



MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

Saturday, April 6th and Sunday, April 7th, 2019
Delta Hotel, Montréal
Concerto Room

PRESENT

Sanjeev Anand, 3rd Vice-President CAPCJ
Jean-Pierre Archambault, Co-Chair Access to Justice Committee (Saturday)
Elizabeth Buckle, Proxy for Laurel Halfpenny-MacQuarrie, NS
Inez Cardinal, SK
Sandra Chapman, Past President MB (Saturday)
Béatrice Clément, PQ
Gary Cohen, Website Manager
Gary Cornfield, Proxy for Raymond Bodnarek, AB
Danielle Côté, Bromont (Saturday)
Michael Cozens, YT
Danielle Dalton, 1st Vice President
Joe De Filippis, Treasurer
Robin Finlayson, National Education Vice-Chair
Celine Gervais, History Project (Saturday)
Robert Gorin, Past President
Wayne Gorman, Judicial Counselling Program Chair
Ross Green, Co-Editor Journal
Mary Kate Harvie, Website Content Editor (Saturday)
Josh Hawkes, Committee on the Law
Jeff Lantz, PEI
Marco LaBrie, President
Karen Lische, Secretary
John Maher, Compensation Committee, Chair
Michelle Marquette, VP SK
Jean McBride, MB
Kael McKenzie, Equality and Diversity Committee
Mayland McKimm, BC and Interim Chair of Judicial Independence
Katherine McLeod, National Education Chair
Julie Messier, Proxy for Lisa Mrozinski, Judicial Ethics Committee (Saturday)
Martine Nolin, Co-Editor Journal
Kenneth Oliver, NB
Marc Renaud, Municipal Court
Mélanie Roy, Indigenous Justice Committee, Chair (Saturday)
Theodore Tax, 2nd Vice-President

Martin Tétreault, shadow Director, PQ
David Walker, Vice-Chair of Compensation Committee
Wynne Anne Trahey, NL
Martha Zivolak, ON

Saturday, April 6th, 2019

1. WELCOME, VERIFICATION OF QUORUM AND AGENDA

The meeting is called to order at 8:31 A.M. by the President, Judge Marco LaBrie, who assumes the Chair. He welcomes everyone to the meeting and introductions are made. Proxys have been filed by Garth Malakoe of the Northwest Territories appointing Robert Gorin of the Northwest Territories in his place, by Raymond Bodnarek of Alberta appointing Gary Cornfield of Alberta in his place, and by Laurel Halfpenny-MacQuarrie of Nova Scotia appointing Elizabeth Buckle of Nova Scotia in her place. Justice Karen Lische has forwarded the proposed agenda electronically to the participants prior to the meeting. Quorum was met.

MOTION: MOVED by Judge Kenneth Oliver and SECONDED by Judge Theodore Tax that the proposed agenda, with amendment, for the meeting be adopted. MOTION CARRIED.

2. ENGLISH VERSION OF THE MINUTES OF THE BOARD OF DIRECTORS' MEETING – NOVEMBER 13TH AND 14TH, 2018 – MONTRÉAL

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

MOTION: MOVED by Judge Béatrice Clément and SECONDED by Judge Mary Kate Harvie that the minutes of the Board Meeting of November 13th and 14th, 2018, in English, be adopted. MOTION CARRIED.

FRENCH VERSION OF THE MINUTES OF THE BOARD OF DIRECTORS' MEETING – April 21st and 22nd, 2018 - MONTRÉAL

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

MOTION: MOVED by Judge Béatrice Clément and SECONDED by Justice Karen Lische that the minutes of the Board Meeting of April 21st and 22nd, 2018, in French, be adopted. MOTION CARRIED.

3. PRESIDENT'S REPORT

Judge Marco LaBrie has circulated, in advance of this meeting, his written report.

In addition to his written report, Judge Marco LaBrie has up-dated that the 2022 CAPCJ Conference will be held in Ontario in the fall of 2022. CAPCJ, as Intervener, continues

to await the decision of the Québec Court of Appeal with respect to the Québec Reference. Once a decision is made available, Judge Marco LaBrie will ensure that everyone is informed.

4. SECRETARY'S REPORT

Justice Karen Lische circulated her report electronically in advance of this meeting and reminded the Board that the meeting dates for the balance of the 2019 year are contained in the secretary's report. Furthermore, Justice Lische intends to provide to the Directors, Executive and Committee Chairs the list of meeting dates for the 2020 calendar year, in the near future. Justice Lische informed everyone that the Handbook is up to date. Justice Lische reminded everyone that the Executive is meeting with the Supreme Court of Canada on Monday April 8th, 2019 and in particular with the Honourable Justice Andromache Karakatsanis.

