



MINUTES OF THE CAPCJ ANNUAL GENERAL ASSEMBLY

Friday, September 18th, 2020, 12:00 P.M.

Virtually, hosted from Niagara-on-the-Lake, Ontario

By Zoom due to COVID-19

PRESENT

Danielle Dalton (President) AB
Karen Lische (Secretary) ON
Joe De Filippis (Treasurer) ON
Julie Messier (Judicial Counselling Program), PQ
Marco LaBrie (Past President) PQ
Sanjeev Anand (2nd Vice President) SK
Martha Zivolak (3rd Vice President) ON
Robert Gorin, NT (Proxy for NT Director)
Theodore K. Tax (1st Vice President) NS
Martine Nolin (Journal) PQ
Katherine McLeod (National Education) ON
Mayland McKimm (Judicial Independence) BC
Ken Oliver, NB Director
Jeff Lantz, PE Director
Wynne Anne Trahey (Shadow Secretary) NL
Laurel Halfpenny MacQuarrie, NS Director
Inez Cardinal, SK Director
Janet Dixon, AB Director
Martin Tétrault, PQ Director
Alan Tufts (Communications) NS
Marc Renaud (Montréal Municipal Court) PQ
Jean McBride, MB Director
Murray Thompson, (Shadow Director) MB
John-Jo Douglas, ON Director
Mike Cozens, YK Director
David Walker (Compensation) NB
Kael McKenzie (Equality and Diversity) MB

Josh Hawkes (Law) AB
Mark Linehan (Shadow Director) NL
Christine Lowe, BC Director
Kymil Howe, NL Director
Warren Zimmer, NS
Gary Cohen (Communications) BC
Romuald Kwokek (Access to Justice) ON
Del Atwood, NS
Barbara Beach, NS
James Burrill, NS
Frank Hoskins, NS
M. Alanna Murphy, NS
A. Peter Ross, NS
Amy Sakalauskas, NS
Anne Marie Simmons, NS
Ronda van der Hoek, NS
Jean Whalen, NS
Perry Borden, NS

1. WELCOME, VERIFICATION OF QUORUM AND AGENDA

Judge Danielle Dalton called the meeting to order at 12:07 P.M. and declares a *quorum* present. The agenda has been distributed in advance in English and French as were all reports electronically.

Justice Karen Lische advised that she had received a proxy from Judge Donovan Malloy, Northwest Territories Director, naming Judge Robert Gorin of the Northwest Territories.

President Dalton provided a quick introductory course in the operation of the virtual meeting and interpreters were present to ensure the meeting was conducted in both official languages.

There are no amendments to the agenda.

MOTION: MOVED by Justice Karen Lische and SECONDED by Judge Martha Zivolak that the proposed agenda for the meeting be adopted. MOTION CARRIED.

2. MINUTES OF ANNUAL GENERAL ASSEMBLY OF OCTOBER 5TH, 2019, BANFF, ALBERTA

Justice Karen L. Lische has distributed these minutes electronically both in French and English prior to the Assembly.

MOTION: MOVED by Judge Martin Tétreault and SECONDED by Judge Marco LaBrie that the French version of the minutes of the October 5th, 2019 Annual General Assembly be adopted. MOTION CARRIED.

MOTION: MOVED by Judge Jean McBride and SECONDED by Judge Ken Oliver that the English version of the minutes of the October 5th, 2019 Annual General Assembly be adopted. MOTION CARRIED.

3. REPORT OF THE PAST PRESIDENT

Judge Marco LaBrie addresses the Assembly in both French and English. Judge LaBrie indicates that it is with a pinch in his heart that he addresses the assembly as the Past-President of the Canadian Association of Provincial Court Judges.

Judge LaBrie expressed his gratitude to all the members of CAPCJ for the mandate he has now completed. He completed this past year as Past-President of CAPCJ with great pride.

He underlined the excellent work accomplished by all the members of the Board of Directors. Each Director volunteered a lot of time for the benefit of CAPCJ. This work is vital for this organization. He thanked the Directors. Judge LaBrie thanked each member of each of CAPCJ's Committees. He stated that those committees are very active and judges from all parts of the country are members. The work of these committees is essential to achieving the purposes and *raison d'être* of the association.

