



COUR DU QUÉBEC



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1

Process for Selecting Judges and Presiding Justices of the Peace

According to the applicable provisions¹, only lawyers or notaries who have practised their profession for at least ten years may apply to fill a position of judge or presiding justice of the peace² when a selection notice is published on the websites of the Ministère de la Justice, the Barreau du Québec and the Chambre des notaires du Québec.

Once a notice is posted, a rigorous selection process is implemented by a committee of five people, including the Chief Judge of the Court of Québec or a judge designated by the Chief Judge. One member is designated by the Bâtonnier du Québec: an advocate or a professor in a law faculty in Québec. The president of the Chambre des notaires du Québec designate a notary or a professor in a law faculty in Québec. One person who is not judge or member of the Barreau du Québec or the Chambre des notaires du Québec is designated by the chair of the Office des professions du Québec. For the office of judge assigned to the Criminal and Penal Division, the Minister of Justice designate a person working in an organization assisting persons who are victims of criminal offences, after consulting such organizations. For the office of judge not assigned to the Criminal and Penal Division, the chair of the Office des professions du Québec designate a second person who is not judge or member of the Barreau du Québec or the Chambre des notaires du Québec.

Various criteria are set out in the Act to assess a candidate's application, including professional competencies, integrity, level-headedness, quality of expression, and level of awareness with respect to social realities.

After reviewing the applications and conducting interviews, the committee indicates, for each available position, the names of the three best candidates proposed to be appointed as judges.

The Minister of Justice refers to the selection committee's report, which contains a personalized assessment of the proposed candidates, in order to choose from among those declared fit to be appointed and submit a recommendation to Cabinet.

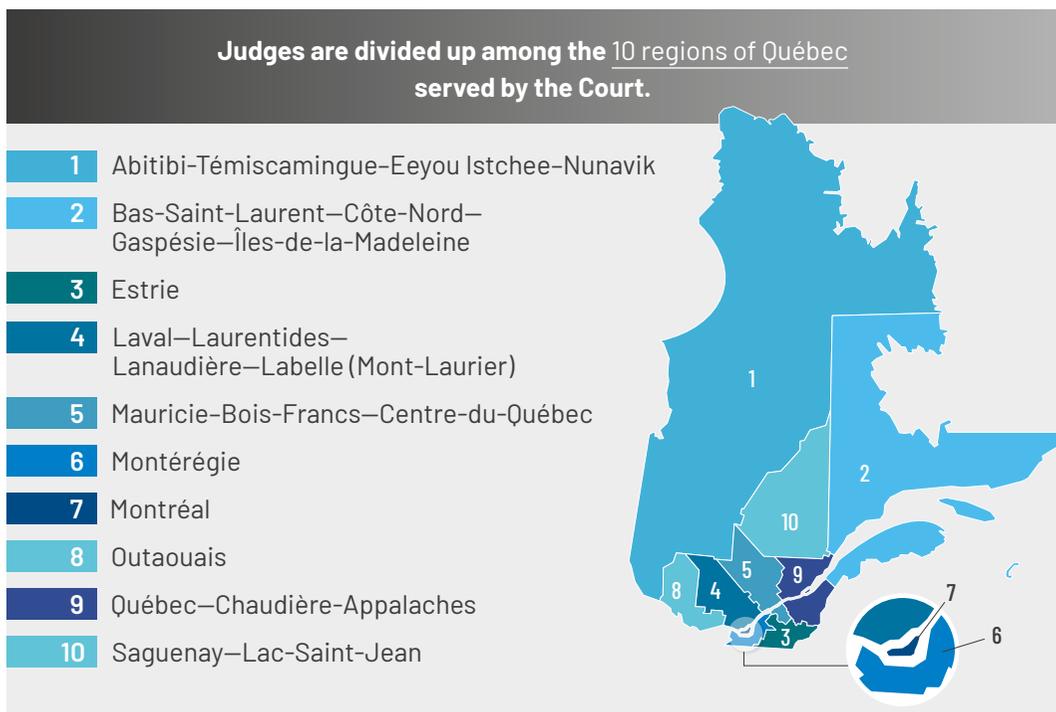
1. [Courts of Justice Act](#), CQLR, c. T-16 and [Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace](#), CQLR, c. T-16, r. 4.1.

2. Unless otherwise indicated by the context, the term "judge" is used in this document to refer both to judges and presiding justices of the peace of the Court of Québec.