Unfortunately, likely given the issues that the Office of the Minister of Justice is currently facing, the CAPCJ Executive was unable to secure a meeting with Federal Justice Minister David Lametti on Monday, April 8th, 2019. Justice Lische will follow-up to see if a future meeting is possible.

Justice Lische also reminded the Board that in the fall of 2018 in Montréal, the Canadian Bar Association President, Raymond Adlington attended and spoke to the Board on behalf of the Canadian Bar Association. The CBA was not available on Monday, April 8th, 2019 for a meeting with the Executive given prior commitments, but this was not seen as an issue given the recently held meeting.

5. TREASURER'S REPORT

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

6. BUDGET 2019-2020

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

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

7. EDUCATION

a. National Education Committee (NEC)

Justice Katherine McLeod circulated the National Education Committee's budget in advance of the meeting to the Board members. Justice McLeod did not provide a written report. Justice McLeod opined that there are greater pressures and burdens being placed on the provincial and territorial courts. She indicated that there are more cases being dealt with by our level of court, there is Appellate Court pressure

on our judges, PEI judges have mandatory training and the public has a right to have educated judges. The education of these judges is a huge role and an important responsibility.

The National Education Committee and the National Judicial Institute have a long-standing relationship. A sub-committee of the National Education Committee has been formed in order to determine what the needs are of the provincial and territorial court judges going forward. The chair of the sub-committee is Ryan Rolston and it is hoped that the sub-committee's report will be ready in the next few weeks.

Justice McLeod is also collating information from each province and territory as to how they go about providing their education to their judges. Justice McLeod pondered the role of the federal government in supporting the education of the provincial and territorial judges.

Justice Katherine McLeod expressed the importance of looking at education holistically. Judge Robin Finlayson spoke to the National Education Committee budget and highlighted their request for funds for future challenges in the amount of \$10,000.00. This item will be deferred to the Directors' Forum for discussion. Justice McLeod highlighted the importance in consulting with the Chief Judges across Canada. Justice McLeod reminded everyone that Lise Maisonneuve, the Chief Justice for Ontario and Judge Sanjeev Anand sit on the NJI Board.

Lastly, Justice McLeod underscored the importance of wellness as provincial and territorial court judges hear more serious cases which may be affecting their mental health in the long run.

Justice McLeod indicated that the NJI has received \$99,000.00 from the federal government earmarked for the education of provincial and territorial court judges. This money was received some time ago by NJI and that there is a question as to what, if anything, of that money went to the education of provincial and territorial court judges.

The conversation was brought back to the proposed budget for the National Education Committee and in particular the \$10,000.00 funds for future challenges. Justice Martha Zivolak questioned what the money was earmarked for and Justice McLeod indicated that they were not in a position to allocate the use of the \$10,000.00 but that the use of any of that money would have to be with the approval of the Executive of CAPCJ.

b. New Judges' Education Program (NJEP)

Judge Danielle Côté, prior to the meeting, had circulated the agenda for this year's Bromont New Judges' Education Program. Judge Danielle Côté was excited to announce that she has one judge from every province or territory, with the exception of PEI, speaking to the new judges in Bromont this year. Judge Côté indicated that there are 80 judges registered for the New Judges' Education Program this year. The Bromont program has been up-dated and the speakers have been asked to provide power points and checklists to assist new judges.

Judge Jeff Lantz suggested that the Bromont materials be available on the CAPCJ website in addition to a more recent copy of the Conduct of a Trial by Alan Edgar. Judge Gary Cohen indicated that the Bromont materials could be made available on the CAPCJ website. Judge Danielle Côté confirmed that the authors of the materials have signed disclosure agreements. Judge Mary Kate Harvie will send out an e-mail when the material is available on the website.

8. NATIONAL JUDICIAL INSTITUTE (NJI)

Judge Sanjeev Anand circulated his report to the Board members in advance of the meeting. At the time he made the report and attended his first meeting with NJI, he was not aware of the \$99,000.00 grant made to the NJI for provincial and territorial judge education. Judge Anand spoke of the education retreat which will occur in a few days' time and he will take the opportunity to raise the issue of the \$99,000.00. Judge Sanjeev Anand explained that the NJI is a facilitation device which reaches out to academics and calls upon judges to present and educate other judges.

Judge Sanjeev Anand raised the issue of provincial court judges being bumped from courses given as there are section 96 judges who wish their place. Judge Anand has been advised by Adele Kent that this was a mistake and that it should not happen again. There is a further issue where section 96 judges have unfettered access to the education materials on the NJI website whereas provincial court judges can request access to the materials on the NJI website. Some concern was raised as the provincial court judges used to have unfettered access to those materials and now they must request same.