He also thanked all members of the fantastic team of the Executive for the excellent work done over the past year. Judge LaBrie expressed that he is completing his fourth and last year as a member of CAPCJ's Executive.

Judge LaBrie indicated that it was such a pleasure working with the Executive. He hoped that he would once again have the chance to work with the members of the Executive, in the near future.

Judge Marco LaBrie congratulated and thanked Judge Danielle Dalton for the outstanding work she has done during her mandate as President of CAPCJ. He went on to state that we were lucky to have such an exceptional leader during one of the most challenging mandates a president of CAPCJ could have. He announced that even Covid-19 stood no chance against such a strong, brilliant and charismatic leader.

Judge LaBrie explained that we will have the chance to count on an exceptional team to govern our association for the next year. He advised that many challenges await our association in the future. But our Association has the depth that is needed, thanks to a true coalition of the forces of all regions of the country, to defend judicial independence with energy. Judge LaBrie is confident for the future. CAPCJ will continue to promote and defend Judicial Independence in Canada.

Although his term on the Executive is coming to an end, after four years, as they say in French in Québec: « Ce n'est qu'un *Au revoir* ». Long live Judicial Independence in Canada! Long live CAPCJ!

4. REPORT OF THE PRESIDENT

Judge Danielle Dalton referred to the report she circulated in advance of the meeting and indicates that it is posted online. She spoke in both French and English and highlighted that her presidency did not unfold as anticipated, due to the COVID-19 pandemic. Despite this, CAPCJ was busy working in the background. The Supreme Court of Canada released its decision regarding the Nova Scotia and British Columbia litigation. President Dalton thanked the Compensation Committee Co-Chairs, Judges John Maher and David Walker as well and the other members of this committee for their hard work.

Judge Dalton thanked the members of the Communications Committee, including Judges Gary Cohen, Alan Tufts and Mary Kate Harvie, for their work and noted that CAPCJ's new website is on the verge of being inputted.

Judge Dalton announced publicly that Judge Ross Green of Saskatchewan is the 2020 recipient of the CAPCJ Medal, and he will be formally recognized in person at the Saskatchewan Conference in 2021. A brief presentation was made to Judge Ross Green virtually during this week's Board meeting and he was greatly honoured by the award.

President Dalton noted that at the time she began her role on the CAPCJ Executive, there were 6 men and her. Now, there are 4 women and 3 men. She indicated that the Executive is balanced.

Judge Dalton expressed her gratitude to everyone. She indicated that it was an amazing honour, one of the greatest in her life. She went on to say that leadership during hard times, like during a pandemic, has its own rewards. She is proud of the Board, the Executive, the Committee Chairs and the Committee Members. She points out that everyone has given of their time selflessly.

Judge Dalton wished that she could take the qualities and talents of the members of the Executive and incorporate them into herself. She identified Justice Joe DeFilippis as analytical, incisive, asking the difficult questions and dealing with the technology for the virtual meetings. She complimented Judge Sanjeev Anand for being insightful, knowledgeable, balanced and persuasive. She highlighted Justice Martha Zivolak's sense of humour and her courage. She confided that Judge Theodore Tax is gregarious, affable, cares deeply about people and makes them feel important. According to Judge Dalton, this last quality is very important in a leader. Judge Dalton underscored that Judge Marco LaBrie is charismatic, quick witted, and introduced the Executive to fine food and drink. He will be missed on the Executive. Lastly, President Dalton explained that Justice Karen Lische, the CAPCJ Secretary for the past three years is leaving the Executive. Judge Dalton advised that the role of Secretary is one of the most arduous. She commented that nothing slips through the cracks with this Secretary, who is an extraordinary multitasker and organizer. Justice Lische gets things done and she held the Executive together like superglue. Justice Karen Lische was thanked for her service and she was presented virtually with a beautiful gift to remind her of some of the astonishing scenery she experienced while travelling through Canada for CAPCJ.

5. REPORT OF THE SECRETARY

Justice Karen L. Lische has filed her report electronically in advance of the Assembly. She addressed the Assembly in both French and English. Justice Karen Lische indicated that it has been a pleasure and a privilege to serve as CAPCJ Secretary.

