

MINUTES OF THE ANNUAL GENERAL MEETING OF THE CANADIAN SUPERIOR COURT  
JUDGES' ASSOCIATION: HELD VIA ZOOM ON JULY 8, 2021

**PRESENT:**

Thomas Cyr	Richard Mosley
Kate O'Brien	Kristine Eidsvik
Stephanie Lockhart (Executive Director)	James Eamon
James (Jim) Gormley	Deborah Chappel
Brian Bickford (Interpreter)	Michèle Monast
Tamara Friesen	Denise LeBlanc
Marylene Pilote	Nathan Smith
James Chipman	Kathleen Quigg
Carol Cohen	Shannon Smallwood
George King, OSCJA	Michel A. Pinsonnault
Joel Groves	Clayton Conlan
Zoël Dionne	Jim Edmond
Bernadette Dietrich	Bernard Synnott
Marc Giroux	Thomas Heeney
Michael Phelan	Georgina Jackson
Kent Davidson	Mona Lynch
Annette Casullo	Michael McKelvey
Mary Moreau	Pierre Nollet
John Little	Denis Jacques
Bonnie Bokenfohr	Marc Richard
E. Jane Sidnell	Michelle Crighton
Sandra Wilkinson	Clyde Smith
Pierre Muise	Chantal Chatelain
Carol Cohen	Bernard Tremblay
Kathryn Feldman	Suzanne Gagné
Bob Smith	Neil Robertson
Janet McMurtry	Michel Pinsonnault
Ward Branch	David Kroft
Graeme Mew	Veronica Jackson
Paul Rouleau	Palbinder Shergill
Lukasz Granosik	Louis J. Gouin
	Susan Himel

### **ITEM 1: Call to Order**

The meeting was called to order at 3:23 pm. There was confirmation of a quorum.

### **ITEM 2: Commissioner for Federal Judicial Affairs**

Marc Giroux, the Commissioner for Federal Judicial Affairs, provided a summary of the last year. In September 2020, Errolyn Humphreys was named Deputy Commissioner and Julie Desjardins became the Director of Finance and Administration. Commissioner Giroux's duties increased when he took over as the Executive Director for the Canadian Judicial Council as Commissioner. He noted that he received the permission of the Minister of Justice and he spoke to the President of the CSCJA prior to taking the position. He has been careful to recuse himself on any specific conduct matters. 86 judges have been appointed in the last year, 461 candidates were assessed and there were 309 applications to be judges. The office worked with the advisory commission to nominate a replacement for Justice Rosalie Abella on the Supreme Court of Canada and Justice Mahmud Jamal was nominated and appointed. The fifth publication of judges' expenses is about to be released and so far, there has been little negative comment. Changes were made in the last year to allow for desks, chairs and then filing cabinets to be claimed as incidentals. Yesterday, changes to the forms were released after representations from Justice Groves. Changes are coming in the next year to Judicom to make it more user-friendly and to allow claims to be submitted. Language training has continued during the pandemic with both private lessons and virtual immersion sessions. There has been an effort in the last year for the office's international cooperation section to exchange ideas and information with judges.

### **ITEM 3: Approval of Minutes from AGM 2020**

Mona Lynch noted some changes to Item 15 on Conduct Review in the Minutes. In the 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line, 3<sup>rd</sup> line and 5<sup>th</sup> line on page 7 "Review" should read "Hearing". The last line of Item 15 paragraph 2, page 7 "Review Panels or Appeal Panels" should read "all panels". In Item 15, paragraph 4, and 2<sup>nd</sup> line the word "complaints" should be added after "the CJC to submit".

Moved: Approval of the minutes of 2020, Joel Groves, seconded Kristine Eidsvik: Carried

#### **ITEM 4: President's Report:**

President Thomas Cyr noted that he was leaving the office of President much as he entered it, on a virtual platform. All the meetings in the last year were held virtually. President Cyr noted that he missed visiting court conferences to bring members up to date and to meet and get to know colleagues across the country. He was able to attend some conferences virtually.

Much time and resources in the last year were dedicated to the QuadComm hearings but other projects continued. There was a reorientation of the website and work on changing our governance model.

Bill C-3, the Ambrose bill, received Royal Assent.

The CSCJA has had meetings over several years with the CJC and DOJ Canada on a new process for conduct review. While S-5, does not contain everything we sought to obtain, it is a much-improved process.

