
YUKON JUDICIAL COUNCIL

Annual Report 2022

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YUKON JUDICIAL COUNCIL

ANNUAL REPORT

2022

Executive Summary

The mandate of the Yukon Judicial Council (the “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 authority to make recommendations in the areas of judicial education and improvement of the court system.

Pursuant to Council’s recommendations to the Minister in 2022, one Deputy Judge and two Justices of the Peace were appointed, and four Deputy Judges were re-appointed.

Four Council appointments were made, two Council appointment terms expired and were renewed, and one Council appointment expired without renewal.

The Council provided the Minister of Justice recommendations to fill a resident Territorial Court judge vacancy. On July 14, 2022, Judge John Phelps was appointed to the Territorial Court by Order-in-Council.

There was one continuation of a formal complaint carried over from 2021 and one formal complaint made to the Council in 2022.

Introduction

The Council 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, hereinafter referred to as the “*Act*”. 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 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 may be requested to perform by the Minister or the Chief Judge.

The Council consists of eight or nine 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 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 Chief Justice 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, insofar 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 their absence. Chief Judge Michael Cozens is the current Chair of the Council.

The Council operates 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 2022 were:

- Benjamin Bruce Warnsby, nominated by Yukon First Nations;
- Steven Smith, nominated by the Justice of the Peace Association (expired on April 24, 2022)
- Iris Proctor, nominated by the Justice of the Peace Association;
- Gina Nagano, nominated by Yukon First Nations;
- Christine Lambert, nominated by the Minister;
- Leo Lane, nominated by the Law Society of Yukon;
- Katherine Mercier, nominated by the Minister;

- Michael Cozens, nominated by the Territorial Court of Yukon
- Suzanne Duncan (*ex officio*), nominated by the Supreme Court of Yukon.

Territorial Court Judicial Appointments

One of the major functions of the 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 resident 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 the appointment of a candidate from this list.

When a resident Judge is to be appointed, the Council must advertise the position in the 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 form¹ and return it to the Council. The Council reviews all applications. The Council considers information from a number of sources, including a report from the relevant Law Society on the applicant's standing. The Council also interviews members of the legal community regarding the reputation and suitability of the applicant and consults with judges who are familiar with the applicant. After reviewing this material, the Council decides whether it will interview a candidate. After interviewing the applicant, the Council determines the acceptability of the candidate. Following this process, Council submits a list of qualified candidates to the Minister of Justice.

At all stages of the proceedings, Council assesses each applicant against the qualifications set out in section 7 of the *Act*, as well as other criteria determined by the Council as listed below:

- 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;

¹ The current application form is attached as Appendix A.

- the need to have a bench that is demographically representative of the community it serves;
- the scholarship and other attainments of the applicant;
- the experience and maturity of the applicant;
- the amount of experience the candidate has working with Indigenous communities;
- the familiarity of the applicant with, and understanding of, First Nations' concerns;
- the applicant's record in the community; and
- 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.

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

Following a request from the Minister of Justice, the Council initiated a judicial appointment process in 2021 to fill an anticipated vacancy on the Territorial Court Bench resulting from the retirement of Judge Peter Chisholm. This process continued in 2022, culminating in the provision of a list of recommended candidates to the Minister. Judge John Phelps was appointed to the Territorial Court by Order-in-Council of the Commissioner of Yukon on July 14, 2022. Judge Phelps swore his oath of office on July 26, 2022.

Deputy Judge Appointments

The 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 as required to deal with situations when the resident judges cannot hear cases in a timely manner. As such, Deputy Judges perform a vital role in providing adequate judicial services in the territory.

In 2022, the Council recommended one Deputy Judge appointment, and four Deputy Judge re-appointments, to the Minister.

A list of all Territorial Court Deputy Judges as of December 31, 2022, is annexed as Appendix B.

Justice of the Peace Appointments

The Council is also responsible for recommending the appointment of Justices of the Peace. Yukon Justices of the Peace have evolved as an indispensable and essential part of the 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 accessible community-based justice. A strong Justice of the Peace program, which is able to ensure there are trained active Justices of the Peace 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 of the Peace 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 an appointment 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 similar to the process used to appoint Judges. Applicants first complete an application form and return it to the 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 Council on the basis of the application form, training and previous work experience, 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.

