



*Canadian Association of Provincial Court Judges
Association canadienne des juges des cours provinciales*

MINUTES OF THE
EXECUTIVE AND DIRECTORS' VIDEOCONFERENCE
TUESDAY, FEBRUARY 22, 2022
@ 7:00 P.M. EST (TORONTO/MONTRÉAL TIME)

Hosted from Chester Basin, Nova Scotia
By ZOOM

EXECUTIVE PRESENT: Judge Theodore K. Tax, Juge Marco LaBrie, Justice Martha Zivolak (joined at 8:18 p.m.), Judge Kymil Howe, Judge Alan Tufts and Judge Wynne Anne Trahey.

DIRECTORS PRESENT: Judge Phyllis Harris (NL) (joined at 9:05 p.m.), Judge Daniel MacRury (NS), Judge Krista MacKay (PEI) (joined at 9:05 p.m.); Juge Martin Tétreault (QC); Justice Jon-Jo Douglas (Joined at 7:18 p.m.); Judge Michelle Marquette (SK); Judge Murray Thompson (MB); Judge Andrea Chrenek (AB);

REGRETS: Judge James Rybchuk, Judge Brian McLean (NB), Judge Christine Lowe (BC), Judge Karen Ruddy (YK) and Judge Jeannie Scott (NWT)

1. **CALL TO ORDER, VERIFICATION OF QUORUM AND AGENDA**

The meeting was called to order at 7:06 p.m. EST. The President, Judge Theodore Tax, assumed the chair and declared a quorum present.

The Agenda was reviewed. There were no additions.

MOTION: MOVED by Judge Daniel MacRury and SECONDED by Judge Andrea Chrenek that the Agenda be approved. MOTION CARRIED UNANIMOUSLY.

2. **ADOPTION OF MINUTES**

Judge Trahey

a. Minutes of the virtual Board Meeting of February 25, 2021 (French Version)

The French version of the minutes of the February 25, 2021 virtual Board Meeting had been distributed to the Board prior to the meeting. Judge Theodore Tax summarized some of the items covered in the minutes of the meeting

MOTION: MOVED by Juge Martin Tétreault and SECONDED by Judge Kymil Howe that the French version of the minutes of the February 25, 2021 virtual Board Meeting be approved. MOTION CARRIED UNANIMOUSLY.

b. Minutes of the virtual Board Meeting of June 22, 2021 (French Version)

The French version of the minutes of the June 22, 2021 virtual Board Meeting had been distributed to the Board prior to the meeting. A typographical error was noted.

MOTION: MOVED by Juge Martin Tétreault and SECONDED by Judge Kymil Howe that the French version of the minutes of the June 22, 2021 virtual Board Meeting be approved as amended. MOTION CARRIED UNANIMOUSLY.

c. Minutes of the virtual Board Meeting of November 25, 2021 (English Version)

The English version of the minutes of the November 25, 2021 virtual Board Meeting had been distributed to the Board prior to the meeting.

MOTION: MOVED by Judge Andrea Chrenek and SECONDED by Judge Michelle Marquette that the English version of the minutes of the November 25, 2021 virtual Board Meeting be approved. MOTION CARRIED UNANIMOUSLY.

3. **REPORT OF THE PRESIDENT**

Judge Theodore Tax distributed a written report in advance of the meeting (*Schedule A*).

Judge Tax confirmed that, following discussion with the Executive, he had appointed Judge Eric Tolppanen as Chair of the Committee on the Law and had appointed Judge Julia Morneau as Chair of the Judicial Ethics Committee. Judge Tax also advised that there were great candidates for the positions of Co-chair of the Access to Justice Committee and Chair of the Electronic Communications Committee.

Judge Tax stated that he has liaised with Justice Simon Ruel of the Québec Court of Appeal, Chair of the Canadian Bar Association Judges' Section. He noted that the CBA has run several seminars which are available without charge to Judges who are members of the CBA, and which have been made available at reduced cost to non-member judges. Judge Tax also advised that Justice Ruel had been a member of the group involved in finalizing the new Ethical Principles for Judges. Justice Ruel had offered to meet with the CAPCJ Judicial Ethics Committee to provide an overview of the key principles adopted by the Canadian Judicial Council for federally appointed judges. Judge Tax said that he would follow up with Justice Morneau on this offer.

Judge Tax indicated that the next meeting of the National Judicial Institute is scheduled to be held, in person, in Ottawa on May 4, 2022. Judge Tax reiterated that the NJI has received funding to develop and implement an online judicial education program on the use of "Impact of Race and Cultural Assessments" in sentencing hearings. The work is well underway. The program will be based largely on the decisions in *R. v. Anderson*, 2021 NSCA 62 and *R. v. Morris*, 2021 ONCA 680.

During the Fall Board meetings of CAPCJ in September 2021, Justice McLeod, Chair of the National Education Committee had raised an issue about whether the Board would support the NEC Sub Committee "National Strategy on Education Report" and further support the NEC request to meet with the Canadian Council of Chief Judges [CCCJ] on the issue. The item was set over. The CAPCJ Executive have since met with Justice McLeod to gain further insight into the NEC proposal. The Executive has asked for further information regarding the proposal. Justice McLeod will be meeting virtually with the NEC Committee members when they attend the virtual Provincial and Territorial Education Chairs

Seminar on February 24 and 25, 2022 and will provide a response to the Executive. It is expected that the item will come back before the Board at the Spring Board Meeting.

The New Judges' Program at Bromont is scheduled to proceed, in person, from April 24-29, 2022. Judge Tax indicated that, to date, registration numbers have been good. He said that second session is scheduled for the week of August 21-26, 2022. It is anticipated that there will be a return to single sessions in future years, with the 2023 session to be held during the week of April 23-28, 2023, and the 2024 session to be held during the week of April 14-19, 2024.

Judge Tax stated that the organizers of the Niagara-on-the-Lake Skills Program are planning to hold two sessions in 2022, with the first session being from June 5 to 10, 2022, and the second being from November 20 to 25, 2022. Two sessions are also planned for 2023, with the first being during the first full week of June, 2023 and the second being from November 19 to 24, 2023.

Judge Tax confirmed that the next CCCJ/CAPCJ joint meeting is to be held on March 17, 2022.

4. **REPORT OF THE SECRETARY**

Judge Trahey stated that the role of secretary continues to be active. She has been working with the translator with a view to having translations prepared prior to minute approval so that both versions of minutes can be approved at or close to the same time, and can be uploaded to the website simultaneously.

Judge Trahey advised that a couple of issues had arisen recently that could have been resolved earlier with more direct communication with the Executive. She encouraged the directors to communicate with her if they notice, or became aware of any issues that seem to have fallen by the wayside.

The Executive has decided that, in order to assist in keeping track of significant or important correspondence, a "correspondence sent/received" item will be added to each meeting agenda.

5. **REPORT OF THE TREASURER**

Judge Alan Tufts circulated a written report in advance of the meeting in which he set out the financial status of the Association, including the revenue received and expenses incurred since the last meeting. Judge Tufts advised that he had spoken to the Directors of those provinces whose member dues are outstanding.

MOTION: MOVED by Judge Daniel MacRury and SECONDED by Juge Martin Tétreault that the Reports of the President, Treasurer and Secretary be adopted. MOTION CARRIED UNANIMOUSLY.

6. CONFERENCE REPORTS

a. CONFERENCE 2022 – Halifax, NOVA SCOTIA

Sunday, September 18, 2022 to Friday, September 23, 2022

Judge Theodore Tax reported that Nova Scotia is planning to proceed with an in-person conference, as scheduled.

