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## MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

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Saturday, April 21st and Sunday, April 22<sup>nd</sup>, 2018  
Delta Hotel, Montréal  
Concerto Room

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### PRESENT

Larry Anderson, Committee on the Law  
Jean Pierre Archambault, Access to Justice  
Inez Cardinal, Saskatchewan  
Sandra Chapman, Manitoba  
Béatrice Clément, Quebec  
Gary Cohen, Website Co-Editor  
Gary Cornfield, Alberta  
Mike Cozens, Yukon  
Danielle Dalton, 2<sup>nd</sup> Vice-President  
Joe De Filippis, Treasurer  
Robert Gorin, President  
Wayne Gorman, Judicial Counselling Prog.  
Christine Harapiak, Judicial Ethics  
Patrick Koskie, Saskatchewan  
Marco LaBrie, 1<sup>st</sup> Vice-President  
Jeff Lantz, Prince Edward Island  
Denise Leblanc, Co-Editor Journal  
(Saturday only)  
Martine Leclerc, Quebec Municipal Court  
(Saturday only)

Karen Lische, Secretary  
Richard MacKinnon, Nova Scotia  
John Maher, Compensation Committee  
Lee Ann Martin, National Judicial Institute  
Jean McBride, Manitoba  
Mayland McKimm, Past President  
Katherine McLeod, National Education  
Ken Oliver, New Brunswick  
Mélanie Roy, Equality & Diversity;  
Indigenous Peoples and the Courts  
(Saturday only)  
David St. Pierre, British Columbia  
Wynne Anne Trahey, Newfoundland  
Theodore Tax, 3<sup>rd</sup> Vice-President  
David Walker, Compensation  
Martha Zivolak, Ontario  
Robin Finlayson, National Education  
Mary Kate Harvie, Website Co-Editor

### Saturday, April 21<sup>st</sup>, 2018

#### 1. WELCOME, VERIFICATION OF QUORUM AND AGENDA

The meeting is called to order at 8:32 A.M. by the President, Judge Robert Gorin, who assumes the Chair. He welcomes everyone to the meeting. One proxy have been filed by Garth Malakoe of the Northwest Territories appointing Mike Cozens of the Yukon in his place. Justice Karen Lische has forwarded the proposed agenda electronically to the participants prior to the meeting. Quorum was met.

**MOTION:** MOVED by Juge Marco LaBrie and **SECONDED** by Judge Ted Tax that the proposed agenda for the meeting be adopted. **MOTION CARRIED.**

## **2. ENGLISH VERSION OF THE MINUTES OF THE BOARD OF DIRECTORS' MEETING – SEPTEMBER 25<sup>th</sup> and 26<sup>th</sup>, 2017 – CHARLOTTETOWN AND FRENCH VERSION OF THE MINUTES OF THE BOARD OF DIRECTORS' MEETING – April 22<sup>nd</sup> and 23<sup>rd</sup>, 2017 , MONTRÉAL**

These minutes have all been distributed electronically by the Secretary, Justice Karen Lische, in advance of the meeting.

**MOTION:** MOVED by Judge Patrick Koskie and **SECONDED** by Juge Béatrice Clément that the minutes of the Board Meeting of April 22<sup>nd</sup> and 23<sup>rd</sup>, 2017, in French, be adopted. **MOTION CARRIED.**

**MOTION:** MOVED by Juge Marco LaBrie and **SECONDED** by Judge Jeff Lantz that the minutes of the Board Meeting of September 25<sup>th</sup> and 26<sup>th</sup>, 2017, in English, be adopted. **MOTION CARRIED.**

## **3. PRESIDENT'S REPORT**

Judge Robert Gorin has circulated, in advance of this meeting, his written report.

In addition to his written report, Judge Robert Gorin has up-dated that CAPCJ has intervener status for the Quebec reference which will probably be heard in November. Last week, CAPCJ's counsel filed approximately 850 pages of evidence on our behalf for the reference. This was done ahead of schedule given the cooperation that CAPCJ has received from the Chiefs of the various provinces and territories with civil jurisdictions.

Judge Gorin provided an up-date to the board and thanked the various newly appointed persons for having taken on their volunteer roles. For example, Judge Mary Kate Harvey is the web content Co-Editor and will work with Judge Gary Cohen and Judge Alan Tufts as Co-Web Master starting soon. Judge Katherine McLeod has taken over as the Chair of the National Education Committee and has been instrumental at the Skills Based Program in Niagara-on-the-Lake. She comes to us with an international reputation. Judge Robin Finlayson is back with CAPCJ as Vice-Chair of the National Education Committee. CAPCJ is very glad to have him back.

