

PROVINCIAL JUDGES

Journal

DES JUGES PROVINCIAUX

Volume 16 - No. 2

Fall - 1992 - Automne

Editor's Notebook / Remarques du rédacteur	1
President's Report / Rapport du Président	2
Annual Meeting 1992 Assemblée Annuelle	5
Compensation Committee 1992 Salary Survey	25
News Brief / En Bref	26
Report on the Racial, Ethnic & Cultural Equity Seminar	27
Speech to the National Council of The Canadian Bar Assoc. ..	28
Opening Remarks to Federation of Law Societies Seminar	30
Atlantic Regional Education Conference: <i>A Consumer's View</i> ..	31



THE CANADIAN ASSOCIATION OF
PROVINCIAL COURT JUDGES

L'ASSOCIATION CANADIENNE DES
JUGES DE COURS PROVINCIALES



The Canadian Association of Provincial Court Judges /
L'Association canadienne des juges des cours provinciales
1992-1993

Executive Committee Members/
Membres du Comité Exécutif

**PRESIDENT /
PRÉSIDENT**

Judge Ernie S. Bobowski
Provincial Court
120 Smith Street East
Yorkton, Saskatchewan
S3N 3V3
Tel: (306) 786-5720
Fax: (306) 786-5716

**3rd VICE-PRESIDENT /
3ème VICE-PRÉSIDENT**

Judge James G. McNamee
Provincial Court - 3rd Floor
15 Market Square
Saint John, New Brunswick
E2L 1E8
Tel: (506) 658-2586
Fax: (506) 658-3061

**1st VICE-PRESIDENT /
1er VICE-PRÉSIDENT**

Judge Gerald J. Barnable
Provincial Court
P.O. Box 369
Placentia, Newfoundland
A0B 2Y0
Tel: (709) 227-2002
(709) 227-4856
Fax: (709) 227-5747

**PAST PRESIDENT /
PRÉSIDENT SORTANT**

Senior Judge Charles Scullion
Ontario Court (Prov. Div.)
444 Yonge Street, Room 207
Toronto, Ontario
M5B 2H4
Tel: (416) 965-7420
Fax: (416) 324-4591

**2nd VICE-PRESIDENT /
2ème VICE-PRÉSIDENT**

Judge Wesley H. Swail
Provincial Court
Judges' Chambers
408 York Ave. 5th Floor
Winnipeg, Manitoba
R3C 0P9
Tel: (204) 945-7162
Fax: (204) 945-0552

**SECRETARY -TREASURER /
SECRÉTAIRE - TRÉSORIER**

Judge Pamela Thomson
Judges Chambers
400 University Avenue
16th Floor
Toronto, Ontario
M5G 1S8
Tel: (416) 965-3715
Fax: (416) 324-4591

The Provincial Journal is a quarterly publication of the Canadian Association of the Provincial Court Judges. Views and opinions contained herein are not to be taken as official expressions of the Canadian Association's policy unless so stated.

Le journal des juges provinciaux est une publication trimestrielle de l'Association canadienne des juges des cours provinciales. Les commentaires et opinions qu'il contient ne peuvent être considérés comme l'expression officielle de la position de l'Association canadienne, sauf indication à cet effet.

Editorial communications are to be sent to:

Les editoriaux doivent être envoyés à: **Judge Patrick H. Curran, Editor**
Provincial Judges Journal
5250 Spring Garden Road
Halifax, Nova Scotia
B3J 1E7
Tel: (902) 424-8759
Fax: (902) 424-0603

Committee Chairpersons / Présidents de comités

Compensation

Judge Douglas McDonald
Provincial Court
323-6th Avenue S.E.
Calgary, Alberta
T2G 4V1
Tel: (403) 297-3156
Fax: (403) 297-5287

CBA Liaison

Judge David Arnot
Provincial Court
1002-103rd St., 2nd Flr.
North Battleford,
Saskatchewan
S9A 1K4
Tel: (306) 446-7400
Fax: (306) 445-3699

Judicial Independence

Judge Ernie S. Bobowski
Provincial Court
120 Smith Street East
Yorkton, Saskatchewan
S3N 3V3
Tel: (306) 786-5720
Fax: (306) 786-5716

Conference '93

Judge Bruce LeGrow
Provincial Court
Stephenville, Newfoundland
A2N 3K9
Tel: (709) 643-2966
Fax: (709) 643-4022

Constitution

Judge Harvie Allan
Provincial Court
1815 Smith Street
Regina, Saskatchewan
S4P 3V7
Tel: (306) 787-9758
Fax: (306) 787-3933

National Judicial Institute

Judge Charles Scullion
Ontario Court - Prov. Div.
444 Yonge St. Rm. 207
Toronto, Ontario
M5B 2H4
Tel: (416) 965-7420
Fax: (416) 324-4591

Civil Court

Associate Chief Judge
E. Dennis Schmidt
Provincial Court
814 Richards Street
Vancouver, B.C.
V6B 3A7
Tel: (604) 660-2647
Fax: (604) 660-2618

Family & Young Offenders

Judge D. Kent Kirkland
Ontario Court - Prov. Div.
P.O. Box 906, Suite 402
199 Front Street
Belleville, Ontario
K8N 5B6
Tel: (613) 968-8583
Fax: (613) 966-4390

Conference '94

Judge Marvin Garfinkel
Provincial Court
Judges' Chambers
5th Floor, 408 York Avenue
Winnipeg, Manitoba
R3C 0P9
Tel: (204) 945-7169
Fax: (204) 945-0552

Bilingualism

Judge Stephen Cuddihy
Cour du Québec
Palais de Justice
400, rue Laviolette
Saint-Jérôme, Québec
J7Y 2T6
Tel: (514) 431-4405
Fax: (514) 631-3353

**New Judges Training
Conference**

Judge André Saint-Cyr
Cour du Québec
410, rue de Bellechasse
Montreal, Québec
H2S 1X3
Tel: (514) 495-5810
Fax: (514) 873-8938

Long-Range Planning

Judge Wesley H. Swail
Provincial Court
408 York Avenue, 5th Floor
Winnipeg, Manitoba
R3C 0P9
Tel: (204) 945-7162
Fax: (204) 945-0552

**Canadian Judicial College
(Education Committee)**

Judge Delores Hansen
Provincial Court
6th fl., Law Courts Annex
1-A Sir Winston Churchill
Edmonton, Alberta
T5J 0R2
Tel: (403) 427-7805
Fax: (403) 427-2077

**Atlantic Regional Education
Conference**

Judge Robert A. Fowler
The Law Court Building
Grand Falls, Newfoundland
A2A 1W9
Tel: (709) 292-4212
Fax: (709) 292-4388

Journal

Judge Patrick Curran
Provincial Court
5250 Spring Garden Road
Halifax, Nova Scotia
B3J 1E7
Tel: (902) 424-8759
Fax: (902) 424-0603

**Western Judicial
Education Center**

Judge Douglas R. Campbell
Provincial Court
3162 Mathers Avenue
West Vancouver, B.C.
V7V 2K5
Tel: (604) 922-4217
(604) 922-7087

Committee on the Law

Judge Gerald J. Barnable
Provincial Court,
P.O. Box 369
Placentia, Newfoundland
A0B 2Y0
Tel: (709) 227-2002
Fax: (709) 227-5747

Atlantic Regional Education Conference: A Consumer's View

by Judge William J. McCarroll, Provincial Court of New Brunswick

Could an examination of similar fact evidence or a discussion of judicial notice spark the interest of a group of well seasoned judges? Could an inquiry into the nature of judicial discretion evoke eager anticipation in anyone but a hard-core academic? Could or would the topic of media relations and the judiciary arouse the curiosity or passions of many judges on a Saturday morning? In short, were these topics the ingredients for a stimulating three day seminar? As a guest of the Association of Nova Scotia Provincial Court Judges and an active participant in this group's May '92 Educational Seminar, I reply with an emphatic yes. Together with other visiting representatives from New Brunswick and Newfoundland, I was treated to three fun-filled and challenging days at the White Point Lodge on the spectacular South Shore of Nova Scotia.

To say that the educational part of the program was excellent would be an understatement! Under the guidance (or was it goading) of Ron Delisle, author, legal scholar, and professor of law at Queen's University, the usually dry lifeless subject of evidence came alive. Taking the extreme position that he was an "active judge" rather than a "passive judge" (in an earlier life), he provoked many usually reserved and quiet individuals into engaging in very "heated" legal discussion, few of which were resolved to everyone's satisfaction. It was his constant challenging of the audience that kept the subject matter so alive.

A typical exchange went like this, while discussing the topic of judicial notice:

Question from audience: "John Smith is charged with theft of a 1990 vehicle the value of which exceeds \$1,000 the Crown fails to prove the actual value of the vehicle during the trial. Should the Judge take judicial notice that the value of the vehicle would exceed \$1,000."

Prof. DeLisle: "What would you do?" (a strategy utilized by the learned professor quite often during the seminar when he needed time to think up an answer).

Judge in audience: "I would convict him of theft under \$1,000."

The Learned Professor: "You are obviously a "Passive" judge, as an activist judge (like me) would take judicial notice that the value of the vehicle exceeded \$1,000."

Judge from northern New Brunswick hisses: "Why should we help the Crown prove its case???"

You can imagine how the discussion progressed from there.

Professor Delisle was a person who seemed completely at home and comfortable with this group. I was struck by the fact that he was always available both before and after the formal sessions, eager to engage anyone in legal battle over an issue raised during the sessions. I got the distinct impression that he was having as much fun as we were. The fact that he showed up as an observer for the final session early Saturday morning dealing with media relations was the final proof that he was enjoying himself.

The discussions on media relations was full of life, inspiring many questions from the audience. It seemed that every judge in attendance had his or her own story of how the media had done an injustice to the Court, while the media personnel were united in their position that the courts should be more open and accountable to the public. Although nothing was resolved, the issue's were examined in depth and with great openness on all sides.

Myself and the other visiting judges were delighted with the seminar and the warm reception we received from the host judges. We were included in everything and made to feel very much at home. Sincere thanks to the Nova Scotia Provincial Court Judges from myself and the other visiting judges for a wonderful three days.

Provincial Representatives / Représentants Provinciaux 1991-1992

Newfoundland

Judge Owen Kennedy
Provincial Court
4th Floor, Atlantic Place
P.O. Box 5144
St. John's, Newfoundland
A1C 5V5
Tel: (609) 726-7181
Fax: (609) 729-6272

Prince Edward Island

Judge Ralph Thompson
Provincial Court
108 Central Street
Summerside, P.E.I.
C1N 3L4
Tel: (902) 436-4217
Fax: (902) 888-3829

Nova Scotia

Judge John G. MacDougall
Judges' Chambers
P.O. Box 74
Shubenacadie, Hants County
Nova Scotia
B0N 2H0
Tel: (902) 758-2871

New Brunswick

Judge Irwin Lampert
Provincial Court
P.O. Box 5001
Moncton, New Brunswick
E1C 8R3
Tel: (506) 856-2307
Fax: (506) 856-2625

Québec

Judge Louis A. Legault
Cour du Québec
Palais de Justice
1 Rue Notre-Dame E.
Rm. 5.45
Montréal, Québec
H2Y 1B6
Tel: (514) 393-2581
Fax: (514) 864-2465

Ontario

Judge Len Montgomery
Ontario Court - Prov. Div.
P.O. Box 218, 19 Front St. N.
Orillia, Ontario
L3V 6J3
Tel: (705) 326-2671
Fax: (705) 326-0970

Manitoba

Judge Marvin Garfinkel
Judges' Chambers
5th Floor, 408 York Avenue
Winnipeg, Man.
R3C 0P9
Tel: (204) 945-7169
Fax: (204) 945-0552

Saskatchewan

Judge David M. Arnot
Provincial Court
1002-103rd Street
North Battleford,
Saskatchewan
S9A 1K4
Tel: (306) 466-7400
Fax: (306) 445-3699

Alberta

Judge Albert G. Chrumka
Provincial Court
5th Floor, Law Courts Bldg.
1A Sir Winston Churchill Sq.
Edmonton, Alberta
T5J 0R2
Tel: (403) 427-7817
Fax: (403) 427-0481

British Columbia

Associate Chief Judge
E. Dennis Schmidt
Provincial Court
814 Richards Street
Vancouver, B.C.
V6B 3A7
Tel: (604) 660-2647
Fax: (604) 660-2618

North West Territories

Judge R.M. Bowassa
Territorial Court
P.O. Box 550
Yellowknife, N.W.T.
X1A 2L9
Tel: (403) 873-7604
Fax: (403) 873-0291

Yukon

Judge John Faulkner
The Law Courts
2134 Second Avenue
Whitehorse, Yukon
Y1A 5H6
Tel: (403) 667-5438
Fax: (403) 667-3079

Editor's Notebook / Remarques du rédacteur

This issue of the Journal features most of the reports delivered at the Annual meeting of the Association held in Regina in September. It is obvious from the reports that many judges across the country give generously of their time for the benefit of their colleagues and the improvement of the courts. That sense of dedication was also evident in the fine program prepared by the Saskatchewan judges who organized this year's meeting.

