

**FEEDBACK REPORT - FOCUS GROUP  
REGULATIONS RESPECTING KAHNAWÀ:KE JUDGES**

DATE RECEIVED	TOPIC	DISCUSSION
<p><b>Focus group held on September 23, 2024</b></p> <p>*Note: The purpose of the focus group was for the Technical Drafting Committee (TDC) to ask participants their opinions and perspectives on questions concerning the eligibility criteria and selection process for future judges. Two (2) key questions were posed to participants.</p>	<p>It was asked what type of minimum legal experience a judge should have. For discussion purposes, the options provided were:</p> <ol style="list-style-type: none"> <li>1) experience as a practicing lawyer (years of experience TBD), or</li> <li>2) legal training with substantial law-related experience.</li> </ol>	<p>There was engaged discussion concerning the education and experience that judges should have. There was no clear indication whether the participants favoured judges needing experience as a practicing lawyer or whether legal training with substantive law-related experience would suffice. However, there was support for judges requiring a strong educational background. Opinions ranged from the need for a law degree, legal training, that there should be a cultural education requirement, and that judges should not just have legal skills. There was also interest in the requirements applied for Justices of the Peace and Judges externally, and that maybe it would not be fair to start low and then raise the bar later.</p> <p>One participant also raised a concern that judges should not have worked for the Mohawk Council of Kahnawà:ke for at least six (6) years. The purpose of such a prohibition would be to ensure a boundary between the judge and the Mohawk Council of Kahnawà:ke. The independence of the Court of Kahnawà:ke was noted and that matters such as these will be addressed in a code of conduct for judges, which will establish the standards for identifying situations of conflict of interest.</p> <p>Following this focus group, the TDC took the feedback into consideration to establish the criteria.</p>

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DATE RECEIVED	TOPIC	DISCUSSION
<p><b>Focus group held on September 23, 2024 (cont'd)</b></p>	<p><i>Regulation 2: Selection Process for Judges</i> (which is currently undergoing amendment) sets out that there will be a special community meeting to confirm selection of judges by consensus. It was asked what the purpose of the special community meeting should be moving forward. For discussion purposes, the options provided were:</p> <ol style="list-style-type: none"> <li>1) confirmation of selection by consensus, or</li> <li>2) opportunity to meet the applicant, ask questions about their background, experience, why they want to be a judge, etc.</li> </ol>	<p>It was suggested that the clan system be used or vote on the candidates. The discussion did not favour the use of voting because it may be inappropriate for choosing a judge, especially in a situation where having a large family can determine the outcome. It was also noted that consensus can sometimes be difficult to achieve and how is it to be determined (such as do you go around the room and ask if consensus is given)?</p> <p>It was noted by participants that the 30-day timeframe for community input was good but if someone asked for more time could that be done? Also need to ensure that the community hears about the special community meeting - push the info and blitz it so people know about it. There was general support for posting the names of the applicants for 30 days, then proceeding to the special community meeting where they would be presented to the community (“meet and greet”) as opposed to the consensus requirement.</p> <p>Following this focus group, the TDC took the feedback into consideration to establish the process for the special community meeting. It also informed the decision to post the names of the candidates for at least fifteen (15) days prior to the meeting.</p>

**FEEDBACK REPORT - INFORMATION KIOSK  
REGULATIONS RESPECTING KAHNAWÀ:KE JUDGES**

DATE RECEIVED	FEEDBACK	RESPONSES
<p><b>Concern raised at an information kiosk held on December 4, 2024</b></p>	<p>It would be hard to trust a judge from the community if everybody knows everyone, everyone is so connected. It would be better to have judges not from town.</p>	<p>It would be preferable to have judges who are from the community and maintain a strong connection to Kahnawà:ke. Judges should be familiar with the culture, dynamics and specific needs of the communities they serve. It is for this reason that article 9.2(a) of the draft <i>Regulation Respecting the Selection and Appointment of Judges of the Court of Kahnawà:ke</i> prioritizes eligible applicants who are on the Kahnawà:ke Kanien'kehá:ka Registry and who reside in the Mohawk Territory of Kahnawà:ke.</p> <p>Rules will be developed to resolve those situations where there may be a reasonable apprehension of bias or conflict of interest on the part of a judge.</p>
<p><b>Question asked at an information kiosk held on December 4, 2024</b></p>	<p>The use of the term “willing” does not say that an applicant for a judgeship needs to do anything to acquire training to gain knowledge of Kanien’kehá:ka culture, customs and language if they do not already possess it. Maybe word it a little stronger?</p>	<p>This concern relates to article 9.1(n) of the draft <i>Regulation Respecting the Selection and Appointment of Judges of the Court of Kahnawà:ke</i>, which states that to serve as a judge an individual must “(h)ave knowledge of Kanien’kehá:ka culture, customs and language and/or willingness to acquire training to gain that knowledge”. The term “willingness” provides some flexibility in the event that there’s no training readily available.</p>
<p><b>Question asked at an information kiosk held on December 4, 2024</b></p>	<p>Would it be possible to have a judge available after an arrest is made by a Peacekeeper, as opposed to the arrested individual needing to be issued a Promise to Appear (PTA) for a later court date?</p>	<p>This question does not touch on the eligibility criteria or the selection and appointment process for judges. For the foreseeable future, our judges will mainly be presiding at the Court of Kahnawà:ke on a sessional basis. They will not be readily available in the event of an arrest as their judicial office will not be a “full time job.” However, this may be re-evaluated in the future as the jurisdiction and caseload of the Court of Kahnawà:ke continues to expand.</p>

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DATE RECEIVED	FEEDBACK	RESPONSES
<b>Question asked at an information kiosk held on December 4, 2024</b>	It was asked whether judges should undergo mandatory orientation (as opposed to training) on Kanien'kehá:ka culture, customs and language when they are first appointed, with yearly refreshers.	This question relates to article 9.1(n) of the draft <i>Regulation Respecting the Selection and Appointment of Judges of the Court of Kahnawà:ke</i> , which states that to serve as a judge an individual must "(h)ave knowledge of Kanien'kehá:ka culture, customs and language and/or willingness to acquire training to gain that knowledge". In addition to the "willingness" to acquire training, this element will be included as part of the orientation process.

**FEEDBACK REPORT - COMMUNITY REVIEW  
REGULATIONS RESPECTING KAHNAWÀ:KE JUDGES**

DATE RECEIVED	FEEDBACK	DISCUSSION
<p><b>30-day feedback period from November 18, 2024 to December 18, 2024 on the draft <i>Regulation Respecting Eligibility Criteria for Appointment of Judges of the Court of Kahnawà:ke</i> and draft <i>Regulation Respecting the Selection and Appointment of Judges of the Court of Kahnawà:ke</i></b></p>	<p>No feedback was received on the draft regulations during the 30-day feedback period.</p>	<p>Not Applicable</p>