Judge Larry Anderson will soon be stepping down as Chair of the Committee on the Law to be replaced by Judge Josh Hawkes of Alberta.

In reviewing the Directors' Resolutions from the Annual General Meeting, Judge Gorin notes that they were all resolved but for the issue in Poland. Judge Carena Roller, the Chair of the Judicial Independence Committee, is currently on a medical leave, consequently, that Committee's mandate has not been fulfilled at this time.

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## **4. SECRETARY'S REPORT**

Justice Karen Lische circulated her report electronically in advance to the member and reminded the Board that the meeting dates for the balance of the 2018 year are

contained in the secretary's report. Furthermore, next year's CAPCJ Spring Board Meeting will be held on April 6<sup>th</sup> and 7<sup>th</sup>, 2019. Justice Lische will provide a separate e-mail shortly to the members of the Board with the 2019 dates for Board meetings of the Executive and Directors.

## **TREASURER'S REPORT**

Justice Joe De Filippis provided the treasurer's report in advance and circulated it electronically to the Board members.

Questions were asked and answered. Justice De Filippis reports that all revenues have been paid except for that of Newfoundland and Labrador which is being delayed by bureaucracy.

Justice Joe De Filippis encourages members to submit their expenses by way of scanning the documents to Justice De Filippis directly. He notes that he will still accept hard copy of expenses but prefers that they be scanned from now on.

## **5. BUDGET 2018-2019**

Justice Joe De Filippis provided the treasurer's budget in advance electronically to the Board members and was available for questions.

**MOTION:** MOVED by Judge Ted Tax and **SECONDED** by Justice Martha Zivolak that the Report of the President, the Secretary and the Treasurer be adopted. **MOTION CARRIED.**

## **6. EDUCATION**

### **a. National Education Committee (NEC)**

Justice Katherine McLeod is an integral part of the Skills Based Course at Niagara-on-the-Lake and that given the large number of newly appointed judges, there will be two sessions this year, in June of 2018 and in November of 2018 in order to accommodate all of the new appointments to the bench.

Justice McLeod circulated a budget with detailed footnotes to the Board members in advance of the Board meeting. Justice McLeod has also written an article for the Journal which should be available in July 2018.

Judge Robin Finlayson reminded the Board that it is essential that the CAPCJ education conference have both a criminal and family or civil component.

### **b. New Judges' Education Program (NJEP)**

The New Judges' Education Program (NJEP) at Bromont commences Sunday April 22<sup>nd</sup>, 2018. The number of new judges attending this year's session has doubled. There are 118 new judges attending Bromont this year. Justice Katherine McLeod will go to Bromont and present at the NJEP.

Juge Thierry Nadon was not present at the Board meeting and did not provide a report, however, the Agenda for the New Judges' Education Program in Bromont was reviewed. The members of the Executive of CAPCJ are attending the opening session and will speak to the newly appointed judges about the importance of CAPCJ on Sunday, April 22, 2018.

## **7. NATIONAL JUDICIAL INSTITUTE (NJI)**

Judge Lee Ann Martin filed a report which was circulated to the Board members in advance of the meeting. Many changes are currently taking place at the NJI and some of these were discussed.

## **8. COMPENSATION COMMITTEE**

Judge John Maher circulated a Compensation Committee report in advance of the meeting.

Judge John Maher along with Judge David Walker recommended that CAPCJ engage the services of Dr. Paul Thomas to prepare an opinion piece to be published in a political science journal on the issue of judicial compensation. This issue was discussed and deferred to the Directors' Forum for further consideration and in depth discussion. Dr. Thomas has a well-established reputation.

## **9. JUDICIAL ETHICS COMMITTEE**

Judge Christine Harapiak submitted her report in advance of the meeting to the various Board members.

Judge Harapiak reminded the Board that there are currently three vacancies on this committee and that soon she may be stepping down as the Chair of that committee. The executive extended their thanks to Judge Christine Harapiak for her service and dedication.

## **10. JUDICIAL INDEPENDENCE COMMITTEE**

Judge Carena Roller distributed her report in advance of the meeting, however, due to her medical leave she sent her regrets and was not present at the meeting.