Judge Alan Tufts stated that the Nova Scotia Organizing Committee is struggling to adjust to newly inflated costs but still believes it can bring the conference in on budget. The registration fee has increased slightly to \$775.00. Registrants who carried over their fees from 2020 will not be required to pay the difference. The guest fee will be \$350.00. The fees can be paid by cheque or by e-transfer. The registration form is being re-drafted and will be uploaded to the CAPCJ website as soon as the corrections are made. Judge Tufts asked the directors to encourage their colleagues to register early for the conference. Judge Daniel MacRury reiterated the request.

Justice Jon-Jo Douglas stated that he has received inquiries regarding the content of the education program and asked that additional information be added to the website as soon as it is available.

Judge Theodore Tax referenced the contents of the education program overview which had been distributed. He said that there are a few gaps yet to be filled in the education program. It has been confirmed that each education session will be offered twice. One of the two sessions will be offered with simultaneous translation. Judge Tax encouraged the Quebec judges to attend. Judge Tax also mentioned the social aspects of the conference.

b. CONFERENCE 2023 - St. John's NEWFOUNDLAND AND LABRADOR

Monday September 18, 2023 to Saturday, September 23, 2023

Judge Phyllis Harris was not in attendance at the time this item was called. Judge Kymil Howe said that she had not been given any updated information regarding conference planning.

c. CONFERENCE 2024 - Saskatoon, SASKATCHEWAN

Monday, September 16, 2024 to Saturday, September 21, 2024

Judge James Rybchuk had sent his regrets. Judge Michelle Marquette advised that the Saskatchewan Organizing Committee's new chair is Judge Jane Wootten.

MOTION: MOVED by Juge Marco LaBrie and SECONDED by Juge Martin Tétreault, that the conference reports be adopted. MOTION CARRIED UNANIMOUSLY.

7. PROVINCIAL AND TERRITORIAL DIRECTORS' REPORTS

Yukon

Judge Karen Ruddy sent her regrets. She circulated correspondence prior to the meeting indicating that there was nothing new to report from the Yukon.

Northwest Territories

Judge Jeannie Scott sent her regrets. She provided a report prior to the meeting. Judge Scott wrote that there were no vacancies among Northwest Territories four resident full-time judges. She stated that OMICRON had caused further court shutdowns in the Northwest Territories during the early winter of 2022. Yellowknife resumed regular sittings on February 14, 2021, with in person docket court days being held at larger alternate venues. The arrangement is expected to continue until June 2022. Counsel are permitted to appear in person or by video. Persons in custody appear by video for all administrative appearances. Regular court sittings in Inuvik are to resume in the week of February 21, 2022 and sittings in other communities are to resume beginning February 28, 2022.

Judge Scott indicated that there remains a dispute between the government and certain retired judges over health care benefits. If an agreement cannot be reached, it may be necessary to go back to the JRC.

British Columbia

Judge Christine Lowe sent her regrets. She had circulated correspondence prior to the meeting in which she advised that British Columbia has had six recent appointments. She reported that there had been no news to date with respect to the BC Association's application for leave to appeal to the SCC.

Alberta

Judge Andrea Chrenek circulated a written résumé of her report prior to the meeting. She advised that the judicial review of the 2017 JCC had been heard by the Alberta Court of Queen's Bench on October 6 and 7, 2021 and a decision is pending.

The Alberta government has still not appointed its representative on the 2021 JCC. The Alberta association is moderately hopeful given other recent negotiations in Alberta and given the Quebec government's approval of the Quebec JCC recommendation.

Judge Chrenek advised that, regretfully, but prudently, Alberta has decided to host a virtual, rather than an in-person conference in May 2022.

Judge Chrenek reported that, due to the pandemic upsurge, Courts have returned to restricted operations, with only urgent matters proceeding. All participants are required to be masked and distanced throughout. The current restrictions are set to be removed commencing February 22, 2022.

The Government of Alberta has initiated a consultation with the Chief Judge regarding amendments to the *Judicature Act* and, in particular, the judicial complaints process. The Chief Judge's office, in turn, consulted with the APJA. The Association made recommendations that were geared toward streamlining and clarifying the judicial complaints process. The Association also recommended an increase of the retirement age to 75, without the necessity for an annual renewal between the ages of 70 and 75.

Judge Chrenek stated that there had been no new appointments since the November 2021 Board Meeting.

Judge Theodore Tax interjected that he really appreciates the timely forwarding by the directors of the names and contact information of new judges.

Saskatchewan

Judge Michelle Marquette provided a written résumé of her report in advance of the meeting.

Judge Marquette advised that, since the November Board meeting, Judge Derek Maher has been appointed to the Yorkton Judicial Centre. There have been two retirements - Judge Marilyn Gray from Saskatoon and Judge Ross Green from Yorkton. Judge Theodore Tax asked that he be notified if there is to be a celebration for retirees so that a congratulatory note can be sent.

Judge Marquette reported that 2020 Judicial Compensation Commission recommendation regarding a family leave policy had been approved by the SPCJA Executive Committee on September 30, 2021 and came into effect on January 1, 2022.

The SPCJA plans to hold its spring education conference and annual general meeting in person at Moose Jaw in early June 2022.

Judge Marquette stated that, during the pandemic, the Tisdale and Big Island Lake Cree Nation circuit points were moved to other locations. While the move was initially intended to be temporary, the integration has now been made permanent.

All permanent court and circuit point locations are currently open to the public, however, appearances for out-of-custody criminal docket matters are presumptively heard by telephone. Trials and other in-person hearings proceed in person unless otherwise ordered by a judge. Fly-in circuit point locations are still being serviced remotely. These measures will remain in effect up to February 28, 2022.

Manitoba

Judge Murray Thompson circulated a résumé of his report prior to the meeting.

Judge Thompson reported that the two new judicial positions at Winnipeg and Thompson, which were created to assist in dealing with Covid-19 backlog, have yet to be filled. There are two additional vacancies as Judge Malcom McDonald and Judge Theresa McDonald of The Pas have retired. Judge Todd Rambow is to transfer from Thompson to The Pas, leaving a vacancy in Thompson.

The government has introduced legislation to amend the Provincial Court Act (Bill 8). Judge Thompson distributed a list of the proposed changes, which include mandatory judicial education conditions and a new process for the appointment of judges. Judge Thompson reported that the general membership of the Saskatchewan Association has endorsed a motion authorizing their legal counsel, Susan Dawes, to prepare written submissions and appear at the standing committee on Bill 8 to outline concerns with the principles of judicial independence regarding mandated judicial education and to explain the virtues and historical context of the existing JAC process.

Due to COVID-19, courts remain closed to the public other than litigants, witnesses and members of the media. Exceptions can be made for support persons. Effective February 28, 2022, most courts will re-open and counsel will be expected to appear in person, except where authorized to appear by teleconference or virtually by Microsoft Teams. Accused persons applying for bail will appear virtually or by phone. Non-detained persons may appear personally in docket courts only if something substantial is proceeding with their matter.

There was also a 2 week period in early February when, due to noise from horns and traffic disruption caused by a trucker and farm equipment protest at the Manitoba Legislature, adjacent to the Winnipeg Law Courts complex, judges and support personnel worked from home unless required to be in court. The protest is continuing, but most roads have re-opened and horn honking is restricted to twice daily, outside of court hours.

The appeal to the Manitoba Court of Appeal in *R v. Siwicki* was recently heard. The decision is on reserve. The case involves a practice direction that required Judicial consent to the transfer of matters from one centre to another within the province (including guilty pleas) and the interpretation of s. 479 of the *Criminal Code*. The Saskatchewan association has chosen not to intervene in the appeal.