Judge Anand indicated that the Executive has discussed these issues and Judge Marco LaBrie will be writing a letter to the NJI with respect to succession planning. Judge LaBrie will remind the NJI that they should alternate the head of NJI between a section 96 judge and a provincial court judge. Consequently, when Adele Kent retires, her successor should be a provincial court judge as she is a section 96 judge.

Judge Sanjeev Anand agreed that there is a role for the federal government to play in the education of provincial court judges.

Judge Danielle Côté will provide the education material prepared by Judge André Perreault to Judge Sanjeev Anand to propose to the NJI by way of content for their website.

9. COMPENSATION COMMITTEE

Judge John Maher circulated his report in advance to the Board members. In addition, Judge John Maher indicated that it is the Compensation Committee's recommendation that CAPCJ should wait and see what Nova Scotia and British Columbia want CAPCJ to do given the recent litigation at the Supreme Court of Canada for both British Columbia and Nova Scotia.

Judge Ken Oliver asked about the data collection project and Judge John Maher indicated that they would be following up on this issue. The data collection project was put into place to collect data that is available from the different provinces and territories for potential use in the future.

10. JUDICIAL ETHICS COMMITTEE

Judge Lisa Mrozinski was unable to make the meeting. She did circulate a report in advance of the meeting. Judge Julie Messier attended on behalf of Judge Lisa Mrozinski. Judge Julie Messier indicated that the first draft of the proposed social media guidelines has been circulated to the members of the board.

11. JUDICIAL INDEPENDENCE COMMITTEE

Judge Mayland McKimm did not file a report given he has only just been appointed as interim chair for this committee. He advised that the committee has been dormant for some time, approximately 18 months. He has asked the Directors to recommend that the Executive strike all of the names from the committee and start over with the committee membership. This item was referred to the Directors' Forum.

12. COMMITTEE ON THE LAW

Judge Josh Hawkes circulated his report in advance of the meeting to the various Board members. He advised that Bill C-75 is presently stranded in the Senate since December of 2018. Justice Joe De Filippis indicated that within the past day or so, the Bill was referred to a sub-committee to look at whether or not the provincial court judges could handle the extra work that this Bill would cause.

The second issue raised by Judge Josh Hawkes was the request to have CAPCJ make a resolution to the Uniform Law Conference of Canada to call upon the federal government not to make major criminal law changes on royal assent without proper notice. This issue was deferred to the Directors' Forum for discussion.

13. EQUALITY AND DIVERSITY COMMITTEE

Judge Kael McKenzie provided his report as chair of the Equality and Diversity Committee to the members of the CAPCJ Board in advance of the meeting. Judge McKenzie referred to his recommendation on best practices as it relates to judicial applications. Judge McKenzie asked that the Directors think about the issue of viewing things through the equality and diversity lens and take it back to their jurisdictions to ensure that they are inclusive in their judicial applications process. Judge McKenzie asked the Directors to enhance the profile of diverse members of the judiciary and encouraged those in educational and leadership roles to support judges who would come from a diverse community background to apply for other roles on the bench.

Judge Ken Oliver reminded Judge McKenzie to let the Directors of the various provinces and territories know if there is a vacancy from their jurisdiction on the committee. Judge McKenzie indicated that although there are some vacancies, particularly in the north,

PEI, Alberta and Newfoundland, it is a revitalized committee. A discussion took place about the importance of having diverse candidates apply to the bench in the first place. Judge McKenzie brought this information to a forefront for thought and consideration only and not to be an issue at the Directors' Forum.

14. JUDICIAL COUNSELLING PROGRAM

Judge Wayne Gorman circulated his report in advance of the meeting and was available to answer questions. Judge Wayne Gorman took the opportunity to thank Judge Julie Messier, who was present at the meeting, for her work in recently changing how the judicial counselling program pays for counselling services.

Judge Gorman highlighted that the judicial counselling program works very well and that the satisfaction rates are very high. He reminded everyone that it is a national program and very easy to access.

15. COMMUNICATIONS COMMITTEE

a. Provincial Judges' Journal

Judge Ross Green and Judge Martine Nolin provided their reports in advance of the meeting. In addition to their report, Judge Ross Green highlighted the fact that a spotlight will be placed on the Indigenous in the next issue of the Journal. Furthermore, Judge Green indicated that this issue of the Journal will be a little longer as it will contain a piece on access to justice, a story of a New Brunswick judge who has retired after sitting for 44 years and of course, the spotlight on Indigenous justice.

