

Frequently Asked Questions about making a complaint to the Judicial and Legal Services Committee (“Committee”)

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Who can file a complaint?

Any member of the public can make a complaint to the Committee as long as the complaint is about judicial conduct, and is made in writing.

What is a complaint about judicial conduct?

A complaint about judicial conduct is a complaint about any behaviour of a judge which fails to meet the high standards of conduct expected of all judicial officers. Those standards are explained in a document also on the Judiciary website under ‘Publications’: ‘Guidelines for Judicial Conduct’. A complaint about why a case was decided in a particular way is NOT a judicial conduct complaint.

Who can I file a complaint against?

The Committee has authority to review complaints against any judicial officers. These are judges sitting in the Magistrates’ Court, Supreme Court or the Court of Appeal.

What happens if I want to file an appeal instead of a complaint?

That is not a matter for the Committee. If you wish to appeal a judge's decision, you must refer to a higher court for a review of that decision.

What happens when I contact the Committee?

If you call us, we will refer you to the Judiciary's website for information on our complaints procedures and other relevant information. We will inform you that if you wish to make a complaint, you must do so in writing. If your complaint is under active review, we will not be able to discuss any of the details with you.

What must my complaint include?

If you decide to submit a written complaint, please ensure that you are complaining against an active judicial officer. Your letter of complaint must include your name and email or mailing address (so that we may communicate with you further), the name of the judge, court date and a detailed description of the conduct to which you object.

Is there a time limit by which I need to submit my complaint?

Yes, within three months of the matter of which you are complaining. Moreover, the Committee only reviews complaints against active judges. Once a judge retires, the Committee has no jurisdiction given that they are no longer a judge.

What if I change my mind and wish to withdraw my complaint?

That is your decision. If you decide to withdraw your complaint, please advise Committee in writing. While we try wherever possible to follow the complainant's wishes, Committee may proceed with the complaint if we believe it is in the public interest to do so.

Are there any fees or costs?

No, there are no costs or fees associated with making a complaint to the Committee.

Do I need a lawyer?

No, you do not need to be represented by a lawyer in order for you to make a complaint. The Committee will proceed less formally than a court. However, it cannot offer any legal advice. You may of course engage a lawyer if you wish.

Is the system fair? Is there any point in submitting a complaint?

The Committee takes its duty to manage an effective, fair and transparent complaint process very seriously. This responsibility has been assigned by the Governor with the specific purpose of ensuring that valid complaints are properly investigated and heard. The Committee is not obliged to fully investigate complaints which are not genuine complaints about judicial misconduct, for instance complaints which are truly expressions of discontent about the merits of a judicial decision.

Will the judge I am complaining against know my name and see my complaint?

If the Committee believes that your complaint would benefit from obtaining comments of the judge in question (which will usually be the case), then a copy of your complaint will be sent to the judge. Similarly, when a complaint file is closed, the judge and his or her Head of Division is sent a copy of the letter informing the complainant of the status of the complaint. Transparency is considered an important principle of fairness - both for the complainant and for the judge against whom a complaint is levelled.

Should I worry about retaliation?

Retaliation by a judge as reaction to being the subject of a complaint would itself be judicial misconduct. Judges recognize that a fair and transparent complaint process is key to sustaining public confidence in the decisions that they render every day. The Committee's procedures are designed to avoid a situation where complaints are made while the proceedings giving rise to the complaint are still pending.

Will I be told what the judge has to say? How will I be kept informed?

If the judge responds to the Committee's request for comments on a complaint, the response will be shared with you. When your complaint has been considered and determined, the Committee will advise you of the decision in writing. We are not able to discuss specifics of your complaint over the phone.

How long will the review of my complaint take?

The review of most complaints takes place within three months. Almost all complaints are reviewed within six months. Some difficult or complex matters can take longer to resolve.

What if I disagree with Committee's decision?

The Committee's decisions are made after careful deliberation and the conscientious application of the Complaints Procedures. If you discover additional information relevant to your complaint which was not previously available to you, you are welcome to forward it to us. In exceptional cases the Committee may be able to reconsider its initial decision.