The speeches made by our past and present presidents to the Canadian Bar Association and the Federation of Canadian Law Societies show how well the CAPCJ is making our concerns known to the broader legal community in Canada.

Commentaries by visiting judges on the 1992 Western Judicial Education Conference Seminar and the 1992 Atlantic Judicial Education Seminar have a personal flavor not found in official reports.

I encourage each provincial and territorial judge across the country to pass along experiences, cases, opinions and articles concerning the courts and legal issues.

Pat Curran
Editor

Ce numéro du journal renferme la plupart des rapports qui furent présentés lors de l'Assemblée générale annuelle de l'Association qui s'est tenue à Regina au mois de septembre. Ces rapports indiquent clairement que de nombreux juges, à travers l'ensemble du pays, consacrent beaucoup de leur temps libre afin de défendre les intérêts de leurs collègues et améliorer la conjoncture dans les cours. La qualité du programme préparé par les juges de la Saskatchewan, organisateurs de l'Assemblée générale de cette année, confirme cette conscience professionnelle.

Les discours du président sortant et du président en exercice devant l'Association du Barreau canadien et la Fédération des professions juridiques du Canada démontrent la détermination avec laquelle l'A.C.J.C.P. fait connaître notre point de vue à l'ensemble de la communauté juridique du Canada.

Les commentaires formulés par des juges devant de l'extérieur sur la conférence d'enseignement judiciaire de l'ouest 1992 et le séminaire d'enseignement judiciaire de l'Atlantique 1992 comportent des remarques personnelles qui ne figurent pas dans les rapports officiels.

J'encourage tous les juges des provinces et des territoires, à travers tout le pays, à partager leurs expériences, leurs cas, leurs points de vue et à rédiger des articles sur les cours et sur les arguments légaux qui les préoccupent

Pat Curran
Rédacteur

like them throughout this country, are your link to the people. They deserve your support.

As President of the CAPCJ, I am on the Board of Governors of the National Judicial Institute and sit on the Council of the Commonwealth Magistrate's and Judges Association, I would like a seat on your

National Council for the President of the CAPCJ. They have done it in Ontario, and Ontario will tell you it works, and we make a valuable contribution.

Let us do it at the National level.

Thank you, for this first step, that is allowing me to address you.

Opening Remarks to Federation of Law Societies Seminar

Saskatoon, Sask., July 13, 1992

By His Honour Judge E.S. Bobowski

Mr. Minister, The Attorney General, Members of the Bar, Fellow Judges. I wish to thank the organizing Committee of the Federation, especially Mr. Halyk for inviting me to bring greetings on behalf of the Canadian Association of Provincial Court Judges. I am sure some of you in this gathering will be on Provincial Court Benches in the near future and I trust will become members of our organization. The Canadian Association of Provincial Court Judges was formed as a federation of all provincial and territorial Judges' Associations in 1973.

Judges are educated at annual seminars and conferences through the work of two Committees and by informal collegial contact. The Atlantic Regional Conference allows Judges from the four Atlantic provinces to study specific topics each year. The Western Judicial Education Centre, chaired by Judge Douglas Campbell of British Columbia, is for Judges in the four Western Provinces and the two Territories. The many projects of the Centre are enthusiastically supported by several governments. A very recent seminar was held here in Saskatoon last month on Racial, Ethnic and Cultural Equity. Although Ontario and Quebec hold separate conferences, the focus and manner of operations in each province is changing, and it is highly possible that a Central Regional Conference

may become a reality in the near future.

The largest and most important education conference is the annual New Judges Training Programme chaired by Judge Andre Saint-Cyr of Quebec. The main thrust is that of educating newly-appointed Judges, but there is a strong "continuing education" component for more experienced Judges.

The Annual Conference, which will be held this September in Regina, has a very large educational component as well, with prominent speakers and seminar leaders teaching in both formal and informal settings. The importance of collegial interchange as an educational medium cannot be underrated, as you all know.

As you can see, the Association's greatest energies have been directed to judicial education. Personally, having attended your seminars before my appointment to the Bench and currently being involved with Judicial education through the Canadian Association of Provincial Court Judges, I am well aware that the content and delivery of your program is a very educative and practical tool, which is valuable to both lawyers and to Judges.

I wish you all an enlightening and enriching week.

Thank you.

People observe the way we are treated and they act accordingly.

People watch how the lawyers react to our Courts. The lawyers watch how the Federal Judges who hear our appeals treat us. They both watch how the societies that govern the conduct of lawyers, treat us.

If we do not have your support and respect, it directly impacts on the trenches and whether the people of this land abide by our rulings and more importantly whether they will continue to use the system of justice to settle their disputes.

Lawyers and Judges are not held in the esteem we were 10 years ago. Part of that is our fault and we must take steps to correct it. We must educate our members and discipline them when appropriate.

There is a growing perception in the land that there is a different system of justice for the wealthy. If you want to check out that perception, go to any city in Canada and see who appears in the Federal Courtrooms and who appears in the Provincial Courtrooms. Compare which Courts have the greater caseloads and then compare who has the bigger Courtrooms and the most staff. of course, I understand the historical reason, the hierarchy of the Courts, the division of responsibilities between governments. I understand it. You understand it. Everybody in this room understands it. But the users of my Court only understand what they see.

The poor, the visible minorities, the victims of violence, the women victims, appear in our Courts.

We rarely see the corporate bankers, the insurance companies, the large landlords. In fact, we rarely see our clients in suits.

We rarely see factums or are ever given authorities for legal propositions.

The Canadian Bar is a nurturing parent to all lawyers and to the extent that judicial independence permits, to Judges as well. After all, virtually all Judges were Members of the C.B.A. at one time. We hope that in

fact the Judges were your best and brightest members.

As a nurturing parent, you have a responsibility to keep a place for us at your tables, and invite us to your panels and committees, and to your national council.

You have a responsibility to see that we are respected by lawyers, other Courts and governments. It is simple. If you show respect, it becomes contagious and it reaches the people — the trickle-down effect.

Let me give you an example of what our Courts are doing on their own.

My Court at College Park in downtown Toronto deals with thirty to thirty-five thousand criminal charges a year. I have four police divisions: 51 Division which is known as the Blood & Guts Division; 53, 54 & 55 which are primarily the east-end of the city with over half a million residents. We are located in the old Eaton's College Street store on the 2nd floor of the shopping mall.

I have eight Judges and attempt to deal with all matters in 90 to 120 days. Last year we held trials in over 100 different languages and made use of many translators, sometimes two to three at a trial.

To alleviate Court delay, we run pretrials from 9-10 a.m., during lunch hour and after Court.

Scarborough is a city in Metropolitan Toronto and is a microcosm of what is happening in this Country. The Courts there use both the Koran and the Bible to swear the oath. The primary school (next to the Courthouse which shares space in a strip mall with Pizza-Pizza & Mark's Work Warehouse) has 85 different languages, races and religions.

The Judges visited 15 schools and hosted over 100 classes in their Courtrooms last year, taking time to speak to each and every class and conducting mock trials. They met parents of every nationality on school evenings to assure them that our system of justice was not corrupt, that it was equal and available to all. These Judges, and Judges

President's Report / Rapport du Président

His Honour Judge Ernie S. Bobowski / L'Honorable juge Ernie S. Bobowski
Provincial Court of Saskatchewan
Cour Provinciale de la Saskatchewan

"These are troubled times", was once uttered by a famous historian. Those remarks are very apropos of the situation facing Provincial Court Judges across the country today. Our salaries, in some provinces at least, seem to be at the lowest ebb especially in comparison to federally appointed judges. Our workload and stress level keep increasing without any hope of alleviating same. I fear that a severe case of judicial fatigue may be setting in.

On a more joyful note, our Annual Conference held in Regina, Saskatchewan, was a resounding success. Our special thanks go to the Saskatchewan Association of Provincial Court Judges under President David Arnot, the Conference Committee under Judge Harvie Allan and his wife Mary Ann, the Education Chair Judge Lloyd Deshayé and the many unnamed others for a job well done.

With regard to my role as President of the Canadian Association of Provincial Court Judges, I see three areas to be paramount.

Firstly, in the area of judicial education, to improve availability and accessibility by improving funding for development of courses, for faculty and for attendance of as many Judges as possible; to get Western Judicial Education Centre programmes moved east and also made available to federally appointed judges; to work to ensure there is no duplication of programmes or funding, and to encourage the National Judicial Institute to expand programmes and funding for Provincial Judges.

Secondly, in the area of Government Relations, to increase awareness within the Civil Service, the Legislatures and Parliament and the general public as to the problems, challenges and rewards of being a

Un historien célèbre avait coutume de dire: <<Ce sont des moments difficiles>>. Ces remarques sont fort à propos en ce qui concerne la situation à laquelle les juges de la Cour provinciale doivent aujourd'hui faire face à travers l'ensemble du pays. Nos salaires, du moins dans certaines provinces, ont atteint le point le plus bas, surtout si on les compare avec ceux de nos collègues nommés par le Fédéral. Notre volume de travail et notre niveau de stress augmentent de plus en plus sans espoir de pouvoir y remédier. J'ai bien peur qu'une crise aiguë de flegmatique judiciaire soit en train de sévir.

Sur une note plus gaie, notre Assemblée annuelle, qui s'est tenue à Regina, a été un véritable succès. Nous désirons particulièrement adresser nos remerciements les plus chaleureux à l'Association des juges de la cour provinciale de la Saskatchewan et à son président le juge David Arnot; nous remercions également le juge Harvie Allan, président du comité de la conférence ainsi que son épouse Mary Ann; le juge Lloyd, président du comité de l'éducation de même que toutes les autres personnes qui ont contribué anonymement au succès de cette Assemblée.

En ce qui concerne le rôle du président de l'Association canadienne des juges des cours provinciales, je discerne trois points principaux:

Premièrement, en ce qui a trait à l'enseignement judiciaire: améliorer la disponibilité et l'accessibilité d'un tel enseignement en obtenant un meilleur financement pour les sessions de formation, les facultés et la participation du plus grand nombre possible de juges; faire en sorte que les programmes du Centre d'enseignement judiciaire de l'ouest soient étendus à l'est et

Provincial Judge; to seek support of the public and the Bar to address fairly such issues as salary, pensions, education, workload, stress, leaves of absence and complexity of cases; to ensure adequate funding for translation and interpretation at meetings and in our Provincial Judges' Journal, so that Quebec Judges feel "at home" within the organization; to participate in consultations relating to changes in the law at early stages, but not on policy issues and not as lobbyist.

Thirdly, to encourage exchange and communication among all judges and their associations across the country for the maintenance and improvement of judicial skills, of professional concerns, and of the standards of judicial independence.

I pledge myself to work as your President in a very prudent manner to reach the above goals and hope to meet each and every one of you as I attend your meetings.