The Board members thanked Judge Ross Green and Judge Martine Nolin for their great work on the Journal.

b. Website Manager

Judge Gary Cohen had prepared and circulated a report in advance of the Board meeting. In addition to his report, he highlighted that they are having a meeting today in order to hire a new person to assist with technology as Oliver Jaar will be moving away and no longer able to assist.

c. Content Editor

Judge Mary Kate Harvie reminded the Board that she sends out blast e-mails to the Directors to then be forwarded to the membership to keep everyone current, to remind them about CAPCJ and to advise them if there is something new that they should know.

Judge Mary Kate Harvie asked that she be told when there are significant events such as retirements so that she is able to determine whether or not a blast e-mail would be appropriate in the circumstances.

Judge Béatrice Clément reminded everyone that blast e-mails or the content attached to the e-mails should be in both official languages as we are a bilingual organization.

16. ACCESS TO JUSTICE COMMITTEE

Judge Jean-Pierre Archambault has circulated his report in advance of the meeting. This committee has been very busy and is looking into preparing a document for the self-represented litigant. They are also looking at a survey on the use of technology before the court. Judge Archambault indicated that their committee has to be mindful that their work does not overlap with the work of other committees.

17. HISTORY PROJECT

Juge Céline Gervais circulated her report in advance of the meeting to the Board members. She highlighted that the chapter on Mayland McKimm's presidency is completed and next she will begin the chapter on Robert Gorin's presidency.

18. ETHICS ADVISORY COUNCIL

Judge Shelagh Creagh was not able to attend the meeting and no report was filed.

19. INDIGENOUS JUSTICE COMMITTEE

Judge Mélanie Roy indicated that their committee has been busy writing articles for the Journal. Judge Mélanie Roy indicated that she will likely resign as chair of the Indigenous Justice Committee in the fall in Banff. She is of view that the chair of the committee should be Indigenous, and she is not. She will likely continue to work with the committee nevertheless.

MOTION: MOVED by Judge Jeffrey Lantz and SECONDED by Judge Kenneth Oliver that the Reports of the various committees be adopted. MOTION CARRIED.

20. ACTION ITEMS

a. Director's Term Length

Judge Marco LaBrie explained that it is very difficult to grasp the issues of CAPCJ in a short period of time. For this reason, the directors were asked whether or not their mandate should be extended to two or more years. Although some directors have reported back, some are not able to report back before the fall. Judge Marco LaBrie asked the directors to continue to discuss this issue at the Directors' Forum, but he understands that no action will be able to be taken at this time given some directors require input from their constituency which will only be available in the fall.

b. 2019 CAPCJ Justice Award

Judge Marco LaBrie reminded the Board that historically the CAPCJ Justice Award goes to someone from the host province, which in this case would be Alberta in 2019. Judge Marco LaBrie welcomed suggestions as to who might merit such an award and indicated that in the end the Executive will make the decision in this regard.

c. 2019 CAPCJ Medal

Judge Marco LaBrie highlighted that the CAPCJ Medal is awarded to someone who has made an outstanding contribution to CAPCJ. The Executive has discussed an individual who they believe would be worthy of this medal and will take it to the Board for consideration.

d. Education Issues

Judge Marco LaBrie indicated that the education issues were dealt with previously under heading 7 "Education" when the reports were made under the National Education Committee and National Judicial Institute. No new issues were raised in this regard. Judge Marco LaBrie expressed that the Executive looks forward to the report from the education sub-committee chaired by Ryan Rolston.

The meeting is adjourned at 11:28 a.m.

21. MEETING OF DIRECTOR'S FORUM – 11:34 a.m. to 1:45 p.m.

Sunday April 7th, 2019

22. REPORT OF MEETING OF DIRECTORS' FORUM

Judge Gary Cornfield (on behalf of Judge Raymond Bodnarek) confirmed that Justice Joe De Filippis attended the meeting to answer budget related questions.

Judge Gary Cornfield then summarized the discussions and motions adopted at the Directors' Forum. The minutes of the Directors' Forum are appended hereto as Appendix "A".

MOTION: MOVED by Judge Kenneth Oliver and **SECONDED** by Justice Martha Zivolak that the minutes and resolutions of the Directors' Forum Meeting be adopted. **MOTION CARRIED.**

23. PROVINCIAL AND TERRITORIAL DIRECTORS' REPORTS

British Columbia

Judge Mayland McKimm submitted his report electronically in advance of the meeting. In addition, he advised that leave was granted to the Supreme Court of Canada to hear the issue of the cabinet documents for both British Columbia and Nova Scotia. Furthermore, British Columbia is awaiting the outcome of their 2016 compensation commission.

