

CAPCJ 2022 HALIFAX DIRECTOR'S FORUM

MINUTES September 19, 2022

Dan MacRury-NS (Chair of Forum)
Mark Linehan-NL (recording secretary)
Martin Tetreault-PQ
Marc Renaud-PQ shadow director
Karen Ruddy-Yukon
John Phelps – Yukon shadow director
Krista McKay-PEI
Michelle Marquette-Sask
Jeannie Scott- NWT
Murray Thompson-Manitoba
Catherine Carlson-Manitoba shadow director
Christine Lowe-BC
James Chafe-ON
Nicole Angers-NB
Andrew Palmer -NB shadow director
Andrea Chrenek AB
Jim Glass_AB shadow director

Motions

Treasurers' Motions

Motion: That the financial statements prepared by MacDougall & Grace be approved.

Moved: Christine Lowe, 2nd: James Chafe
Passed

Motion: That the general reserve of CAPCJ be increased from \$200,000.00 to \$425,000.00

Moved: Andrea Chrenek, 2nd: Jeannie Scott
Passed

Motion: That the Treasurer shall have authority to purchase GIC's at prevailing rates and on reasonable terms and for reasonable amounts subject to the approval of the President or a Vice-President. The GIC term shall not be for a period which exceeds one year without the approval of the Board.

Moved: Murray Thompson, 2nd: Nicole Angers
Passed

There was a discussion that this provides the needed flexibility with necessary safeguards.

Judicial Independence – Financial Security Sub-committee

Judicial Independence Committee -Financial Security

Motion:

WHEREAS:

- (a) the Nova Scotia litigation was of national importance;
- (b) the judicial complement of the Nova Scotia Bench is relatively small;
- (c) the total cost of that litigation to the Nova Scotia Provincial Judges Association exceeded \$410,00, it being reasonably anticipated that after recovery of all party/party costs its net cost of the litigation will be in excess of \$360,000;
- (d) the Nova Scotia Provincial Judges Association is liable in the sum of \$210,000 to several judges' associations, including to CAPCJ in the sum of \$75,000, as loans to support that litigation;

BE IT RESOLVED that CAPCJ forgive the outstanding loan in the sum of \$75,000 to the Nova Scotia Provincial Judges Association.

Moved:Andrea Chrenek, 2nd: James Chafe
Passed(Dan MacRury abstained)

Motion:

WHEREAS:

- (a) the members of the Judicial Independence Committee – Financial Security unanimously consider it beneficial in advancing the aims and objectives of that committee, that in-person meetings on a semi-annual basis, rather than only its annual in-person meeting in conjunction with CAPCJ's Annual General Meeting is desirable; and
- (b) the added cost of a second meeting to CAPCJ is only the cost of two hotel rooms, the rental of a meeting room and breakfast, lunch and two mid-meeting breaks;

BE IT RESOLVED that henceforth, commencing in 2023, the Judicial Independence Committee – Financial Security be authorized to meet ~~semi-annually~~ in-person in conjunction with the Spring and Fall Board of Directors Meetings.

Moved: Jeannie Scott, 2nd: Martin Tetreault. (As amended)
Passed

Motion:

WHEREAS:

- (a) the members of the Judicial Independence Committee – Financial Security unanimously are of the view that it would improve the status, prestige and esteem of provincial/territorial courts across Canada if appeals from all decisions of those courts went directly to the Courts of Appeal of those provinces/territories rather than in the case of summary conviction appeals to what is another trial court of a justice sitting alone;

- (b) an increase in prestige, status and esteem as recognized by Parliament is a useful consideration by Judicial Compensation Commissions/ Tribunals/Committees in increasing judicial compensation.

BE IT RESOLVED that the CAPCJ Committee on the Law be tasked with considering whether it should ask the Uniform Law Commission to recommend that appeals in summary conviction matters be directly to the provincial/territorial Courts of Appeal.

Moved: James Chafe, 2nd: Krista McKay
Defeated

There was much discussion. The directors felt this was needlessly bureaucratic. There should be no barrier to what might be a good idea being sent to any committee directly. The director's did not want to create a precedent.

Judicial Independence - Security of Tenure and Institutional Independence Sub-committee

Motion: That the Judicial Independence - Security of Tenure and Institutional Independence - Sub-committee Report: *Courthouse Security* – Best practices be approved and uploaded to the website.

The directors agreed to **defer** the motion to the Spring meetings

NEC Motion

Motion: That the National Education Committee be authorized to commence discussions with the Education Committee of CCCJ to develop an education strategy which ensures the delivery of judicial education in core competencies for all Provincial and Territorial Court judges.

Moved: Karen Ruddy: 2nd: Christine Lowe
Passed

The discussion addressed the impetus behind this initiative being the concern about ensuring education continued to be available to Provincial and Territorial Courts. The director's felt that this motion provides the authority to talk to the Chief's.

Wellness and Conditions of Service Committee

Motion: That the Purposes and Goals of Wellness and Conditions of Service Committee prepared by Judge Theodore Tax be approved.

Moved: Martin Tetreault, 2nd: Jeannie Scott

Motion: this motion should be tabled

**Moved: Karen Ruddy, 2nd: Andrea Chrenek
Passed**

The directors expressed a concern that there was some duplication of the Judge's Counselling Program. More importantly, they felt that this does not address the underlying systemic problems or ways to address the institutional issues that contributed to problems. The directors wanted to send it back for a re-write after consultation by the President with the Director's representative, Michelle Marquette, to ensure original motion's intent is addressed.

Constitutional Amendments

The directors expressed concern over the wording of the amendments generally. They identified a need to address apparent conflicts between the French and English versions. After a very lengthy discussion, while recognizing the valuable work of the committee to date, the consensus of the directors was that the document is not ready.