Immediately after the National Conference, my wife Adelyne and I were the honoured guests of the Alberta Provincial Court Judges and I wish to thank them for their kind and warm hospitality. Even though I was somewhat caught off guard at their Annual meeting, I was pleased to see the support expressed by many members, including Judges Cioni, Coward, and Hansen for the C.A.P.C.J. The Association has a function to perform for all of us across Canada, especially in the ongoing education of judges by conducting seminars and workshops; the co-ordinating of information from the provincial level; providing advice and support for provincial associations in dealing with their respective governments; and generally keeping judges in touch with each other.

que les juges nommés par le Fédéral puissent y participer, faire en sorte qu'il n'y est pas un dédoublement des programmes ou du financement et encourager l'Institut national de la magistrature à accroître ses programmes et son aide financière à l'intention des juges provinciaux.

Deuxièmement, dans le domaine des relations gouvernementales: accroître la sensibilisation au sein de la fonction publique, des législatures, du Parlement ainsi que du grand public quant aux difficultés, aux défis et aux satisfactions inhérents à la fonction de juge provincial; rechercher l'aide du public et celle du Barreau sur les questions de salaire, de régime de retraite, d'éducation, de volume de travail, de congé sans solde et de la complexité des cas; obtenir un soutien financier adéquat pour la traduction et l'interprétation lors des réunions et pour le journal des juges provinciaux, et ce afin que les juges du Québec se sentent <<chez eux>> au sein de l'Association; participer aux débats de base visant à amender les lois mais non à ceux en rapport avec la politique ou le lobbisme.

Troisièmement, encourager les échanges et les communications entre tous les juges et leurs associations à travers le pays afin de maintenir et d'améliorer leurs connaissances judiciaires, leurs compétences professionnelles et leurs standards d'indépendance judiciaire.

En tant que président de votre Association, je m'engage à aborder très prudemment ces questions afin d'atteindre les objectifs visés et j'espère avoir le plaisir de rencontrer chacun de vous au cours des diverses réunions auxquelles j'assisterai.

Immédiatement après la Conférence nationale, mon épouse Adelyne et moi-même avons été les invités d'honneur des juges de la Cour provinciale de l'Alberta et je désire les remercier pour leur gentillesse et leur chaleureuse hospitalité. Bien que je fus pris un peu à l'improviste lors de leur assemblée annuelle, je fus agréablement surpris par le soutien apporté par de nombreux membres, y compris les juges Cioni, Coward et Hansen de l'A.C.J.C.P.

Speech to the National Council of The Canadian Bar Association August 27, 1992 Halifax

By His Honour Judge Charles Scullion

I want to tell you a little about the CAPCJ of which I am President.

There are over 900 Provincial and Territorial Court Judges in Canada.

These Judges hold Court not only in large cities and towns but also in every corner of this vast land. Judge Bev Brown sits permanently on Baffin Island in the far north — and flies into more remote areas by ski-plane in the winter and pontoon in the summer.

We hold Court in schools, churches, legion halls and sometimes on the grass, weather permitting.

There are three branches to the Provincial Courts: criminal, family and civil. We hear cases from small claims, family disputes to homicide, and everything in between. Most of us also are Youth Court Judges.

The CAPCJ has four educational programs for the Provincial and Territorial Judges:

- 1) The Western Judicial Education Centre
- 2) The Atlantic Region Conference
- 3) The Annual CAPCJ Conference
- 4) The New Judges Training Program

The WJEC Program on gender bias and aboriginal rights has been evaluated by the Minister of Justice Kim Campbell, and is rated by professionals as the best educational program of its type in North America. The Director of this program is Judge Douglas Campbell, and he is bringing the program east to Ontario in October and November 1992.

The program will, I hope, be produced for the Atlantic Conference soon.

Many Federal Court Judges have also received the program that we developed.

As you know, Canada still accepts more immigrants and refugees than any country in the world; and when they get into trouble they end up in our Courts. How they perceive our Courts and the role of lawyers and Judges, is what I want to focus on today.

They must not get the impression that there is a law for the rich and another one for the poor. However, they will get that impression if the level of the Courts in this country are treated differently by the lawyers and professional governing bodies, including this one.

Relax, I am not here to complain about salaries, benefits and parity with federally-appointed Judges. However, I just happen to have with me copies of the CAPCJ 1991 surveys of judicial remuneration and benefits which I will leave with the Executive for their perusal. I just note in passing that a Supreme Court Judge sitting in Newfoundland receives \$155,929 and a Provincial Court Judge in the same Province receives \$90,129.

What are the issues in the news these days? They are racism, fear in the streets, domestic violence, child abuse and sexual assault.

The Court that is in the trenches, the Court that faces these issues directly every day is the Provincial Court. It is a trite comment but 90% of the people of this land who have any contact with any courts do so at the provincial level. Like it or not, we are to a large part the face of justice in the land.

NOVA SCOTIA

1992-93 Executive

Provincial Judges' Association

President - Judge Fran Potts, Dartmouth

First Vice-President

Judge John Comeau, Yarmouth

Second vice-President

Judge Robert Stroud, New Glasgow

Secretary - Judge Vernon MacDonald, Sydney

Treasurer - Judge Peter Ross, Sydney

Past President - Judge John MacDougall,
Shubenacadie

Report on the Racial, Ethnic and Cultural

Equity Seminar - Held June 6 - 12, 1992 - Saskatoon, Sask.

By Judge Gerald J. Barnable, 1st Vice-President, C.A.P.C.J.

I attended the seminar entitled Racial, Ethnic and Cultural Equity held in Saskatoon from June 6th to June 12th, 1992 under the sponsorship of the Saskatchewan Provincial Judges' Association, the College of Law, University of Saskatchewan and the Western Judicial Education Centre. I attended on behalf of Judge Charles Scullion, President of the Canadian Association of Provincial Court Judges.

As the title suggested, it was a very ambitious undertaking. It was unlike any other judicial education conference I had attended. During this week I smoked the pipe of peace, said communal prayers, listened to poems, watched dancing and heard considerable talk. I visited the battleground at Batoche, an Indian reserve, and a shelter for battered women in downtown Saskatoon.

I shared the week with 75 other provincial court judges and one federally-appointed judge from Ontario. Most of the Saskatchewan judges, as well as sizeable delegations from the other Western provinces and territories. The judges in turn shared their week with approximately 100 individuals representing the legal education community, government, racial, ethnic and cultural minorities and aboriginal peoples of Canada.

The format was as follows: At the beginning of every morning and afternoon, the entire group assembled to hear speakers and

panels. They then dispersed into small groups, led by individuals who had prior instruction in facilitating in-depth discussion on the day's topic.

The general topic for the week being what it was, all the judges were eager to display enthusiasm and correct attitude ... and did. I met none whom I'd be embarrassed to call colleague.

The representatives of the various ministries appeared pleased, feeling that such programs moved the provincial courts closer to administering 'inclusive justice'.

The non-governmental, non-judicial participants seemed genuinely gratified to be able to speak to judges outside the courtroom. However, when cameras rolled I felt that speakers often spoke over the heads of the audience, reaching out to their constituents or to politicians or to funding agencies. Yet the opportunity to have one-on-one discussions with many such participants more than compensated for this slight discomfiture. Face to face you can see dignity and pride, anger and hurt much better than on the television screen, or in the print medium.

This seminar was the product of a lot of organization, cooperation and enthusiasm and Judges Arnot, Campbell and Seniux, as well as Dean Peter MacKinnon of the Law School of Saskatchewan, should be lauded for their efforts.

L'Association à un rôle à jouer pour nous tous à l'échelon national, particulièrement dans le domaine de l'éducation des juges, grâce à des séminaires et des ateliers, à la coordination des informations provenant du niveau provincial, aux avis et au soutien fournis aux associations provinciales dans le cadre leur interaction avec leur gouvernement respectif et, en règle générale, en maintenant une bonne communication entre tous les juges.



His Honour Judge Ernie S. Bobowski / L'Honourable juge Ernie S. Bobowski

NEWFOUNDLAND IN '93 DEFINITELY THE PLACE TO BE

20TH ANNIVERSARY CELEBRATION
CANADIAN ASSOCIATION of
PROVINCIAL COURT JUDGES
SEPTEMBER 22 - 26, 1993
ST. JOHN'S, NEWFOUNDLAND

COME AND ENJOY!

Retiring President's Report / Rapport du Président Sortant

His Honour Judge Charles S. Scullion / L'Honourable juge Charles S. Scullion
Ontario Court of Justice - Provincial Division
Cour de justice de l'Ontario - Division Provinciale

This is the last time I will be speaking to you as your President. Ernie Bobowski now takes over the helm. If you extend to Ernie the same cooperation, kindness and generous support that I have received during the past year, he will have a very successful year.

The Executive has had a very busy year. We do not have any staff that we can rely on hence the work is done by the Judges themselves strictly on a voluntary basis. Judge Pamela Thomson, our Secretary-Treasurer, has worked exceptionally hard and has put in many long hours on C.A.P.C.J. business. Judge Patrick Curran stepped into the breach as Editor of the Journal when Judge Reg Reid had his sudden heart attack and surgery. I thank Pat for his splendid efforts: the Journal remains in strong hands. I wish to thank Judge Reg Reid for all the work he has done over the years as Editor of the Journal, and on behalf of all the Provincial Court Judges, I wish him a speedy recovery and hope he will be back working soon.

In July I journeyed to New Brunswick where the New Brunswick Provincial Court Judges Association were having their annual conference at St. Andrews by the Sea in a delightful hotel. The Scottish ambience, the beautiful hotel and quaint and historical town all led to a wonderful time and I wish to thank the Judges for inviting me. Earlier in the year, I had the honour to attend meetings in Quebec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Newfoundland and the North West Territories.

National Judicial Institute

Mr. Justice David Marshall announced his resignation as Director of the Institute in

Pour la dernière fois, je vous parle comme Président. A partir de maintenant, c'est Ernie Bobowski qui vous dirigera. Si vous donnez à Ernie la même coopération, amabilité et générosité que vous m'avez accordées, il réussira bien.

Cette année a été très chargée. Étant donné que nous n'avons pas de personnel pour nous aider, les juges offrent volontairement leurs services. Madame la Juge Pamela Thomson, notre Secrétaire-Trésorier a travaillé très fort et a passé de longues heures à régler les affaires de l'ACJCP. M. le Juge Patrick Curran a pris la suite des affaires quand M. le Juge Reg Reid a souffert d'une crise cardiaque et par la suite a été opéré. Je remercie Pat de ses efforts: le Journal est bien veillé. Je voudrais remercier M. le Juge Reg Reid d'avoir tant travaillé comme éditeur du Journal depuis des années, et de la part de tous les juges des Cours Provinciales, j'espère qu'il guérira vite et pourra bientôt nous rejoindre.

Au moins de juillet, j'ai voyagé au Nouveau Brunswick pour la conférence annuelle de l'Association des Juges de la Cour Provinciale à St. Andrews by the Sea. Mon séjour a été très agréable, grâce à l'ambiance écossaise, un hôtel ravissant et un village pittoresque et historique. Je remercie les juges de m'avoir invité. Auparavant, j'ai eu l'honneur d'assister aux réunions du Québec, de l'Ontario, du Manitoba, du Saskatchewan, de l'Alberta, de la Colombie Britannique, de la Terre-Neuve et des Territoires du Nord-Ouest.