Yukon

Judge Michael Cozens submitted his report electronically in advance of the meeting and highlighted that their order in council has gone through.

Northwest Territories

Judge Garth Malakoe circulated his report in advance of the meeting. Judge Robert Gorin (on behalf of Garth Malakoe) was there to answer any questions as Judge Malakoe was unavailable for the meeting. Judge Gorin highlighted that one quarter of their bench, namely one judge, has retired and has been replaced.

Alberta

Judge Raymond Bodnarek circulated his report in advance of the meeting. Judge Bodnarek was unable to attend the meeting, however, sent Judge Gary Cornfield on his behalf as his proxy. Judge Cornfield was available to answer any questions. He added he looked forward to seeing everyone in Banff for the fall CAPCJ conference.

Saskatchewan

Judge Inez Cardinal circulated her report in advance of the meeting. In addition to her report, she advised that they will be holding their May conference with Manitoba and they are attending the Banff conference in October "en banc".

Manitoba

Judge Jean McBride circulated her report in advance of the meeting. In addition, she advised that they are gearing up for their next JCC and in the last month the government has tabled a Bill changing two parts to their Judges Act. The first change is the mandatory retirement age which, as a result of the change, is now 75 years for mandatory retirement. Judges who are most affected by this change are the judges who have six months from the date the change passes to retire. There is no grandfathering built into the legislation. The second change is to the appointment process. Previously they had committees and interviews with local feedback but now the government proposes a three year committee with people from only Winnipeg. As a result of this change, there is a concern that the regional input for judicial appointments will be lacking. Questions were posed and concerns expressed given the changes affecting pension and the changes appear to be done mostly without input and discussion from the bench. Judge Mayland McKimm, interim chair of the judicial independence committee, will be looking into the issue with his committee.

Ontario

Justice Martha Zivolak circulated her report in advance of the meeting. In addition, she reports that the Unified Family Court appointments for Ontario, in phase 1, are imminent.

Québec

Judge Béatrice Clément circulated her report in advance of the meeting. She added that their JCC has been suspended due to litigation. The process that put into place by the Supreme Court of Canada was not respected. They are having tentative good faith discussions. Judge Béatrice Clément also reminded everyone that the Québec Reference was heard by a panel of seven judges of the Québec Court of Appeal in November of 2018 and they continue to await a decision in that regard.

Cours Municipal de la Ville to Montréal

Judge Marc Renaud circulated his report electronically in advance of the meeting. He advises that they have been having meetings with the government and their Minister of Justice. He indicated that it is very time consuming and very costly. He answered questions with regard to the new secularism Bill.

New Brunswick

Judge Kenneth Oliver circulated his report in advance of the meeting. In addition, he advised that there were two new appointments in New Brunswick and there is one vacancy due to a retirement. The JRC is ramping up and they receive 80% of the section 96 judges' salary.

Nova Scotia

Judge Laurel Halfpenny-MacQuarrie circulated her report in advance of the meeting. Judge Halfpenny-MacQuarrie was unable to attend the meeting and sent Judge Elizabeth Buckle as her proxy. Judge Buckle indicated that their Unified Family Court is expected to take place in June. She provided an up-date as to their litigation and indicated that their constitutional challenge is ongoing. On behalf of Nova Scotia judges, Judge Elizabeth Buckle thanked the other provinces and territories for their moral and financial support. Nova Scotia reported that they are not seeking further funds at this time. The issue of the maternity and parental leave has gone to government.

Prince Edward Island

Judge Jeffrey Lantz circulated his report in advance of the meeting. He had nothing to add to his report and was available for questions.

Newfoundland and Labrador.

Judge Wynne Anne Trahey circulated her report in advance of the meeting. In addition, she indicated that their litigation was before the court in March and that they are awaiting a report within the next few weeks.

MOTION: MOVED by Judge Mayland McKimm and SECONDED by Judge Inez Cardinal that the provincial and territorial reports be adopted. MOTION CARRIED.

24. ANNUAL CONFERENCES

a. Conference 2018 – Montréal

Judge Marco LaBrie reported that the 2018 held in Montréal, Québec resulted in a small surplus of \$3,450.00. He alerted the treasurer of CAPCJ that he should be watching for a cheque in this amount.

b. Conference 2019 – Banff, Alberta

Judge Danielle Dalton apologized for having sent out one e-mail in the English language rather than in the English and French languages. Judge Dalton was under time constraints to get the information out to the members with a very tight deadline, but she indicated that she recognizes that the material must go out in both official languages, being English and French. She indicated further that she will be vigilant in that regard going forward. Judge Dalton did indicate that the content of the website is available in both official languages – it was only the one e-mail that inadvertently was sent out only in English.