Ontario

Justice Jon-Jo Douglas distributed a bilingual written report prior to the meeting (*Schedule B*). He advised he had nothing to add to his report. Judge Theodore Tax questioned Justice Douglas about the data included in the attached updated report, entitled *Infection Control in Ontario Courthouses: The Association of Ontario Judges Services Resumption Plan*. Justice Douglas referred Judge Tax to the references listed at the end of the report.

Quebec

Juge Martin Tétreault provided a résumé of his report prior to the meeting.

Juge Tétreault advised that the bulk of the Judicial Remuneration Commission (CRJ) Report recommendations for the period from July 1, 2019 to June 30, 2023 were largely approved by the National Assembly on February 9, 2022. The following salary increases have been confirmed:

July 1, 2019	\$263,000.00
July 1, 2020	\$277,900.00
July 1, 2021	\$293,500.00
July 22, 2022	\$310,000.00

Salary increases are also expected for justices of the peace and municipal judges.

On February 3, 2022 the Deputy Minister of Justice initiated the consultation process for the establishment of the next CRJ, which will evaluate the salary, pension and other benefits of judges for the period from July 1, 2023 to June 30, 2027.

In January 2022 Chief Judge Rondeau wrote to the Minister of Justice to request an additional forty-one (41) judicial positions for the Criminal and Penal Division. The court currently has approximately 160 sitting judges. This request is in addition to the request made at the end of 2020 for an additional 16 judicial positions in other divisions of the court. Only three of those positions were granted. The remainder are under consideration by the Ministry.

On January 25, 2022 Chief Judge Rondeau announced that the sitting schedule for judges of the Criminal and Penal Division would, commencing on September 1, 2022, be made consistent with the sitting schedule of judges in the Civil and Youth Divisions. For each sitting day, a judge of the Criminal and

Penal Division will be granted one deliberation (chambers) day. Currently, judges of the Division receive one-half deliberation day for each sitting day.

On February 2, 2022 the Superior Court of Quebec allowed, in large part, the application for declaratory judgment and judicial review which had been brought against the Minister of Justice by the Conseil de la magistrature du Québec, the Chief Judge and the Associate Chief Judge regarding language requirements for applicants to the judiciary. Juge Tétreault added that the Government has 30 days to appeal the decision. He noted that the Minister of Justice had subsequently tabled a motion, adopted by the National Assembly on February 9, 2022, which states that “the absence of the mastery of another language other than the official and common language (French) must not constitute a barrier to accessing the function of judge in Quebec.”

Judge Theodore Tax commented that this raises a big question of judicial independence

New Brunswick

Judge Brien McLean was not in attendance. No report was provided.

Nova Scotia

Judge Daniel MacRury circulated his report prior to the meeting.

Judge MacRury commenced by thanking Judge Laurel J. Halfpenny MacQuarrie, for all her work on the Board.

Judge MacRury reported that there have been two new appointments, Judge Shane Russell (Sydney) and Judge Christine Driscoll (Halifax). There are currently three vacancies.

On January 14, 2022 the Minister of Justice changed the structure of the Provincial Judicial Advisory Committee. The committee is to include “one judge of the Provincial Court appointed by the Minister of Justice from a list of four full time sitting judges of the Provincial Court identified by the Chief Judge”. Concern was raised that the requirement for a limited list of candidates violated the third branch of Judicial Independence (administrative independence). The Nova Scotia Association obtained an opinion from Saskatchewan Associate Chief Judge, Sanjeev Anand, in which he stated, inter alia, that that “there is no constitutional requirement that all aspects of court administration must be judicially led or controlled”, and that “the Charter establishes only minimal standards and governments are at liberty to enact protections that exceed those constitutionally minimum requirements”, leaving them “free to experiment with various models of judicially led administrative independence”. The Bench, having considered the opinion, agreed to participate in the process. Chief Judge Williams submitted a list of four names to the Minister of Justice. Judge Ann Marie MacInnes has now been appointed to sit on the Provincial Judicial Advisory Committee.

Judge MacRury advised that the decision on the judicial review of the 2017-2019 tribunal is still outstanding.

Judge MacRury stated that the NSPJA Education Committee chaired by Judge Peter Ross, has continued to provide high quality educational programs. The annual Spring conference is to take place, in person, from May 11 to 13, 2022 at White Point Beach Resort on Nova Scotia’s South Shore. The annual Atlantic

Education Conference will be replaced, this year, by CAPCJ 2022, which is to take place in Halifax, from September 21 to 23, 2022. Judges also attend the biannual All Courts Education Seminar, which is planned with the assistance of NJI and focuses on educational topics of mutual interest to all levels of court. The next Seminar is to be held from November 16 to 18, 2022.

Prince Edward Island

Judge Krista MacKay circulated a résumé of her report in advance of the meeting.

Judge MacKay reported that the government imposed a pandemic-related “circuit breaker” in January. While court continued to sit, counsel appeared virtually for approximately one month, and many matters were postponed. In-person appearances have now resumed. Due to outbreaks in both jails, there was a temporary suspension of intermittent sentence availability. For a period of time, the jails also asked that no custodial sentencings take place unless they were “absolutely necessary”.

The court is currently working on implementing the legislative changes which increased the retirement age limit for judges to 75 and allowed for judges to take part-time status prior to reaching that age.

The court has reviewed the draft revisions to the *Provincial Court Act and Regulations*, and has made recommendations on changes. It is hoped the new legislation will be passed in the Spring sitting. There continues to be no update regarding the Judicial Justice of the Peace issue, which is pending approval.

The Restorative Justice Program has begun. Start-up issues are being addressed. There seem to be significant delays in getting updates, but this may be due to the recent COVID closures. The Province and the Judiciary are continuing to explore the possibility of establishing a therapeutic court on PEI. There have been no developments in this regard since the November Board meeting.

Newfoundland and Labrador

Judge Phyllis Harris indicated that the province’s last sitting per diem judge would fully retire at the end of February. This leaves the court without any per diem judges.

The court experienced another COVID-19 shutdown in January and early February.

The hearing of the judicial review application regarding the 2019 Wick’s Compensation Tribunal Report (2017-2020) took place on February 21 and 22, 2022. Counsel, Susan Dawes felt the hearing went fairly well. The presiding Judge had read the materials. The decision has been reserved, but it is expected to be delivered within a couple of months.

General

Judge Wynne Anne Trahey reminded the directors that the unilingual résumés they provide in advance of ordinary board meetings are intended only to ensure the accuracy of the minutes. They will not be reproduced or translated in full. Judge Trahey will prepare a précis of the résumé for the minutes and will include any oral additions. The minutes will then be translated. If a director provides a full bilingual report, as the Ontario director often does, that bilingual report will be attached, as a schedule to the minutes. If the President provides a written report, that report will also be attached as a schedule to the minutes and will be translated in the ordinary course.

MOTION: MOVED by Juge Martin Tétreault and SECONDED by Judge Andrea Chrenek, that the Provincial and Territorial Directors' Reports be adopted. MOTION CARRIED UNANIMOUSLY.

8. LITIGATION UPDATES

a. British Columbia litigation update

Judge Theodore Tax confirmed that the British Columbia Association had applied to the Supreme Court of Canada for leave to appeal the British Columbia Court of Appeal decision regarding the Government's rejection of the 2016 Judicial Compensation Commission (JCC) Report. According to the Supreme Court of Canada website, all facta have been filed.

b. Alberta litigation update

Judge Andrea Chrenek provided the litigation update when giving her Provincial report. She had nothing further to add.

c. Québec litigation update

Juge Marco LaBrie stated that there is nothing to report. It is believed the Minister of Justice is working on proposed legislation to address the fallout of the decision of the Supreme Court of Canada, but no details are forthcoming.

d. Nova Scotia litigation update

Judge Daniel MacRury provided the litigation update when providing his Provincial report. He added that the second judicial review will be proceeding before a different judge. A new JCC process will be starting shortly.

e. Newfoundland and Labrador litigation update

Judge Phyllis Harris provided the litigation update when providing her Provincial report. She had nothing further to add.