## **11. COMMITTEE ON THE LAW**

Judge Larry Anderson gave the Board a snapshot of Bill C-75. Judge Anderson indicated that this bill prevents the need by police to back search warrants, allows appearances by close-circuit television at all stages of the proceedings, however, judicial discretion continues to exist, and with regard to domestic violence offences, increases the maximum sentence for repeat offenders, makes it an aggravating circumstance, is seen as a reverse onus in bail court and expands the definition of intimate partners. Furthermore, there is a reduction in the use of preliminary hearings and extension of time for certain re-election provisions and a reclassification of offences. The limitation of summary offences goes from six months to twelve months and makes

offences with a maximum of ten years in jail hybrid offences. The maximum sentence on summary matters is two years less a day. This Bill may result in many more elections by Assistant Crown Attorneys to have their matters heard in the provincial and territorial courts. It also incorporates by Statute the ladder principle. There is new language for release orders and there is criteria for determining whether a surety is fit. The surety must sign a declaration and the judge has discretion to waive this. Furthermore, there will be what is called a judicial referral hearing which may be used for administration of justice offences. The police will have greater powers of release where arresting officers can release without going through officer in charge and a judge can review the conditions of release. Routine police evidence can be put in through affidavit with the discretion of the judge to direct that the person be present for cross-examination. There is an expansion of the case management powers of the case management judge, who can hear change of venue applications and can become a case management judge earlier than before. The executive and the Board of CAPCJ thanked Judge Larry Anderson for his longstanding contribution to CAPCJ as he is stepping down after this meeting and being replaced by newly appointed Judge Josh Hawkes of Alberta.

## **12. EQUALITY AND DIVERSITY COMMITTEE**

Juge Mélanie Roy circulated her report in advance of the meeting to the Board members. She expressed frustration that her committee was not able to meet its objectives. The Equality and Diversity Committee is a constitutional committee. The Executive will address this issue. The Executive will look into ways to re-invigorate the Equality and Diversity Committee. There exists a three-year membership rule on a committee of CAPCJ, subject to some exceptions. The Executive will look into whether or not this committee is in compliance with the three-year rule.

## **13. JUDICIAL COUNSELLING PROGRAM**

Judge Wayne Gorman's circulated his report electronically in advance of the meeting.

He answered questions and indicated that his program is used primarily by sitting judges but is also available to their family members. He has sent out a satisfaction survey and has received positive responses. Those who have used the program are satisfied with the results.

## **14. COMMUNICATIONS COMMITTEE**

### **a. Provincial Judges' Journal**

Judge Ross Green was unable to attend the meeting but did circulate his report in advance of the meeting. Co-Editor Judge Denise Leblanc also submitted a report which was circulated in advance of the meeting and she was there to answer any questions.

CAPCJ President Judge Robert Gorin acknowledged Judge Denise Leblanc's commitment to Judicial Education with regard to her involvement with the French

language training for provincial and territorial court judges in Caraquet, New Brunswick.

**b. Electronic Newsletter**

Judge Gary Cohen provided a report which was circulated in advance of the meeting.

In addition to his report, Judge Cohen indicated that the CAPCJ website was recently upgraded and will soon hold the list of committees and their members along with, if available, their dates of membership. Judge Cohen reminded the Board not to use their private password for the CAPCJ website in the event that the passwords are ever compromised.

Judge Cohen indicated that the reports for this meeting that have been circulated in advance of this meeting are located on the website.

Judge Mary Kate Harvie also circulated a report in advance of the meeting and confirmed that there is no longer a CAPCJ *Newsletter*. Instead, a series of articles will be circulated and put on the website. Judge Mary Kate Harvey's goal is to get information out to judges.

**15. ACCESS TO JUSTICE COMMITTEE**

Juge Jean-Pierre Archambault circulated his report in advance of the meeting. This committee has been very busy and is looking into preparing a document for the self-represented litigant.

**16. HISTORY PROJECT**

Juge Céline Gervais was not available to attend the Board meeting due to an unforeseen circumstance. Her report was filed and circulated in advance of the meeting.

**17. ETHICS ADVISORY COUNCIL**

This report was filed and circulated in advance by Judge Shelagh Creagh and was reported on by Judge Christine Harapiak.

**18. INDIGENOUS PEOPLES AND THE COURT**

Juge Mélanie Roy circulated her report in advance of the meeting.