Justices of the Peace are divided into two categories: administrative and presiding. Justices of the Peace 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, and perform all the duties imposed on a Justice or on two Justices or on a judge by or under an enactment of the 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 Supervising Judge or Chief Judge. The letter of authorization system allows the Supervising 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 Supervising Judge to identify training needs.

The application form for Justice of the Peace candidates is annexed in Appendix C.

In 2022 there were two recommendations made to the Minister for the appointment of for new Justices of the Peace and one Justice of the Peace retired.

A list of all Yukon Justices of the Peace as of December 31, 2022, 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 *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 their duty or is impaired or diminished in their ability to perform their responsibilities, may lodge a written complaint.

The *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

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 when the complaint is dealt with by the 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 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 Chief Justice of the Supreme Court.

There was one continuation of a complaint carried over from 2021, and one formal complaint received by the Council in 2022, summarized in Appendix F.

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 their efforts to develop a formal training

process for Justices of the Peace. The list of Justice of the Peace training activities for 2022 are annexed as Appendix E.

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.

APPENDIX A
JUDICIAL CANDIDATE APPLICATION FORM

JUDICIAL CANDIDATE APPLICATION FORM

THIS APPLICATION MUST BE TYPED

1. PERSONAL INFORMATION

FULL NAME:

BUSINESS ADDRESS:

PHONE NUMBER & AREA CODE: (____) _____

RESIDENTIAL ADDRESS:

PHONE NUMBER & AREA CODE: (____) _____

Date(s) and Province(s) or Territory(ies) of call(s) to bar: _____

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

Current Speciality or Specialities of Law, if any: _____

Do you identify as any of the following:

Indigenous person:

Inuit

Métis

Yukon First Nation

First Nation: _____

Person from any historically under-represented group - please specify:

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.

(c) Experience working with First Nation or other Indigenous communities:

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 your ability to fulfill your duties as a Territorial Court judge.

- (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 Court.

- (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. LITIGATION/ADMINISTRATIVE TRIBUNAL/DISPUTE RESOLUTION EXPERIENCE:

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

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

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

(d) Other:

8. TRAVEL REQUIREMENTS:

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

Yes

No

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

Yes

No

(c) 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 Court.

- (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 _____

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 Assessment 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
- Demonstrated sensitivity to Yukon First Nations' and Indigenous peoples' interests
- Experience working with Indigenous communities
- 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, child protection, civil, or other areas of 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 the pressure of 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 Court
 - (f) maturity, life experience and wisdom
- Respect in the community
- Record of community service

**A preference will apply for qualified Canadian Indigenous persons, with a priority for members or citizens of a Yukon First Nation.

**Judicial Council recognizes the need to have a Territorial Court that is demographically representative of the community it serves.

APPENDIX B
TERRITORIAL COURT OF YUKON
DEPUTY JUDGES

TERRITORIAL COURT DEPUTY JUDGES

Name and Court	Term Expiry Date
Justice Michael S. Block Ontario Court of Justice	November 4, 2025
Judge Michelle R. Brass Provincial Court of Saskatchewan	February 5, 2025
Judge Adrian Brooks Provincial Court of British Columbia	January 10, 2026
Justice Kathleen Caldwell Ontario Court of Justice	May 7, 2024
Judge Stephen C. Carter Provincial Court of Saskatchewan	June 24, 2025
Judge Peter Chisholm Territorial Court of Yukon	October 4, 2027
Justice Joseph De Filippis Ontario Court of Justice	February 25, 2024
Judge Gurmail S. Gill Provincial Court of British Columbia	April 4, 2023
Justice Peter Griffiths Ontario Court of Justice	April 4, 2023
Judge Murray J. Hinds Provincial Court of Saskatchewan	November 4, 2025
Judge Timothy J. Killeen Provincial Court of Manitoba	June 24, 2025
Justice Martin P. Lambert Ontario Court of Justice	January 9, 2027
Judge Robert J. Lane Provincial Court of Saskatchewan	May 7, 2024
Judge E. Ann Marie MacInnes Provincial Court of Nova Scotia	January 9, 2027
Justice Allan S. Maclure Ontario Court of Justice	April 19, 2027
Justice Katherine McLeod Ontario Court of Justice	July 21, 2026
Judge Gerald M. Morin Provincial Court of Saskatchewan	January 9, 2027
Judge Brian M. Neal Provincial Court of British Columbia	January 28, 2026
Chief Judge Nancy K. Orr Provincial Court of Prince Edward Island	November 4, 2025
Judge Nancy Phillips Provincial Court of British Columbia	July 21, 2026