6. REPORT OF THE TREASURER

Justice Joe De Filippis also filed his report electronically, including the financial documents prior to the Assembly. Justice De Filippis was available to answer questions, but none were voiced.

MOTION: MOVED by Justice Karen Lische and SECONDED by Judge Ken Oliver that the Reports of the Past President, of the President, of the Secretary and of the Treasurer be adopted. MOTION CARRIED.

7. REPORT OF MEETING WITH CANADIAN COUNCIL OF CHIEF JUDGES (CCCJ)

Judge Danielle Dalton confirms that traditionally, the Executive of CAPCJ meets with the CCCJ in person during the fall board meetings. Given the pandemic, this meeting did not occur. Nevertheless, a Memorandum of Understanding (MOU) was signed between CAPCJ and the CCCJ very recently to allow for additional collaboration and information sharing between the two organizations. The MOU also provides for structure at the meetings. An agenda is already being prepared and the issue of the NJI is on that agenda. The meeting of the CCCJ and CAPCJ will be held virtually on November 19, 2020. Incoming CAPCJ President Ted Tax and incoming 1st Vice President Sanjeev Anand will be attending. Judge Dalton recalled that one of the things she set out to do when she became President, before the pandemic, was to strengthen the relationships between CAPCJ and the CCCJ. She is very pleased that this has been accomplished.

MOTION: MOVED by Justice Martha Zivolak and SECONDED by Judge Martin Tétreault that the report regarding the meeting of CAPCJ and the CCCJ be adopted. MOTION CARRIED.

8. COMMITTEE REPORTS

a. National Judicial Institute (NJI)

Judge Sanjeev Anand provided his written report electronically in advance of the Assembly. There were no questions.

b. Compensation Committee

Judge John Maher provided his written report in advance of the Assembly and there were no questions for the Co-Chair, Judge David Walker.

c. Judicial Ethics Committee

Judge Lisa Mrozinski provided her written report in advance of the meeting, but she was unable to attend the Annual General Assembly.

d. Judicial Independence Committee

Judge Mayland McKimm confirms that a report was distributed in advance of the meeting. There were no questions for Judge McKimm.

e. Committee on the Law

Judge Josh Hawkes filed his report in advance of the Annual General Assembly. Unfortunately, due to the prorogation of Parliament, the information contained in his

report is irrelevant and should not be relied upon. There were no questions for Judge Hawkes.

f. Equality and Diversity Committee

Judge Kael McKenzie reminds everyone that he has filed a written report in advance of the meeting. There are no questions for Judge McKenzie.

g. Indigenous Justice Committee

Judge Alexander Wolf distributed his report in advance of the meeting. Unfortunately, Judge Wolf was unable to attend the Annual General Assembly.

h. Judicial Counselling Program

Judge Julie Messier is CAPCJ's representative on the Board of Directors for the Judicial Counselling Program. She circulated her report in advance of the meeting. She introduced herself as Judge Wayne Gorman's replacement and advised that she has been on this Committee for five years.

i. Communications Committee

➤ **Provincial Judges' Journal**

Judges Ross Green and Martine Nolin provided their written report, in advance of the meeting. Judge Martine Nolin was available for questions and took the opportunity to publicly congratulate Judge Ross Green for being the well-deserved recipient of the 2020 CAPCJ Medal. Judge Martine Nolin also took the opportunity to welcome Judge Michelle Christopher, who will replace Ross Green in 2021. Unfortunately, Judge Ross Green was unable to attend the meeting.

➤ **Website**

Judge Gary Cohen filed the Electronic Communications Committee report electronically, in advance of the meeting. He asked that the members view his report as it contains a link to the new website. Judge Cohen indicated that he has enjoyed working with the CAPCJ Secretary, Justice Karen Lische, during the past three years. Judge Cohen also welcomed Justice Martha Zivolak to the committee.

j. Access to Justice Committee

The Access to Justice Committee report was filed and distributed in advance. Justice Romuald Kwolek, a Co-Chair of this Committee was available for questions

and encouraged the members to participate in access to justice initiatives. Justice Kwolek also wished to hear if there are any future access to justice developments in other regions. He urged that members let the relevant provincial or territorial representative know so that a collaboration can occur to ensure true access to justice.

