

JUDICIAL COUNCIL OF THE
PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

**GUIDELINES AND PROCEDURES REGARDING THE SELECTION OF
CANDIDATES FOR JUDICIAL APPOINTMENT**

FOREWORD:

These guidelines for Practices and Procedures of the Judicial Council of the Provincial Court of Newfoundland and Labrador which follow are for the use of the members of the Judicial Council established pursuant to Section 17 of the *Provincial Court Act, 1991*. They are intended to provide individual Council members with information and guidance on select subjects related to the work of the Council particularly as regards the discharge of the functions of the Judicial Council under Section 18(1)(a) of the Act, namely the consideration of all applicants for judicial appointment to the bench of the Provincial Court of Newfoundland and Labrador and recommendations to the Minister of Justice with respect to those applicants.

These materials were compiled with ongoing Council experience in mind, and are therefore subject to further expansion on the basis of that experience.

Council members should familiarize themselves with these important guidelines and procedures concerning their work. Any questions regarding the application of the guidelines and procedures should be directed to the Secretary to the Judicial Council (Judicial Appointments) or to the Chief Judge as Chair.

THE JUDICIAL APPOINTMENT PROCESS:

Section 5 of the *Provincial Court Act, 1991* provides that no person may be recommended by the Minister for judicial appointment by the Lieutenant Governor in Council without the recommendation of the Judicial Council of the Provincial Court of Newfoundland and Labrador.

It is the function of the Judicial Council to consider all applicants for appointment who have met the minimum criteria in that he or she has been a member in good standing of the Bar of one or more of the Provinces of Canada for a total of at least 10 years and is at the time of the appointment a practicing member in good standing of the Law Society of Newfoundland.

Professional competence and overall merit are the primary qualifications for appointment to the bench. The Council members are asked to assess lawyer candidates on the basis of two categories “recommended” or “unable to recommend” for appointment. These categories reflect the advisory nature of the Council process. Candidates are notified of the date they were assessed by the Council but are not provided with the results of the assessment. The results of the assessment are confidential and solely for the use of the Minister of Justice in making his or her recommendation to the Lieutenant Governor in Council. Assessments which are made by the Council are valid for a period of two years. However, a list of candidates recommended for judicial appointment included in a report to the Minister expires upon the appointment to the

vacancy for which the intended list was prepared. Once a judicial vacancy is created a new list and report to the Minister must be prepared. The Office of the Chief Judge of the Provincial Court of Newfoundland and Labrador as supported administratively by the Secretary to the Judicial Council (Judicial Appointments) has overall responsibility for the administration of the appointment process. The Secretary to the Judicial Council as well as the Chief Judge is expected to carry out his or her responsibilities in such a way as to ensure that the system treats all candidates for judicial office fairly and equitably. The Chief Judge, as Chair of the Judicial Council, as well as the Secretary to the Judicial Council (Judicial Appointments) must attend every Council meeting and serves as the link between the Minister and the Judicial Council. All communications between the Minister and the Council are effected through the Chief Judge or the Secretary to the Judicial Council (Judicial Appointments). The Secretary assists the Council Chair with the agenda regarding the assessments to be completed at each meeting, with the information required for each assessment and with all the services required by the Council in the discharge of its functions. It is the duty of the Chief Judge assisted by the Secretary to the Council who has particular responsibility to ensure that all assessments are completed expeditiously and thoroughly.

To provide an assurance of authenticity, each candidate's assessment is certified either by the Chief Judge or by the Secretary to the Judicial Council (Judicial Appointments) prior to final submission to the Minister of Justice.

When the Chief Judge as Chair of the Judicial Council is unable to attend a meeting (and there is no vice chair) the remaining Council members may appoint an interim Chair, or one may be designated by the Chair. When Council members appoint an interim Chair, Council proceedings must be limited to administrative matters only, such as the assignment of Council work or the timing of future meetings.

DUTIES OF THE CHAIR:

The duty of the Chief Judge as Chair of the Judicial Council has *inter alia* the following responsibilities:

1. sets the agenda for the Council;
2. determines the frequency of meetings and makes arrangements for the meetings;
3. determines Council procedures regarding internal administrative matters and consultations;
4. ensures all necessary consultations and investigations required for the assessment of each candidate for judicial appointment are allocated among Council members and completed on time;
5. chairs meetings and participates in Council discussions and votes when required to break a tie vote.