MOTION: MOVED by Juge Martin Tétreault and SECONDED by Judge Andrea Chrenek that the Provincial and Territorial Reports be adopted. MOTION CARRIED UNANIMOUSLY.

9. ACTION ITEMS

a) Spring Board Meeting 2021

- In person or virtual

Judge Theodore Tax advised that the Executive had held a meeting on February 21, 2022 to discuss the pros and cons of holding a strictly in-person Spring Board meeting and to address whether or not a hybrid meeting could be accommodated. The Executive recommends that planning continue for an in-

person meeting. Judge Tax noted that, in making that recommendation, the Executive had considered the current public health restrictions in Quebec which allows for in-person meetings, the contractual provisions which would see the association pay a significant penalty to the hotel if the meetings did not proceed in person, and the possibility of holding a hybrid meeting.

Judge Tax noted that this is a Board decision. The Executive has not consulted with the Committee Chairs. Each person will have to be comfortable with their decision, but if the Board decides to proceed in person, we will need to have a functional quorum. Judge Tax highlighted the prohibitive cost of holding a meeting by videoconference and mentioned the possibility of arranging for teleconference capability. He also stated that, if any director did not feel comfortable attending in person, they could have a proxy attend and vote in their stead.

Judge MacRury set out his position, noting that, if the Board held an in-person meeting, this would send a positive message for people registering for CAPCJ 2022 in Halifax. Judge MacRury moved that the Spring Board Meetings proceed in person at Montreal. Judge Krista MacKay seconded the motion.

Discussion Followed

Judge Martin Tétreault noted the hotel's requirement that a certain number of rooms be filled. Judge Tax stated that the Committee Chairs have been invited to attend the meeting, but they have not yet been consulted about their planned attendance. Discussion then ensued regarding whether the September 29, 2021 Directors' Forum motion that the Committee Chairs attend the 2022 Spring Board meeting remained valid, taking into account the subsequent motions passed at the November 18, 2021 special Directors' Forum regarding attendance of Committee Chairs at Board meetings (Schedule C). Judge MacRury suggested that the in-person attendance issue and the Committee Chair attendance issue not be conflated

Justice Martha Zivolak addressed various questions regarding costs, including a projected cost of approximately \$10,000.00 to hold a virtual meeting. She noted that, in her recent experience, a hybrid meeting set-up did not work well and came at significant cost.

Judge Murray Thompson asked about masking protocol at the hotel. Judge Martin Tétreault referred members to the Quebec health protocol which was distributed prior to the meeting.

MOTION: MOVED by Judge Daniel MacRury and SECONDED by Judge Krista MacKay that the Spring Board Meetings proceed in person at Montreal. MOTION CARRIED

Judge Trahey was directed to move forward with making arrangements for an in-person meeting.

Judge Kymil Howe moved that the minimum of a teleconference system be provided for use by any participant who does not want to attend the Spring Board meetings in person, or who does not want to appoint a proxy.

MOTION: MOVED by Judge Kymil Howe and SECONDED by Judge Andrea Chrenek that, at a minimum, a teleconference system be provided for use by any participant who does not want to attend the Spring Board meetings in person, or who does not want to appoint a proxy. MOTION CARRIED UNANIMOUSLY

- Related meetings of Executive with SCC and Minister of Justice

Judge Wynne Anne Trahey provided an update regarding the planned meetings with the Supreme Court of Canada and the Minister of Justice. Judge Theodore Tax said that he would reach out to the NJI to see if a meeting could be arranged there as well. He invited the Directors to think about issues that they would like to have raised at the various meetings.

- Attendance of Committee Chairs at the 2022 Spring Board Meeting

Judge Daniel MacRury moved that the Committee Chairs attend the 2022 Spring Board.

Further general discussion ensued regarding the issue. Justice Martha Zivolak reiterated that the issue of attendance of Committee Chairs at the 2022 Spring Board Meeting had been confirmed by motion at the September 29, 2021 Directors' Forum. She stated that the November 18, 2021 motions related to attendance of Committee Chairs at Board meetings subsequent to the Spring 2022 Board meeting. This was confirmed by Judge Michelle Marquette, who read out the September 29, 2021 Directors' Forum minute which stated, in part, that "Committee Chairs will attend the 2022 Spring Board Meetings". Judge MacRury withdrew his motion, as it was redundant.

b) Education Update

- NJI
- New Judge's Program, Niagara on the Lake, PEC
- National Education Strategy – Core Education Strategy
- Virtual attendance of CAPCJ Members at Out-of-Province Education Sessions

Judge Theodore Tax provided his education update as part of his President's Report

c) Committee Chairs Issues – Update

- Attendance at Board Meetings

(This item flows from the November 18, 2021 special Directors' Forum motions – see Schedule C)

Justice Zivolak advised that this remains a work in progress. She anticipates getting something concrete regarding proposed constitutional amendments to the Board before the Spring Board Meeting. This would include proposed changes regarding attendance of Committee Chairs at Board Meetings.

- Committee Chairs' Forum
- Terms and related appointment/end of term procedures
- Hybrid Spring Board Meetings (in-person and video)
- Committee Chair's Manual - development of
- Standardizing Committee Chair Reports

The above-noted items were postponed to the 2022 Spring Board Meeting

d) Constitution/Handbook Review Working Group – update

Justice Martha Zivolak reiterated that she hopes to have some proposed constitutional amendments to the Board in advance of the Spring Board meeting. She noted the importance of the Board having the opportunity to review the proposals. She stated that the Handbook review is a larger project and is somewhat driven by the constitutional changes. She said that proposed changes to the Handbook would not be ready this spring.

Judge Martin Tétreault expressed his thanks to Justice Zivolak and the Working Group.

e) Committee Chairs

- Access to Justice Committee – Co-chairs
- Electronic Communications Committee – Chair and Members

Judge Theodore Tax advised that he is in a position to approve the appointment of the Access to Justice Committee Co-chairs and the Electronic Communications Committee Chair. He would like to communicate with the individuals directly.

f) CCCJ /CAPCJ Meeting (MOU) – Topics for Agenda

Judge Theodore Tax advised that the next joint meeting of the CCCJ and CAPCJ Executives is scheduled for March 17, 2022. He invited Board members to communicate any proposed agenda topics to himself or to the secretary, Judge Wynne Anne Trahey.

g) JUDICOM – Retired Judges’ Access

Judge Alan Tufts advised that this item can be removed from the agenda. He will follow up on any developments. Judge Krista MacKay stated that she would like to be kept informed on the issue. General discussion occurred regarding the nature of the problem.

h) Judicial Ethics –Documents to Website

Judge Wynne Anne Trahey indicated that the Judicial Ethics Committee was not properly listed on the new website. As a result the Committee’s report on the then-draft Ethical Principles for Judges does not appear on the website, nor does the letter that Judge Danielle Dalton had written to the Canadian Judicial Council in March 2020. These items will be added.

