



CHIEF JUSTICE EMPANELS REVIEW COMMITTEE TO INVESTIGATE COMPLAINTS

Thursday, September 7, 2017 (Halifax, NS) – Michael MacDonald, Chief Justice of Nova Scotia, announced today that pursuant to the *Provincial Court Act*, he will empanel a review committee to further investigate the complaints filed against Provincial Court Judge Gregory Lenehan.

The complaints involve alleged misconduct in the case of *R. v. Al-Rawi*, which Judge Lenehan presided over in Halifax earlier this year.

In March, Alan Tufts, Associate Chief Judge of the Provincial Court, was asked to review the complaints on behalf of Chief Judge Pamela Williams, who recused herself due to a personal conflict.

Associate Chief Judge Tufts completed his review earlier this summer and referred the matter to the Chief Justice in his role as Chair of the Judicial Council. This was one of the options outlined in the complaint procedures under the *Provincial Court Act*.

Powers of Chief Judge upon receipt of complaint

17B (1) The Chief Judge to whom a complaint is made pursuant to Section 17A may ...

(c) refer the complaint to the Chair of the Judicial Council together with a recommendation that the complaint

- (i) be dismissed,
- (ii) be resolved with the agreement of the judge, or
- (iii) be referred to a review committee for further investigation.

According to the *Act*, once a complaint is referred, the Chief Justice has two options:

Upon receipt of recommendation of Chief Judge

17C Upon receipt of a recommendation made pursuant to clause (c) of subsection (1) of Section 17B, the Chair of the Judicial Council may either accept the recommendation of the Chief Judge, and advise the complainant and the Judge in writing, or empanel a review committee.

The Office of the Chief Justice has written to the complainants to advise them that their complaints have been referred to a Review Committee.

As per the *Act*, the Review Committee will consist of three members from the Judicial Council, specifically:

- a judge of the Provincial or Family Court appointed by the Nova Scotia Provincial Judges' Association;
- a lawyer appointed by the Nova Scotia Barristers' Society; and
- a public representative appointed by Attorney General and Minister of Justice, Mark Furey.

Once those representatives are appointed, the Review Committee will investigate each complaint and decide whether to dismiss it, resolve it with agreement of the judge involved, or refer the complaint to a hearing of the entire Judicial Council.

There is also a pending appeal of the decision rendered in the *Al-Rawi* matter, which will be heard in the Nova Scotia Court of Appeal on Nov. 22. Considering Chief Justice MacDonald's role as Chair of the Judicial Council, he has recused himself from hearing that appeal.

For more information on the complaint procedures for judges of the Provincial and Family Courts, please refer to the legislation online at <http://www.nslegislature.ca/legc/statutes/provincial%20court.pdf>.

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