SECRETARY OF THE JUDICIAL COUNCIL (Judicial Appointments):

It is the duty of the Secretary to carry out *inter alia* the following things:

1. to assist and support in the discharge of the functions of the Judicial Council as they relate to the compilation of information required to carry out the assessment of candidates for judicial appointment;
2. to provide administrative and internal support for all the committee's functions;
3. to record the final assessments as reached by the Judicial Council in its conclusions regarding the suitability of each candidate for judicial appointment;
4. to certify the recommendations as regards each candidate for judicial appointment when asked to do so by the Chair.

COMMUNICATION WITH CANDIDATES:

The Secretary to Judicial Council (Judicial Appointments) is the conduit for all communications between the Council and the candidates. Except during candidate interviews, Council members must address any inquiries to candidates through the Secretary. Council members must not discuss with the candidate formally or otherwise, by whatever means, that person's candidacy. Candidates wishing to communicate additional information to the Council must do so through the Secretary.

CONFERENCE CALLS:

Council meetings are to be conducted in person. Conference calls should be used only on an exceptional basis, such as for completing an assessment, which could not be finalized during a regular committee meeting, or for assessing one or a few candidates where it is not practical to insist on an *in situ* meeting of all committee members. The use of a conference call in place of an *in situ* Council meeting is subject to the approval of the Chair.

The rules which apply to regular Council meetings also apply to conference calls. The Secretary must also participate.

A conference call may also be used during an in person meeting to permit the participation by telephone of one or more of the committee members who are not able to attend *in situ*. Such members are considered as being in attendance.

CONFIDENTIALITY:

The evaluation process seeks to protect the reputations and privacy of candidates to the maximum extent possible while also providing accurate and thorough assessments to the Minister of Justice in the discharge of his or her important function. In particular:

- All Council discussions and proceedings must be treated as strictly confidential, and must not be disclosed to persons outside the Council.
- All documents and information submitted as part of an application for appointment are to be treated as personal and strictly confidential. The contents of such documents are not to be disclosed except where necessary to those who are consulted by the Council. (Partial disclosure to references, or to others consulted, must only occur after a receipt of a verbal undertaking to maintain confidentiality and must only be to the extent necessary to allay concerns raised by the application).
- When no longer required for assessment purposes, all documents received in connection with the appointment process, other than those intended for public education on the process, must be shredded. Each member is responsible for ensuring that all documentation is destroyed in a secure and confidential manner. Entrusting such documents to destruction companies or to persons other than a trusted personal assistant is not recommended.
- The information obtained through the consultation of references and other sources is also personal and strictly confidential and is subject to the same stringent confidentiality requirements as information contained in the candidate's application itself.
- Previous assessment of a candidate by a prior Council is available to a successor Council only through a verbal report from the Secretary or Chair and only after a consensus has been reached by the Council on the particular assessment before it.
- The obligation of the Council members to maintain the confidentiality of applications, discussions and assessments made during a Council's tenure does not end with service on the Judicial Council. The obligation of confidentiality is enduring.

CONFLICTS OF INTEREST AND ABSTENTIONS

Conflicts of Interest:

Given the objectives of a neutral and fair process and the appearance of a neutral and fair process, the following guidelines should be noted to avoid a conflict of interest or the appearance of one:

- Council members must not engage in activities outside the Council which result in a conflict of interest with their work on the Council, or in the appearance of one. Should such a situation develop, the Council member must immediately inform the Secretary or Chair and resign from the Council.
- Council members must not participate in the appointments process other than through the exercise of their recognized responsibilities as members of the Judicial Council.

- The role of the Judicial Council is to evaluate applications, not to solicit them. Council members who previously agreed to act as references must abstain from participating in the particular candidate's assessment.
- Council members must appraise the Council and the Chief Judge or Secretary of any real or apparent conflict of interest regarding the assessment of a particular candidate.
- Council members must avoid expressing opinions or voting on the candidacy of an applicant with whom they have a real or apparent conflict or interest such as close business or personal relationship, most especially law or business partners, spouses or ex-spouses, relatives, or close friends, since a Council member's opinion might either have, or be perceived to have, a disproportionate influence, either positive or negative, upon the assessment of such candidates. Similarly Council members who have acted for or against a candidate in a legal proceeding should declare that fact to the Council.
- Council members shall not accept gifts or other consideration from candidates.
- Council members must not comment outside meetings of the Council on individual appointments which are made by the Minister of Justice.