The theme of the Alberta conference is “Effective Judging in an Evolving Landscape”. There is information on the website, however, they expect to be refreshing the information on the website soon. The actual conference is from October 2nd to the 5th, 2019.

The numbers for this conference are limited given they are holding it in Banff. The Banff Springs Hotel is cost prohibitive. The committee decided to hold it in Banff in any event but there are only a few places to stay in Banff. Consequently, the number of spaces for attendees will be limited. The other option would have been to hold the conference in Edmonton where there would be a lot of space but given the venue, likely less interest. Judge Dalton expects that the limit will be approximately 250 people. She reminded everyone that the individuals sitting on the Board, the Directors, Chairs and Executive are all reserved spots at Banff Park Lodge. She also indicated that Alberta judges are attending of course, but that Saskatchewan and Manitoba judges are coming “en banc”.

For those on a waiting list, it is expected that the reserved spots will be held until June 15, 2019 which is the deadline to register and then any unreserved spots that were being held will then be released to those on the waitlist. There are currently seven people on the wait list.

Judge Dalton indicated that every jurisdiction is entitled to three or four delegates. Judge Danielle Dalton would like to know the identity of each delegate being sent by each jurisdiction. She asked that an e-mail identifying the individuals be sent to her and copied to the treasurer (Justice Joe De Filippis) so that he knows the identity of the individuals that will be submitting expenses to him. Judge Danielle

Dalton confirmed once again that the Banff Park Lodge, where the venue is going to be held, has enough room set aside for the Board, Executive, Directors and Chairs of the committees. In due course, the individuals who have places reserved mainly, the Executive, Directors and Committee Chairs, will be sent a code which will allow them to register at the Banff Park Lodge. This code is to be used exclusively for the person to whom it is sent. This code is not to be shared with others.

Judge Danielle Dalton also asked for an e-mail as to who the Directors of the various provinces and territories will be at the October conference in Banff. Justice Karen Lische asked that she be copied on that e-mail so that she is aware of who the Directors will be at that time.

Lastly, Judge Danielle Dalton indicated that it is a great program for the 2019 Conference in Banff and that she is looking forward to it.

c. Conference 2020 – Halifax, Nova Scotia

Judge Ted Tax indicated that the committee for the Halifax 2020 conference is working very hard. The dates for the conference are September 15th through to 18th, 2020. The theme is “Chart Your Course”. The AGM for the Halifax conference will be held on the Friday morning.

d. Conference 2021 – Saskatoon, Saskatchewan

Judge Sanjeev Anand indicated that the conference will be held from September 26th to October 2nd 2021. The theme is likely to be “Substance over Form”. They are looking into the hotels for the venue and they have secured the Remillard Gallery for one of the receptions.

e. Conference 2022 – Ontario

Justice Martha Zivolak was pleased to advise that Ontario will be hosting the 2022 conference in the fall. The tentative dates are October 23rd to the 28th, 2022. Justice Zivolak indicated that the venue is likely Toronto. At this point they have not secured the hotel or the theme.

MOTION: MOVED by Judge Béatrice Clément and SECONDED by Judge Ted Tax that the Conference reports be adopted. MOTION CARRIED.

25. QUESTIONS TO TABLE OFFICERS

Judge Marco LaBrie asked Judge Sanjeev Anand what developments occurred with regard to the National Judicial Institute since the Board meeting on Saturday, April 6, 2019. Judge Sanjeev Anand advised the Board that at the conclusion of yesterday’s Board meeting, the Executive of CAPCJ had a meeting. Judge Theodore Tax suggested that the Executive reach out to the NJI. Judge Sanjeev Anand e-mailed the Chief Operations Officer Danielle May-Cuconato and Chief Judicial Officer Adele Kent

requesting a meeting on Monday, April 8th, 2019. Within moments, the Executive was able secure a meeting with NJI, at the NJI headquarters in Ottawa at noon on Monday, April 8th, 2019.

26. NEW BUSINESS

Judge Marco LaBrie took the opportunity to present Judge Béatrice Clément with a gift from the Executive as a thank you for volunteering for years at the spring conference, when it is hosted in Montréal and for being responsible for the hospitality suite.

There was no other new business.

27. ADJOURNMENT

MOTION: MOVED by Judge Jeffrey Lantz and SECONDED by Judge Béatrice Clément that the Meeting of the Board of Directors be adjourned. MOTION CARRIED.