10. NEW BUSINESS

a) Judicial Independence – Financial Security – Spring Meeting

Juge LaBrie advised that the Judicial Independence – Financial Security Sub-committee has put forth a proposal requesting that the Board authorize the committee to meet in-person at Montreal on the day prior to the Spring Board Meeting. Juge LaBrie has circulated a document which summarizes the request. The sub-committee justifies its request by referencing the number of provinces engaged in litigation regarding judicial independence issues. The sub-committee suggests that the costs to CAPCJ will be low. They have estimated costs to be in the range of \$3,285.00, which will include a meeting

room rental, one extra night's room for the sub-committee Co-chair and Vice-Chair, and meals for the sub-committee members. Ordinary members will pay the cost of their own travel and hotel.

Juge LaBrie moved that the Board approve a One Day Special Meeting, for the members of CAPCJ's Judicial Independence (Financial Security) Sub-Committee, to take place prior to the Spring Board Meeting of April 2022, and that the Association pay the costs for that Meeting in accordance with the appendix provided (Schedule D). Judge Daniel MacRury seconded the motion.

Discussion proceeded.

Judge Tufts spoke in favour of the motion. General discussion ensued regarding the date and the sources of funding available to ordinary members for their expenditures. Juge Martin Tétreault sought to ensure that CAPCJ would not be responsible for the cost of rooms for the ordinary members of the committee. Judge Tufts advised that the costs would be included as a budget item for the next fiscal year.

MOTION: MOVED by Juge Marco LaBrie and SECONDED by Judge Daniel MacRury, that CPACJ Board authorize a One Day Special Meeting, for the members of CAPCJ's Judicial Independence (Financial Security) Sub-Committee, before the Spring Board Meeting of April 2022, and will pay the costs for that Meeting in accordance with the appendix provided. MOTION CARRIED UNANIMOUSLY

11. NEXT MEETINGS

Next meeting of the Executive

Judge Wynne Anne Trahey advised that the next Executive meeting would take place virtually on **Thursday, March 17, 2022 at 8:00 p.m. EDT** (following the joint CCCJ/CAPCJ meeting)

Next meeting of the Board:

Judge Trahey advised that the next Board meeting – the Spring Board Meeting - would take place in-person at the Delta Hotel by Marriott, Montreal on **Friday night, April 22, 2022 (welcome), Saturday, April 23, 2022 and Sunday morning, April 24, 2022**

Discussion ensued regarding various social events associated with the Spring Board Meeting. Judge Trahey will contact Juge Martin Tétreault and Judge Marco LaBrie regarding details and arrangements.

12. ADJOURNMENT

The meeting was adjourned at 9:33 p.m. (EST)

MOTION: MOVED by Judge Kymil Howe and SECONDED by Justice Martha Zivolak that the meeting be adjourned. MOTION CARRIED UNANIMOUSLY.

Schedule A

President's Report – February 22, 2022 - CAPCJ Executive & Board Meeting

President's Correspondence – Since our last meeting on November 25, 2021, I have ensured that all recently appointed judges have received a Welcome to CAPCJ letter as well as a Judicial Independence Primer. I thank the Directors for providing me with the information relating to those new appointments and providing the new Judge's email addresses.

In December 2021, the BC Provincial Judges Association held a virtual meeting of their Association and I provided written remarks for that meeting. The President's remarks highlighted the CAPCJ support for the BC Provincial Court Judges Association's appeal of the recent BC Court of Appeal decision to the Supreme Court of Canada. As you know, we believe that the BCCA decision has significant implications for fundamental principles of judicial independence.

Appointment of Committee Chairs – The Expressions of Interest for the positions of the Chair of the CAPCJ Committee on the law and the CAPCJ Judicial Ethics Committee closed shortly after our previous board meeting.

As a result of those expressions of interest, I am pleased to report that I have appointed Judge Eric Tolppanen of the Alberta Provincial Court to be the new Chair of the CAPCJ Committee on the law. Judge Tolppanen replaces Judge Josh Hawkes as Committee Chair, and a very smooth transition is assured as they both sit in Calgary.

I am also pleased to report that, I have also recently appointed Justice Julia Morneau of the Ontario Court of Justice to be Chair of the Judicial Ethics Committee. Justice Morneau was previously a member of the Judicial Ethics Committee and replaces Judge Lisa Mrozinski of the BC Provincial Court as the Committee Chair.

Liaison with CBA Judges Section - As President, I have also continued to seek opportunities to liaise with other organizations that may benefit both the members of the other organization as well as CAPCJ. In the past, as a prior Chair of the CBA Judges Section, I communicated with the Chair of the CBA Judges Section, Justice Simon Ruel of the Québec Court of Appeal. As a result of that initiative, the CBA Judges Section has offered the opportunity to CAPCJ members generally to participate in webinars or other programs at a reduced cost.

Most recently, on February 4, 2022, the CBA Judges Section offered CAPCJ members access to a webinar on "Access to Justice Through a Transgender and Intersectional Lens" with a 50% reduction to CAPCJ members. The coupon code which was forwarded to the Directors for further distribution to the Judges in their province or territory also entitles CAPCJ members to access other recent programs, including "The Role of the Courts and Judges in Reconciliation" which features the Honourable Murray Sinclair as well as "Trauma Informed Judging" featuring the Honourable Sheila L Martin of the Supreme Court of Canada.

In addition, in my conversations with Justice Ruel, he advised me that he was a member of the small group who recently finalized the Canadian Judicial Council's Ethical Principles for Judges in June 2021. During our discussion, he kindly offered to meet with the CAPCJ Executive and/or the CAPCJ Judicial Ethics Committee to provide an overview of the key principles which were recently adopted by

CJC for federally appointed judges. In appointing Justice Julia Morneau as the new Chair of the Judicial Ethics Committee, I also informed her of Justice Ruel's offer to meet with her committee to have an informed discussion of the principles. I have since been copied with messages from Justice Ruel and Justice Morneau, which indicate that they are looking to find a mutually convenient time for a virtual meeting.

National Judicial Institute - As the CAPCJ representative on the National Judicial Institute (NJI) Board of Governors, the Board of Governors was advised during the Fall Meeting in mid November 2021 that NJI had received funding from Justice Canada to develop and implement an online judicial education program on "Impact of Race and Cultural Assessments" in sentencing decisions. At the moment, these Impact of Race and Cultural Assessments (IRCA) have been primarily used in sentencing hearings in Nova Scotia, but in other locations, such as Ontario they are referred to as an Enhanced Pre-Sentence Report (ESPR).

The work on NJI's online program is well underway and it is hoped that some initial pre-course content will be placed on the NJI website by the end of March 2022. The full online course is being developed and should be available on the NJI website later in the year. The program will incorporate the key points of the Nova Scotia Court of Appeal decision in **R. v. Anderson**, 2021 NSCA 62 and the Ontario Court of Appeal decision in **R. v. Morris**, 2021 ONCA 680 on the importance of social context and the fact that judges can take judicial notice of anti-black racism in sentencing considerations.

NJI has formed a Judicial Advisory Committee for the development of the IRCA online Program, and I am pleased to report that Provincial Court Judges David St. Pierre [BCPC], Judge Jean Whalen [NSPC] and myself, have been asked to be part of the Judicial Advisory Committee. The other members of the Judicial Advisory Committee are Justice Suhail Akhtar [ONSC] and Justice Tamara Freisen [ABQB].

The next meeting of the NJI Board of Governors is planned to be an in-person meeting, in Ottawa, on May 4, 2022.

National Education Committee - The National Education Committee [NEC] will be attending a meeting with the National Judicial Institute which facilitates a Provincial Education Chairs meeting every two years with the Chairs of the Provincial and Territorial Education Committees. The two-day meeting will be taking place on February 23 and 24, 2022.