Abstentions:

- The proper course of action for a Council member who finds herself or himself in a position of conflict of interest, real or apprehended, is to withdraw from discussions and abstain from voting on the assessment of any applicant where such conflict exists, or where such a conflict might reasonably be perceived to exist.
- Abstentions are formally recorded.
- If there are questions on the desirability of abstaining in a given circumstance, the Secretary to the Judicial Council (Judicial Appointments) or the Chief Judge should be consulted. Alternatively, the issue can be put to the Council as a whole for its view.

CONSULTATION FORM: (See attached)

This document, which is provided separately to the Council members, is designed to help record the results of their telephone interviews with those whom they consult on the merits of a given candidate. Persons consulted will include both references and other names provided by the candidate and other persons selected or identified by the Council. In this respect, Council members are encouraged to vary the contacts with whom they elect to inquire about candidates. Amongst the primary references listed by the candidate, at least four must be consulted (assuming they can be reached).

Assessment criteria for each candidate are grouped under the headings in the form. Space for check marks or ratings, as well as space for general written comments, to accommodate a variety of individual assessments and styles is presented on the form.

CONSULTATIONS:

Methodology:

The methodology used to ensure that adequate consultations are carried out for each candidate is at the choice of the Council. For example a Council may proceed as follows:

- All references and other names as provided by the candidate are divided up and specifically assigned amongst the Council members, including the Chair. The Chair may or may not assign the names of judges to the judicial representative on the Council.
- The Chair assigns all lawyer names (references and others) amongst the lawyers on the Council; all judge names to the judicial representative on the committee and all remaining names to the remaining committee members.

Whatever methodology is used by the Council in the discharge of its function under section 18(1)(a) of the Provincial Court Act, 1991, it is important that the following considerations apply in all cases:

- When conducting interviews with references and other persons Council members must exercise discretion and neutrality.
- Questions are directed only to the candidate's fitness for the bench and no questions are to be asked concerning a candidate's political views or political affiliation.
- At least four of the primary references provided must be consulted as well as an adequate number of other sources identified by the candidate.
- Persons outside the list of names (references and others) provided by the candidate should also be consulted.
- Persons from both inside and outside the legal community should be consulted.
- The scope and type of consultations must be sufficiently broad to ensure good reading of the candidate's personal, as well as professional qualities.
- Care must be taken that no one person is called by more than one committee member regarding the same candidate.

Recommended Approach to Those Consulted:

There is a great deal of flexibility as regards what constitutes an appropriate approach to those selected for consultation (references and other sources).

Whichever approach is taken, it is essential to obtain an undertaking to keep the information which has been disclosed in the strictest confidence before revealing anything about the candidate – including the candidate’s name.

The following text is one suggestion for introducing oneself and beginning the consultation:

“Good Morning, my name is _____. I am a member of the Judicial Council of the Provincial Court of Newfoundland and Labrador considering applications for judicial appointment. I and my fellow Council members have been appointed by the Minister of Justice to assess candidates for appointments as judges to the Provincial Court. As part of that evaluation process we have found it necessary to consult with lawyers, judges and members of the community at large. You are someone I believe might be able to give us some insight concerning one of our candidates. I can assure you that any information you provide will be kept in the strictest confidence. Do you have a few moments to give me your views concerning this candidate?”

[If yes....] *“The name of the candidate and some of the information I may disclose in the course of our discussions is strictly confidential. I must ask you to undertake not to disclose this name and any of our conversation to anyone – now or in the future. Do you agree?”*

[Afterwards Council members may then provide the name of the candidate and devise questions informed by, and designed to elicit comments upon, the assessment criteria listed in the consultation form.]

“Thank you for assisting me and the Council in our assessment of _____’s candidacy for the bench. As I mentioned at the outset the Council and I will keep your comments and the fact of our consultation, entirely confidential. We rely on you to do the same. Thank you once again.”

HEALTH OF CANDIDATES:

Any information related to the health of a candidate that could affect suitability for the bench must be reported to the Minister by the Council when assessing the candidate. Care must be taken that such information is reliable. The Council may request further clarification from the candidate through the Secretary.

IMMUNITY:

The Judicial Council exercises an advisory function, and cannot make binding recommendations. Moreover there is no entitlement to a judicial appointment. The question of liability is unlikely to arise in this context. Should any issues of this nature arise it should be referred immediately to the Chief Judge as Chair of the Judicial Council or to the Secretary of the Judicial Council (Judicial Appointments) so that appropriate action can be taken.