k. History Project

Judge Céline Gervais filed her report in advance of the Assembly. Unfortunately, she did not attend the meeting and was not available for questions.

l. CAPCJ Handbook

Justice Karen L. Lische confirmed that the CAPCJ Handbook is up to date and is posted on the website in French and in English.

m. Education

- **National Education Committee**
- **New Judges' Education Program and New Judges Skills' Program**
- **Joint CCCJ & CAPCJ Education Committee**

Justice Katherine McLeod provided her report in advance of the Assembly. Judge Danielle Côté was not available for the meeting. It is uncertain whether the Bromont New Judges' Education Program will take place in the Spring of 2021, due to the pandemic. Justice McLeod thanked Judges Marco LaBrie and Karen Lische for having helped her over the years. She hopes to see everyone in person in Saskatoon SK in 2021. Given the difficulties undergone by new judges since the pandemic, Justice McLeod encouraged more seasoned judges to take on a mentoring role.

MOTION: MOVED by Judge Martin Tétreault and **SECONDED** by Judge Theodore Tax that the reports of all the committees be adopted. **MOTION CARRIED.**

9. CONFERENCE REPORTS

a. Conference 2020 – Virtually

Judge Theodore Tax filed his report in advance of the Assembly. Judge Tax noted that many of his Nova Scotia colleagues are present and they were greatly disappointed when the 2020 Conference, which was to take place in Halifax, was postponed by COVID-19. A tremendous amount of work went into organizing that conference and it did not take place. Judge Tax thanked the Nova Scotia Judges for their efforts.

b. Conference 2021 – Saskatoon, Saskatchewan (Sept. 26th to Oct. 2nd)

Judge Sanjeev S. Anand indicates that the speaker lineup is predominantly complete for the 2021 CAPCJ Conference in Saskatoon, Saskatchewan from September 26th to October 2nd, 2021. An email containing the draft agenda for the conference with speaker names and topics was sent to each of the Directors on September 17, 2020 for distribution to the members of their respective courts. However, at this juncture, due to the pandemic situation, the viability of an in-person conference in the fall of 2021 is still very much in doubt. The Conference Planning Committee hopes to know more in the months to come. As soon as they do, they will advise the membership accordingly.

c. Conference 2022 – Halifax, Nova Scotia (September 20th to 23rd, 2022)

Judge Theodore Tax circulated his Conference report in advance of the meeting. The Conference will take place starting on Tuesday September 20th, 2022, with the Board meetings taking place in advance and the Conference will close with a banquet on September 22nd, 2022. The Annual General Assembly will be held on Friday September 23rd, 2022.

d. Conference 2023 – Newfoundland and Labrador (Sept. 18th to 23rd, 2023)

Judge Kymil Howe filed her report electronically in advance of the Assembly. The proposed dates for this Conference and Board meetings were approved by the Board and they are September 18th to September 23rd, 2023.

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

10. QUESTIONS TO TABLE OFFICERS

There were no questions to the table officers.

11. APPOINTMENT OF ACCOUNTANT

Justice Joe De Filippis proposes that the licensed public accountant firm of McDougall & Grace be re-appointed as CAPCJ's accountants for the upcoming fiscal year.

Justice De Filippis advised that this is his final year as Treasurer of CAPCJ. He wanted to highlight the importance of continuity, especially given there will be a new Treasurer next year.

MOTION: MOVED by Justice Joe De Filippis and SECONDED by Justice John-Jo Douglas that McDougall & Grace LLP be re-appointed as the accountants for CAPCJ for the upcoming fiscal year. MOTION CARRIED.

12. REPORT OF THE RESOLUTIONS COMMITTEE

The report of the Resolutions Committee, attached to these minutes as 'Appendix A', was presented by Judge Martine Nolin in both French and English.

MOTION: MOVED by Judge Martin Tétreault and SECONDED by Judge Janet Dixon that the resolutions be accepted. MOTION CARRIED.