The draft objectives proposed by the committee are as follows:

- **Vision** – the Indigenous Justice Committee recognizes the importance of responding to the Truth and Reconciliation Commission of Canada's Call to Action and further, recognizes the need to make changes to the court system that

will address the issues facing every indigenous person who appears before the provincial courts.

- **The Canadian Association of Provincial Court Judges** recognizes the importance of providing ongoing education to assist all provincial court judges in achieving the goals set by each province in responding to the Truth and Reconciliation Commission of Canada's Call to Action.
- **Mission/Objectives** – (1) To establish a standing national resource data base on indigenous justice issues; (2) To explore and incorporate alternative approaches to acknowledge and address the issues facing indigenous peoples in all provincial court proceedings; (3) To ensure provincial court judges are continually educated about the social context of indigenous peoples in the Canadian justice system to better equip them with the necessary culture competency skills for judging within the social context; (4) To encourage and facilitate where possible the provision of community and government resources and services to indigenous peoples.
- **Priority Goals** – (1) To identify areas for judicial education and through collaboration with the Judicial Education Committee make recommendations or build specific programs that can be shared across the country; (2) To confirm what programs and resources currently exist for indigenous people in our various courts and court locations across the country, assess what works, what could be modified, what could be expanded with a view to promoting best practices in provincial courts nationally; (3) To build relationships with indigenous communities as it relates to justice; and (4) To make recommendations to CAPCJ on issues of indigenous justice.

**MOTION:** MOVED by Justice Martha Zivolak and SECONDED by Judge Ted Tax that the Reports of the various committees be adopted. MOTION CARRIED.

## 19. ACTION ITEMS

### a. Indigenous Justice Committee

Judge Robert Gorin wants the Directors' Forum to consider whether the Indigenous People and the Courts Committee, which is currently a special committee, become a standing committee and if possible with representation from all parts of Canada on the committee and if possible for the members of the committee to be First Nations, Inuit or Métis. This item is deferred for the Directors' Forum to consider.

### b. Membership of Committees

Judge Robert Gorin wishes to ensure that CAPCJ committees are being revitalized in accordance with the three-year term with possible extension that was passed earlier, when Judge Mayland McKimm was CAPCJ's President.

Judge Robert Gorin is requesting that the website up-date the committee membership and the individual committee member's year of appointment to the committee so that this can be properly monitored. There are, however, committees that are exempted from this such as Compensation and Education.

Judge Robert Gorin notes that the Access to Justice Committee was successful in obtaining a temporary exemption from the three-year rule.

**c. Meeting with the Federal Justice Minister Jody Wilson-Raybould on Monday April 23, 2018**

Judge Robert Gorin expressed to the CAPCJ Board members that the Executive met to discuss what would be referred to at the meeting with the Federal Justice Minister when the Executive met on Friday April 19, 2018.

Judge Gorin indicated the various subjects that would likely be discussed with the Federal Justice Minister and encouraged the topic discussed further at the Directors' Forum. The Executive will be meeting with Federal Justice Minister Jody Wilson-Raybould on Monday, April 23, 2018 at 1:45 pm on Parliament Hill in Ottawa.

**d. Meeting with the Supreme Court of Canada and the Honourable Madam Justice Suzanne Coté, Monday April 23, 2018**

Judge Robert Gorin confirmed that the Executive of CAPCJ is meeting with the Honourable Madam Justice Suzanne Coté on Monday, April 23, 2018 at 3:30 pm at the Supreme Court of Canada.

Judge Gorin again offered that the subject matter of this meeting be discussed at the Directors' Forum should they recommend other discussion topics.

**e. Fee Increase**

Justice Joe De Filippis encouraged the Directors to discuss at the Directors' Forum the issue of the fee increase and he is seeking that the Directors' Forum move that effective April 1, 2019 the dues payable for each full time judge be increased to \$300.00 (from the present \$200.00) and the fees payable for all other category of judges be increased to \$75.00 (from the present \$50.00).

Justice Martha Zivolak indicated that there should perhaps be a wording change to read "dues paying judges". The matter will be discussed at the Directors' Forum.

Justice Joe De Filippis indicated that CAPCJ's fees have been the same for the last 19 years, however, the costs have not been the same, they have increased. Judge David Walker expressed the necessity of the fee increase in order to prepare for possible future litigation.