IMPEDIMENTS TO APPOINTMENT:

A Council member who learns of information concerning a serious health problem, or any criminal or other offences, breaches of professional conduct, questionable financial dealings, failure to meet a family support obligation, wrong doing or other possible impediment to appointment involving a candidate must immediately advise the Council and the Secretary and seek guidance regarding the appropriate investigations to be undertaken. This disclosure requirement applies whether the information relates to a candidate who is to be evaluated or one who has already been evaluated.

Information of this nature whether it relates to past or current conduct must be closely reviewed by the Council. Care must be taken to ensure this review is complete and based on information which is viable.

INFORMATION CONCERNING THE PROCESS:

The policies and procedures of the Judicial Council of the Provincial Court of Newfoundland and Labrador (Judicial Appointments) are published and available to candidates and the public via the Provincial Court website. The Chief Judge as Chair of the Judicial Council or the Secretary to the Judicial Council (Judicial Appointments) is available to explain these further as required. However, information on the process is subject to the constraints required to protect the identity of candidates and the confidentiality of the Council's consultations, proceedings and reports to the Minister of Justice.

Any information provided by Council members in response to inquiries must therefore be careful to avoid references to candidates or to Council proceedings or reports indicating the results of a candidate's assessment. Council members should refer those making inquiries to these guidelines and rules of procedure and other information which may be available publicly on the website of the Provincial Court of Newfoundland and Labrador. Alternatively such inquiries may be referred to the Secretary or to the Chief Judge as Chair of the Judicial Council.

INTERVIEWS:

Given the large number of applications, the limited time and resources generally available to Council there is no obligation to interview candidates. However, Council members are encouraged to do so whenever there is a division within the Council or there is another issue preventing completion of an assessment of a particular candidate. When interviews are required arrangements for the interviews will be made by the Secretary to the Judicial Council (Judicial Appointments). Expenses incurred by candidates for interviews are not reimbursable. Those incurred by Council members are.

LAW SOCIETY CLEARANCE:

In accordance with the requirements of an application, a candidate is required to file with the committee permission for consultation with the Law Society of Newfoundland certifying that the

candidate has a minimum of 10 years membership plus the current standing with the Law Society. This is a requirement for appointment.

The Law Society is also asked to provide information concerning any current or past discipline matters and any information that could affect a candidate's fitness for judicial appointment. Information on the candidate's insurance claims history is also provided by the Law Society. All information received is transmitted to the Council members with the candidate's application for judicial appointment.

The representative of the Law Society on the Council is expected to possess full particulars concerning any Law Society report on a candidate, for communication with the Council when the candidate is assessed. This implies a prior inquiry by the representative with the Law Society concerning the report in question.

Where there exists an outstanding matter of discipline not yet resolved the Council should defer the completion of its assessment for that candidate unless the Council otherwise intends to assess the candidate as "unable to recommend".

PERSONAL HISTORY FORM:

The personal history form is designed to provide the basic data for the Council assessment of a candidate for judicial appointment. This form is available on the Provincial Court website and must be completed by all candidates. In addition to the usual information which is found in a curriculum vitae, it includes information on the candidate's non-legal work history, other professional responsibilities, community and civic activities, a description of the qualifications for appointment and personal matters such as the candidate's health and financial situation. Candidates are also asked to provide any other information which is relevant to the application and which might assist the Council in its assessment.

Particular attention must be paid to this personal history section of the application. Any matter listed here by the candidate which raises concern should be investigated fully as part of the Council's assessment. If additional information is required from the candidate, the Secretary to the Council should be asked to obtain it.

The personal history part of the application also contains the names of references provided by the candidate and those of other persons the candidate believes can be usefully consulted by the Council. Where applicable it also shows whether the candidate consents to the consultation of law partners or close associates.

QUORUM:

As outlined in Section 16(6) of the *Provincial Court Act, 1991*, a majority of the members of the Judicial Council, including the chairperson, constitutes a quorum and a majority vote is sufficient for the exercise of all of the jurisdiction and powers of the Judicial Council. This includes the powers to make recommendations to the Minister with respect to applications for judicial

appointment. It is advisable that the Secretary to the Judicial Council (Judicial Appointments) be present at all substantive proceedings of the Council.

REASSESSMENTS:

The Minister may request the Council provide additional information concerning a candidate assessed by that Council. The Minister can also request that Council reassess a candidate at any time when the information received from other sources is at variance with the assessment made by the Council. In exceptional circumstances the Council may initiate a reassessment when it believes it has important new information which is contrary to the information on which that same Council's previous assessment was made.