2

Composition of the Court

The Court of Québec is composed of [333 judges and 39 presiding justices of the peace](#); [gender parity](#) is generally maintained as people retire and are appointed. In addition, some sixty per diem judges (i.e., retired judges who are authorized to exercise the judicial functions assigned to them by the Chief Judge) serve the Court on an ad hoc basis to assist it in fulfilling its mission. Per diem judges make a valuable contribution by helping the Court to minimize judicial delays.



Judges also carry out their duties on a circuit court to serve Indigenous communities in northern Québec and the Côte-Nord region.

The Court’s [management team](#) includes a chief judge, a senior associate chief judge, and three associate chief judges, who serve a non-renewable seven-year term. An associate chief judge is assigned to head up each of the Court’s three divisions (i.e., the Civil Division, the Criminal and Penal Division, and the Youth Division).

The chief judge appoints [10 coordinating judges and twelve associate coordinating judges](#) from among Court judges. These judges are primarily responsible for seeing to judicial activities in their local region or matters that fall under their responsibility. The term of office for each of these judges is three years and is renewable.

Judges in management positions carry out their managerial role with the greatest respect of judicial independence. They have no power to direct a judicial decision to be rendered or review a judicial decision that has already been rendered in a given case. Rather, one of their roles is to ensure that judges have optimal working conditions and sufficient human and material resources (e.g., judge positions, support staff, courtrooms, offices, security, and technology). In this regard, judges in management positions ensure that the needs of the Court and its judges are documented and conveyed to the responsible authorities, namely the Ministère de la Justice du Québec.

3

Judicial Function

Every day in Québec, Court of Québec judges preside over nearly 150 courtrooms, hearing litigants who have disputes to debate.

These judicial debates are public, and anyone may attend a hearing, except in special circumstances. In principle, the decisions rendered are also public.

The primary function of a judge is therefore to preside over hearings and to administer justice within the framework of the law. However, hearing cases in the courtroom is only part of judges' workload. They also preside over settlement, facilitation, and case management conferences in civil, criminal and penal, and youth matters. These are useful tools for starting or wrapping up discussions aimed at identifying issues, making admissions, or reaching settlements. They are an effective way to ensure optimal use of resources and reach faster decisions.

Judges must also deliberate on the decisions they need to render, which can require them to delve deeper into a point of law, for instance by examining other decisions on the same topic. They also write up their judgments, prepare for future cases, and make sure they keep pace with new legal developments and issues.

In addition to these judicial functions, many judges sit on various working committees of the Court or other bodies and actively collaborate on activities of interest to the legal community. For example, many participate in small claims information sessions presented to the public. Others take part in activities at educational institutions to explain the role of judges.

4

Jurisdiction of the Court

The judges of the Court of Québec hear in first instance the largest volume of judicial cases in the province. They are competent in civil, criminal, and penal matters as well as in matters relating to youth.

Court of Québec judges may also sit on two tribunals having specific jurisdiction: the [Professions Tribunal](#) and the [Human Rights Tribunal](#). The former hears appeals on matters relating to professional ethics. The latter handles appeals when violations of the [Charter of Human Rights and Freedoms](#)³ are alleged.⁴

Civil Division

There are three divisions within the [Civil Division](#).

Regular Division

The Court's judges have jurisdiction, within the limits prescribed by law, over civil actions initiated under the [Code of Civil Procedure](#)⁵ or any other statute. The judges have authority to hear claims where the monetary value or interest of the matter in dispute is less than \$100,000, except for support payment claims, claims related to residential leases that come under Tribunal administratif du logement, and claims reserved for the Federal Court. The judges have the power to rule on municipal or school tax claims and to reverse or set aside municipal or school board assessment rolls.

Restricted license and vehicle release claims also fall under the jurisdiction of the judges under the [Highway Safety Code](#)⁶.

Finally, judges hear applications for custody for the purpose of or following a psychiatric examination.

The law also stipulates that a judge's jurisdiction, in addition to settling disputes, extends to ensuring proper case management and attempting to reconcile the parties when circumstances permit. For example, judges may take case management measures to simplify or expedite proceedings or shorten the duration of trials via amendments to pleadings, expert opinions, pretrial discovery, deadline extensions, etc.