News Brief / En Bref

ALBERTA

Appointments

His Honour Judge P.M. Caffaro
Assistant Chief Judge
Edmonton Criminal Division
effective July 23, 1992
His Honour Judge Donald J. Buchanan
Edmonton Family and Youth Division
effective August 3, 1992
His Honour Judge Timothy G. Hironaka
Lethbridge Criminal Division
effective August 10, 1992
His Honour Ernest J.M. Walter
Edmonton Criminal Division
effective August 17, 1992
His Honour Judge Donald C. Norheim
Edmonton Rural Circuit
effective August 24, 1992
His Honour Judge John S. James
Calgary Criminal Division
effective September 1, 1992

Retirements

His Honour Assistant Chief Judge Hubert -
Edmonton Criminal Division
effective June 26, 1992
His Honour Judge Ralph E. Hyde
Edmonton Criminal Division
effective June 26, 1992

SASKATCHEWAN

1992-93 Executive

Provincial Judges' Association President

Judge David M. Arnot, North Battleford

First Vice President

Judge G.T.G. Seniuk, Saskatoon

Second Vice President

Judge D.A. Lavoie, Saskatoon

Secretary-Treasurer

Judge E.R. Gosselin, Melfort

Past President

Judge A.R. Chorneyko, Wynyard

ONTARIO

1992-93 Executive Judges'

Association

President - Judge J.M. Bordeleau, Ottawa

Immediate Past President

Judge L.T. Montgomery, Orillia

Past Presidents

Judge S.W. Long, Toronto
Judge J.D.R. Walker, London

First Vice President

Judge D.A. Ebbs, Windsor

Second Vice President

Judge D.C. Downie, Kitchener

Secretary - Judge D.V. Latimer, Milton

Treasurer - Judge W.S. Sharpe, Milton

Deaths

His Honour Judge Warren A. Ehgoetz,
Stratford. Appointed December 1,
1964. Longtime Secretary-Treasurer
of the O.J.A. Died August 7, 1992 - age 68.

Appointments

Her Honour Judge Mary L. Hogan
Metropolitan Toronto Region
effective April 9, 1992

Her Honour Judge Sheila Ray
Metropolitan Toronto Region
effective April 15, 1992

His Honour Judge Mino Khoorsked
Metropolitan Toronto Region
effective June 1, 1992

Her Honour Judge Louise L. Gauthier
North East Region - effective August 15, 1992

Her Honour Judge Micheline Rawlins
South West Region - effective October, 1992

His Honour Judge Gregory A. Pockeli
South West Region - effective October 1992

Retirements

His Honour Judge Jack S. Climans
Toronto - effective August 31, 1992

His Honour Judge John H. Caldbick
Timmins - effective September 11, 1992

His Honour Judge Jean Pierre Beauline
Ottawa - effective October 14, 1992

QUEBEC

Nomination

L'Honourable juge Louis Vezina
chambre de l'expropriation - le 20 mai 1992

Retraite

L'Honourable juge Edgar Allard
chambre civile du district de Hull
le octobre 1992

Décès

L'Honourable juge Jean-Paul Lavallée
juge a sa retraite - le 28 mai 1992

Report of the Family and Youth Court Committee

His Honour Judge D.K. Kirkland

Throughout the past year the Committee has been engaged in preparing for an extensive symposium to be held in June, 1993. Several meetings have been held in Ontario and Quebec in conjunction with other events.

Significant financial participation from the federal Justice Ministry is anticipated. In this regard, numerous meetings have been held with Ministry officials.

Once the specific details have been completed, provincial judges from all the provinces and territories will be advised.

The Committee enjoys excellent rapport among its membership and proposes continuation of the same members until the symposium has been held next June.

C.A.P.C.J. SALARY 1992 SURVEY COMPENSATION COMMITTEE						
PROVINCE	1990	1991	% of FED.	1992	INCREASE	% CHANGE
BC	\$98000.00	\$103000.00	68.62%	\$107000.00	\$4000.00	3.88%
*ALTA	\$104560.00	\$113964.00	73.09%	\$113964.00	\$0.00	0.00%
SASK	\$90000.00	\$90000.00	57.72%	\$90000.00	\$0.00	0.00%
MAN	\$88607.00	\$88607.00	58.54%	\$91274.00	\$2667.00	3.01%
*ONT	\$110460.00	\$116425.00	74.67%	\$116425.00	\$0.00	0.00%
QUE	\$107499.00	\$110000.00	72.78%	\$113491.00	\$3491.00	3.17%
NB	\$89206.00	\$94614.00	60.68%	\$94614.00	\$0.00	0.00%
*NS	\$97000.00	\$102100.00	65.48%	\$102100.00	\$0.00	0.00%
PEI	\$95989.00	\$100256.00	65.95%	\$102840.00	\$2584.00	2.58%
NFLD	\$88362.00	\$90129.00	57.80%	\$90129.00	\$0.00	0.00%
YUK	\$94915.00	\$98711.00	71.94%	\$112179.00	\$13468.00	13.64%
NWT	\$103873.00	\$108000.00	69.90%	\$109000.00	\$1000.00	0.93%
*Frozen						
COUNTRY SUPERIOR SUPREME	\$134983.00 \$139983.00 \$166291.00	\$142800.00 \$147800.00 \$175600.00		\$150929.00 \$155929.00 \$175600.00	\$8129.00 \$8129.00 \$9658.00	5.69% 5.50% 5.50%
AVERAGE SALARY (Provincial Courts)	1990 \$97372.58	1991 \$101317.17		1992 \$103584.67		

July. He has been appointed to the Ontario Court of Justice (General Division). I attended his swearing in on August 14 in Cayuga. We wish him well.

There is a cross Canada search for a new Executive Director, and I urge any Provincial Court Judge who might be interested to send in your application. The Board has asked Judges Bernard Grenier of Quebec and Dolores Hansen of Alberta to carry on, with the assistance of Guy Goulard until a new Executive Director is selected. The Board hopes to have a new Executive Director in place by January 1993. In the meantime, I am sure that Dolores and Bernard will do the job. I am assured that the integrated Intensive Study Program set for May 1993 is well on its way. This program is very important to the C.A.P.C.J. and to all Provincial Court Judges.

Canadian Bar Association

I attended the Canadian Bar Association's National Conference. I was invited to the President's reception on Saturday night, was on the dias at the opening ceremonies and addressed Council on Thursday morning. I brought to their attention the disparity in compensation between the Federal and Provincial Court Judges, and the general lack of respect for the Provincial Courts throughout Canada of the Bench and Bar. I requested a seat on the C.B.A. National Council for the President of the C.A.P.C.J. A resolution to amend their Constitution was moved by Ken Alexander, now Past President of C.B.A. Ontario and seconded by Jack Perraton, President of the Alberta Branch of the C.B.A. The resolution was tabled for the next mid-winter meeting in February 1993. The CBA National is showing a renewed interest in the Provincial Bench and I would urge all Judges to consider joining the C.B.A. and participate in the work of the local branches.

Department of Justice

The Minister of Justice and Attorney General of Canada A. Kim Campbell has sought our advice as to long-term plans for

L'Institut Nationale de la Magistrature

M. le Juge David Marshall a donné sa démission comme Directeur de l'Institut au mois de juillet. Il a été nommé à la Cour de Justice de l'Ontario (Division Générale). J'ai assisté à l'assermentation le 14 août à Cayuga. Nous le souhaitons tout bonheur.

On cherche un nouveau Directeur Exécutif à travers le Canada, et j'encourage tout juge de la Cour Provinciale qui s'intéresse de s'y adresser. Les Directeurs ont demandé à M. le Juge Bernard Grenier du Québec et à Madame la Juge Dolores Hansen d'Alberta d'entreprendre cet emploi avec l'aide de M. Guy Goulard jusqu'à la sélection d'un nouveau Directeur Exécutif. On compte avoir fait la sélection avant le mois de janvier 1993. Entretiens, j'ai confiance que Dolores et Bernard travailleront bien ensemble. On m'affirme que le Programme D'étude Intensif intégré fixé pour le mois de mai 1993 est en cours. C'est un programme très important à l'ACJCP et aux tous les juges des Cours Provinciales.

Association du Barreau Canadienne

J'ai assisté à la Conférence nationale de l'ABC. J'ai été invité à la soirée du Président, j'ai fait partie des cérémonies d'ouverture et j'ai parlé au Conseil le jeudi matin. Je leur ai mis en évidence la différence de compensation entre les juges des cour fédérales et des cours provinciale et la manque commune de respect pour les Cours Provinciales parmi les juges et les avocats canadiens. J'ai demandé qu'une place soit accordée au Conseil Nationale de l'ABC pour le Président de l'ACJCP. Une résolution pour changer leur Constitution a été mis par Ken Alexander, Président sortant de l'ABC de l'Ontario et soutenu par Jack Perrator, Président de l'ABC de l'Alberta. La résolution sera discutée à la réunion en février, 1993. L'ABC nationale s'intéresse de nouveau aux Cours Provinciales et j'encouragerais tout juge à s'inscrire à l'ABC et à participer aux événements locaux.

research now that the Law Reform Commission of Canada has been disbanded. I have asked Judge Gerald Barnable and his Committee on the Law to contact the Minister and to assure her of our continued interest and assistance.

I and the Executive continue to have a good rapport with the Minister and her staff. She and her Deputy continue to be strong supporters of the C.A.P.C.J. and offered particular compliments to the study of Independence of the Judiciary prepared by Judge Bobowski.

Education

The Western Judicial Education Programs under the Directorship of Judge Doug Campbell held in Saskatoon in June were, once again, a great success. Doug Campbell deserves a great deal of credit for his work in educating Judges. I am told work is well underway for the 1993 Congress in Victoria, B.C. I salute all those who have participated and organized these programmes, particularly Judges David Arnot (Saskatchewan) and Gary Cioni (Alberta). Judge Margaret Stewart deserves praise for the Atlantic Regional Conference which was held in Nova Scotia in May. The excellent educational program was a joint project of the C.A.P.C.J. and the N.J.I. Work is being done already for the next Conference planned for St. John's at the end of March 1993.

M. le Juge André Saint Cyr of the Cour du Quebec steered 56 Judges through the New Judges Program in April with the usual excellent results. The New Judges Program for 1993 is set for April 23 to 30, 1993 and André is again busy preparing for a new set of Judges to arrive in Val Morin, Quebec.

I wish to thank the director of the C.A.P.C.J. Judicial College, Dolores Hansen, Margaret Stewart, Doug Campbell and André Saint Cyr and the Judges and the people who assisted them for the very successful year of Judicial Education. Their Reports will be filed at the Annual Meeting.

Ministère de la Justice

Madame la Ministre de la Justice et Procureur Générale du Canada, A. Kim Campbell, a demandé notre avis concernant les projets à long-terme quant à la recherche, étant donné que la Commission de la Réforme du Canada a été congédiée. M. le Juge Gérald Barnable et son comité se mettront en contact avec la Ministre et l'assureront de notre intérêt et soutien continuel. Je continue, avec les autres membres du Comité Exécutif à entretenir des rapports positifs avec elle et son personnel. La Ministre et le Sous-Ministre soutiennent fortement l'ACJCP et ont rendu des compliments à l'étude sur L'indépendance Judiciaire préparée par M. le Juge Bobowski.

L'éducation

Les Programmes du Collège d'éducation de l'Ouest (WJEC) dirigés par M. le Juge Doug Campbell et qui avaient eu lieu à Saskatoon étaient de nouveau très réussis. Nous devrions reconnaître Doug Campbell de tout son travail dans la domaine de l'éducation judiciaire. Il paraît que le congrès de 1993 à Victoria est en pleine préparation. Je loue tous ceux qui ont participé à l'organisation de ces programmes, notamment MM. les Juges David Arnot (Saskatchewan) et Gary Cioni (Alberta) Madame la Juge Margaret Stewart mérite de nos éloges pour la Conférence Régionale Atlantique qui a eu lieu en Nouvelle Écosse au mois de mai. Cet événement éducationnel combinait les forces de l'ACJCP et de l'INM. On planifie déjà la prochaine conférence à St. John's à la fin de mars 1993.

M. le Juge André Saint Cyr a mené un groupe de 56 juges au programme pour les nouveaux juges au mois d'avril. Les résultats étaient excellents. Le programme pour l'année 1993 aura lieu à Val Morin, le 23-30 avril et André se prépare.