Justices Mona Lynch and Kristine Eidsvik appeared before the House of Commons Committee on Justice and Human Rights regarding the impact of COVID-19 on the judicial system and the media reports were very complimentary. Chief Justice Wagner quoted Justice Lynch at his June 17, 2021 media conference. President Cyr thanked Justices Lynch and Eidsvik.

The CSCJA intervened in case before the SCC regarding article 35 of the Quebec Civil Code, which provided that cases involving less than \$85,000 were the exclusive jurisdiction of the Court of Quebec. The CSCJA was the sole intervenor supporting the position of the Superior Court of Quebec. We consider the decision a victory for all superior court judges in Canada.

We provided extensive feedback on the new Ethical Principles for Judges with no response from the CJC. The CJC has approved the new Ethical Principles, which are available on their website.

President Cyr met virtually with Chief Justice Wagner on May 5, 2021 and discussed issues of s. 41(1) funding for attendance at the CMJA and IAJ meetings. A further meeting with President Cyr, incoming President Groves and CJ Wagner was held on June 17, 2021 in which term limits were discussed. These meetings will continue with the next to be held in October 2021 with Justices Cyr and Groves and Chief Justice Wagner.

The National Judicial Institute is conducting a curriculum review in which our Chair of Education, Justice Michelle O'Bonsawin, participated.

The CJC approved the AGM/NJI program “Judging Better Judging Smarter” for two more years.

The CJC ad hoc committee on term limits has met and had the Cotter report prepared. We received the Cotter report under embargo and provided written submissions. We have not received a response. Term limits will be considered at the fall meeting of the CJC in Calgary.

The QuadComm preparation started with a survey to determine issues. The Chair, Justice Chantal Chatelain, and Vice-Chair, Justice Kristine Eidsvik, of the Compensation Committee worked with the CJC Compensation Committee of Chief Justice Jenkins of PEI and Chief Justice Richards of Sask. to gather information on issues to pursue. They also worked closely with our legal counsel, Pierrie Bienvenu. The hearing was held virtually on May 10 and 11, 2021. The report and recommendations must be filed on September 1, 2021 and the Minister of Justice must respond by January 1, 2022. Justices Chatelain and Eidsvik were thanked for all their hard work and countless hours.

The CSCJA continues to be actively involved in the CMJA and IAJ even though both conferences will be held virtually in 2021. Our standing delegate to the CMJA, Lynne Leitch, is a regional vice-president and we must ensure her ability to continue to attend the meetings. The IAJ meeting is limited to two persons from each country and President Cyr and former president, Julie Dutil, who are presidents of study commissions will attend for Canada. Both Justices Cyr and Dutil will be stepping down after the 2021 meeting. Kristine Eidsvik has been elected vice-president of the 2<sup>nd</sup> study commission.

Although the membership fee was increased, members are renewing much the same as in the past.

President Cyr thanked former President Thomas Heeney for all his work as he will no longer be on the Executive Committee, but he can still provide advice as part of the Past Presidents Committee.

President Cyr also thanked our Executive Director, Stephanie Lockhart, for looking after all the members of the association.

#### **ITEM 5: Remarks from the OSCJA**

Justice George King, the Vice-President of the OSCJA, brought greetings and expressed the wish to enhance cooperation between the two association as we work on the same issues. He hoped that he and the President would be present in person in 2022.

#### **ITEM 6: Treasurer's Report**

Treasurer, Justice Michèle Monast, presented the financial statements and indicated that our financial position is not a concern. The year 2020 had a surplus rather than the predicted deficit because of the pandemic and the delay in the start of the QuadComm. It is expected that the financial position will also be better than predicted in 2021 due to the increase in fees and decrease in expenses.

Moved: That the 2020 audited financial statements of June 29, 2021, be approved, Michèle Monast, seconded, Bob Smith: Carried

#### **ITEM 7: Board of Directors -- New Members**

Moved: That Suzanne Gagné of Quebec, David Farrar of Nova Scotia and Kathleen O'Brien of Newfoundland and Labrador appointment to the Board of Directors be approved. Joel Groves, seconded, Lukasz Granosik: Carried

#### **ITEM 8: Technology Committee**

Justice Denise Leblanc: Written Report, no questions.

#### **ITEM 9: Independence of the Judiciary Committee**

Justice Michèle Monast: Written Report, no questions.