#### **f. 2018 CAPCJ Justice Award**

Juge Marco LaBrie proposed an individual worthy of the CAPCJ 2018 Justice Award. A discussion took place with regard to this individual's contributions to CAPCJ. The decision for this award is an Executive decision by the CAPCJ Executive and the individual will be recognized at the CAPCJ Educational Conference in Montreal in November 2018.

#### **g. 2018 CAPCJ Medal**

Judge Robert Gorin forwarded discussion of this issue to the Directors' Forum.

Prior to the meeting, Judge David Walker and Juge Jacques Nadeau circulated a proposal for an individual to be the next recipient of the CAPCJ 2018 Medal. That proposal was circulated in advance of the meeting. The contributions of the person who is being proposed to be the recipient of the medal were discussed and the Directors' Forum will consider the issue.

#### **h. 2019 Educational Trip**

Justice Joe De Filippis indicated that the next educational trip of CAPCJ will be held in June 2019. The destination will be southern Italy and Malta. The tour organizer will be Hindy Freedman.

Justice De Filippis has already contacted the Italian Consulate and expects the group will be meeting with judges in Rome and hopefully Palermo and Sicily. He expects the itinerary to come out in the next month or so along with the anticipated costs. Judge Mary Kate Harvie asked that the itinerary be sent to the website as well. As always, there will be a significant educational component within the itinerary.

**The meeting is adjourned at 12:15 p.m.**

#### **20. MEETING OF DIRECTOR'S FORUM – 12:53 P.M. to 2:03 P.M.**

**Sunday April 22<sup>nd</sup>, 2018**

#### **21. REPORT OF MEETING OF DIRECTORS' FORUM**

Juge Béatrice Clément confirmed that Justice Joe De Filippis attended the meeting to answer budget related questions.

Juge Béatrice Clément then summarized the discussions and motions adopted at the Directors' Forum. The minutes of the Directors' Forum are appended hereto as Appendix "A".

**MOTION:** MOVED by Juge Béatrice Clément and SECONDED by Judge Gary Cornfield that the minutes and resolutions of the Directors' Forum Meeting be adopted. MOTION CARRIED.

## **22. PROVINCIAL AND TERRITORIAL DIRECTORS' REPORTS**

### **Newfoundland and Labrador**

Judge Wynne Anne Trahey has filed her report electronically and has nothing to add other than they are looking into the issue of their Chamber's days. Judge Trahey was available for any questions.

### **Nova Scotia**

Judge Richard MacKinnon has filed his report electronically and has nothing to add other than Nova Scotia's sincere thanks to CAPCJ and the other provincial and territorial associations for their financial assistance. This includes New Brunswick's \$10,000.00 grant to Nova Scotia.

### **Prince Edward Island**

Judge Jeff Lantz has filed his report electronically and has nothing to add to it. He was available to answer questions.

### **New Brunswick**

Judge Ken Oliver was available to answer questions with regard to Judge Gerry Mahoney's report which was circulated electronically in advance of the meeting.

### **Québec**

Juge Béatrice Clément filed her report electronically in advance of the meeting. She added that the Court of Appeal in Québec has heard the provision for costs sought by the Superior Court of Justice. They are awaiting a decision on that issue. The court dates for the Reference have not been set yet but are expected in or about November of 2018. Juge Clément was available for questions.

### **Cours Municipal de la Ville de Montréal**

Juge Martine Leclerc circulated her report electronically in advance of the meeting.

Juge Béatrice Clément was available to answer questions with regard to the report.

### **Ontario**

Justice Martha Zivolak distributed her report in advance of the meeting and added that there has been a large turnover in the Ontario Court of Justice in the last year along with numerous new appointments. She reminded everyone that there is a movement for the Unified Family Court and it is being implemented in phases throughout Ontario.

Justice Zivolak was available to answer to any questions.

## **Manitoba**

Judge Sandra Chapman filed her report in advance of the meeting and added that there are currently three judges on medical leave in Winnipeg, Manitoba. She described that the workload is heavy and the working conditions stressful.

Judge Sandra Chapman was available for questions.

## **Saskatchewan**

Judge Patrick Koskie circulated his report in advance of the meeting and added that the two new appointments to Saskatchewan are indigenous. He was available to answer questions.

## **Northwest Territories**

Judge Garth Malakoe circulated his report in advance of the meeting and Judge Robert Gorin was available to answer any questions with regard to the report.