13. REPORT OF THE NOMINATING COMMITTEE

The report of the Nominating Committee was presented by Judges Robert Gorin, Mayland McKimm and David Walker. This Committee is comprised of three Past Presidents of CAPCJ namely, Judge David Walker, Judge Mayland McKimm and Judge Robert Gorin.

All three members of this Committee spoke only in French.

The Nominating Committee pointed out that the First Vice-President, pursuant to the Constitution, automatically becomes the President.

Therefore, Judge Theodore K. Tax of the Province of Nova Scotia is now President and Judge Danielle Dalton of the Province of Alberta is now Past President.

The Committee then proposed the following nominations for the positions set out below:

First Vice-President:	Judge Sanjeev S. Anand of Saskatchewan
Second Vice-President:	Justice Martha Zivolak of Ontario
Third Vice-President:	Judge Kymil Howe of Newfoundland and Labrador
Secretary:	Judge Wynne-Anne Trahey of Newfoundland and Labrador
Treasurer:	Justice Joe De Filippis of Ontario

There were no other nominations.

MOTION: MOVED by Judge David Walker and SECONDED by Judge Robert Gorin that nominations be closed and that the report of the Nominations Committee be adopted. MOTION CARRIED.

The President DECLARED the members of the Executive Council elected by acclamation.

Past President Danielle Dalton passed the 'Talking Stick' virtually to CAPCJ President Theodore Tax as there was no banquet, given the pandemic. Judge Dalton provided the history of the Talking Stick. The President maintains possession of the Talking Stick during their term. The Talking Stick was donated to CAPCJ by former President Thérèse Alexander. It was presented to her as incoming President at the 2007 CAPCJ Conference in Vancouver. It was presented to honour British Columbia and Canada's aboriginal heritage by Judge Stephen Point in his final act as a Judge of the Provincial Court of British Columbia, and in his capacity as Hereditary Chief of the Sto:lo Nation. He took office as British Columbia's Lieutenant Governor two days later. He insisted that there be a proper ceremony and dedication so that no one would ever be able to question the right of the president of CAPCJ to hold this important cultural symbol.

The Talking Stick has an inherent cultural and spiritual significance in BC and in the larger aboriginal community. The Talking Stick is a symbol of respect for the thoughts and spoken words of the holder of the item. The Talking Stick has a spiritual value and it is said to inspire appropriate words or expressions, as well as the truth emanating from the person who holds it while speaking. It is tradition that only the holder of the 'Talking Stick' can speak and that they shall not be interrupted.

President Ted Tax explained that he recognizes the importance and significance of the Talking Stick and he looks forward to receiving it.

14. REMARKS OF NEW PRESIDENT

Judge Theodore K. Tax indicated in French and in English that he is very honoured to have the opportunity to serve as President of the Canadian Association of Provincial Court Judges. He began the first of many Ted Talks by video conference or on a podcast, by acknowledging and thanking the outgoing President, Judge Danielle Dalton for her exceptional leadership in addressing the issues of CAPCJ under the challenging and constantly evolving environment that we have faced over the last year. President Tax advised that she has certainly inspired all of us on the Executive Committee and the Board of Directors to work collegially in the best interest of the member judges of our national organization. As Past President, she will continue to play an important role on the Executive Committee and he knows that he can count on her wise counsel during his term as President.

President Tax took a moment to extend his personal thanks to Judge Marco LaBrie, who has just completed his term as Past President of CAPCJ. Judge LaBrie, has contributed

to the success of CAPCJ in many roles over the years and President Tax wanted to acknowledge the exceptional leadership that he has demonstrated in those various roles. As Judge LaBrie leaves his position on the Executive Committee, we are not saying goodbye, but rather, '*au revoir*'!