Je voudrais remercier la Directrice du Collège Judiciaire Canadien de l'ACJCP, Dolores Hansen, et Margaret Stewart, Doug Campbell et André Saint Cyr ainsi que les juges et tous ceux qui ont participé au succès

members outside Newfoundland and asked her to copy each of them with the document. Ms. Turpin has invited a meeting for later in the spring but neither of us has done more with it yet. Consultations were to begin in April.

A focus on intermediate sanctions dovetails nicely with the Tokyo Rules adopted by the U.N. in 1990 whereby member states were asked to develop the use of effective non-custodial sanctions as opposed to custody and it may be that some useful contribution can be made in this area in the next several months.

Re-Trials Involving Constitutional Issues:

The Committee has been informed that the federal and provincial Attorney Generals formed a working group last June, charged with the task of exploring the issues involved formulating a set of uniform procedures, and reporting back to the Attorney Generals at their next annual meeting, presumably June 1992.

Following this report, judges and others will be supplied with the findings and given an opportunity to comment.

Other Department of Justice Communiqués:

The committee (and possibly all judges) have been informed that a bill proposing a ticketing scheme for minor federal offences was put before the House last December - the Contraventions Act.

ANNUAL MEETING 1992 ASSEMBLÉE ANNUELLE

Civil Court Committee Report

His Honour Judge E.D. Schmidt

The Civil Committee has been inactive and has spent no money.

Various provinces are taking a hard look at civil procedure at the small claims level.

British Columbia raised its jurisdiction to \$10,000 in February 1991 and implemented new rules and procedure. The rules and process were created by a committee of the Chief Judge. The change in jurisdiction and process increased use of the court by 90%. The mandatory pretrial hearing results in 36% of cases proceeding to trial. The length of those trials has tripled.

In Ontario the Joint Committee on Court Reform reported on small claims in February 1992 and proposed sweeping changes which included raising the jurisdiction and returning it to the Provincial Division. The jurisdiction outside Toronto was raised to \$3,000 July 1, 1992 and it will be raised for

the entire province to \$6,000 April 1, 1993. There are numerous issues still outstanding which will affect judges.

I am aware that Newfoundland and Alberta Attorney Generals have been consulting with the British Columbia Attorney General with respect to changing their process along the lines of the British Columbia process. Other provinces may also be looking at changes, and I am aware that the British Columbia Attorney General's office has made presentations to joint meetings on the British Columbia process.

As most provinces are looking at wide-ranging changes for provincial civil courts which inevitably affect judges, I will be presenting a program Thursday morning, September 17, to more fully explain the British Columbia system.

Report of the Committee on the Law

His Honour Judge Gerald J. Barnable

TO: Executive Committee, CAPCJ Montreal Meeting May 1 - 3, 1992

Since my last report there has been one formal consultation between the Committee and the federal Department of Justice.

Some four or five years ago Bill C-15 amended the criminal law by creating new substantive law designed to better protect children from sexual abuse and new rules of evidence designed to facilitate reception of their testimony. At that time parliament mandated that the effectiveness of the new measures be reviewed five years later and that review is now in progress.

The consultation process took place all over the country, at regional meetings with judges and others in the justice system.

Mr. D.C. Prefontaine, Assistant Deputy Minister, overseeing the policy, programs and research section of the Department wrote to the undersigned last December and thereafter the contact person was Ms. Julie Lovely.

Ms. Lovely asked for and was sent the names and addresses of all committee members. In turn she was asked to ensure that the members were invited to the consultations being held in the other parts of the country and were supplied with the questionnaire and other materials pertinent to the evaluation.

Ms. Lovely agreed to have her team visit Newfoundland as there were four members from this Province. The initially scheduled meeting was cancelled when a freeze on spending in the Department was imposed until the end of the fiscal year. After April Ms. Lovely attempted to revive the consultation. A meeting was set for April 7th. Unfortunately, a late winter storm kept all

out-of-town judges from attending and in consequence only Judge Owen Kennedy was able to be there. He, together with the Chief Justice of the Trial Division of the Supreme Court and a justice of the Court of Appeal, met with the four from Ottawa.

They met for two hours, the first of which was used up deferring to the federal judges. Only gradually did it sink in to the researchers that the Provincial Court representative had actually read the materials that had been sent and was prepared to respond to their specific questions in a specific way.

The absent Newfoundland members have agreed to return their questionnaires to Ms. Lovely. Judge Handrigan has also sent her some of his rulings on issues created by Bill C-15. I've sent Ms. Lori Biesenthal (the head of the research team visiting Newfoundland) summaries of all the sexual assault sentencing cases heard in Newfoundland in the higher courts in the past decade.

The Court Process and Victim of Sexual Assault Consultation:

The above mentioned consultation did not touch on the legislative response to the striking down of the 'rape shield' laws. In an information sheet issued in December, regional symposiums were promised on the issue of the impact on the trial process on sexual assault victims but such consultations have not yet involved the Committee.

Intermediate Sanctions Consultation:

Late in February, Ms. Louise Turpin, a member of "the sentencing team" with the Department of Justice research division focusing on intermediate sanctions, contacted the court and later sent a consultation document. I distributed it to the other Newfoundland members and sent Ms. Turpin the names and addresses of the committee

History of the C.A.P.C.J.

Judge Douglas Rice of New Brunswick, our former Executive Director (1973-85) and President (1986-87) has graciously accepted my request to write a history of the last 20 years of the C.A.P.C.J. This is a daunting task and Doug would like to hear from the Past Presidents and other members who may have any material that would assist him. His address is:

P.O. Box 246
St. Stephens,
New Brunswick
E3L 3X2

This has been a very interesting and busy year. I have travelled to every province and territory with the exception of the Yukon and P.E.I. and have made many new friends. I wish to thank all those Judges who showed me courtesy, warmth and kindness, and made my year as President such a wonderful experience. Thank you for the opportunity to have served you.

de l'éducation judiciaire cette année. On recevra leurs rapports à la réunion annuelle.

L'Histoire de l'ACJCP

M. le Juge Douglas Rice du Nouveau Brunswick, ancien Directeur Exécutif (1973-1985) et Président (1986-1987) a gracieusement consenti à composer l'histoire des vingt dernières années de l'ACJCP. Ceci est une tâche exigeante et Doug invite les anciens Présidents ou membres qui détiennent des documents ou des mémoires pertinents à les lui envoyer à l'adresse suivante:

C.P. 246
St. Stephens,
Nouveau-Brunswick
E3L 3X2

C'était une année très intéressante et chargée. J'ai voyagé dans toutes les provinces et territoires sauf au Yukon et à l'île du Prince Édouard et j'ai fait beaucoup de nouveaux amis. Je voudrais remercier tous les Juges dont la politesse, la chaleur et la bonté ont fait de cette année une réussite, une expérience merveilleuse. Merci de m'avoir donné l'occasion de vous rendre service.

Executive Director's / Rapport de la Directrice Executive

Her Honour Judge Pamela Thomson / L'Honorable juge Pamela Thomson

I have now completed my first full year, and I have learned so much from you all. I want to thank you for your support especially the Officers and most especially Charlie Scullion with whom I met daily.

I have written and received hundreds of letters, documents, faxes and phone calls. I've written lots of cheques and happily made many deposits. I kept the books myself and, until this Spring, did my own filing and photocopying, etc. I estimate that I spend 15 to 20 hours a week doing this job. I love it, but wish I had more staff. I thank my husband, Judge Gordon

J'ai maintenant terminé ma première année complète et vous m'avez tous beaucoup appris. Je vous remercie de votre support, particulièrement les Officiers et surtout Charlie Scullion.

J'ai écrit et reçu des centaines de lettres, des télécopies et des appels téléphoniques. J'ai fait beaucoup de chèques, et heureusement, beaucoup de dépôts. J'ai fait les comptes moi-même et aussi, jusqu'au printemps, le classement et les photocopies. J'estime passer quinze à vingt heures par semaine à cette tâche. Bien que je l'aime, j'aimerais plus de personnel. Je remercie

Hachborn, for not complaining about the evenings spent at the office.

Most of my activities have been communicated in the Memos to the Executive Committee sent out regularly, so I will just highlight this past year.

Judge Scullion and I finally met with Justice Minister Campbell. Our relationship with her and the Deputy and staff has been solidified. She has written confirming her very positive impression of the meeting and of the material received there, and after. Deputy Attorney General John Tait is very attentive to all my phone calls.

I hope that this next year will see a new, better and more realistic relationship develop with the Secretary of State concerning translation for New Judges and the Journal and interpretation at New Judges' and Annual Conferences.

This next year will also be an exciting one in the field of judicial education. A new Executive Director of the National Judicial Institute will be appointed this year and it is the position of the CAPCJ that it must be a Provincial Court Judge. The time is fast approaching where we must seriously look at "joining forces" with the National Judicial Institute and with Federally appointed Judges so that we all receive the best, all-round education available. Joint projects and a sharing of resources is wise given the financial resources available at both the Provincial and Federal levels.

The sending of regular Memoranda and ease of telephone access to me has improved communication between all Officers and Reps. The adoption of a "job description" for Provincial Reps will, I hope, encourage them to keep me informed so that all others can be well-informed.

We almost have the title "Honourable"! I thank each Rep and Chief Judge who successfully obtained their Attorney General's consent.

The Journal lost an excellent editor, and gained an excellent editor. This is your magazine - so read it and contribute to it directly or through me. Its bilingual content will be increasing.

mon mari, le juge Gordon Hachborn, de ne pas s'être plaint des soirées passées au bureau.

La plupart de mes fonctions ont été détaillées, régulièrement dans les "Memoranda au Comité Exécutif", donc je résumerai l'année passée.

M. le juge Scullion et moi nous nous sommes finalement réunis avec Madame la Ministre de Justice Campbell. Notre rapport avec Mme Campbell et le Sous-Ministre et leur personnels'est fortifié. Elle a confirmé par écrit ses impressions de la réunion, et des documents quelle a reçus à la réunion et depuis. Procureur Général associé, John Tait, est plein d'égard pour tous mes appels.

J'espère que l'année à venir amènera l'amélioration de notre rapport avec le Secrétaire d'État vis-à-vis la traduction et l'interprétation.

L'année à venir sera provoquante dans le domaine de l'éducation judiciaire. Un nouveau Directeur Exécutif pour l'Institut national de la magistrature sera nommé cette année et l'ACJCP tient qu'il doit être un juge de la Cour Provinciale. Nous devrions bientôt penser à nous rallier avec l'I.N.M. et avec les juges fédéraux afin de tous recevoir la meilleure éducation universelle possible. Il faudrait considérer des projets collectifs et le partage des ressources, étant donné les ressources financières aux niveaux fédéraux et provinciaux.

La communication entre tous les Officiers et Représentants a été améliorée grâce à l'envoi habituel des Memoranda et à la facilité de me rejoindre par téléphone. Nous avons adopté une "description d'emploi" pour les Représentants Provinciaux qui les encouragera, j'espère, à me tenir au courant afin de tenir tous les autres au courant.

Nous avons presque atteint au titre "Honorable". Je remercie tous les Représentants et les Juges en Chef qui ont réussi à obtenir l'accord de leur Procureur-Général.

Le Journal a perdu un très bon rédacteur et en a retrouvé un autre. Ceci est votre magazine — lisez-le et participez-y. Le contenu bilingue s'augmentera dans le futur.

Report of the Committee on Judicial Independence

His Honour Judge E.S. Bobowski

At the time of preparing this Report, I am not certain as to whether I will remain as Committee Chairperson of this Committee in my presidential year. However, it is gratifying to realize and accept some recognition for our efforts over the last three years as is evidenced by a letter dated August 26, 1992 from the Minister of Justice, A. Kim Campbell.

After our Montreal meeting in April, 1992 at which the following Resolution was passed:

IT WAS MOVED by Judge Bruser (NWT) and seconded by Judge Cuddihy (Quebec) that the CAPCJ support the

principle that Provincial Judges be reimbursed in full for reasonable costs incurred during an enquiry or investigation concerning their judicial abilities or judicial conduct. THE MOTION CARRIED.

