

Criteria for Appointment as a Provincial Court Judge under Prince Edward Island's *Provincial Court Act*

A. Minimum Qualifications:

Appointment of Judges:

2(2) The Lieutenant Governor in Council may appoint as a judge a person who

(a) is a member in good standing of the Law Society of Prince Edward Island under the Legal Profession Act R.S.P.E.I. 1988, Cap L-6.1;

(b) has been a member in good standing at the bar of a province in Canada for at least five years immediately preceding the date of the person's appointment; and

(c) has agreed to comply with the continuing education plan for judges established by the Chief Judge pursuant to subsection 4.01(1), including any continuing education in sexual assault law that may be prescribed by the Chief Judge.

B. Skills, Abilities and Personal Characteristics

In July 1995, Executive Council approved the establishment of the Judicial Appointments Advisory Committee to establish a mechanism for the provision of independent, non-partisan advice to the Attorney General on the suitability of applicants for appointment to the Provincial Court of Prince Edward Island.

The process that was approved indicates that a committee shall be established each time that an appointment is to be made. Its responsibilities terminate following the appointment.

The Committee is to be composed of five persons:

- (i) the Chief Judge of the Provincial Court;
- (ii) a lawyer appointed by the Law Society of Prince Edward Island;
- (iii) a lawyer appointed by the Canadian Bar Association;
- (iv) two other persons appointed by the Attorney General who are neither judges nor lawyers but by virtue of their education and employment can properly assess the qualities required of a provincial court judge.

The process also provides that in the appointment of members, diversity of population and gender balance shall be recognized, and that the Chief Judge shall chair the Committee.

As established by Executive Council, and announced on February 28th, 2020, the Prince Edward Island Judicial Appointments Advisory Committee now seeks applications from candidates for the position of Provincial Court Judge.

The Advisory Committee shall assess candidates on the basis of three categories: recommended, highly recommended and unable to recommend. The Advisory Committee shall provide the Attorney General with reasons supporting the assessments.

To ensure uniformity and fairness, the Advisory Committee, shall, as far as possible, make the assessments on the same type of information. Any written and oral questions to candidates should be roughly identical.

In formulating its assessments, the Advisory Committee will use the following criteria to assess the skills, abilities and personal characteristics of the candidates:

- Experience in criminal law is highly desirable.
- Demonstrated professional achievement in area(s) of legal work in which the candidate has been engaged.
- Involvement in activities which demonstrate that the applicant remains current with changes in the law, the administration of justice and the application of Canada's Charter of Rights and Freedoms.
- A reputation for professional excellence, leadership, honesty, integrity, fairness, flexibility and punctuality.
- Diverse life experience, as well as a demonstrated commitment to community service that would enhance work as a Provincial Court Judge.
- Community awareness and sensitivity to social issues facing the community.
- Ability to act compassionately, courteously, politely, and patiently.
- Ability to listen openly, remain impartial, work independently, be efficient and demonstrate good judgment, including in the face of actual and/or perceived conflict of interest.
- Ability to communicate respectfully and conduct oneself in a dignified and judicious manner.
- Awareness and appreciation for social context issues, including those in respect of diversity, gender, racial equity and indigenous peoples.
- Good health except to the extent that any physical or mental condition or challenge would not reasonably preclude performance as a Provincial Court Judge

C. Other Considerations

- Except where sufficient information is available to confirm that a claim against an applicant is frivolous or lacking foundation, an application will not be considered if a candidate has been subject to a serious professional complaint or errors and omissions (insurance) claim.
- Candidates with a criminal record will not be considered.
- The application of a candidate involved in a serious civil action, or outstanding financial obligations (such as unpaid taxes or arrears in spousal or child support payments) will not be considered.

Application:

To assist the Prince Edward Island Judicial Appointments Advisory Committee in determining fitness for appointment:

- All candidates shall complete and submit the Judicial Candidate Information Form.
- All candidates shall submit a signed *Release of Information* form addressed to the Advisory Committee that will permit the Advisory Committee to obtain complaint history, insurance claim history and/or professional records reviews from all Law Societies of which they are a member.
- All candidates shall submit a signed *Release of Medical Information* form addressed to the Prince Edward Island Judicial Appointments Advisory Committee.
- Candidates shall at their sole expense submit a Criminal Record (Police Record) Check, including a Vulnerable Sector Check; a Driving Abstract; and, a Credit Check.
- Candidates shall also provide a copy of the results of a valid bankruptcy search together with a copy of any past or present proposals to creditors or assignment into bankruptcy.
- All candidates shall provide, at their sole expense, copies of any outstanding civil judgments and if requested adequate confirmation that there are no arrears in spousal or child support payments.
- After applications are screened by the Prince Edward Island Judicial Appointments Advisory Committee, those applicants selected for an interview will be contacted by the Advisory Committee.

Candidates will not be provided with the results of the assessments, which are confidential and solely for the use of the Attorney General and the Lieutenant Governor in Council.

Candidates should be aware that the successful candidate will be assigned to sit in Summerside, Prince Edward Island and primarily hear matters that arise in Prince County.

THE DEADLINE FOR COMPLETED APPLICATIONS TO BE SUBMITTED IS TUESDAY, MARCH 31ST, 2020 AT 4 P.M.

Information current as of March 3, 2020.