Name and Court	Term Expiry Date
Judge James Plemel Provincial Court of Saskatchewan	February 25, 2024
Justice Richard D. Schneider Ontario Court of Justice	January 28, 2026
Judge Carol Ann Snell Retired: Provincial Court of Saskatchewan	August 23, 2027
Judge Murray P. Thompson Provincial Court of Manitoba	April 22, 2025
Judge David C. Walker Provincial Court of New Brunswick	October 24, 2024
Judge Raymond E. Wyant Retired: Provincial Court of Manitoba	August 16, 2025

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 Justice of the Peace may undertake. The authorizations a Justice of the Peace acquires depend on the needs in the Justice'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, imposing sentence, 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 gender, race, ethnicity, religion, sexual orientation, age, mental or physical disability, 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 skills
- 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 Appointment 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 2nd Avenue, 4th Floor
Whitehorse, Yukon Y1A 5H6**

The completed application form may also be emailed to Judges' Chambers at tera.labar@yukoncourts.ca

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 applicant's community. A judge interviews the applicant and arranges for reference checks to be completed before making a recommendation 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 Tera LaBar, Senior Judges' Assistant: Telephone: (867) 667-5438, Fax: (867) 393-6400 or E-mail: tera.labar@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 your or your immediate family that could cause a conflict of interest, 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, if appointed a Justice of the Peace.

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, telephone numbers, and email addresses

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 Territorial Court and/or Judicial Council, as may other persons who are aware of your experience and abilities.

All information will be kept in confidence by the Court and 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, and email addresses.

5. Name: _____ Work Related/Other

Address: _____

Business No. (_____) _____ Residential No. (_____) _____

Email address: _____

2. Name: _____ Work Related/Other

Address: _____

Business No. (_____) _____ Residential No. (_____) _____

Email address: _____

3. Name: _____ Work Related/Other

Address: _____

Business No. (_____) _____ Residential No. (_____) _____

Email address: _____

4. Name: _____ Work Related/Other

Address: _____

Business No. (_____) _____ Residential No. (_____) _____

Email address: _____

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, 2022**

YUKON JUSTICES OF THE PEACE
As of December 31, 2022

NAME	LEVEL
Allen, Shawn (Haines Junction)	3
Ash, Elaine Reta (Tagish)	3
Bigras, Gigi (Dawson City)	2
Blackburn-Johnson, Judith (Dawson City)	3
Blewett, Ken (Carcross) (expired)	3
Bradasch, Robin (Whitehorse)	Admin
Braga, Valerie (Whitehorse)	3
Carreau, Deborah (Faro)	2
Clark, Minnie (Teslin)	2
Ferland, Larissa (Whitehorse)	3
Frizzell, Shauna (Whitehorse)	3
Gage, Mildred (Whitehorse)	1
Guy, Bonnie (Whitehorse)	Admin
McDonald, Linda (Watson Lake)	2
Morrison, Sharman (Whitehorse)	3
Proctor, Iris (Whitehorse)	3
Regehr-Panter, Christine (Whitehorse)	3
Riseborough, Michael (Haines Junction)	N/A
Rowlands, Rosemary (Whitehorse)	2
Rudolph, James "Wess" (Whitehorse)	3
Smith, Lilly (Haines Junction)	2
Smyth, Steve (Whitehorse)	3
Spencer, Ian (Mayo)	3
Stevens, (John) Mark (Whitehorse)	3
Tetlich, Joseph (Whitehorse)	Admin

APPENDIX E

**JUSTICE OF THE PEACE
TRAINING SESSIONS 2022**

JUSTICE OF THE PEACE TRAINING SESSIONS 2022

MARCH

1. Taking Signatures

- **Presenter:** Cathy Rasmussen
- **Date:** Thursday, March 10, 2022, 2-4pm
- **Registration open to all Justices of the Peace**
- **Overview:** Justices of the Peace are Commissioners for Taking Affidavits. This session will outline the steps to be taken when asked to receive someone's sworn or affirmed signature, as well as covering limitations to JP authority to take signatures and how to navigate potential pitfalls.

