

REGULATION RESPECTING ELIGIBILITY CRITERIA FOR APPOINTMENT OF JUDGES OF THE COURT OF KAHNAWÀ:KE

K.R.L. c., J-1, r.1

Enacted by MCR # 1 / 2015 – 2016 on June 15, 2015
Amended by MCED # _____ on __, _____, 2024

SECTION I - GENERAL

1. PURPOSE

- 1.1 The purpose of this Regulation is to establish the eligibility criteria for the appointment of Judges of the Court of Kahnawà:ke.

2. DEFINITIONS

- 2.1 The definitions in the *Kahnawà:ke Justice Act* have the same meaning in this Regulation. In the event of any inconsistency, the definitions applicable in this Regulation are paramount.

- 2.2 For the purposes of this Regulation:

a) **Criminal Offence** includes but is not limited to indictable and felony offences such as homicide, attempted homicide, sexual assault, burglary, robbery, theft, aggravated assault, arson, embezzlement, illegal drug related offences, fraud, breach of trust in any legally recognized jurisdiction. For greater certainty, the term “criminal offence” includes any conviction for an indictable offence, a summary conviction offence or where a guilty plea has been entered in a Court for an offence regardless of a subsequent discharge at sentencing.

b) **Formal legal training** means having completed an undergraduate degree in law at a recognized North American university.

c) **Judge** means a public official with the authority to hear cases in the Court of Kahnawà:ke and pronounce judgment.

SECTION II - CRITERIA

3. REQUIREMENTS

- 3.1 To serve as a Judge, a person must:

a) not have pled guilty, been found guilty, been convicted, and/or sentenced for a criminal offence;

- b) not have filed for bankruptcy or been declared bankrupt;
- c) have formal legal training;
- d) have a minimum of seven (7) years' experience as a practicing lawyer;
- e) be a member in good standing of a recognized bar association in North America, or if no longer a member, must have retired in good standing or have been a member in good standing at the time of discontinuance;
- f) have the requisite knowledge of law applicable to the Mohawk Territory of Kahnawà:ke and/or be willing to acquire training to gain that knowledge; and
- g) have knowledge of Kanien'kehá:ka culture and customs and/or be willing to acquire training to gain that knowledge.

The term "in good standing" refers to how a member of a recognized bar association in North America is not presently, or at the time of their retirement or discontinuance of their membership under investigation or subject to discipline for any violation of their professional code of conduct or code of ethics.

SECTION III - FINAL

4. COMING INTO FORCE

- 4.1 This Regulation comes into force on the date fixed by Mohawk Council Executive Directive.

5. AMENDMENT

- 5.1 This Regulation may be amended by Mohawk Council Executive Directive in accordance with the procedure set forth in the Community Decision-Making and Review Process, as amended from time to time.