For reconciliation, judges have the power to preside over [settlement conferences](#) to help the parties communicate and explore solutions that could lead to a satisfactory agreement to settle the dispute.

3. CQLR, c. C-12.

4. For more information on their fields of competence and activities, see their respective websites.

5. CQLR, c. C-25.01.

6. CQLR, c. C-24.2.

Small Claims Division

Judges in the Small Claims Division decide cases involving claims of no more than \$15,000. The judges are also called upon to decide tax-related summary appeals.

Litigants are entitled to consult a lawyer to prepare their case. However, they must represent themselves at the hearing, i.e., they may not be assisted or represented by counsel, except when special permission is granted (e.g., in cases that raise complex legal questions).

Disputes are settled according to the same rules of law as those upheld by any court exercising jurisdiction in civil matters. However, the written procedure is simplified. At trial, the judges explain the rules of evidence and procedure to the parties. They direct the proceedings, question witnesses, hear the parties, and decide the issues in dispute. They provide each party with fair and impartial assistance, so as to render effective the substantive law and ensure that it is carried out. When circumstances allow, the judges endeavour to bring the parties to an agreement. The judgment is final and binding.

Administrative and Appeal Division

The Administrative and Appeal Division (AAD) was created in 2007. It includes a team of approximately 30 specialized judges sitting throughout the province who are chosen by the Chief Judge of the Court of Québec to manage, hear and rule on all recourses that the Québec legislator has entrusted to the Court of Québec in matters of appeals and contestations of administrative decisions.

Notably, the AAD judges hear the following appeals and contestations of administrative decisions:

1. Appeals in access to information matters (appeals from decisions of the Commission d'accès à l'information);
2. Appeals in municipal taxation and expropriation matters (appeals, with leave, from decisions of the Administrative Tribunal of Québec, Real Estate Section)
3. Appeals in protection of agricultural lands matters (appeals, with leave, from decisions of the Administrative Tribunal of Québec, Territory and Environment Section);
4. Appeals in residential housing matters (appeals, with leave, from decisions of the Administrative Housing Tribunal);
5. Appeals from decisions of the Financial Markets Administrative Tribunal;
6. Appeals in police ethics matters (appeals, with leave, from decisions of the Tribunal administratif de déontologie policière);
7. Appeals in ethics matters involving professionals in matters of financial products and services distribution and real estate brokerage (appeals from decisions of the ethics committees of the Chambre de la sécurité financière, of the Chambre de l'assurance de dommages and of the Organisme d'autoréglementation du courtage immobilier du Québec);
8. Appeals (lodged before January 1st, 2021) and contestations in matters of provincial taxation (appeals and contestations regarding decisions of the Agence du Revenu du Québec);
9. Contestations in mining and natural gaz matters (contestations of certain decisions of the Minister of Natural Resources and Forests);
10. Contestations in matters involving the issuance of real estate brokerage licenses (contestations of decisions of the Organisme d'autoréglementation du courtage immobilier du Québec);

11. Contestations in matters involving the dismissal or reduction of the salary of a director or manager of a police force (contestations of decisions of a municipal council);
12. Contestations regarding the determination of the fair market value of patrimonial property (contestations of decisions of the Conseil du patrimoine culturel du Québec);
13. Contestations in ethics matters involving lobbyists (contestations of decisions of the Lobbyists Commissioner).

Criminal and Penal Division

The Court of Québec has jurisdiction over any offence under federal or provincial law, whether [penal, criminal, or regulatory in nature](#). The only exception is in trials before a court composed of a jury and a judge of a Superior Court.

The judges of the Court of Québec preside over each step in the judicial process, from first appearance to imposition of the sentence, as the case may be. They are also very regularly called on to rule on applications for judicial authorization in the course of investigations (e.g., search warrants). The judges share this part of their jurisdiction with the presiding justices of the peace. To ensure the responsibility is properly assumed, presiding justices are available at all times, every day of the year, to analyze such applications.

Presiding justices of the peace preside over prosecutions under some 100 public welfare laws in areas as diverse as occupational health and safety, environmental protection, illegal practice of a profession, securities, and road safety.

Youth Division

Section 83 of the [Courts of Justice Act](#)⁷ establishes the jurisdiction of the Court of Québec in [youth matters](#).

Youth protection

The Court of Québec hears cases relating to the [Youth Protection Act](#)⁸. These cases concern children under the age of 18 whose safety or development is compromised according to the director of youth protection. If this proves to be the case, the judge will order that one or more measures provided for by law be taken and will determine their duration.