I wrote to each Provincial Representative on June 8, 1992 requesting replies as to each Provincial situation by July 15, 1992. To date, I have received seven out of twelve replies, thus, not allowing me to finalize my Report. I urge each of the Provincial Representatives that have not as yet replied to do so immediately upon return to their respective provinces after this meeting.

All of which is respectfully submitted.

Report of the Committee of the Law

His Honour Judge Gerald J. Barnable

Since my report of May 1, 1992 (appended) there has been one consultation with the Research Division of the Department of Justice. In April Ms. Turpin, Ms. Markham, and Mr. Daubney met with Judge Kennedy and I of the Committee at St. John's, Newfoundland. Chief Justice Goodridge of the Court of Appeal and Mr. Justice Riche also attended.

The aim of this sentencing team was to promote the use of non-custodial sentencing, particularly for the type of convict who now gets three months or less imprisonment. We discussed with them legislative plans for day fine use where the convict would be required to identify his daily income so that he could be fined a certain number of day's income. We learned that in the future, conditional discharges may be

attached to undertakings rather than probation and that there would be no reporting conditions or reporting to persons other than probation officers, like policemen.

At the request of Senior Judge Scullion I responded to a letter from Justice Minister Campbell. The Minister had written to Judge Scullion in July advising the C.A.P.C.J. of the Department's plans for research and consultation after the demise of the Law Reform Commission of Canada.

In my response I took the opportunity to remind her of our numbers and our broad involvement in the criminal justice system. I suggested that the senior research official should regularly and permanently liaise with this Committee, arrange meetings that actually occur and always provide feedback to the judges.

longer be forced to go cap-in-hand each year. I lived this experience when I chaired the New Judges Training Program from 1985 to 1990. We must bring the Secretary of State to a full understanding of the permanence and purview of our needs.

The Federal Government must come to understand that its contributions to us must include these costs and must be increased immediately by at least \$25,000 per annum on a permanent basis. The time for uncertainty in planning and for pushing paper must end.

dollars l'heure, plus le transport et les frais de repas.

Le coût total des deux projets s'élèverait donc à 10,000,00\$. Votre autorisation est donc requise.

Au cours de l'automne, j'espère être en mesure d'effectuer un sondage dans les autres provinces et territoires, dans le but d'évaluer le coût de projets analogues.

Ces projets soulignent l'urgente nécessité de la part du gouvernement fédéral de subventionner notre association pour les frais de traduction, les frais d'interprétation et les frais de perfectionnement de nos juges, dans les deux langues officielles.

J'ai la conviction que notre Association devrait jouir d'un financement convenable sur une base continue et automatique en ce qui a trait à tous les frais de traduction et d'interprétation. Je crois qu'il nous faut insister pour ne plus être forcés d'aller quêter notre dû chaque année. J'ajoute que cette expérience, je l'ai vécue lorsque j'étais président du colloque pour les nouveaux juges. Il est essentiel que le Secrétaire d'État comprenne la permanence et l'étendue de nos besoins.

Il est essentiel que le gouvernement fédéral comprenne les difficultés que nous avons envisagées depuis dix ans, et ces contributions devraient substantiellement augmenter immédiatement d'au moins 25 000\$ sur une base permanente. L'incertitude dans la planification et la paperasserie doivent prendre fin.

I have read the Minutes of the last 19 years, sent relevant portions or reports to those interested (e.g. judicial independence issues to the Northwest Territories Rep) and collated a list of past conferences and honorary life members for circulation.

I have been a member of the Executive Committee since 1984 (as Chair of the Civil Courts Committee). My long-range perspective is, perhaps, the asset most relied on by the officers in discussions concerning policy and actions. I am proud to be of service. I hope to continue to serve this Association better in the years to come.

I would welcome suggestions from individual members as well as Reps, Chairs and Officers. Please keep in touch.

J'ai lu les procès-verbaux des dix-neuf dernières années, j'ai envoyé les parties pertinentes (ou rapports) aux intéressés (e.g. les questions de l'indépendance judiciaire au représentant des Territoires-du-Nord-Ouest) et j'ai développé une liste des conférences passées et des membres honoraires.

Je suis membre du Comité exécutif depuis 1984 (comme Président du Comité des Cours Civiles). C'est peut-être ma perspective à longue terme qui est la qualité la plus demandée dans les discussions de la politique et des actions. Je suis fier de pouvoir rendre service. J'espère continuer à mieux servir cette Association dans les années à venir.

Je recevrais avec plaisir toute suggestion des membres, aussi bien que des représentants, des présidents et des officiers.

ANNUAL MEETING 1992 ASSEMBLÉE ANNUELLE

Treasurer's Report / Rapport du Trésorier

Her Honour Judge Pamela Thomson / L'Honorable juge Pamela Thomson

We have been granted a contribution by the Minister of Justice of \$66,500 for "core operations and education programs". One half has been received to date, as well as the "hold-back" for 1990-91. I anticipate receiving the "hold-back" for 1991-92 and another payment, well before the new year.

We also are in receipt of a 50% contribution (\$31,600 max) towards interpretation and translation costs, as well as for the work of our Bilingualism Committee. I hope to convince the Secretary of State to deal with us on a different plane within the coming year, and to extend the grant to September 1993 (max \$18,400) to cover the New Judges' Programme in April, 1993.

We were pleased with the support for an increase in membership dues, most of which have been paid. We hope that Quebec Judges will continue their past support.

Madame la Ministre de Justice nous a accordé une contribution de 66 500\$ pour "les fonctionnements centraux et les programmes d'éducation". A date, nous en avons reçu la moitié, aussi bien que le "retenu" pour 1990-91. J'attends recevoir le "retenu" pour 1991-92 et un autre paiement bien avant le nouvel an.

De plus, nous avons reçu une contribution de 50% (maximum de 31,600\$) pour les coûts de la traduction et de l'interprétation, et pour notre Comité sur le Bilinguisme. J'espère pouvoir convaincre le Secrétaire d'État de négocier cette année sur un autre plan et de continuer la contribution jusqu'en septembre 1993 (maximum de 18 400\$) afin d'inclure le programme pour les Nouveaux Juges.

Nous étions heureux d'avoir l'accord pour l'augmentation des frais d'adhésion, dont la plupart ont été payés. Nous espérons avoir le soutien continu des juges du Québec.

All governments have continued their support of the C.A.P.C.J., and some grants were increased: Thanks to the Representatives and Chief Judges of P.E.I., N.W.T. & N.S.

I continue to monitor our financial situation monthly and to send Cash Flow Statements regularly.

Our costs were lower this year because Judge Scullion travelled from central Canada. We know that our "savings" will be needed as our Presidents travel from the west and the east in the next 10 years. I have been fortunate with the support of the Ontario Attorney General's Department and of my own Court. I also want to salute the parsimony of all Executive members (particularly Judge André Saint Cyr, Chair of New Judges) and the assistance of their Chief Judges.

ANNUAL MEETING 1992 ASSEMBLÉE ANNUELLE

Report of the Education Committee

Her Honour Judge Delores M. Hansen

At the last Annual Conference of the Association in Toronto, Ontario I was appointed Director of the Canadian Judicial Centre by Senior Judge C. Scullion.

Since September I have worked with Judge Saint-Cyr on the New Judges' Training Program held April 24 - May 1, 1992 at Val Morin, Quebec and attended the program as an assistant.

On November 23, 1991 I attended a meeting of organizations Active in Judicial Education. The meeting was arranged by the National Judicial Institute. In attendance were representatives of the Canadian Judicial Council, the Canadian Institute for Advanced Legal Studies, the Canadian Institute for the Administration of Justice and the National Judicial Institute.

In January, 1992 I attended the Mid-Winter Advisor's meeting of the Western Judicial Education Centre.

Tous les gouvernements ont continué à soutenir l'ACJCP et quelques allocations ont été augmentées. Nous remercions les Représentants et Juges en Chef de l'île du Prince Édouard, des Territoires-du-Nord-Quest et de la Nouvelle Écosse.

Je surveille notre situation financière mensuellement et j'envoie des relevés de compte régulièrement.

Nos dépenses étaient de moindres cette année parce que le Juge Scullion a voyagé du centre du pays. Nous aurons besoin de ces "économies" pendant les 10 prochaines années lorsque les Présidents voyageront de l'ouest et de l'est. J'ai eu de la chance d'obtenir le soutien du département du Procureur Général de l'Ontario et de ma propre Cour. Je voudrais aussi rendre hommage à la parcimonie de tous les membres de l'exécutif (notamment M. le juge André Saint-Cyr) et à l'aide de leurs Juges en Chef.

The Atlantic Regional Conference was held May 6-9, 1992 at White Point Beach Lodge, Nova Scotia. Unfortunately I was unable to attend this program.

In addition I have been attending the meetings of the Family and Youth Committee of the C.A.P.C.J. chaired by Judge K. Kirkland. Judge Kirkland will report on the activities of this committee.

I am pleased to advise that Judge Saint-Cyr has agreed to Chair the New Judges Training Program for 1993. It is anticipated that the program will be held at Val Morin, Quebec, April 23-30, 1993. We have tentatively set the dates of March 31 - April 2, 1993 for the next Atlantic Regional Conference to be held in Newfoundland.

In conclusion, I would like to thank the Chairpersons and members of all the committees for their dedication and hard work.

ings at the very least, in order to enable them to keep up on their present capacities of communicating and participating in educational activities in English.

The preliminary results also appear to indicate that a low percentage of respondents have benefited in the past from language training in English.

The cost of implementing weekly bilingual proficiency meetings would be quite high and the logistics in implementing such a program in each judicial district would be quite demanding in time and effort.

However, it must be done, especially in those districts where the demand appears to be more pressing.

More study of the survey must be done. A meeting with the Education Committee of the Judicial Council of Québec would be in order so as not to interfere with programs which the province might be setting up in this regard and to coordinate our efforts.

I therefore request that the pilot projects of Valleyfield and Saint-Jérôme be continued for another year, that is from September 1992 to June 1993. This would be approximately 40 weeks.

Proficiency meetings last one and a half hours at a cost of \$45 to \$60 an hour, plus meals and transportation.

The total cost for both projects would be in a range of a maximum of \$10,000.

Your authorization is required.

During the fall I hope to survey all the other provinces and territories, so as to evaluate the necessity of weekly bilingual proficiency meetings in French.

These projects underline the urgent necessity of funding our association on the part of the Federal Government, for translation, interpretation and the education of our judges, in both official languages.

It is my firm conviction that this Association should be properly funded on a continuing and automatic basis with respect to the costs of all translation and interpretation. I believe we must insist that we no

trouver un financement adéquat pour ces projets, mais pas au détriment des autres domaines dont j'ai déjà fait mention dans la présente ou des autres programmes établis par les provinces.

Ces deux projets ont été extrêmement utiles. À la lumière de ces rencontres, j'ai effectué un sondage auprès de tous les juges de la Cour du Québec, en ce qui a trait à la nécessité d'avoir des réunions hebdomadaires de formation bilingue.

J'ai reçu 132 réponses sur un total de 300. Les résultats préliminaires indiquent que les juges de la Cour du Québec doivent converser régulièrement à la cour, avec des parties et de témoins ne parlant que l'anglais.

Ce fait requiert que tous les juges puissent comprendre et communiquer en anglais, sans la nécessité d'un interprète, ce que tous les répondants peuvent accomplir. Cependant, les résultats préliminaires du sondage révèlent que tous les juges favorisent des séances hebdomadaires afin de leur permettre de maintenir leur capacité actuelle de communiquer et de participer dans les colloques, en anglais.

Il appert de plus, selon les résultats, qu'un faible pourcentage de juges ont bénéficié dans le passé, de cours destinés à améliorer leurs connaissances dans la langue seconde.

Les coûts d'un projet de cette envergure seraient élevés et sa mise-en-oeuvre nécessiterait beaucoup de temps.

Je suis d'avis, cependant, qu'il paraît essentiel d'avoir des séances hebdomadaires de perfectionnement bilingue, surtout dans les districts où la demande se fait la plus urgente.