One of the first acts performed by the new President at the Annual General Assembly is the presentation of a gift from CAPCJ by the new President to the recently minted past President. The presentation of a gift from CAPCJ to Judge Danielle Dalton recognizes the special contributions that she has made to our national organization during her term as President. Based upon the wonderful carving by an Alberta indigenous artist which was selected by Judge Dalton for last year's CAPCJ gift for the outgoing President, Marco LaBrie, Judge Tax asked her if a work of art by a Nova Scotia indigenous artist might be a special memento of appreciation from CAPCJ. She agreed and President Tax has commissioned Alan Syliboy, a Nova Scotia Mi'kmaq artist who has been honoured with numerous awards and whose work is in numerous group and solo exhibits around the world, to build a traditional, ceremonial hand drum which will also serve as the canvas for one of his original paintings. Alan Syliboy is still working on Judge Dalton's 20-inch cedar framed ceremonial hand drum and painting, but it should be available shortly. Judge Tax was not able to virtually present the CAPCJ gift at this time, Alan Syliboy recently posted, on his Twitter account, a smaller version of the ceremonial hand drum with the image selected by Judge Dalton. Judge Tax showed a photograph of the CAPCJ presidential gift that will soon be presented to Judge Dalton. The painting will be of 4 whales swimming around the traditional 8-point star representing the districts of the Mi'kmaq nation. According to the Mi'kmaq, the whale teaches you about listening to your inner voice, understanding the impact that your emotions have on your everyday life and following your own truth. The whale also symbolizes wisdom, creativity and communication. Judge Danielle Dalton thanked President Tax for the gift and indicated that her son will use this drum ceremonially on occasion.

Judge Tax feels truly honoured and privileged to have the opportunity to serve as the President of this national Association. While he is very pleased to assume that role, it comes at a time when we have all had to make significant changes in fulfilling our professional roles and responsibilities in the courts across the country as well as in all aspects of our day-to-day lives.

The declaration of a global pandemic and public health states of emergency in all provinces and territories, has significantly impacted the operations of our courts, but all courts have found innovative ways to adapt and continue to function given the reality of the "new normal." For CAPCJ, we had to alter our plans for the Board of Directors meetings in the spring as well as this week's CAPCJ meetings and the Annual General Assembly.

The Board meeting in mid-April was held by telephone conference call during a time when 22 individuals from Nova Scotia lost their lives to an individual on a rampage. This was unfolding during our meeting. Shocked the Board observed a moment of silence.

Judge Tax thanked his colleagues on the meeting as they shared words of support from across Canada. Judge Tax reflected that this was a very tragic time for Nova Scotia, and Canada.

This week's meetings have been conducted virtually by zoom videoconferencing. While the ability to meet in large numbers without social distancing or wearing face masks may be uncertain for some time, Judge Tax sincerely hopes that we will soon be able to return to meeting in person and that Judge Tax will be the only president who had to be zoomed into office.

The Covid-19 pandemic and the public health states of emergency have also led to the cancellation of such wonderful programs as the new judge's program in Bromont, Québec, the Halifax 2020 CAPCJ educational conference and most other provincial/territorial judicial education conferences. The provincial associations are looking at innovative ways to virtually continue to deliver quality continuing judicial education to provincial and territorial judges. The Executive Committee will be working very closely with the National Education Committee and by extension with the provincial or regional education committee chairs to ensure that judicial education programs will continue to be delivered to judges from coast to coast to coast.

One such virtual education conference was just organized by the Nova Scotia Education Committee and presented by Skype for Judge Tax' colleagues. These Nova Scotia colleagues appear in the zoom squares during this Annual General Assembly. Judge Tax is honoured by their presence and thanked each and every one of them for their support. It means a lot to President Tax to know that the Nova Scotia Judges wanted to share this moment and it is Judge Tax' hope that we will soon have the opportunity to celebrate this occasion together.

In the coming months, the Executive Committee and the Board will be monitoring and supporting the ongoing litigation by provincial associations in relation to government rejection of recommendations made by Judicial Compensation Commissions. A few weeks ago, the Supreme Court of Canada released decisions with respect to whether certain cabinet documents would become part of the record in the judicial reviews of the Nova Scotia and British Columbia government's decisions to decline to implement the recommendations of Judicial Compensation Commissions. The Nova Scotia Judges were successful, but the Supreme Court of Canada held that the British Columbia judges did not meet the high threshold for disclosure of cabinet documents. CAPCJ intervened in those cases to support the provincial associations. Litigation in those two provinces continues.