CHECKING OF REFERENCES:

The Chair allocates responsibility for the consultation of references among the Council members. This allocation should also extend to other persons named in the candidate's application as additional sources of information. There are no fixed rules regarding the consultation of references, but the assignment of these consultations to each Council member should be clear. Care must be taken by the Chair to ensure that, for each candidate, full and complete consultations are undertaken using sources from both inside and outside the application form.

Council members are not restricted to the references provided by the candidate. Members of the Judicial Council are encouraged to routinely consult a large number of other sources inside and outside the legal community who possess information that relates to the candidate's suitability for the bench. Consistent with the requirement of confidentiality, the identity of these sources need only be revealed to the Council. Council members should vary their contacts to ensure that no one person or group has a disproportionate influence on the process.

Consultations with the candidate's references, or with other sources, must be effected on a confidential basis and the person consulted must be asked to treat the consultation the same way. These discussions should be limited to the candidate's suitability for the bench, must not address a person's political views or political affiliations (except to the degree that they indicate a candidate's capacity for social involvement) and must not reveal information obtained from others consulted.

Council members must be careful to only consult those partners or associates of the candidate for whom there is an authorization to consult provided by the candidate. This caution applies to any partners or associates whose names are provided anywhere in the candidate's application form.

Letters of recommendation are frequently provided by candidates in addition to the names of references. These should also be considered by the Council.

The Judicial Council, through the Chief Judge or other of its judicial members is encouraged to consult with the Chief Justice of the Supreme Court of Newfoundland and Labrador Trial Division as well as the Chief Justice of Newfoundland and Labrador concerning the qualifications of a particular candidate. The results of the consultation with these Chief Justices

are reported to the Council and considered as an additional element in the assessment of the candidate.

REPORT TO MINISTER OF JUSTICE:

The Council report is used to transmit the Council's assessment of each candidate to the Minister of Justice. The assessment is one of the following: "recommended" or "unable to recommend" for appointment to the bench of the Provincial Court of Newfoundland and Labrador. The report may also include a short synopsis supporting the Council's assessment or commentary pertaining to those candidates who are recommended for appointment.

The report is confidential and is not available to the candidate.

The report is completed and certified by the Chief Judge as Chair of the Judicial Council or by the Secretary to the Judicial Council (Judicial Appointments) and forwarded to the Minister of Justice.

Candidates are advised of the date their assessment was completed and that the latter has been reported to the Minister of Justice. They are not advised of the result or contents of the assessment.

VOTES:

Council decisions are normally arrived at through a consensus of the Council members present without recourse to a recorded vote. Where consensus is not possible, the Chair must request that a decision be made by a majority vote of the members present. Where a vote is required the Chair will refrain from voting unless it is necessary to break an otherwise tied vote. Where a formal vote is necessary, this is recorded.

Where a difficulty is experienced in arriving at a decision, completion of its consideration of the candidate should be deferred to a subsequent meeting and Council members encouraged to seek additional information to break the impasse. Deferrals must not be used however, to avoid the Council's obligation to complete its work.

CONSULTATION FORM

Name of Candidate

Person Consulted

Has Known Candidate for How Long

Date of Consultation

The following list of factors, though not exhaustive is intended to provide a basis for assessing the suitability of candidates for judicial appointment.

Professional Competence & Experience (While courtroom experience is an asset, it is only one of many factors which may be considered in assessing a candidate’s suitability for the role of judge.)

- proficiency in criminal law _____
- general proficiency in the law _____
- intellectual ability _____
- analytical skills _____
- ability to listen _____
- ability to maintain an open mind while hearing all sides of an argument _____
- ability to make decisions _____
- capacity to exercise sound judgment _____
- reputation among professional peers and in the general community _____
- area(s) of professional specialization, specialized experience or special skills _____
- ability to manage time and workload without supervision _____
- capacity to handle heavy workload _____
- capacity to handle stress and pressures of the isolation of the judicial role _____
- interpersonal skills – with peers and the general public _____
- awareness of racial and gender issues _____
- bilingual ability _____

Personal Characteristics

sense of ethics	_____	patience	_____	courtesy	_____
honesty	_____	common sense	_____	tact	_____
integrity	_____	humility	_____	punctuality	_____
fairness	_____	reliability	_____	tolerance	_____
sense of responsibility	_____	consideration for others	_____		

Potential Impediments to Appointment

Any debilitating physical or mental medical condition, including drug or alcohol dependency, that would be likely to impair the candidate's ability to perform the duties of a judge _____

Any past or current disciplinary actions or matters against the candidate _____

Any current or past civil or criminal actions involving the candidate _____

Financial difficulties including bankruptcy, tax arrears or arrears of child support payments _____

SUMMMARY - OTHER NOTES

ASSESSMENT CRITERIA

**CANDIDATES FOR JUDICIAL APPOINTMENT TO
THE PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR**

The following list of factors, though not exhaustive, is intended to provide a basis for assessing the suitability of candidates for judicial appointment.