Il y a lieu, donc, d'étudier le sondage plus à fond, en collaboration avec le Conseil de la Magistrature de Québec, dans le but de ne pas intervenir dans des programmes déjà prévus et afin de coordonner nos efforts respectifs.

Je recommande donc que les projets-pilote de Valleyfield et de Saint-Jérôme soient continués pour 1992-93. Il s'agit de 40 séances. La durée de la réunion est de une heure et demie à raison de 45,00\$ à 60,00\$

I propose that the Association encourage proficiency in each language by subsidizing groups of judges to meet for conversation and discussion on a weekly basis.

This will require use of grants and the cooperation of the Secretary of State. It is not our role to make every provincial judge bilingual, but we must promote the concept.

Pilot projects authorized by the Executive, for the weekly bilingual proficiency meetings, were set up at Valleyfield and Saint-Jérôme, Québec with an experienced professor.

The cost for both projects which took place in May and June of 1992, was \$708 for the Valleyfield project, and \$772.96 for the Saint-Jérôme project; the total of \$1,480.96 is slightly higher than the \$1,200 which was authorized.

I request therefore that the Executive Director be authorized to pay the \$280.96 difference.

I believe this is proper use of the funds made available to me as Chair of the Bilingualism Committee and as Coordinator of Official Languages. I intend to work with the Officers, Executive Director and government officials to find proper funding for such projects but not to the detriment of the other areas discussed above or other programs set up by the provinces.

These two projects were very helpful. As a result, I have conducted a survey of all judges in Quebec, pertaining to the necessity of weekly bilingual proficiency meetings.

I have received 132 responses, out of 300. Preliminary results indicate that all respondents deal on a regular basis, in the Courtroom, with parties and witnesses that speak only English. This situation requires that all judges understand and communicate in English without the use of an interpreter (which almost all respondents are capable of doing).

However, there appears to be a clear indication from the preliminary results, that all judges do favour weekly proficiency meet-

et professeurs, tous ceux et celles qui correspondent avec nos membres et nos gouvernements et, en dernière analyse, si possible tous les juges du Canada.

Nous devons en effet affecter une partie de l'argent dont nous disposons à promouvoir le bilinguisme chez nos membres et en particulier chez nos éventuels dirigeants et professeurs. Je suis au courant des programmes qu'a établis le Secrétariat d'État en vue d'offrir des cours d'immersion et de subventionner certaines provinces qui offrent, sur une base hebdomadaire, des cours de langue particuliers. Je suis conscient que la mise en place de ces cours prend beaucoup de temps et qu'un faible pourcentage de nos membres en profite effectivement.

Je propose donc que l'Association favorise le compétence dans les deux langues en subventionnant des groupes de juges pour qu'ils se rencontrent à chaque semaine pour converser et discuter.

Une telle initiative nécessitera l'apport de subventions et la coopération du Secrétariat d'État. Il n'entre pas dans notre mandat de faire en sorte que chaque juge de cour provinciale soit bilingue, mais il nous faut en promouvoir l'idée.

Les projets-pilote autorisés par l'Exécutif, pour les réunions hebdomadaires de formation bilingue, ont été initiés à Valleyfield et Saint-Jérôme, dans la province de Québec avec un professeur bien expérimenté.

Les coûts des deux projets sont de 708,00 pour Valleyfield et de 772,96 pour celui de Saint-Jérôme.

Il s'agit d'un total de 1480,96 montant un peu supérieur aux 1200,00 autorisés.

Je requiers donc que l'Exécutif autorise notre secrétaire d'Exécutif à acquitter la différence de 280,96.

C'est ce que je crois être l'utilisation indiquée des fonds dont je dispose à titre de président du comité sur le bilinguisme et en ma qualité de coordonnateur des langues officielles. J'ai l'intention de travailler avec les officiers, le directeur général et les fonctionnaires du gouvernement afin de

New Judges' Training Program / Sessions de Formation de Nouveau Juges

Venue Chairman's Report / Rapport du Président du Colloque The Honourable Judge Andre Saint-Cy / l'Honorable juge Andre Saint-Cy

The New Judges' Training Program was held at the Far Hills Inn in Val Morin, Quebec from April 24 to May 1, 1992.

Fifty-seven judges from eight provinces (British Columbia, Alberta, Saskatchewan, New Brunswick, Nova Scotia, Ontario, Quebec and Newfoundland) as well as the Canadian Armed Forces attended the session.

A total sum of \$75,478.41 was made available for the purposes of the session. Expenses incurred amounted to \$49,791.12, leaving a closing cash position as of June 12, 1992 of \$25,687.29.

Opening cash position July 24, 1991

		\$7,467.95	
Revenues:			
Received from			
CAPCJ	56,000.00		
Registration Fees	11,155.00		
Interest	855.46	68,010.46	
		\$75,478.41	
Expenses:			
Administration	4,408.31		
Accounting Fees	642.00		
Guest Speakers' Expenses	11,181.04		
Office Supplies	701.61		
Simultaneous Translation		18,343.68	
Translation of Documents		6,194.54	
Social Events	7,009.34		
Transportation	1,310.60	\$49,791.12	
Closing cash position as at June 12, 1992:			
Bank account	5,687.29		
Term deposit	20,000.00	25,687.29	

La session de formation des nouveaux juges a eu lieu à l'Auberge Far Hills de Val Morin, Québec, du 24 avril au 1er mai 1992.

Cinquante-sept juges y participèrent. L'Alberta, la Colombie-Britannique, la Saskatchewan, le Nouveau-Brunswick, la Nouvelle-Écosse, l'Ontario, le Québec, Terre-Neuve et les Forces Armées Canadiennes étaient représentés.

Une somme totale de 75,478.41\$ fut mise à la disposition de l'organisateur de la session. Les dépenses encourues s'élevèrent à 49,791.12\$. A la fermeture des livres, le 12 juin 1992, il restait en caisse un solde de 25,687.29\$.

Encaisse le 24 juillet 1991

			\$7,467.95
Revenus:			
Reçu de l'ACJCP	56,000.00		
Frais d'inscription	11,155.00		
Intérêts bancaires	855.46	68,010.46	
		\$75,478.41	
Dépenses:			
Administration	4,408.31		
Honoraires du comptable	642.00		
Dépenses des conférenciers		11,181.04	
Fournitures de bureau	701.61		
Traduction simultanée	18,343.68		
Traduction de documents		6,194.54	
Événements sociaux	7,009.34		
Transport	1,310.60		
		\$49,791.12	
Encaisse au 12 juin 1992:			
En banque	5,687.29		
Dépôt à terme	20,000.00	25,687.29	

Remarks:

1- Uncertainties exist as far as expenses are concerned. For instance, last year as in years past, some speakers did not bill the Association for expenses incurred. Such may not always be the case.

2- The exact cost of translating documents is also difficult to figure. For instance, the length of documents is unpredictable. Some years a speaker may decide to use the same paper he or she has presented the previous year. There then is no need to have the paper translated again. Another speaker does not circulate a paper, while others will translate their paper themselves. Such may not always be the case.

3- One may therefore easily realize that a surplus this year may, for a number of reasons beyond the control of the organizer, turn into a deficit next year.

4- Were it not for the gracious contribution of all 22 speakers, some of whom have been returning to the session for a good number of years, such a session could not be held. All the speakers deserve our appreciation.

5- Others must also be thanked:

*The President of the Association,
Judge Charles Scullion
The Executive Director and Treasurer,
Judge Pamela Thomson
The President of the Canadian Judicial
College, Judge Dolores Hansen
Judge Gilles Ouellet, Colonel Pierre Boutet*

6- Our appreciation is also extended to the Provincial and Territorial Court Chief Judges as well as to the Military Chief Judge of the Office of the Judge Advocate General.

7- The limited number of rooms available at the Far Hills constitutes the major inconvenience to holding the sessions there. However, the Chief Judges, having weighed the pros and cons, have decided in favour of remaining at the Far Hills for another year.

Remarques:

1- Des causes d'incertitude existent au chapitre des dépenses. Par exemple, l'an dernier, comme par le passé, certains conférenciers n'ont pas facturé à l'Association certaines dépenses par eux encourues. Tel ne sera peut-être pas toujours le cas.

2- Le coût exact de la traduction de documents est également difficile à prévoir. La longueur des textes est imprévisible. Il peut arriver qu'un conférencier décide d'utiliser le même document que l'année précédente. En pareil cas, bien sûr, il n'est pas nécessaire de faire traduire le document à nouveau. D'autres conférenciers ne distribuent pas de document aux juges inscrits, alors que certains autres traduiront eux-mêmes leurs textes. Tel ne sera peut-être pas toujours le cas.

3- On comprendra donc facilement qu'un surplus de fonds enregistré cette année pourrait, pour des raisons incontrôlables, devenir un déficit l'an prochain.

4- Sans la contribution bénévole de vingt-deux conférenciers dont certains reviennent participer à la session depuis plusieurs années, pareil colloque ne pourrait avoir lieu. Les conférenciers méritent notre reconnaissance.

5- D'autres personnes doivent également être remerciées:

*Le Président de l'Association,
M. le juge Charles Scullion
La Secrétaire-Trésorière,
Madame le juge Pamela Thomson
La Présidente du Centre Canadien de
Formation Judiciaire,
Madame le juge Dolores Hansen
M. le juge Gilles Ouellet
et le Colonel Pierre Boutet*

6- La collaboration des divers Juges en chef des Cours provinciales, de ceux des Cours territoriales de même que celle du Juge Militaire en chef au Cabinet du Juge Avocat Général, doit également être soulignée.

are both functionally bilingual, as is the Director of the New Judges Training Programme. It must become an official policy and practice of this Association that these positions be filled by members who can communicate in both languages. We must strive to make bilingual any member who wishes to fill such a position because it would be unfair to exclude a competent member because she or he is not functionally bilingual.

Other matters which can be improved include the following suggestions: The Annual Conference should have at least one or more speakers in the other language; there should be at least one article in French in every issue of the Journal; it would be wise for the Journal Editor to subscribe to Quebec legal and judicial periodicals and to set up a roster of Quebec judges who would be willing to write for the Journal.

I intend to assess what is done by the Canadian Judge's Conference with respect to bilingualism and to see who pays for those expenses

I do not recommend that all articles in the Journal be translated in each issue, nor that we acquire translation equipment, nor that we have interpreters and translators on staff: this to my mind is financial folly and we do not have necessary funds for doing so.

The nature of our bilingualism must reflect the nature of our Association: bilingual education and also making bilingual those who are our leaders and teachers and those that correspond with members and our governments: in the final analysis all judges in Canada if possible.

The thing that we can do with some of our money is to encourage bilingualism among our members, particularly potential leaders and teachers. I am aware of the programmes set up by the Secretary of State for immersion courses and for subsidization of some provinces who provide weekly individual language training. I know that these take a long time to put into place and that they benefit only a small proportion of our members.

De même, la correspondance et les communications avec les membres et avec les autorités gouvernementales doivent pouvoir se faire dans l'une ou l'autre des deux langues. A l'heure actuelle, le secrétaire-trésorier et le directeur du Centre canadien de formation judiciaire sont tous deux bilingues à toutes fins pratiques comme, d'ailleurs, l'est le directeur du colloque pour les nouveaux juges. Notre Association doit adopter comme politique officielle que ces postes soient comblés par des membres que soient en mesure de communiquer dans les deux langues et en faire une pratique courante. Nous devons de plus nous efforcer de rendre bilingues les membres qui souhaitent combler ces postes car il serait en effet injuste d'en écarter un de nos membres qui est compétent pour s'en acquitter parce qu'il n'est pas pour le moment bilingue à toutes fins pratiques.

Il y a également matière à amélioration à d'autres égards et je me permets donc de faire les suggestions suivantes: au moins un des conférenciers invités à notre conférence annuelle devrait s'adresser à l'assemblée dans l'autre langue. Chaque édition du Journal devrait comporter au moins un article rédigé dans l'autre langue et il serait prudent que l'éditeur du Journal s'abonne aux périodiques juridiques et judiciaires québécois et qu'il constitue un répertoire de juges du Québec disposés à écrire dans le Journal.

