

Report from the Ethics Advisory Council

CAPCJ Fall Meeting, 2022

The Ethics Advisory Council is a subcommittee of the Judicial Ethics Committee. Since the fall of 2017, the EAC has been responding to requests for advice on Ethical Questions made by members of CAPCJ.

The EAC operates strictly as an advisory body; our opinions, which are almost always published, are nonetheless anonymized to the extent possible. We acknowledge also that it is ultimately up to the member who sought advice to determine whether or not to accept our opinion.

Requests for advice by the Council generally come through any one of the provincial representatives on the Council. A judge seeking advice need not make a request only through their own provincial representative. For the most part, the requests are received by email, though some are sought in person. The representative receiving a request (the “requesting member”) for advice will communicate that to all the Council members who meet virtually to discuss the matter. The requesting member will then usually draft the Council’s response. If there is a disagreement, the member or members disagreeing will draft their own response. To date that has not occurred.

The Council’s preference is to post our written opinions on our page of the CAPCJ website. With the permission of the requesting judge, opinions are posted on an open-to-members portion of the site. If the requesting judge does not consent, the opinions are kept by the Chair and not published.

Where the opinion is to be published, the facts are generalized so the identity of the judge is not obvious. If, in the view of the Council, the facts are so unique and/or specific that the requesting judge is capable of being identified the opinion is not published.

Since our last report we have provided one opinion which has not been posted to our website. That decision will be kept by the Chair further to our practice of ensuring the anonymity of the requesting member upon their request.

The present membership of Council is:

Province	Name	Term Expiry Date
British Columbia	Roger Cutler	January 2025
Alberta	Janet Dixon	January 2024
Saskatchewan	Doug Kovatch	September 2021
Manitoba	Sandra Chapman *	September 2022
Ontario	Julia Morneau	September 2024
Québec	Jacques Nadeau	December 2022
New Brunswick	Suzanne Bernard	February 2024
Nova Scotia	Jean Whalen	September 2022
Prince Edward Island	Nancy Orr	February 2024
Newfoundland & Labrador	Jacqueline Jenkins	September 2025
Yukon and NWT	TBA	

* Chair

We wish to acknowledge our gratitude to Jacques Nadeau for the French translation of our reports and opinions. Thank you to Gary Cohen for all of his help in posting our opinions.

Finally, on a personal note, as this is my final report to CAPCJ I wish to thank all the members of our committee for their hard work and thoughtful analysis of these sometimes difficult issues. As this is also my final involvement with CAPCJ as either committee member, chair or director, I would like to personally acknowledge all these individuals who I have had the pleasure of getting to know and working with over the last many years. We are very lucky to have such dedicated professionals who give their time to this national organization.

Sandra Chapman