Any protection order may, under certain conditions, be extended or revised before it expires. In such cases, the application must be made to the judge who made the original order, unless this judge is prevented from doing so. This particularity of judges in the Youth Division is to ensure that they develop good knowledge of the child's situation. They are sometimes involved with a particular child for many years.

Adoption

The Court has exclusive jurisdiction over all adoption applications, including international adoption.

Custody, emancipation, parental authority, and tutorship

The Court of Québec has jurisdiction over certain family-related applications involving children who are already the subject of applications for protection or adoption. This is particularly the case for applications with regard to the custody or emancipation of a child or to settle a dispute concerning the exercise of parental authority over a child.

Criminal prosecution of adolescent youth

The Court exercises jurisdiction over any youth over age 12 and under age 18 who is charged with committing a criminal offence⁹. However, in certain exceptional circumstances it is possible that the trial may take place before a court composed of a Superior Court judge and a jury.

Penal prosecution of an adolescent youth

The Court of Québec presides over the trials of youth charged with an offence under provincial law when they were between the ages of 14 and 18¹⁰.

7. CQLR, c. T-16.

8. CQLR, c. P-34.1.

9. See the [Youth Criminal Justice Act](#), S.C. 2002, c. 1.

10. An example would be an offence under the [Highway Safety Code](#), CQLR, c. C-24.2.

5

Office of the Chief Judge

The [Office of the Chief Judge](#) operates under an administrative delegation agreement with the Minister of Justice of Québec. It provides the various services required for the judiciary and the Court to operate properly:

- Administrative support for chief judges
- Organization of administrative meetings
- Updating of the Court's intranet and websites
- Maintenance, monitoring, and analysis of various statistics related to judicial activities
- Reimbursement of travel and official expenses
- Procurement of furniture and various other furnishings
- Document management

Research Department

The Office provides judges with a team of legal specialists ("researchers") who work closely with them. The fifteen or so legal researchers who make up the [Research Department](#) issue legal opinions and write documentary research reports (laws, regulations, decrees, judgments, or doctrine) or reports on various substantive law issues. Researchers draw up files on specific topics and help prepare legal briefs for judges. They also contribute to judges' professional development activities, as needed.

In all, the Office of the Chief Judge is staffed by about thirty employees headed by the executive director of the Court of Québec, who acts under the direction of the Chief Judge of the Court.

6

Professional Development

[Professional development](#) is essential to the judges' ability to fulfil their judicial responsibilities and render the justice to which litigants are entitled. With this in mind, the Court has adopted a professional development policy and framework program.

After the policy was implemented, a judge was put in charge of professional development and another was made responsible for national and international matters. The two judges receive administrative support from a permanent secretariat attached to the Conseil de la magistrature du Québec. In addition, an advisory committee has been set up to advise the Court on professional development matters.

The framework program sets out the nature of the training sessions to be made available to judges and provides for ongoing support from the time judges are appointed to the time they retire.

The various training sessions for judges cover topics as broad-ranging as ethics, social realities, and how to conduct trials, manage cases, and formulate and write judgments. Annual training sessions are also held in each region of Québec to meet specific needs expressed by the judges themselves and to provide continuous opportunities for them to update their skills.

Professional development for judges includes programs for them to further their legal, technical, and scientific knowledge. Various activities are also aimed at raising judges' awareness of the social context of specific litigation and the issues at stake in the society they serve.

The Court of Québec owes the success and high quality of its professional development program to the collective efforts of judges, many of whom contribute as program designers, organizers, committee members, facilitators, or speakers.

7

Ethics and Professional Conduct

The chief judge of the Court of Québec must ensure that judicial ethics are upheld. The chief judge shares this responsibility with the management team, which provides support by carefully overseeing judges' conduct.

The chief judge is also the chair of the [Conseil de la magistrature du Québec](#)¹¹, the body charged with receiving and examining any complaint lodged against a provincially appointed judge. The [rules of professional conduct](#) for judges are based on three fundamental principles: independence, integrity, and impartiality. They serve as guidelines for judges' behaviour to ensure their conduct does not undermine public confidence in the courts.

11. To learn more about the Conseil de la magistrature du Québec visit <https://conseildelamagistrature.qc.ca/en/>