In addition to the report, Judge Gorin explained that the Northwest Territories are in talks with the government to establish a supernumerary program for Judges similar to the one in Alberta.

## **Alberta**

Judge Gary Cornfield circulated his report in advance of the meeting and was available to answer any questions.

## **British Columbia**

Judge David St. Pierre circulated his report in advance of the meeting and added that British Columbia is still in litigation. British Columbia is not seeing huge *Jordan* issues. They have rules for time and timelines for disclosure enabling them to properly manage their cases.

Judge David St. Pierre was available to answer questions.

## **Yukon**

Judge Michael Cozens filed and circulated his report in advance of the meeting. In addition, he advised that Judge Peter Chisholm is now the Chief of the Yukon court.

Judge Michael Cozens was available to answer any questions.

**MOTION:** MOVED by Juge Béatrice Clément and SECONDED by Judge Ken Oliver that the provincial and territorial reports be adopted. MOTION CARRIED.

## **22.ANNUAL CONFERENCES**

### **a. Conference 2017 – Charlottetown**

Judge Jeff Lantz reported that the 2017 conference held in Charlottetown was organized by the Northwest Territory judges and hosted by the Prince Edward Island judges. The final figures are in and the surplus is just under \$65,000.00. Of that surplus, \$32,000.00 (approximately) went to CAPCJ. This represents approximately half of the surplus. One hundred and ninety-one (191) persons registered along with sixty (60) spouses. Judge Nancy Orr was able to save a lot of money during the conference. Of the remaining surplus, \$10,000.00 went to Newfoundland and Labrador to assist with their litigation and \$10,000.00 went to Nova Scotia also as a gift to assist with their litigation.

#### **b. Conference 2018 – Montréal**

Juge Marco LaBrie indicated that this year's conference is being held in Montréal, Québec from November 14<sup>th</sup> through to 17<sup>th</sup>, 2018 and the theme is judicial ethics.

On Monday, November 12<sup>th</sup>, 2018, the Compensation Committee will be meeting.

On Tuesday, November 13<sup>th</sup>, 2018 and Wednesday, November 14<sup>th</sup>, 2018 the Board of Directors and the Executive will be meeting.

The actual education portion of the Conference kicks off on the evening of Wednesday, November 14<sup>th</sup>, 2018.

Juge LaBrie was able to confirm that the Chief, the Honourable Mr. Justice Richard Wagner is coming to the Conference.

The banquet will be held on the Thursday evening. The education portion of the Conference will be held on Thursday and Friday.

The Annual General Meeting will be held on Saturday morning.

Although pre-registration is available and has been available since prior to end of fiscal year, regular registration will be available when the website is operational in June of 2018. Juge LaBrie reminds everyone that the location of this Conference is at the Sheraton Montréal Hotel.

#### **c. Conference 2019 – Alberta**

Judge Danielle Dalton advised that the 2019 Conference will be held in Banff from October 2<sup>nd</sup> to the 5<sup>th</sup>, 2019.

It will be held at the Banff Park Lodge and other nearby hotels.

There is no theme yet for this educational Conference but it will have a family, civil and criminal component. It is expected that that be advanced meeting for compensation would be on September 30<sup>th</sup>, 2019 and the Board would be meeting on October 1<sup>st</sup> and 2<sup>nd</sup>, 2019.

On the Wednesday evening October 2<sup>nd</sup>, the reception would kick things off.

There would be a banquet on the Friday evening and possibly a dinner and dance.

The organizing committee is looking into having discounts on West Jet and Brewster Bus Lines. They expect to have a link on the CAPCJ website to their website soon so that individuals can register online. They are looking to arrange side trips to Lake Louise and the Columbia Ice Fields. They are also working on obtaining simultaneous translation services.

#### **d. Conference 2020 – Nova Scotia**

Judge Ted Tax advised that the Nova Scotia Conference will be held in Halifax on the waterfront at the Harbourfront Marriott Hotel from Wednesday, September 16<sup>th</sup> until Friday September 18<sup>th</sup>, 2020.

There is no theme at this time. They are looking to target a minimum of 200 persons registered along with approximately 50 or 60 spouses.

#### **e. Conference 2021 – Saskatchewan**

Judge Patrick Koskie indicated the dates for the Saskatchewan 2021 Conference will be September 26<sup>th</sup> to October 2<sup>nd</sup>, 2021 in Saskatoon.