There is also litigation in the province of Québec regarding the extent of the monetary jurisdiction of the *Cour de Québec* in civil matters which is now before the Supreme Court of Canada. The litigation launched by the Chief Justice of the Superior Court of Québec challenged provincial legislation which extended the jurisdiction of the *Cour de Québec* monetarily and included power of judicial review over provincial tribunals. This is an important constitutional law case which has widespread implications for most

jurisdictions across Canada. CAPCJ intervened at the initial hearing before the Québec Court of Appeal on both points. As a result of the Court of Appeal decision, CAPCJ is an appellant on one of the issues before the Supreme Court of Canada and the CAPCJ has intervened on the other issue. There are numerous other interveners supporting both sides and the case is scheduled to be argued in the Supreme Court of Canada next week.

In the next year, as in previous years, President Tax expects that the Executive Committee and the Board will continue to promote or defend the respect and authority of provincial courts and judges as well as their individual and institutional judicial independence in Canada. The Executive Committee has been apprised by provincial directors of ongoing issues that are either being litigated or being considered for litigation. Given the Nova Scotia litigation, President Tax is well aware and very appreciative of the support provided by CAPCJ and other provincial associations to assist smaller associations in advancing fundamentally important litigation. He expects that the Executive Committee and Board will be actively monitoring all ongoing or potential litigation during the year.

He looks forward to continuing the dialogue with the Supreme Court of Canada and the Minister of Justice as well as the Canadian Bar Association on a high level with respect to the issues and challenges facing the provincial and territorial courts of Canada. The Executive Committee of CAPCJ has reached out to strengthen the relationship with the Canadian Council of Chief Judges and with a memorandum of understanding being signed by the two organizations, we will be looking for opportunities to work together on projects or issues of mutual interest.

CAPCJ has also been engaged in ongoing discussions with the National Judicial Institute with respect to reframing our relationship with respect to the sharing of resources nationally for judicial education. In addition, we expect that there will be a new Chief Judicial Officer appointed at NJI, who according to tradition, will probably be a Judge of a provincial court. While discussions will continue, the timing may be fortuitous for significant changes in that relationship.

President Tax would also be remiss if he did not mention the amazing work done by all of the CAPCJ committees, whose reports are now online on the revamped and very user-friendly CAPCJ website. There is also the twice-yearly CAPCJ Journal which contains updates from the Executive and very informative papers on the theme of the edition. I look forward to receiving updates on the work of the CAPCJ committees as their efforts enable CAPCJ to share relevant information or opinions on key issues for the common benefit of all judges and their associations.

Before concluding, President Tax extended his personal thanks and deep appreciation for all the efforts and support that Justice Karen Lische has provided to the CAPCJ Executive, the Board of Directors and Committee Chairs over the last three years as the Secretary of our Association. She has made a tremendous contribution to the smooth and efficient functioning of all the meetings, updated the Handbook, prepared timely

minutes, organized all meetings and when things changed on the fly, reorganized meetings to accommodate those changes. A very big thank you to Justice Karen Lische for everything that she has done as the CAPCJ secretary but, like Marco, it is not goodbye, just *'au revoir*.

Finally, President Tax is delighted to continue to work with the talented, intelligent and hard-working returning members of the Executive Committee. Judge Tax took a moment to welcome two new colleagues to the Executive Committee, who happen to reside in the "Atlantic bubble" with him. Judge Tax looks forward to working with the new Secretary Judge Wynne Anne Trahey and the new CAPCJ third Vice President Judge Kymil Howe, who are both members of the Provincial Court of Newfoundland and Labrador.

President Tax indicates that he will conclude his remarks at this point as he may have slightly gone over his own self-imposed time limit for this inaugural Ted Talk.

15. NEW BUSINESS OR UNFINISHED BUSINESS

There was no new business or unfinished business.

16. ADJOURNMENT

The meeting is adjourned at 1:44 P.M.

MOTION: MOVED by Justice Karen Lische and SECONDED by Judge Ken Oliver that the CAPCJ 2020 Annual General Assembly be adjourned. MOTION CARRIED.