J'ai l'intention d'évaluer le travail effectué par la Conférence canadienne des juges en matière de bilinguisme et de découvrir qui en fait les frais.

Je ne recommande pas que tous les articles de chaque numéro du Journal soient traduits, ni que nous faisons l'acquisition d'un appareillage de traduction ou que notre personnel comprenne des interprètes et des traducteurs. Agir de la sorte serait, à mon avis, de la démesure financière et nous n'avons pas l'argent nécessaire à cette fin.

La nature de notre bilinguisme doit refléter la nature même de notre Association. Celle-ci est en effet vouée à assurer une éducation bilingue à nos membres. Elle a de plus pour but de rendre bilingues tous nos dirigeants

ince of Nova Scotia by way of contribution to speakers' gifts and hosting of the reception prior to the banquet.

The need for the Committee Members from each province to liaise and participate in Conference programing, rather than leav-

ing it to the host province is a must. More "piggybacking" on existing programs formulated by the C.A.P.C.J.'s Western Judicial Education Centre and the National Judicial Institute is to be encouraged.

ANNUAL MEETING 1992 ASSEMBLÉE ANNUELLE

Report of Bilingualism Coordinator and Committee / Rapport du Coordonnateur des langues officielles

*His Honour Judge Stephen Cuddihy / L'Honorable juge Stephen Cuddihy
Court of Quebec / Cour du Québec*

The purpose of the Bilingualism Committee is to assess the degree and the manner of implementing bilingualism within the organization both structurally and educationally.

Our Constitution already provides that one of our purposes is to "promote a policy of bilingual development within the Association with the goal of providing all services in both official languages".

Our Annual Meeting and our New Judges Training Programme are already fully bilingual with interpreters and translated materials. The minutes of the Annual Meeting, the Journal's Editorial, and the President's Reports in the Journal and at the Annual Meeting are already translated. This must continue and be properly funded.

There is no need, I believe, for the Executive Minutes to be translated but I urge that all or most Reports of Standing & Special Committees at the Annual Conference be filed and given in both official languages. I believe that all Reports which are published in the Journal should be in both languages.

Correspondence and communication with members and governments must be able to take place in either language. Our current Secretary/Executive Director and Director of the Canadian Judicial College

Le comité des langues officielles a pour mission d'évaluer jusqu'à quel point et de quelle façon on peut promouvoir le bilinguisme au sein de notre organisme tant au niveau des structures que des programmes éducatifs.

Notre Constitution prévoit déjà que l'un de nos objectifs est "de promouvoir une politique de développement du bilinguisme au sein de l'Association dans le but d'assurer que tous les services y soient donnés dans les deux langues officielles".

Nos assemblées annuelles et notre colloque pour les nouveaux juges sont déjà entièrement bilingues et on y prévoit un service d'interprètes et de la documentation traduite. Le procès-verbal de l'assemblée annuelle, l'éditorial de notre journal et les rapports du président publiés dans ce journal et communiqués à l'occasion de l'assemblée annuelle sont déjà traduits. Ces initiatives doivent se poursuivre.

Je ne crois pas que les procès-verbaux du comité exécutif dussent être traduits, mais je recommande vivement que la plupart sinon la totalité des rapports des comités, qui sont déposés à l'assemblée annuelle, le soient dans les deux langues officielles. De plus, j'estime que tous les rapports qui sont publiés dans le journal devraient l'être dans les deux langues.

The Association is happy to comply with this recommendation. Therefore, the next session will be held at the same location, Far Hills Inn, Val Morin, Quebec, from April 23 to 30, 1993.

7- Le principal inconvénient de la tenue de la session la où elle a lieu est l'exiguïté des lieux. Après avoir jaugé les avantages et les inconvénients de la situation, les juges en chef se sont dit favorables à la tenue de la session de l'an prochain au même endroit.

8- L'A.C.J.C.P. est heureuse de donner suite à cette recommandation. Elle a annoncé que la session de l'an prochain aura lieu à l'Auberge Far Hills de Val Morin (Québec) du 23 au 30 avril 1993.

ANNUAL MEETING 1992 ASSEMBLÉE ANNUELLE

Report of the Western Judicial Education

His Honour Judge Douglas R. Campbell

I am pleased to report that the WJEC has had a very successful and active year. Since my last annual report, the WJEC has accomplished the following activities:

Seminar on Racial, Ethnic and Cultural Equity, June 6th to 12, 1992, College of Law, University of Saskatchewan

The Seminar has been successfully completed. Attached is a copy of the program which discloses a high degree of involvement by the Indian, Metis and wider multicultural communities in Saskatchewan. The concept for the development and delivery of the program requires that work on racism be done in partnership with people who are suffering discrimination in order that a true picture of the problem can be shown and absorbed by the judges who the effort is intended to serve. Working with the community required a great deal of energy to ensure the equal inclusion of the widest range of views. I am pleased to report that we have learned a great deal in the production of the Seminar and feel that we understand the correct approach to this area of the work.

As is the case with the WJEC's Judicial Education Program on Gender Equality, the Program on Racial, Ethnic and Cultural

Equity comprises specially produced written materials and a specially trained judicial faculty to aid in its presentation. With the Equity program, however, we have advanced on the model used for the Equality Program by developing a strategy for using racism experts as facilitators for essential and numerous small group discussions. We are confident that we can help judges in any court across Canada to learn about this fundamentally important topic and are prepared to assist where we can.

I am particularly indebted to the WJEC's cosponsors, the Saskatchewan Provincial Court Judges' Association and the College of Law, University of Saskatchewan, for the successful outcome enjoyed in June. In this result, Judges David Arnot and Gerry Seniuk deserve a great deal of credit. Dean Peter McKinnon was generous in his support of the effort and ensured the full cooperation of the University. We remain committed to developing and delivering judicial education within the cooperative model wherein any number of committed organizations and participants can share in success by working in partnership. The Saskatchewan Seminar is proof that this concept of judicial education has high merit.

For the record, funding for the Seminar was gratefully granted as follows:

Law Foundation	Request	Received
Alberta	\$65,250	\$65,250
Saskatchewan	22,500	22,500
Yukon	2,000	2,000
Northwest Territories	5,000	1,000
British Columbia	65,000	45,000
Manitoba	8,000	2,000

Federal Government - Canada

Multiculturalism	96,860	95,360
Health and Welfare	32,286	32,286
Justice, Canada	32,287	32,287
Solicitor General	32,287	32,287

Western Provincial and Northern Territorial Judges' Congress - March 24th to 28th, 1993, Victoria Conference Centre and Empress Hotel, Victoria

At the Mid-Winter Advisors' Meeting, January 23rd to 25th, Empress Hotel, Victoria, a great deal of attention was given to the planning of this important meeting. The work done there has allowed the preparation of an application for funding, which to date has been submitted to the Law Foundations and the Federal Ministries noted above. In addition, most recently an application has been submitted to the Women's Program within the Ministry of Secretary of State, Canada. Enclosed is a copy of this filing, with Appendixes, which provides a full up-to-date report on support, funding and content issues.

At the time of writing, apart from the full acceptance of the Alberta Law Foundation of our proposal, I am not able to report on the precise commitment of the other funders except to say that I am confident that the Congress will be adequately funded and will proceed as planned.

Cross-Cultural Project on South Vancouver Island

As I outlined in my last annual report, I am continuing as facilitator of the project and am pleased to advise that good progress is being made. A very successful cross cultural workshop for senior federal and provincial corrections officials and western

Regional National Parole Board members took place at the Esquimalt Big House, March 2nd to 4th. A similar gathering is planned for Victoria area Aboriginal People and justice system professionals to take place at the Songhees Big House, September 29th, 30th and October 1st.

The cross cultural meetings which have taken place since March 1990 have provided knowledge and understanding of Aboriginal beliefs and values. The Ministry of Multiculturalism and Citizenship, Canada has been of great assistance in the preparation of video materials to be used in the education process. During 1990 two video tapes were produced under the sponsorship of the Ministry. I am pleased to report that two more are in the final stages of completion.

As to the history and impact of the Project, for your information, enclosed is a copy of an evaluation which has been prepared for the Department of Justice by Dr. Paul Tennant, Department of Political Science, University of British Columbia. I am pleased with this independent appraisal of our work and am continuing to help as I have in the past.

The work achieved within the South Island Justice Education Project is very important to judicial education on Aboriginal justice issues since it provides a concrete example of how the delivery of justice to Aboriginal People can be improved by a partnership effort. Of course the Commissions of Inquiry in this country that have criticized the justice system all call for this kind of movement, and we are pleased to say that we have complied and have succeeded in making practical improvements.

Not only are Aboriginal People on South Vancouver Island the beneficiaries of this effort, but the Project has assisted Aboriginal People and justice system professionals in other jurisdictions by providing guidance in this very difficult area. In particular, full credit goes to Judge David Arnot for his highly successful work with both Aboriginal and non-Aboriginal communities in North Battleford Saskatchewan.

Judicial Education Program on Gender Neutrality in Decision Making

I am very pleased to report that the WJEC has successfully produced a faculty training Seminar for Ontario Court of Justice, Provincial Division Judges, February 14th to 17th. I understand that the Ontario Provincial Judges' Association, in conjunction with the office of the Chief Judge, plan to stage two major judicial education meetings on the topic, involving all Provincial Division Judges in the Province, to take

place during the fall of this year. We have supplied 275 copies of the Program for this purpose and are very willing to help in any way that we can to ensure that this very important project is a success.

Delivery of Reasons Program:

A program was held for judges in Manitoba on November 4th and 5th, 1991, attended by 10 judges and funded by Chief Judge Kris Stefanson, Chief Judge of the Provincial Court of Manitoba.

ANNUAL MEETING 1992 ASSEMBLÉE ANNUELLE

Atlantic Education Conference Report

Her Honour Judge Margaret J. Stewart

After some initial confusion in the late fall of 1991 over who would host the 1992 Atlantic Education Conference, Nova Scotia accepted and Newfoundland indicated it would host it in 1993. The Conference Committee consisted of Judge George Perusse of New Brunswick, Past Chair of the 1991 Conference; Judge Robert Fowler of Newfoundland; and although not able to participate, contact was made with Judge Ralph Thompson of Prince Edward Island. The Conference was held at White Point Beach, White Point, Nova Scotia from May 6-9, 1992.

The Conference Committee agreed to pursue the "substantive" program that the N.S.P.J.A. Education Committee had begun to organize for its Annual Education Conference. The N.S.P.J.A. Education Committee consisting of Judge Joseph Kennedy, Judge Jim Williams, and Judge Patrick Curran was actively involved in the planning and follow-through with the Atlantic Conference '92. Professor Ron Delisle's two day session on evidentiary issues of mechanics of proof, similar fact evidence and judicial notice was detailed, thorough and entertaining.

An exciting aspect of Atlantic '92 was the fact that it was the first Atlantic Conference cosponsored by the National Judicial Institute. In February of 1992 Guy Goulard expressed the Institute's willingness to sponsor a panel on The Courts and the Media. Chaired by the Chief Justice of Nova Scotia, Lorne Clarke, Stephen Bindman of Southam News, Dean Jobb of Halifax-Herald, and Judge Gerald Barnable presented and led the Conference in a question and answer period during the half-day session. The Committee is very thankful for the Institute and particularly Guy Goulard's unfailing assistance throughout the organizing of the program.

Expenses were at a minimal given one speaker, Ron Delisle, who is dedicated to judicial education presenting over the two day period and the National Judicial Institute's sponsoring of a half day session. Not anticipating the hosting of the Atlantic Conference resulted in N.S.P.J.A.'s program being adopted by the Conference Committee and little additional expense was incurred at the preliminary and follow-through stages of organizing and discussing the program. The Conference had the benefit of additional support from the Prov-