#### **f. Conference 2022 – Ontario**

Justice Martha Zivolak indicated that there is a committee looking at possible dates for this Conference as well as location. The possible dates are September 18<sup>th</sup> through 23<sup>rd</sup>, 2022 or October 23<sup>rd</sup> to 28<sup>th</sup>, 2022. The location is likely Toronto although Ottawa is also being considered.

**MOTION:** MOVED by Judge Gary Cornfield and **SECONDED** by Justice Martha Zivolak that the Conference reports be adopted. **MOTION CARRIED.**

### **23. QUESTIONS TO TABLE OFFICERS**

There were no questions for the table officers.

### **24. NEW BUSINESS**

Judge Mayland McKimm asked if there would be interest in looking at a possible exchange program. There was a discussion on how some judges attend other provinces or territories in order to deal with conflict matters. The group discussed that it was worth bringing up at our luncheon with the CCCJ during the Conference in Montréal in November.

Case management issues were discussed and information was exchanged on best practices with a view to providing an education for the changing skill set of our judiciary.

Judge Robert Gorin acknowledged and thanked the Directors and the Chairs of the committees for their work and time with CAPCJ.

## **25.ADJOURNMENT**

**MOTION:** MOVED by Judge Patrick Koskie and SECONDED by Judge Sandra Chapman that the Meeting of the Board of Directors be adjourned. MOTION CARRIED.

**The meeting is adjourned at 10:22 A.M.**

## APPENDIX "A"

### Minutes of the Directors' Forum

Saturday, April 21, 2018  
Concerto Room, Delta Montreal

**Present:**

Sandra Chapman and Jean McBride (Manitoba)  
Beatrice Clement (Quebec)  
Gary Cornfield (Alberta)  
Michael Cozens (Yukon)  
Pat Koskie (Saskatchewan)  
Jeff Lantz (Prince Edward Island)  
Martine Leclerc (Municipal Court of Montreal)  
Richard MacKinnon (Nova Scotia)  
Garth Malakoe via proxy held By Michael Cozens (Northwest Territories)  
Ken Oliver (for Geri Mahoney – New Brunswick)  
David St. Pierre (British Columbia)  
WynneAnne Trahey (Newfoundland and Labrador)  
Martha Zivolak (Ontario)

#### 1. WELCOME, VERIFICATION OF *QUORUM* AND AGENDA

Judge Beatrice Clement assumed the chair and called the meeting to order at 12:53 p.m.  
Judge Gary Cornfield acted as secretary for the meeting.

The points on the Agenda are:

1. CAPCJ fee increase effective February 1, 2019. Judge Martha Zivolak would like the wording amended so retired judges who are ex-officio members of the Ontario Association and do not pay dues to the Association of Ontario Judges do not have to pay CAPCJ dues.
2. Academic Paper to be prepared by Dr. Paul Thomas
3. Judge John Maher's expenses in meeting Dr. Thomas
4. Approval of Revised Budget Proposal
5. Indigenous Justice Committee
6. CAPCJ Medal
7. Having the Executive raise the issue of Mandatory Minimum Penalties in their meeting with the Federal Minister of Justice on April 23, 2018.
8. Deductibility of Pension Contributions.

## **2. CAPCJ FEE INCREASE**

At the September, 2017 CAPCJ Board Meeting the Directors had approved a CAPCJ fee increase commencing April 1, 2019 going from \$200 to \$300 for judges who pay a full fee to their provincial association and all other judges are to pay an annual fee of \$75 instead of the current \$50. Justice Martha Zivolak pointed out that in Ontario there are retired judges who are still automatically members of the Ontario Association who do not pay dues. The motion as currently worded could be interpreted that they have to pay dues. She suggested a “friendly amendment” to the motion so it is clear that judges who do not pay dues are not required to pay dues to CAPC. The proposed amendment would be to insert the words “those who pay dues” before the all other judges portion of the motion.

Moved by Judge Richard MacKinnon and seconded by Justice Sandra McBride that effective April 1, 2019 the dues payable by each full time judge be increased to \$300 from the current \$200 and dues payable for all other categories of dues paying judges be increased to \$75 from the current \$50.

Motion carried unanimously.

