

Nova Scotia Judicial Council

The Council was established in 1980 to investigate complaints against provincially-appointed Judges of the Provincial and Family Courts.

It is chaired by the Chief Justice of Nova Scotia and includes lawyers and members of the public who are appointed by the Provincial Government.

Under provisions set down in the Provincial Court Act and the Family Court Act of Nova Scotia, the Council may review complaints that are referred to it by the Chief Judge of the Provincial and Family Courts.

The Council may investigate the complaint, resolve the complaint, dismiss the complaint or hold a hearing. Decisions that result from such hearings are made public.

The Judicial Council cannot investigate:

- general complaints about the Courts or the Judiciary as a whole
- complaints about unnamed Judges
- complaints about Court employees or lawyers
- complaints about Judges appointed by the federal government

The Judicial Council also cannot:

- overturn or change the decision of a judge
- grant appeals
- address demands for a new trial
- compensate individuals

THE CONDUCT OF JUDGES

**IN THE
PROVINCIAL & FAMILY COURTS
OF NOVA SCOTIA**



**Presented by
THE NOVA SCOTIA
JUDICIAL COUNCIL**

**AND THE ROLE OF THE
NOVA SCOTIA
JUDICIAL COUNCIL**

About Judicial Conduct

Every year Nova Scotia's Provincial and Family Court Judges make thousands of decisions on matters that range from procedural questions to the most basic interests of those appearing before them.

When one side or the other in a legal dispute thinks that the Judge has come to the wrong decision, our system of justice allows that person to appeal to a higher Court. Appeal Courts can reverse or vary decisions of other Judges.

However, the fact that an appeal Court has overturned a Judge's decision does not mean that the Judge's conduct or behaviour was improper.

Whether Judges are correct or incorrect in their decisions, a high standard of professional and personal conduct is expected of them. When someone believes that a Judge's conduct or behaviour is of serious concern, or that a Judge is not fit to be on the bench, here, too, our system of justice allows that person recourse.

A Judge's Decision

vs.

A Judge's Conduct

There is a difference between a Judge's "DECISION" and a Judge's "CONDUCT".

If you disagree with a Judge's "DECISION", you may appeal it to a higher Court.

When one side or the other in a legal dispute thinks the Judge has made a wrong decision, they may ask a higher Court to review that decision. This Appeal Court may or may not reverse the first Judge's decision. But regardless of whether or not their decisions are reversed on appeal, we demand a very high standard of personal conduct on the part of Judges.

If you are concerned about a Judge's "CONDUCT", you may file a complaint.

In Nova Scotia, if you have a complaint about the conduct of a Provincial Court Judge or a Family Court Judge - inside or outside the courtroom - you may submit a written complaint.

How Do I Complain?

...about the conduct of a Provincial Court Judge or a Family Court Judge

Send your complaint in writing to the:

Chief Judge of the

Provincial & Family Courts

Dartmouth Provincial Court

277 Pleasant Street, 2nd Floor

Dartmouth, NS B2Y 4B7

...about the Chief Judge or Associate Chief Judge of the Provincial or Family Courts

Send your complaint in writing to the:

Chief Justice of Nova Scotia

The Law Courts

1815 Upper Water Street

Halifax, NS B3J 1S7

...about the conduct of:

- Judges of Nova Scotia Court of Appeal
- Supreme Court of Nova Scotia
- Supreme Court (Family Division)

These Judges are appointed by the federal government. You must direct any complaint concerning the conduct of federally-appointed Judges to:

The Canadian Judicial Council
150 Metcalfe Street - 15th Floor
Ottawa, Ontario
K1A 0W8

What Must Be Included

A complaint about a Judge of the Provincial or Family Court must include:

- the name of the Judge
- the date, time, and place of the Court hearing or circumstances
- details about the Judge's conduct and why you think it was wrong
- your name, address, and phone number - and your signature

NOTE: please keep it short and to the point - do not include Court documents

The Complaint Process

The Chief Judge may:

- dismiss the complaint if it is vexatious, frivolous, or about the Judge's decision
- resolve the complaint
- refer the complaint to the Judicial Council for further investigation

If the complaint is referred by the Chief Judge to the NS Judicial Council

(see next panel)