2. Informations and Process:

- **Presenter:** Judge Ruddy
- **Date:** Tuesday, March 15, 2022, 2-4pm
- **Registration open to all Justices of the Peace**
- **Overview:** This session will cover the major changes in the legislation regarding receiving informations and issuing process.

3. Offence Elements:

- **Presenter:** Cathy Rasmussen
- **Date:** Thursday, March 24, 2022, 2-4pm
- **Registration open to all Justices of the Peace**
- **Overview:** This session will cover how to break down the essential elements of an offence.

APRIL

4. Issuing Subpoenas, Feeney Warrants, Reports to a Justice, and Reading Court Documents:

- **Presenter:** Judge Ruddy
- **Date:** Friday, April 8, 2022, 10am-12pm
- **Registration open to all Justices of the Peace**
- **Overview:** This session is a mixed bag, covering off a number of smaller topics plus any questions you may have.

5. Judicial Independence:

- **Presenter:** Cathy Rasmussen
- **Date:** Thursday, April 14, 2022, 2-4pm
- **Registration open to all Justices of the Peace**
- **Overview:** This session will cover the concept of judicial independence and its critical importance to ensuring a fair and equitable criminal justice system and to maintaining confidence in the administration of justice.

6. Judicial Ethics:

- **Presenter:** Judge Ruddy
- **Date:** Friday, April 29, 2022, 2-4pm
- **Registration open to all Justices of the Peace**
- **Overview:** This session will cover the ethical guidelines for Judges and JPs applicable to our conduct and our decision-making.

7. Caselaw:

- **Presenter:** Cathy Rasmussen
- **Date:** Wednesday, May 4, 2022, 2-4pm
- **Registration is open to all Justices of the Peace**
- **Overview:** This session will cover how to find, read, understand, and apply caselaw.

8. Online Zoom Caselaw:

- **Presenter:** Cathy Rasmussen
- **Date:** Wednesday, May 17, 2022, 2-4pm
- **Registration is open to all Justices of the Peace**
- **Overview:** This session will cover how to find, read, understand, and apply caselaw.

9. JP Conference

- **Presenter:** Judge Ruddy
- **Date:** October 14-16, 2022
- **Registration open to all Justices of the Peace**
CANCELLED DUE TO WEATHER CONDITIONS

APPENDIX F
SUMMARY OF COMPLAINTS
TO JUDICIAL COUNCIL
FOR 2022

SUMMARY OF COMPLAINTS 2022

There was one complaint carried over from 2021. The complaint was regarding a justice of the peace dealing with a matter, which was before the Supreme Court of the Yukon, in a manner contrary to the instructions of the Supreme Court justice that was presiding over the matter. Judicial Council disposed of the matter, on February 10, 2022, by way of a letter of reprimand in accordance with s. 41(1)(c)(f) of the *Territorial Court Act*. The letter of reprimand was issued to the justice of the peace and a copy of the letter of reprimand was provided to the complainant.

There was one complaint received on October 20, 2022, that was disposed of as of November 8, 2022. The complaint was regarding a presiding judge who, in the context of a sentencing hearing, did not properly address the right of the victim to provide a victim impact statement at the hearing, accepting the submission of counsel that there would be an opportunity to do so in the future, on another matter involving the same offender and victim. The other matter, however, did not result in a conviction, so the victim was never able to provide a victim impact statement.

Judicial Council referred the matter to the Chief Judge in accordance with s. 41(1)(b) of the *Territorial Court Act*, to dispose of the matter in accordance with s. 42. The judge was spoken to by the chief judge, accepted full responsibility for this error, and noted that, because of the complaint, would be more aware of the court's duty to victims in proceedings. The complainant was provided a copy of the reasons for the manner in which the complaint was disposed of. These reasons included an outline of the statutory obligation to victims that the judge was required to comply with, the circumstances of the sentencing hearing the judge had presided over, an explanation of the manner in which the judge should have handled the sentencing hearing in regard to the rights of the victim, and the acknowledgement by the judge of the error made and the judge's commitment to ensure that the rights of victims before the judge in future are more carefully taken into account.