whitehorse)	Admin
Gorczyca, Justin (Whitehorse)	3
Graham, Lorraine (Carmacks) Resigned August 30, 2018	2
Guy, Bonnie (Whitehorse)	Admin
Harris, Beverley Lynne (Ross River) Resigned June 11, 2018	2
Hett, David (Teslin)	Admin
Holt, James (Watson Lake)	2
Ledergerber, Beat (Beaver Creek)	3
MacGregor, Linda (Mayo)	2
McDonald, Linda (Watson Lake)	2
Morrison, Sharman (Whitehorse)	3
Proctor, Iris (Whitehorse)	3
Ravensdale, David (Carcross)	2
Regehr-Panter, Christine (Whitehorse)	3
Reid, John (Mayo) Resigned February 15, 2018	3
Rowlands, Rosemary (Whitehorse)	2
Rudolph, James "Wess" (Whitehorse)	3
Smith, Lilly (Haines Junction)	Admin
Smyth, Steve (Whitehorse)	3
Spencer, Ian (Mayo)	Admin
Tetlich, Joseph (Whitehorse)	Admin
Wilkinson, Ruth (Watson Lake)	3

**APPENDIX E**

**YUKON JUSTICE OF THE PEACE  
TRAINING COLLEGE AGENDA**





**Justice of the Peace Training College**  
**November 30 & December 1, 2018**  
**Westmark Whitehorse - Conference Rooms 5 & 2**

**AGENDA**

**Friday, November 30, 2018**

6:00 – 6:15 pm	Registration	<i>Liz/ Claudia</i>
6:15 – 7:00	Status of Renewal of JP Program	<i>Judge Ruddy, Judith Blackburn-Johnson, Jim Holt</i>
<b>7:00 – 7:15</b>	<b>Health Break</b> (Coffee, tea, juices and snacks will be provided)	
7:15 – 8:15	JP Association AGM	<i>Gary Burgess</i>

**Saturday, December 1, 2018**

<b>8:15 - 9:00 am</b>	<b>Breakfast</b>	
9:00 – 9:20	Ethical Dilemmas: Short Snappers	<i>Judge Ruddy</i>
9:20 – 10:10	Introduction to Ethical Principles	<i>Judge Ruddy</i>
10:10 – 10:30	Ethical Table Exercises	<i>JP Blackburn-Johnson, JP Holt Cathy Rasmussen</i>
<b>10:30 – 10:45</b>	<b>Health Break</b>	
10:45 – 11:00	Ethical Table Exercises, continued	
11:00 – 12:00	Performing Weddings	<i>JP Wilkinson</i>
<b>12:00 – 1:15</b>	<b>Lunch</b>	
1:15 – 1:45	Receiving Signatures	<i>Judge Ruddy</i>
1:45 – 2:45	Legislation Update	<i>Cathy Rasmussen</i>
<b>2:45 – 3:00</b>	<b>Health Break</b>	
3:00 – 4:00	Jeopardy	<i>JP Blackburn-Johnson, JP Holt</i>
4:00 – 5:00	You ask - We answer	
5:30	Dinner	

**APPENDIX F**  
**JUSTICE OF THE PEACE MANUAL**  
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**SUMMARY OF COMPLAINTS**  
**TO JUDICIAL COUNCIL**

There was one complaint in 2018. Council determined that this complaint was previously addressed and as such it was beyond their jurisdiction. Complaint was dismissed.