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

APPENDIX “A”

Minutes of the Directors’ Forum

Saturday, April 6, 2019
Delta Hotel, Montréal, Québec

Present:

Inez Cardinal, Saskatchewan (director)
Beatrice Clément, Québec (director)
Wynne Anne Trahey, Newfoundland and Labrador (director)
Ken Oliver, New Brunswick (director)
Jeff Lantz, Prince Edward Island (director)
Jean McBride, Manitoba (director)
Martin Tétreault, Québec (shadow director)
Marc Renaud, Québec (Municipal court director)
Sandra Chapman, Manitoba (shadow director)
Mike Cozens, Yukon (director)
Martha Zvolak, Ontario (director)
Elizabeth Buckle, Nova Scotia (for Laurie Halfpenny-MacQuarrie, director)
Gary Cornfield, Alberta (for Ray Bodnarek, director)
Mayland McKimm, British Columbia (director)
Robert Gorin, North West Territories (for Garth Malakoe, director)
Michelle Marquette, Saskatchewan (shadow director)
Joe De Filippis, CAPCJ Treasurer (budget presentation)

1. WELCOME, VERIFICATION OF QUORUM AND AGENDA

The meeting was called to order at 11:34 By Judge Gary Cornfield who acted as chair. Quorum was declared. Agenda approved. Judge Elizabeth Buckle acting as secretary.

2. BUDGET REPORT

Justice Joe De Filippis’ Report previously circulated. Justice De Filippis explains that previous error in budget relating to double-costing some items has been identified and corrected. Finances are good and we are building a reserve. Additional \$100,000 GIC.

Justice De Filippis responded to questions:

- HST? CAPCJ pays HST but “not for profit” so entitled to rebate based on how much income is from government grants. Applied for rebate for 3 years, but delay in receiving until 1 month ago when received 3 cheques totalling 24,000.
- Apparent reduction in cost of translation? No reduction. Appears that way because of timing of budget preparation.
- Apparent reduction in education costs? No real reduction. Figure reported in previous budget was higher than actual because of double costing error.

Education committee has requested \$10,000 for possible expenditures relating to need to identify education needs of Provincial Courts and study how to fill those needs, including

potential expenses of new sub-committee. Justice De Filippis recommends approval of request.

MOTION: Moved by Judge Jean McBride that Budget be approved, Seconded by Judge Ken Oliver.

Discussion

Concerns expressed by a number of directors about approving such a large amount without a specific purpose. No concerns about misuse but questions raised about whether it was necessary and a general discussion about possible uses.

Justice De Filippis explained that similar budget items were in place for other committees (smaller amount for compensation and a larger amount for data collection). Further, the education committee would obtain approval from the executive before actually spending from this reserve. Intended to provide flexibility.

Suggestion that could simply give treasurer a general reserve for discretionary spending but Justice De Filippis feels it is more transparent to have it tied to a specific line item. Suggestion that could add note to line in budget to place restrictions but general agreement that if that is done, should add similar restrictions to similar items for other Committees.

AMENDED MOTION: Moved by Judge Jean McBride to approve budget subject to undertaking from education committee to seek advance approval from executive before expenditures from the \$10,000, seconded by Judge Ken Oliver.

Motion approved unanimously (Judge Buckle abstaining because on education sub-committee)

3. CAPCJ MEDAL

Judge Robert Gorin explains that the Medal is for outstanding contribution to the Association. Recommendation from the executive that it be awarded to David Walker. Judge Walker has been director, table officer on executive, president, responsible for modern journal, compensation committee member, vice-chair of compensation committee. He has been an extremely valuable member who is frequently sought out for advice and generous with his time.

MOTION: Moved by Judge Robert Gorin to adopt recommendation of executive that David Walker be awarded the CAPCJ Medal, seconded by Judge Ken Oliver.

Discussion

Uniform praise for Judge Walker and agreement that he receive the medal.

Passed unanimously

4. SHADOW DIRECTORS – Payment of Expenses

Justice De Filippis explains that in most cases, shadow director's expenses are paid by the local associations. However, CAPCJ has paid sometimes and Justice De Filippis realizes he

does not have authority so would like direction. Unless directed to pay expenses for shadow directors, he will no longer pay.

If directors decide to approve, he suggests that Shadow director would come to spring meeting at expense of CAPCJ. For annual meeting, suggests that the shadow director would be one of the delegates so that not incurring additional cost for 5 days. They would be funded as a delegate for the education portion which is 3 days and possibly as shadow director for the additional meeting days.

General discussion about challenges in agreeing on a formula that would be fair to all Provinces given the variation in director terms and varying practices around bringing shadow directors and defining who is a shadow director.

Agreement to delay further discussion until after deal with director term length. Upon return to this topic, further discussion of how to be fair given different provincial models.

