

# LEWIS, DAY

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HONOURABLE JOHN L. JOY

16 September 2021

For 14 years, Honorable John Joy (after 28 years' law practice) served continuously as a Judge in Labrador. At Happy Valley-Goose Bay, and in 13 coastal communities, he dispensed Provincial Court justice to Labrador. He never sought to serve outside Labrador.

Judge Joy's dockets, to say the least, were industrial strength. For example, not unusually during a four-day coastal circuit to a community (at least once monthly), he addressed (by day, sometimes at night) upwards of 400 charges against 80 accused, and child protection cases. Only thrice in 14 years (as best I could determine) were his written judicial decisions appealed, and only once successfully.

About the time he retired, he was reprimanded by decisions of a Provincial Court Tribunal for some language in a Memorandum he wrote in March 2014. Media lately reported the decisions. As now-former legal counsel to Judge Joy (and without consulting him), I respond to the media reporting.

No, I am not criticizing the media's reporting, even though the Tribunal (quite properly) did not exercise its authority to require any publication of the decisions reprimanding the Judge (Provincial Court Act, 1991, s. 25.2(2)(e)).

The Tribunal's reprimand decisions (after lengthy hearings) resulted from three complaints. One was dismissed by the Tribunal. The two upheld complaints were based on some language in the 22-page, 7400-word Memorandum Judge Joy, in 2014, wrote (during personal time), which detailed weaknesses he observed, from the Bench, in some aspects of Labrador justice. He privately distributed the

Memorandum to eight professionals with stakes in Labrador justice administration. He expected they would copy the document to their superiors. The Memorandum was based on his first eight years as a Judge (and earlier Labrador Provincial Court appearances as a lawyer). Neither in writing nor verbally did he ever disseminate the Memorandum or its contents to anyone else.

The demanding professional obligations of all Judges are guided by published guidelines. Those guidelines include recognition Judges, separately from their decision-making, may—if they choose—participate in dialogue about “matters directly affecting the operation of the Courts ... or fundamental aspects of the administration of justice.” Judge Joy chose to. The matters involved Labrador justice. The guidelines recognize he could have publicly done so. Instead, he did so privately; and only in writing. He did not want his Labrador justice concerns to become a public, political event. In Judge Joy’s view, discreet private dialogue harbored greatest potential to forge effective solutions of his concerns; especially, to benefit Indigenous Labrador residents.

Judge Joy wrote the Memorandum to stimulate, privately, dialogue with Labrador justice stakeholders (or their superiors). The purpose of such dialogue would be to attempt alleviate what he, in his substantial judicial experience, regarded as grave, persisting defects in administration of Labrador justice.

As the Tribunal concluded, a “common thread throughout all the evidence at the hearing(s) was an acknowledgment” that Judge Joy “was motivated by a laudable goal.” The Tribunal was “entirely satisfied” Judge Joy “has a profound interest and commitment to the many issues” involving “delivery and administration of justice in Labrador” and “many related issues which disproportionately affect these remote and often underserviced communities.”

What is more, the Tribunal had “no doubt” Judge Joy “was motivated by a subjective belief that by generating discussion and offering possible solutions to the issues he perceived to be problematic, he could potentially bring positive changes to the administration of justice in the northern communities of Labrador.”

Each of the two complaints specifically recognized that Judge Joy could generate dialogue about Labrador justice. But in doing so by his Memorandum, the complaints quarreled with the manner in which he expressed some of the contents.

The Tribunal decided, “we cannot decide [the complaints about some Memorandum contents] based solely on Judge Joy’s intentions or the beliefs he apparently held in good faith.” Rather, the Tribunal found that “no matter how well intentioned or what [Judge Joy’s] motivations may have been, his actions, and ultimately the content of the Memorandum must be considered against the objective standard that is expected of judges.” That standard requires judges to communicate, on and off the Bench, with “great restraint”. Some parts of the Memorandum, in the Tribunal’s opinion, were “not consistent” with that standard. They could, said the Tribunal, have diminished the public’s confidence in Judge Joy’s impartiality and, more generally, administration of justice.

In reprimanding Judge Joy, the Tribunal stated that the object of the Provincial Court Act, 1991, “is not to punish the judge, but rather to repair any damage to the integrity and repute of the administration of justice in a proportional manner.”


The Tribunal made clear, however, “there was no evidence of a lack of impartiality in any particular case over which [Judge Joy] presided.” He was never suspended from performance of his judicial duties. He was never required to refrain from hearing any particular case.

The Telegram, St. John’s, NL, incorrectly reported on 16 September 2021 (page A3) that Judge Joy “officially retired during the summer of 2017 (returning briefly in 2019).” In fact, Judge Joy officially retired in August 2020, and only then because, like all Provincial Court Judges, he was required to retire by provincial statute. He did not return briefly in 2019, because he never left the Bench until his 2020 retirement.

Since mandatory retirement from the Provincial Court, Judge Joy has steadfastly devoted himself, at his expense, to reaching out to the Labrador communities he had judicially served with distinction. His immediate goal is to found an organization dedicated to working with the Labrador communities, and with

Labrador justice stakeholders, to resolve frailties of Labrador justice administration. (He also plans doing so on the Island of Newfoundland.)

During 53 years' law practice to date, I have spent significant time in Labrador courts; especially in coastal communities. Whenever appearing before Judge Joy, my clients were always impartially treated, with respect, patience, empathy and wisdom.



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