Professional Competence & Experience (While courtroom experience is an asset, it is only one of many factors which may be considered in assessing a candidate’s suitability for the role of judge.)

- general proficiency in the law _____
- intellectual ability _____
- analytical skills _____
- ability to listen _____
- ability to maintain an open mind while hearing all sides of an argument _____
- ability to make decisions _____
- capacity to exercise sound judgement _____
- reputation among professional peers and in the general community _____
- area(s) of professional specialization, specialized experience or special skills _____
- ability to manage time and workload without supervision _____
- capacity to handle heavy workload _____
- capacity to handle stress and pressures of the isolation of the judicial role _____
- interpersonal skills – with peers and the general public _____
- awareness of racial and gender issues _____
- bilingual ability _____

Personal Characteristics

- | | | |
|-------------------------------|--------------------------------|-------------------|
| sense of ethics _____ | patience _____ | courtesy _____ |
| honesty _____ | common sense _____ | tact _____ |
| integrity _____ | humility _____ | punctuality _____ |
| fairness _____ | reliability _____ | tolerance _____ |
| sense of responsibility _____ | consideration for others _____ | |

Potential Impediments to Appointment

Any debilitating physical or mental medical condition, including drug or alcohol dependency, that would be likely to impair the candidate's ability to perform the duties of a judge _____

Any past or current disciplinary actions or matters against the candidate _____

Any current or past civil or criminal actions involving the candidate _____

Financial difficulties including bankruptcy, tax arrears or arrears of child Support payments _____

CODE OF ETHICS

JUDICIAL COUNCIL OF THE
PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

Judicial Appointments

1. A member of the Council shall not discuss with a candidate, formally or otherwise, by whatever means, that person's candidacy, other than in the context of an interview arranged at the request of the Council. All communications with candidates must be directed through the Secretary to the Judicial Council (Judicial Appointments) or through the Chief Judge as Chair of the Council.
2. Members of the Council shall not participate in the appointment process other than in the context of the Council's work.
3. A member of the Council must show discretion and neutrality in all aspects of Council work. Questions must be directed only to the candidate's fitness for the bench. No questions concerning a candidate's political views or political affiliation are to be raised. If a candidate has mentioned active participation in a political party as part of his or her social involvement, no inference, favorable or unfavorable, is to be drawn other than the indication of the candidate's capacity for social involvement.
4. A member shall not state his or her opinion of a candidate's suitability, nor participate in the Council's deliberations or discussions concerning a candidate, if the member is in a position of conflict of interest, real or apparent, so as to raise an apprehension of bias either for or against the candidate. The foregoing includes but is not limited to, situations where the member has agreed to act as a referee for the candidate, is or has had a close business or personal relationship with the candidate, such as an associate, law partner or business partner of the candidate within the last ten years, is a spouse, ex-spouse or a relative or the candidate, or is a close friend of the candidate.
5. All Council discussions and proceedings shall be treated as strictly confidential and must not be disclosed outside the Council, except to the Minister of Justice. A member shall not communicate to a candidate or any other person, during his or her term or thereafter, the substance or details of any interviews held, of any discussions within the Council nor of recommendations made.
6. A member of the Council shall not receive any advantage, a reward or a gift in connection with his or her participation in the Council's work, except for reimbursement of expenses incurred (such as travel, long distance charges etc.) and meals in the context of Council meetings or proceedings.

7. A member of the Council shall not be a candidate for a position within the Provincial Court of Newfoundland and Labrador judiciary until the expiry of one year following the end of his or her term of office as a Council member.
8. A member of the Council who learns that a candidate has serious health concerns, has committed a criminal or other offence, a breach of professional conduct, has been involved in questionable financial dealings, has failed to meet family support obligations, or has committed some other act likely to constitute a possible impediment to the appointment or likely to cast an unfavorable light on the exercise of the judicial function, must inform the Council and, in an emergency, the Chief Judge of the Provincial Court of Newfoundland and Labrador or the Secretary to the Judicial Council (Judicial Appointments). This applies whether the information relates to a candidate who is to be evaluated or one who has already been evaluated.