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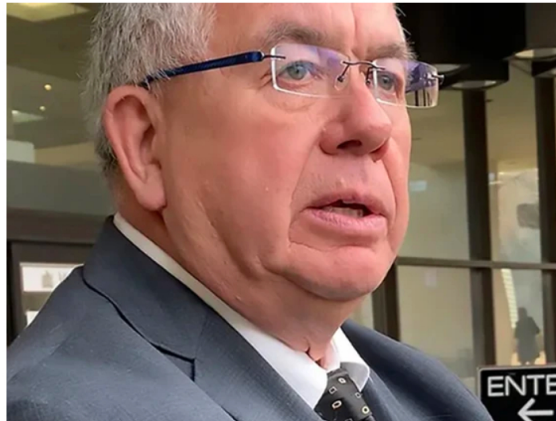
Edmonton lawyer returns to private practice days after being appointed provincial court judge

"In my experience it is unusual for a person to withdraw from a judicial position so soon after being appointed"

Jonny Wakefield

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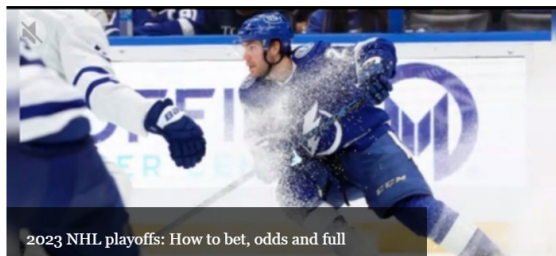
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Lionel Chartrand discusses a case outside the Edmonton Law Courts in April 2022. PHOTO BY JONNY WAKEFIELD /Postmedia



An Edmonton defence lawyer recently appointed as a provincial court judge has decided to return to private practice, the provincial government says.

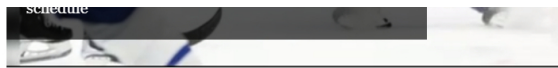
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Lionel Chartrand, whose appointment to the Provincial Court of Alberta was announced last month, declined to comment on why he decided not to take the position.

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Chartrand was one of five judicial appointees announced Feb. 10. He was set to begin work in the court's Edmonton criminal division March 1.

His appointment, however, was rescinded by order in council Feb. 16, less than a week after the announcement.

Justice ministry spokesman Ethan Lecavalier-Kidney said Chartrand ultimately decided not to take his seat on the bench.

"Mr. Lionel Chartrand withdrew his appointment as a judge to the Provincial Court of Alberta," Lecavalier-Kidney in an email. "He has advised that he wishes to continue in private practice."



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Adam Dodek, a University of Ottawa law professor who studies judicial appointments, said it is "highly unusual" for a judicial appointee not to take their seat after their appointment has been announced.

Philip Bryden, an emeritus professor with the University of Alberta faculty of law, agreed.

"Alberta has a lengthy application and interview process that is followed before someone is appointed as a judge," he said in an email. "While an individual's personal circumstances can change over the course of this process, in my experience it is unusual for a person to withdraw from a judicial position so soon after being appointed."

Lengthy process

Lawyers who are Canadian citizens and have at least 10 years of experience can apply to join the provincial court.

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The process begins with a candidate summary indicating the lawyer's interest in serving as a judge.

The candidate summary then goes to an organization called the Judicial Council, which is chaired by the chief provincial court judge and includes the chief justices of the Court of Appeal and Court of King's Bench, the president of the Law Society of Alberta and two provincial appointees.

After an interview with the candidate, the Judicial Council makes a recommendation to the minister of justice about the applicant's suitability.

Successful applicants are then scrutinized by the Provincial Court Nominating Committee, which includes eight provincial appointees as well as representatives from the provincial court, the law society and the Canadian Bar Association. More interviews are conducted, after which successful candidates are added to an "appointment eligibility" list.

STORY CONTINUES BELOW



The justice minister selects names from that list to fill vacancies on the provincial court.

Chartrand, who has spent 10 years running a private criminal defence practice, began practicing law in Manitoba before joining the Alberta bar in 2008. In a brief statement through his lawyer, Mona Duckett, Chartrand declined to comment on his decision to return to private practice.

Asked about filling the vacancy left by Chartrand, Lecavalier-Kidney said, "filling vacant positions is determined based on advice from the provincial court."

Justices of the Court of King's Bench and Court of Appeal are appointed by the federal government.

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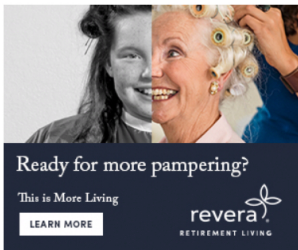


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