

TERMS OF REFERENCE FOR JUDGES OF THE COURT OF KAHNAWÀ:KE

Approved by Kahnawà:ke Justice Commission Resolution No.4 on 22 Onerahtohkó:wa/May 2025

1.0 OVERVIEW

- 1.1 The Court of Kahnawà:ke shall be composed of a body of a minimum of three (3) appointed Judges that will be competent to hear all matters within the Court's jurisdiction. They will be appointed by the Mohawk Council of Kahnawà:ke (MCK) Ratitsénhaienhs in accordance with the *Regulation Respecting the Selection and Appointment of Judges of the Court of Kahnawà:ke*.

2.0 MANDATE

- 2.1 Judges are public officials with the authority to hear cases in the Court of Kahnawà:ke and pronounce judgment. They will exercise judicial powers when hearing applicable laws and regulations and have the authority to render any decisions, sentences, orders and/or other remedies that are prescribed by applicable laws and regulations.
- 2.2 Judges have authority over the conduct of their hearings and have all the powers necessary for the exercise of their jurisdiction.
- 2.3 Judges will comply with the *Code of Conduct for Judges of the Court of Kahnawà:ke*, their terms of reference, their oath of office, their confidentiality agreement and any other applicable standards or duties set out in legislation, regulations, codes, policies and/or procedures.

3.0 ADMINISTRATIVE SUPPORT AND RESOURCES

- 3.1 MCK Justice Services will provide support services to the Court of Kahnawà:ke, including the services of a clerk.

4.0 ACCOUNTABILITY

- 4.1 Judges are accountable to the Lead Judge.

5.0 ELIGIBILITY

- 5.1 To preside as a Judge, a person must meet the eligibility criteria set out in article 3.1 of the *Regulation Respecting Eligibility Criteria for Appointment of Judges of the Court of Kahnawà:ke*.

6.0 DURATION

- 6.1 Judges will hold office for life or until the first of the following events: retirement, resignation, incapacity or removal. Retirement is mandatory at age 65 but a special dispensation may be granted by peer judges to continue after age 65.

7.0 REMUNERATION

- 7.1 Remuneration will be at the rate fixed by Mohawk Council Executive Directive. This rate will apply to preparation time, hearings and any court-related business conducted before or after hearings adjourn, deliberation and formal decision writing outside of court sessions and for attending meetings, training or any other similar activities requested by the Commissioner of Justice.
- 7.2 There will also be a fee applied for documents requiring signature outside of a court session (e.g.: summons, warrants, etc).
- 7.3 Judges will submit a detailed account of fees, making it possible to verify the validity of any fees, expenses, allowances and indemnities claimed.