



1455-2 (CMJ)

22 February 2008

Distribution List

COURT MARTIAL PANEL SELECTION REPLACEMENT DIRECTIVE

References: A. QR&O paragraph 111.03(3)
B. QR&O paragraph 111.03(4)
C. QR&O article 112.14 (*Objection to the Composition of the Court Martial*)
D. QR&O paragraph 111.03(9)

1. As you are aware, the Court Martial Administrator (CMA) shall appoint the officers and non-commissioned members selected as Court Martial Panel Members using random technology unless they are mandatorily excluded under one or more of the conditions set out at reference A or excused from performing Court Martial duties where the CMA is satisfied that their situation falls within the ambit of reference B.
2. There is actually no regulatory process that would assist the Court Martial Administrator in replacing a service person already selected and appointed to serve as a Court Martial Panel Member when the Court has been convened but prior to the beginning of Court Martial proceedings.
3. The above-mentioned scenario is not captured under the procedure set out at reference C. In absence of a suitable procedure, a person selected to act as a panel member for a Court Martial that has been convened could not be replaced even if that person's personal circumstances would now meet the conditions set out at references A and B, unless that person is excused by the presiding military judge.
5. This situation is highly ineffective, impractical and costly. Not only does it contribute to the useless expenditure of public funds associated with the lodging and travelling costs of panel members that ought to be excused, it also draws personnel resources from their normal place of duty unnecessarily.

6. I therefore issue the following directive for the proper administration of the selection and appointment of the members of General Courts Martial and Disciplinary Courts Martial, pursuant to reference D:

Upon being informed in writing, with supporting documents, that a person selected and appointed to perform the duties as member of a Disciplinary or General Court Martial that has been convened, but where the proceedings have not yet commenced, would now meet the conditions for exclusion under references A and B for a reason that did not exist at the time the person was selected and appointed, you are now required to:

- a. Select a replacement panel member amongst the alternates and record the reasons for the replacement;
- b. Should there be not be a sufficient number of remaining alternate members available for that Court Martial, appoint the required number of alternates;
- c. Provide notice of the replacement in writing to the military judge assigned to preside at the Court Martial, counsel for the accused and the Director of Military Prosecution; and
- d. Amend the convening order accordingly.

7. I hope this directive will assist you in performing your duties of selecting and appointing Court Martial Panel Members.

(originally signed by)

M. Dutil
Colonel
Chief Military Judge

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