In addition, during the Fall Board meetings of CAPCJ in September 2021, the Chair of the National Education Committee had raised an issue about whether the Board would support the NEC Sub Committee report on "National Strategy on Education Report" and further support the NEC request to then meet with the Canadian Council of Chief Judges [CCCJ]. During those fall Board Meetings, I updated the Board and Committee Chairs on the NJI's Provincial Court Funding Group, of which I am a member, and the fact that a pilot Project had been finalized between NJI, the Canadian Judicial Council and CCCJ to provide additional seats at NJI programs.

During the brief discussion at the Fall Board meetings, the Executive agreed to meet with the Co-chairs of the NEC to clarify the request being made by the NEC. The Executive has met on a couple of occasions to address the NEC report and has also met with the Katherine MacLeod to gain further insight into the NEC proposal. Earlier this month, the CAPCJ Executive informed the NEC Co-Chairs that a few areas need to be addressed before the NEC proposal would be in a position to return to the CAPCJ

Board. It is expected that the NEC proposal will be placed on the Agenda of the April 2022 Spring Board Meeting.

Bromont New Judges Program and Niagara-on-the-Lake Skills Program - I have also communicated with the Organizing Committee of the Bromont Québec - New Judges Program and as of this date, they are still planning to proceed with in person education session during the week of April 23-28, 2022. Of course, they are actively monitoring all of Québec's public health requirements and more generally, the situation with respect to Covid-19 across Canada.

I should also take this opportunity to remind the Directors that there is also a second session planned at Bromont for the New Judges Program during the week of August 21-26, 2022. For the moment, the organizers of the New Judges Program in Bromont Québec are planning to hold only one session during the week of April 23-28, 2023, and one session during the week of April 14-19, 2024.

For the moment, the organizers of the Niagara-on-the-Lake Skills Program are still planning to have two sessions offered to newly appointed judges with the first one being June 5-10, 2022, and a second session, later in the year, from November 20-25, 2022. A similar plan for two sessions of Niagara-on-the-Lake in 2023, the first being during the first full week of June, 2023 and the second one being held from November 19-24, 2023.

Meetings between the CAPCJ Executive and CCCJ - As a result of a Memorandum of Understanding between CAPCJ and CCCJ, it was agreed that there would be bilateral meetings during the year. In addition, prior to the CAPCJ Fall Board Meeting, the meeting would bring together the CAPCJ Executive with all members of CCCJ to address issues of mutual concern. The next meeting between the Executive Committees of CAPCJ and CCCJ is scheduled for March 17, 2022. I have already been in communication with Judge Ray Wyant of the Manitoba Provincial Court who is the Executive Director of the CCCJ to develop the agenda items for that meeting.

As you will see from your review of the Agenda for our February 22, 2022, Executive/Board Meeting, an "Action Item" has been included to discuss whether the Board recommends that any specific topics be placed on the agenda of the March 17, 2022, meeting with CCCJ.

CAPCJ 2022 Conference in Halifax - I have been actively involved with the other members of the organizing committee of the CAPCJ 2022 Conference in Halifax and I will provide a brief oral update during our meeting on February 22, 2022.

Respectfully submitted.

Judge Theodore [Ted] K. Tax

CAPCJ President

Schedule B

Ontario

REPORT TO CAPCJ BY THE ASSOCIATION OF ONTARIO JUDGES FEBRUARY 16, 2022

1. MEMBERSHIP OF THE ASSOCIATION OF ONTARIO JUDGES

Executive Board

The Board is composed of the Executive and Directors. The former includes the President, Past President, three Vice-Presidents, Treasurer and Secretary. There are eight regional directors, as well as one for per diem and retired judges, and three additional members at large for family matters. The current executive officers respectively are Justices R. Gattrell, J. Bourgeois, J. Chaffe, J. Caspers, M. Zivolak, R. Gee and G. Wakefield.

Current Complement

The Ontario Court of Justice has a complement of **287** full time judges. The work of the court is assisted by **79 per diem** judges (retired judges who work on an as requested basis). These **366** judges are represented by the Association of Ontario Judges. This association also serves the interests of approximately 165 fully retired judges.

Changes to the Membership of the Association of Ontario Judges between April 1, 2021 to February 16, 2022:

APPOINTED - 14:

RICHARDSON, Jeffery Ralph – Pembroke May 27/21 EA
COOPER, Paul Martin – Newmarket Jun 3/21 CE
SICKINGER, Jessica – Newmarket Jun 24/21 CE
WOOD, Russell – Peterborough Jun 24/21 CE
DARROCH, Stephen – London Aug 26/21 WE
KIM, Leonard – Sudbury Nov 18/21 NE
RESTOULE-MALLOZZI, Jenny – Sudbury Nov 18/21 NE
MYERS, Jennifer Lynne – Newmarket Nov 18/21 CE
CAMPITELLI, Jennifer Marie – Halton Dec 30/21 CW
JONES, Brock – Toronto Dec 30/21 TO
PUDDINGTON, Brian Gregory – Halton Dec 30/21 CW
WABY, Michael – Toronto Dec 30/21 TO
CALLAGHAN, Joseph – Toronto Dec 30/21 TO
WRIGHT, Robert – Toronto Dec 30/21 TO

FULL TIME STATUS TO FULL TIME RETIRE - 5

KEAST, John – April 25, 2021 (mandatory)
GUAY, Andre L. – Aug 10, 2021 (mandatory)
FELDMAN, Lawrence – Aug 30 2021 (mandatory) 2
SPENCE, Robert – Nov 19, 2021 (mandatory)
BROWNSTONE, Harvey – December 31, 2021

FULL TIME STATUS TO PER DIEM STATUS - 15

MacLEAN, Sue C. – Apr 30, 2021
SKOWRONSKI, John – April 30, 2021
GAGE, George S. – July 31, 2021
MOORE, John C. – July 31, 2021
PUGSLEY, Bruce – July 31, 2021

CLARK, Steven – Aug 31, 2021
VILLENEUVE, Robert – Sept 30, 2021
WEAGANT, Brian – Sept 30, 2021
BENINGER, Robert – Oct 31, 2021
CAMPBELL, Greg – Oct 31, 2021
ROGERS, Lynda – Dec 31, 2021
CALDWELL, Kathleen – Dec 31, 2021
ARMSTRONG, Simon – Jan 31, 2022
TETLEY, Peter – Feb 28, 2022
HUNTER, Stephen – Sept 30, 2021 (Non AOJ member)

PER DIEM STATUS TO FULL TIME RETIRE - 20

KEANEY, James – April 11, 2021 at age 73
COOPER, Donald S. – April 12, 2021 (mandatory)
GREEN, Melvyn – April 12, 2021 (mandatory)
KUNNAS, Gary R. – July 1, 2021 (mandatory)
FRAZER, Bruce – July 5, 2021 (mandatory)
WILKIE, Peter H. – Sept 7, 2021 (mandatory)
SCHNALL, Eleanor – Sept 13, 2021 (mandatory)
RICHARDS, Ronald – Sept 16, 2021 (mandatory)
HEARN, Gary F. – Oct 12, 2021 (mandatory)
LENNOX, Brian W. – Oct 16, 2021 (mandatory)
KATARYNYCH, Heather – Oct 18, 2021 (mandatory)
DOUGLAS, Norman S. – Nov 14, 2021 (mandatory)
MAIN, Robert – Nov 24, 2021 (mandatory)
BROPHY, George – December 31, 2021
FUERTH, Stephen – December 31, 2021
MARCH, Stephen – December 7, 2021
MOORE, John – December 31, 2021
HUMPHREY, Richard – Dec 31/21
MURRAY, Ellen B. – January 5, 2022 (mandatory)
ATWOOD, Hugh – Jan 8/22 (mandatory)
NELSON, C. Ann – January 14, 2022
CHESTER, Lorne – Jan 23/22 (mandatory)

2. ASSOCIATION OF ONTARIO JUDGES FEES FOR 2021/2022

There is no change in our fees for full-time judges; they remain at \$1750. Per Diem judges pay 50% of the full-time fee.