MOTION: Moved by Judge Béatrice Clément that CAPCJ cover cost of shadow director for spring board meeting and each jurisdiction will define the position of shadow director, seconded by Judge Mayland McKimm.

Discussion:

Advantages and disadvantages discussed:

- Important work happens at the Directors Forum and there are advantages to having directors who are familiar with the people, history and work of the forum.
- Concerns about expansion of numbers making the meeting unwieldy, practical issues of space, expense associated with additional people and increases in CAPCJ dues.

Judge Lantz requests that we ask Justice DeFilippis for cost estimate before moving forward.

Suggestion that expenses and numbers can be reduced by reminding Committees that they should consider not attending the Spring Meeting in person unless necessary.

Most agree that focus of Spring Meeting should be on having directors attend and that it is important to have directors who are knowledgeable about the issues.

Consensus to Table Motion to Fall

5. DIRECTORS TERM LENGTH – Discussion and Cross-Country Checkup

Issue for discussion is importance of director continuity and how best to achieve that.

QC – Judge Clément – Québec has decided on a 3 year term, renewable. Director would advise Association after 2 years if not seeking renewal and, if not, would have shadow for last year.

QC (Municipal) – Judge Renaud – no specific term but will ask association for 3 year term

MB – Judge McBride - the president and v.p. traditionally come so have extended the president's term to 2 years. President will attend with past president in 1st year, then with v.p. in 2nd. So, each person would come for 4 years.

NL – Judge Trahey - Executive has discussed changing term to 2 years but can't raise it with association until the fall

ON – Justice Zivolak - Ontario has had continuity without thinking about it – usually every year the director just gets re-appointed – has to be someone who is on the Ontario Board – should not be a problem to have guaranteed minimum – voted on next week

BC – Judge McKimm– executive has agreed that director will be member at large on executive with 3 year term.

YT – Judge Cozens - usually a 3 year term because part of duty rotation on bench.

SK - Judge Cardinal – suggesting two years and renew for further two – CAPCJ rep and president of association would both attend meetings.

NWT – Judge Gorin – directors tend stay for 5 years or more.

NS – Judge Buckle – Executive has agreed to create a member at large position for 2 or 3 years but requires change to constitution so can't deal with it until fall.

PEI – Judge Lantz – Judge Lantz will be director for foreseeable future.

NB – Judge Oliver – president is the director and executive has agreed to extend president term to 2 years but can't approve until fall association meeting.

AB – Judge Cornfield - president is the director and is 1 year term. Normally the VP attends as shadow director, paid by Association. Has been discussed and will not be changing

Consensus that there are benefits to continuity but each Province is addressing the issue in different ways – some provinces will report back on specifics after they have their respective association meetings.

6. SOCIAL MEDIA GUIDELINES

MOTION: Moved by Judge McBride to take Guidelines back to Associations for input and Report back in the fall, seconded by Justice Zivolak.

No Discussion on Motion

7. JUDICIAL INDEPENDENCE COMMITTEE – Seeking Direction

Judge McKimm raises concern that committee has not been active and has no clear mandate.

Recognition that committee is important given that independence is under attack from many sources.

MOTION: moved by Judge Oliver that, given importance of judicial independence, the JIC be reconstituted and Judge McKimm follow up with current members to confirm continuing interest, ask provincial associations to appoint members where necessary and report back at fall meeting with membership and mandate, seconded by Justice Zivolak.

No Discussion on Motion

Passed unanimously

8. COMMITTEE ON THE LAW – Submission to Unified Law Conference

Judge Cornfield explains that Judge Hawkes, Chair of Committee on the Law, has asked for approval to present a resolution to the Unified Law Conference to ask Federal Government

to allow for time before coming into force of new legislation for education, implementation etc.

Discussion about importance of allowing time for education of bench and proper implementation by court administration, etc.

MOTION: moved by Justice Martha Zivolak that Committee on the Law present resolution to ULC requesting that federal government not make legislation come in to force on royal assent but allow a reasonable lead time for transition purposes, seconded Judge Wynne-Anne Trahey.

No Discussion of Motion

Passed unanimously

9. CAPCJ JUSTICE AWARD

Judge Cornfield will seek input from Alberta bench for suitable recipient.

10. CONTENT OF COMMITTEE REPORTS

Justice Zivolak recommends that Committee Chairs be asked to include membership list and term dates on Committee Reports. All agree.

11. COMMITTEE CHAIRS ATTENDANCE AT MEETINGS

Agreement that Judge Gorin will remind Committee Chairs of previous agreement not to attend spring meeting unless necessary.

12. MOTION TO ADJOURN at 1:45 p.m.