APPENDIX A

REPORT OF THE RESOLUTIONS COMMITTEE TO THE ANNUAL MEETING OF CAPCJ ON SEPTEMBER 18, 2020

RAPPORT DU COMITÉ DES RÉOLUTIONS À L'ASSEMBLÉE ANNUELLE DE L'ACJCP LE 18 SEPTEMBER 2020

The Resolutions Committee of Judge Ross Green and Judge Martine Nolin gave their report, as follows:

Les juges Martine Nolin et Ross Green du Comité des résolutions soumettent le rapport suivant :

1. **WHEREAS** Judge Marco La Brie, during his many years on the Executive and his time as president of CAPCJ, has shown enormous devotion and dedication and given immeasurable service to the Association;

It is therefore resolved that Judge Marco La Brie be made an honorary member of CAPCJ for life.

ATTENDU QUE le juge Marco La Brie a, par sa participation pendant de nombreuses années au Conseil d'administration de l'ACJCP, notamment à titre de Président, démontré un dévouement exceptionnel, en temps et en énergie,

Il est résolu que le statut de membre honoraire à vie de l'ACJCP lui soit décerné.

2. **WHEREAS** Judge Danielle Dalton, Past President of CAPCJ, has rendered extraordinary service to the Association by her dedicated and responsible leadership, her sense of humour and her skill with people;

It is therefore resolved that CAPCJ express its deepest gratitude to Judge Danielle Dalton in recognition of her excellent work.

ATTENDU QUE la juge Danielle Dalton, Présidente sortante de l'ACJCP, a accompli avec humour, diplomatie, un leadership et une disponibilité exemplaires son mandat, menant à bien toutes les activités de l'Association, **notamment dans le contexte exigeant de la pandémie de COVID-19;**

Il est résolu que l'ACJCP exprime sa plus profonde gratitude à la juge Danielle Dalton en reconnaissance de son excellent travail.

3. **WHEREAS** Justice Karen Lische, as Secretary for CAPCJ, has rendered commendable service to this organization;

It is therefore resolved that CAPCJ express its appreciation to Justice Karen Lische, in recognition of all her efforts in support of CAPCJ.

ATTENDU QUE la juge Karen Lische, secrétaire de l'ACJCP, a rendu des services inestimables à cette organisation ;

Il est résolu que l'ACJCP exprime toute sa gratitude à la juge Karen Lische, pour l'ensemble des efforts consentis à l'ACJCP.

4. **WHEREAS** the COVID 19 pandemic has caused significant challenges and disruptions to courts across Canada and to the ongoing operation and governance of CAPCJ;

It is therefore resolved that CAPCJ recognize and congratulate its executive, directors and committee chairpersons and members for all the work **untaken** in support of CAPCJ as a result of, and in response to, the pandemic.

ATTENDU QUE la pandémie de COVID 19 a soulevé de nombreux défis et provoqué de nombreuses perturbations dans l'administration de la justice partout au Canada ainsi que dans la conduite des affaires courantes de l'ACJCP ;

Il est résolu que l'ACJCP reconnaisse et félicite son exécutif, ses administrateurs, les présidents et les membres de tous ses comités pour l'ensemble du travail accompli en appui à l'ACJCP dans la foulée de la pandémie et en réponse à celle-ci.

5. **WHEREAS** Judge Wayne Gorman has performed commendable service to this organization as CAPCJ Representative to the Judges' Counselling Program;

It is therefore resolved that CAPCJ express its appreciation to Judge Wayne Gorman in recognition of all his efforts in support of CAPCJ.

ATTENDU QUE le juge Wayne Gorman, représentant au programme de soutien aux juges de l'ACJCP, a rendu des services inestimables à cette organisation ;

Il est résolu que l'ACJCP exprime toute sa gratitude au juge Wayne Gorman en reconnaissance de sa contribution aux activités de l'ACJCP.

6. **WHEREAS** Judge Shelagh Creagh has performed commendable service to this organization as Chairperson of the CAPCJ Ethics Advisory Committee;

It is therefore resolved that CAPCJ express its appreciation to Judge Shelagh Creagh in recognition of all her efforts in support of CAPCJ.

ATTENDU QUE la juge Shelagh Creagh a rendu des services louables à cette organisation en tant que présidente du comité consultatif sur l'éthique de l'ACJCP ;

Il est résolu que l'ACJCP exprime sa gratitude à la juge Shelagh Creagh en reconnaissance de tous ses efforts à l'appui de l'ACJCP.