#### **ITEM 10: Membership Committee**

Justice Michael McKelvey: Written Report, no questions.

#### **ITEM 11: Communications Committee**

Justice Janet McMurtry: Written Report, no questions.

#### **ITEM 12: International Relations Committee**

Covered in the President's report and Justice Jacques reported that all international conferences were cancelled for in person and it is hoped that next year conferences will be in person with funding from the CJC.

#### **ITEM 13: Public Education Committee**

Justice Michelle O'Bonsawin: Written Report, no questions.

#### **ITEM 14: Judicial Conduct Review Committee**

Justice Mona Lynch: Written report and Bill S-5 did not pass 2<sup>nd</sup> reading before the senate adjourned for the summer.

#### **ITEM 15: Retired Judges Committee**

Justice Robert Smith: Written Report, no questions.

#### **ITEM 16: Judges Counselling Program**

Justice Stanley Kershman: Written Report, no questions.

#### **ITEM 17: Access to Justice Committee**

Justice Clayton Conlan thanked the members of the committee. Three access to justice newsletters have been completed with the most recent in relation to Atlantic Canada prepared by Justice Kathleen Quigg of New Brunswick and Justice John Mitchell of PEI. The fourth newsletter is expected in the fall from Alberta. Justice Conlan wrote a primer on evidence for self-represented litigants and attended the National Action Committee meeting on access to justice.

#### **ITEM 18: Insurance Committee**

Justice Clayton Conlan thanked the committee members and the former chair of the committee. He had special thanks for our Executive Director, Stephanie Lockhart. He also praised Prosure for their negotiations with Sunlife on our behalf.

#### **ITEM 19: Planning Committee**

Justice Joel Groves apologized for the lack of a written report, but the meeting of the committee was held after the deadline for written reports. Nancy Barrett of AMCES prepared a report and recommendations after a review of our procedures and

policies. Three subcommittees were formed to review our internal governance, including committee structure, Board process/orientation/policies and the structure of the organization and democracy. Justice Groves thanked committee members for their hard work. The next step will be a facilitated meeting on November 12, 2021 before our next board meeting.

#### **ITEM 20: Compensation Committee**

Justice Krstine Eidsvik reported as Vice-Chair of the Committee that an agreement was reached with the government to postpone the commencement of the QuadComm process from June to December 1, 2020. An agreement was reached on issues and we proposed an increase in salary over the last two years of the cycle, an increase of \$2,500 in incidental allowances for technology. The government asked to limit the IAI to 10% over the cycle instead of the current 14%, opposed the raises and the increase in the incidental allowance. The commission was very attentive and asked for more information. Justices Chatelain and Eidsvik thanked the 20 committee members from across Canada as well as the members of the compensation committee of the CJC and our legal counsel.

#### **Item 21: Nominating Committee**

Moved: Nomination of the following slate of officers: Clayton Conlan as Secretary, Mona Lynch as Treasurer, Michèle Monast as Vice-President, Joel Groves as President and Tom Cyr as Past President, Thomas Heeney, seconded Kathleen Quigg:  
Carried

#### **Item 22: Other Business**

Nothing

#### **Item 23: Transfer of Office and President's Award**

##### **President's Award**

President Cyr presented the President's Award for 2021 to Justice Chantal Chatelain and Kristine Eidsvik for their exemplary and unselfish service and timeless effort. He noted that when the committee started to prepare for the QuadComm, the country was in a good financial position and when the pandemic hit, the whole process had to be adjourned and difficult decisions had to be made.

Justice Chatelain thanked President Cyr for his support and expressed that working with Justice Eidsvik was pleasant and enriching and they were Co-Chairs of the committee. Justice Eidsvik said she was humbled and honoured to accept and

expressed her admiration for Justice Chatelain stepping in as Chair with grace and enthusiasm.

### **Transfer of Office**

In keeping with the tradition started by the first president of the CSCJA, President Cyr passed a Tilley hat to incoming President Groves. Incoming President Groves said he would wear the hat with pride.

### **Presentation of Caricature**

Incoming President Groves presented President Cyr with a caricature depicting two SCC cases, Bill S-5, Ethical Principles, Term Limits, the atlantic bubble and travel which was cancelled. President Cyr expressed his thanks.

### **ITEM 24: Adjournment**

Moved: Michèle Monast: Carried

*Mona Lynch*

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Mona Lynch, CSCJA Secretary 2020-2021