3. THE 11TH QUADRENNIAL COMMISSION

This does not technically commence until April 1, 2022. We are thus just beginning preparations for that Commission.

4. SALARY

Until April 1, 2022, there will be no change to our salary, which remains at 95.27% of the federal rate or \$344,020. If implemented as it usually is in October of 2022, this will reflect an increase in the Industrial Average Income index, plus, if any, a further increase to track the relationship to the federal rate. To date the IAI has shown little growth.

All full-time Judges also receive an annual Judicial Allowance in the amount of \$3,750.00.

5. PENSION

We continue to have some very significant concerns with respect to the investment management agreement respecting the Trust's assets, which is proposed to be entered into between the Trustee and the Investment Management Company of Ontario. We have referred the matter to Chair of the 9th. and 10th Commission, Mr. William Kaplan. We met with him on December 16 for some mediative discussion. These were not very fruitful. We filed a proposal suggesting some resolution in mid-January, but have had no response.

6. INSURED BENEFITS

The last Commission decision ordered the creation of a joint insured benefits committee. The point of this committee was not to discuss, per se, benefits, but to address ongoing general issues respecting the general administration of the insured benefits plan by, mostly, Great West Life, now Canada Life. After several meetings, little progress was made, so it appears likely this will need to be addressed by the next Commission.

7. ANNUAL BOARD MEETINGS AND EDUCATION CONFERENCES

The Board meets quarterly per annum, in January, April, September and December. They also meet once prior to the May Annual General Meeting for a final meeting with the year's executive and then again to welcome the new board after elections.

Education Dates are inclusive but not limited to the May Joint Annual General Meeting of the Ontario Court of Judges and the Association of Ontario Judges; four Fall Regional Seminars held throughout the province, East, West, North and Toronto; Annual Family Law Program held in September; Judicial Development Institute; New Judges' Orientation Program held twice per year; Newly Appointed Provincial and Territorial Judges Skills Seminar (NJI Program); Technology and You; French Legal Terminology Session for French-speaking Judges (Office of the Commissioner for Federal Judicial Affairs Program); Pre-Retirement for Judges.

8. COVID

Our courts continue to operate as a combination of in-person, hybrid or fully remote proceedings.

It remains the case that very little has been done to improve air quality. A standard of 5 to 6 air exchanges per hour was recommended prior to the onslaught of Omicron. This has now been increased to about 10. This can be accomplished through improved HVAC systems, but far more easily through the use of portable HEPA filters.

While the Province promised last July to provide the air exchange rates for all court houses, the Province, despite repeated requests, has refused to release this information, though it is our understanding they have conducted such tests. As well, they have refused the AOJ permission to conduct these tests.

In addition, they no longer make any attempt to maintain relative humidity at the levels that limit viral prolificacy (40 to 60% RH) and aids our bodily defence; indeed, they are not even maintaining their own invented standard of 25% RH.

RAPPORT AU CAPCJ PAR L'ASSOCIATION DES JUGES DE L'ONTARIO 16 FÉVRIER 2022

1. MEMBRES DE L'ASSOCIATION DES JUGES DE L'ONTARIO

Conseil exécutif

Le conseil d'administration est composé de l'exécutif et des administrateurs. Le premier comprend le président, le président sortant, trois vice-présidents, le trésorier et le secrétaire. Il y a huit directeurs régionaux, ainsi qu'un pour les juges per diem et retraités, et trois autres membres hors cadre pour les affaires familiales. Les dirigeants actuels sont respectivement les juges R. Gattrell, J. Bourgeois, J. Chaffe, J. Caspers, M. Zivolak, R. Gee et G. Wakefield.

Complément actuel

La Cour de justice de l'Ontario compte un effectif de **287** juges à temps plein. Le travail du tribunal est assisté par **79** juges per diem (juges à la retraite qui travaillent sur demande). Ces **366** juges sont représentés par l'Association des juges de l'Ontario. Cette association sert également les intérêts d'environ **165** juges pleinement retraités.

Changements à la composition de l'Association des juges de l'Ontario entre 1er avril 2021 au 16 février 2022 :

NOMMÉ - 14 :

RICHARDSON, Jeffery Ralph – Pembroke 27/21 mai EA
COOPER, Paul Martin - Newmarket 3/21 juin CE
SICKINGER, Jessica - Newmarket juin 24/21 CE
WOOD, Russell – Peterborough 24/21 juin CE
DARROCH, Stephen – Londres 26/21 août WE
KIM, Leonard – Sudbury 18/21 novembre NE
RESTOULE-MALLOZZI, Jenny – Sudbury 18/21 novembre NE
MYERS, Jennifer Lynne - Newmarket 18 novembre 21 CE
CAMPITELLI, Jennifer Marie – Halton 30 décembre 21 CW
JONES, Brock – Toronto 30 décembre 21 À
PUDDINGTON, Brian Gregory – Halton 30 décembre 21 CW
WABY, Michael – Toronto 30 décembre 21 À
CALLAGHAN, Joseph – Toronto 30 décembre 21 À
WRIGHT, Robert – Toronto 30 décembre 21 À

STATUT DE TEMPS PLEIN À LA RETRAITE À TEMPS PLEIN - 5

KEAST, John – 25 avril 2021 (obligatoire)
GUAY, Andre L. – 10 août 2021 (obligatoire)
FELDMAN, Lawrence – 30 août 2021 (obligatoire)
SPENCE, Robert – 19 nov. 2021 (obligatoire)
BROWNSTONE, Harvey – 31 décembre 2021

DU STATUT TEMPS PLEIN AU STATUT PER DIEM - 15

MacLEAN, Sue C. - 30 avr. 2021
SKOWRONSKI, Jean – 30 avril 2021
GAGE, George S. – 31 juillet 2021
MOORE, John C. - 31 juillet 2021
PUGSLEY, Bruce – 31 juillet 2021
CLARK, Steven - 31 août 2021
VILLENEUVE, Robert – 30 septembre 2021
WEAGANT, Brian – 30 septembre 2021
BENINGER, Robert - 31 octobre 2021
CAMPBELL, Greg - 31 octobre 2021
ROGERS, Lynda - 31 décembre 2021

CALDWELL, Kathleen – 31 décembre 2021
ARMSTRONG, Simon – 31 janvier 2022
TETLEY, Peter - 28 février 2022
HUNTER, Stephen - 30 septembre 2021 (non membre de l'AOJ)

STATUT D'INDEMNITÉ JUSQU'À LA RETRAITE À TEMPS PLEIN - 20

KEANEY, James – 11 avril 2021 à 73 ans
COOPER, Donald S. – 12 avril 2021 (obligatoire)
GREEN, Melvyn – 12 avril 2021 (obligatoire)
KUNNAS, Gary R. – 1 juillet 2021 (obligatoire)
FRAZER, Bruce – 5 juillet 2021 (obligatoire)
WILKIE, Peter H. – 7 septembre 2021 (obligatoire)
SCHNALL, Eleanor – 13 septembre 2021 (obligatoire)
RICHARDS, Ronald – 16 septembre 2021 (obligatoire)
HEARN, Gary F. – 12 octobre 2021 (obligatoire)
LENNOX, Brian W. – 16 octobre 2021 (obligatoire)
KATARYNYCH, Heather – 18 octobre 2021 (obligatoire)
DOUGLAS, Norman S. – 14 nov. 2021 (obligatoire)
MAIN, Robert – 24 nov. 2021 (obligatoire)
BROPHY, George – 31 décembre 2021
FUERTH, Stephen - 31 décembre 2021
MARS, Stephen – 7 décembre 2021
MOORE, Jean – 31 décembre 2021
HUMPHREY, Richard – 31 décembre 21
MURRAY, Ellen B. – 5 janvier 2022 (obligatoire)
ATWOOD, Hugh – 8 janvier 22 (obligatoire)
NELSON, C. Ann – 14 janvier 2022
CHESTER, Lorne – 23/22 janvier (obligatoire)

2. HONORAIRES DE L'ASSOCIATION DES JUGES DE L'ONTARIO POUR 2021/2022

Il n'y a aucun changement dans nos honoraires pour les juges à temps plein; ils restent à 1750 \$. Les juges per diem paient 50% des honoraires à temps plein.