## **3. ACADEMIC PAPER PREPARED BY DR. PAUL THOMAS**

During the main Board Meeting Judge John Maher described how he and Susan Dawes had met at his own expense with a well-regarded political scientist from the University of Manitoba, Dr. Paul Thomas. There is very little academic research in the area of how judicial compensation is determined. This is most likely due to a lack of interest in this area. Dr. Thomas had indicated in his meeting with Judge Maher and Ms. Dawes that he is prepared to undertake this type of research but would like to be paid for it. Dr. Thomas provided a proposal to Judge Maher and Ms. Dawes.

During the Directors’ Forum this proposal was discussed. The Directors were of the view that it is important that this paper be published so it can attract the appropriate peer review. We were of the view that if Dr. Thomas could not get it published (but we were satisfied based on Dr. Thomas’ reputation it would be) we wanted to be able to reserve the right to have it published. We also wanted it made clear that CAPCJ did not have any influence or direction on what conclusions or outcomes Dr. Thomas arrived at.

Moved by Judge Gary Cornfield, seconded by Judge Sandra Chapman that an additional budgetary item be authorized in the proposed Budget circulated previously for the purpose of Dr. Paul Thomas preparing an academic paper set out by his proposal up to a maximum of \$15,000.

This proposal passed unanimously on the following understandings that were to be reported back to the Executive:

- A. The terms of reference establish that CAPCJ did not have any direct influence on the outcome of the paper.
- B. It is important that the paper is published.



#### **4. JUDGE MAHER'S EXPENSES**

Justice Martha Zivolak moved, seconded by Judge Pat Koskie that CAPCJ reimburse Judge Maher for his meeting with Dr. Thomas in Manitoba. Everyone was in favour of this and the motion passed unanimously.

#### **5. INDIGENOUS JUSTICE COMMITTEE**

The directors approve that the Indigenous Justice Committee / Comité de Justice Autochtone be designated as a standing committee and further endorse the objectives of said committee as proposed by its Chair, Judge Mélanie Roy.

Moved by Judge Béatrice Clément and seconded by Judge Jeff Lantz, unanimously carried.

#### **6. APPROVAL OF REVISED BUDGET**

After the morning Board meeting CAPCJ Board Meeting Justice Joe De Filippis circulated a revised budget by e-mail. He attended the Directors' Forum and explained that the only change from the Budget circulated in advance of the meeting was the addition of a \$15,000.00 expenditure by the Compensation Committee for the paper prepared by Dr. Thomas.

Moved by Judge Sandra Chapman and seconded by Judge Richard MacKinnon that the revised Budget as circulated Justice Joe De Filippis be approved. Unanimously carried.

#### **7. CAPCJ MEDAL**

Moved by Judge Michael Cozens and seconded by Judge Ken Oliver that the CAPCJ Medal be awarded to Judge Odette Perron due to her exceptional contribution to CAPCJ. Unanimously carried.

#### **8. MANDATORY MINIMUM PENALTIES (MMPs)**

The Directors discussed whether or not the Executive should discuss the issue of MMPs with Minister Wilson-Raybould at their meeting with her on April 23, 2018. Decreasing the number of them was something her party campaigned on. Concern was expressed that MMPs can conflict with other sentencing objectives and lead to unfair results. Discussion included the potential for an "exceptional circumstances" type of exemption but then evolved into how greater availability of judicial discretion in sentencing could lead to cases being more quickly and efficiently resolved in the justice system. Greater discretion could include areas other than MMPs such as conditional sentence orders. Giving greater discretion in these areas would also assist in fulfilling the objectives of the Truth and Reconciliation Commission.

Moved by Judge Richard MacKinnon and seconded by Judge Ken Oliver that the Directors direct the Executive to address the greater use of judicial discretion in sentencing in order to promote a more efficient justice system. Carried unanimously.

## **9. DEDUCTIBILITY OF PENSION CONTRIBUTIONS**

Judge David St. Pierre indicated that there is limit of how much of our pension contributions can be deducted for income tax purposes. This effectively leads to double taxation because after tax dollars are used to contribute to your pension and then you are taxed when you take the money out. This limit has not been raised for a considerable period of time. The consensus was that Judge St. Pierre would do a background document on this and it would be referred to the Compensation Committee for their consideration.

## **10. MOTION TO ADJOURN**

Moved by Judge Jeff Lantz, seconded by Judge Ken Oliver, that the meeting be adjourned.  
Carried unanimously at 2:03 p.m.