3. LA 11ÈME COMMISSION QUADRIENNALE

Cela ne commencera techniquement que le 1er avril 2022. Nous ne faisons donc que commencer les préparatifs de cette Commission.

4. SALAIRE

Jusqu'au 1er avril 2022, il n'y aura aucun changement à notre salaire, qui demeure à 95,27 % du taux fédéral ou 344 020 \$. S'il est mis en oeuvre comme il l'est habituellement en octobre 2022, cela reflétera une augmentation de l'indice du revenu industriel moyen, plus, le cas échéant, une nouvelle augmentation pour suivre la relation avec le taux fédéral. À ce jour, l'IAI a peu progressé. Tous les juges à temps plein reçoivent également une indemnité judiciaire annuelle d'un montant de 3 750,00 \$.

5. RETRAITE

Nous continuons d'avoir des préoccupations très importantes concernant l'entente de gestion des placements concernant les actifs de la Fiducie, qu'il est proposé de conclure entre le fiduciaire et la Société de gestion des placements de l'Ontario. Nous avons renvoyé la question au président du 9e. et 10e Commission, M. William Kaplan. Nous l'avons rencontré le 16 décembre pour une discussion médiatisée. Celles-ci n'ont pas été très fructueuses. Nous avons déposé une proposition suggérant une solution à la mi-janvier, mais nous n'avons reçu aucune réponse.

6. PRESTATIONS ASSURÉES

La dernière décision de la Commission a ordonné la création d'un comité paritaire des prestations assurées. Le but de ce comité n'était pas de discuter, en soi, des prestations, mais d'aborder les questions générales en cours concernant l'administration générale du régime d'avantages sociaux par, principalement, la Great West Life, maintenant la Canada-Vie. Après plusieurs réunions, peu de progrès ont été réalisés, il semble donc probable que cette question devra être abordée par la prochaine Commission.

7. RÉUNIONS ANNUELLES DU CONSEIL ET CONFÉRENCES DE FORMATION

Le Conseil se réunit trimestriellement par an, en janvier, avril, septembre et décembre. Ils se réunissent également une fois avant l'assemblée générale annuelle de mai pour une réunion finale avec l'exécutif de l'année, puis à nouveau pour accueillir le nouveau conseil après les élections.

Les dates de formation comprennent, mais sans s'y limiter, l'assemblée générale annuelle conjointe de mai de la Cour des juges de l'Ontario et de l'Association des juges de l'Ontario ; quatre séminaires régionaux d'automne tenus dans toute la province, Est, Ouest, Nord et Toronto; Programme annuel sur le droit de la famille tenu en septembre; Institut de développement judiciaire ; Programme d'orientation des nouveaux juges organisé deux fois par an ; Séminaire sur les compétences des juges provinciaux et territoriaux nouvellement nommés (programme de l'INM); La technologie et vous ; Séance de terminologie juridique en français pour les juges francophones (Programme du Commissariat à la magistrature fédérale); Preretraite des juges.

8. COVID

Nos tribunaux continuent de fonctionner comme une combinaison de procédures en personne, hybrides ou entièrement à distance.

Il n'en demeure pas moins que très peu a été fait pour améliorer la qualité de l'air. Une norme de 5 à 6 renouvellements d'air par heure était recommandée avant l'assaut d'Omicron. Cela a maintenant été augmenté à environ 10. Cela peut être accompli grâce à des systèmes CVC améliorés, mais beaucoup plus facilement grâce à l'utilisation de filtres HEPA portables.

Bien que la province ait promis en juillet dernier de fournir les taux d'échange d'air pour tous les palais de justice, la province, malgré des demandes répétées, a refusé de divulguer cette information, même si nous croyons comprendre qu'elle a effectué de tels tests. De plus, ils ont refusé à l'AOJ la permission d'effectuer ces tests.

De plus, ils ne tentent plus de maintenir une humidité relative à des niveaux limitant la prolifération virale (40 à 60 % HR) et favorisant nos défenses corporelles ; en effet, ils ne maintiennent même pas leur propre norme inventée de 25 % d'humidité relative.

**RESPECTFULLY SUBMITTED BY:
JUSTICE JON-JO A. DOUGLAS
ONTARIO DIRECTOR
CAPCJ**

**RESPECTUEUSEMENT SOUMIS PAR :
LE JUGE JON-JO A. DOUGLAS
ADMINISTRATEUR ONTARIEN
CAPCJ**

Schedule C

CAPCJ Special Directors Meeting November 18th

Discussion Item #1 : Attendance of Committee Chairs at Spring Board meetings

Motion 1

Motion moved By Martin Tétreault

Seconded by Murray Thompson

That pursuant to Section 4.2 of the CAPCJ Constitution the attendance of the Committee Chairs at ANY Board meeting be by invitation by the Board upon the recommendation from the Executive.

Passed unanimously

Motion 2

Moved by Jon Jo Douglas

Seconded by Karen Ruddy

That the Constitutional Committee consider an amendment to the CAPCJ Constitution which would permit the attendance of all Committee Chairs to attend the annual Fall meeting of CAPCJ.

Passed unanimously

Discussion Item #2: Should there be a Chairs Committee Forum

It was the consensus of the Board, in view of the above resolutions, that this item be sent to the Constitutional Committee to develop the particulars of such a Forum as a provision for a Chairs Forum currently exists in the Constitution.

Schedule D

Estimated costs for CAPCJ related to this Special Request

Two Hotel rooms for one night for John Maher and David Walker (Chair and Vice-Chair of the Sub-Committee): (175 \$ x 2) = (+taxes)	350.00 \$
One Meeting Room for one day: (+taxes)	850.00 \$
Breakfast for 20 persons 26 \$ x 20 = 520 \$ + Hotel service 19 % (98.80 \$) = (+taxes)	618.80\$
Coffee Break AM for 20 persons 16 \$ x 20 = 320 \$ + Hotel service 19 % (60.80 \$) = (+taxes)	380.80\$
Lunch for 20 persons 34 \$ x 20 = 680 \$ + Hotel service 19 % (129.20 \$) = (+taxes)	809.20 \$
Coffee break PM for 20 persons 24 \$ x 20 = 480 \$ + Hotel service 19 % (91.20 \$) = (+taxes)	571.20 \$
Total estimated costs for CAPCJ = (+taxes)	3580.00 \$

CAPCJ is already paying for Hotel Rooms (2 nights) and travel costs for Chair and Vice-Chair of the Sub-Committee for the Spring Meeting.
Each of the other members of the Sub-Committee would manage themselves and pay for their travel and hotel rooms.