



Canadian Superior Courts
Judges Association
Association canadienne des
juges des cours supérieures

MINUTES of the annual general meeting of the **Canadian Superior Courts Judges Association** held on July 14, 2022, in St. John's, Newfoundland.

PRESENT:

President	Joel GROVES (British Columbia)
Vice-President	Michèle MONAST (Quebec)
Treasurer	Mona LYNCH (Nova Scotia)
Secretary	Clayton CONLAN (Ontario)
Past President	Thomas CYR (New Brunswick)
Executive Director	Stephanie LOCKHART (virtual)

Federal Court of Canada Mandy AYLEN

Alberta
Kent DAVIDSON
Kristine EIDSVIK
Michael KRAUS
Joanna STREKAF
Bonnie BOKENFOHR (virtual)
Michelle CRIGHTON (virtual)
Tamara FRIESEN (virtual)
Gillian MARRIOTT (virtual)

British Columbia
Ward BRANCH
Ian CALDWELL
Tom CRABTREE
Jennifer DUNCAN
Elliot MYERS

Manitoba
Herb REMPEL
James EDMOND (virtual)

New Brunswick
Nathalie GODBOUT (virtual)
Denise LeBLANC (virtual)
Kathleen QUIGG (virtual)
Marc RICHARD (virtual)

Newfoundland and Labrador Jim ADAMS
Fouse FAOUR
William GOODRIDGE
Irene MUZYCHKA
Kate O'BRIEN
Frances KNICKLE (virtual)

Nova Scotia
James CHIPMAN
Jean DEWOLFE
Pierre MUISE

Nunavut	Shannon SMALLWOOD
Ontario	Deborah CHAPPEL Erika CHOZIK Michael MEKELVEY Thomas HEENEY (virtual) Susan HIMEL (virtual)
Quebec	Thomas DAVIS Julie DUTIL DENIS GASCON Lukasz GRANOSIK Denis JACQUES Suzanne GAGNÉ (virtual)
Saskatchewan	Robert LEURER Janet McMURTRY Graeme MITCHELL (virtual)

3:05pm NDT Meeting called to order.

The President, Mr. Justice Joel Groves, declared the meeting open. He noted that the meeting is a mixed in-person/virtual event. There will be several points throughout where votes will be cast, where votes will be recorded both in-person and virtually.

I. Adoption of the minutes of the 2021 annual general meeting of the CSCJA

Mr. Justice Denis Jacque, seconded by Mr. Justice Ian Caldwell, moved that the minutes of the 2021 annual general meeting be approved. Carried.

II. President's Remarks

The President, Mr. Justice Joel Groves, reported that Our Association is in good shape. The budget and financial performance have gone well, despite the pandemic. Membership is healthy and on-budget to meet financial needs. Currently there are 962 members paid up for 2022, and 312 retired members. The President's goal is to reach 1000 members.

QuadComm

The President, Mr. Justice Groves, cited the highlight of the past year as being QuadComm. He confirmed that the Turcotte Commission gave the Minister its report in Summer 2021, and the Minister accepted the Commission's reports in a response in December 2021.

Mr. Justice Groves is optimistic that the report represents a roadmap to adjusting judicial salaries upwards to reflect fair compensation with the legal community.

He further confirmed that Our Association's Compensation Committee will henceforth become a permanent working committee. He thanked Madam Justice Kristine Eidsvik and Madam Justice Chantal Chatelain for the role as Co-Chairs of last round's Compensation Committee, and welcomed Mr. Justice Ward Branch and Madam Justice Dominique LaFleur, who will assume the task going forward.

Co-Ordination with the Chief Justice

Mr. Justice Groves reported that the Chief Justice has reached out to Our Association to discuss having regular meetings in order to discuss concerns shared by Our Association and by the Canadian Judicial Council.

In particular, the Chief Justice has directed the CJC to institute a joint committee with Our Association and the Commissioner's Office to address issues relating to physical and online security.

Term Limits

Mr. Justice Groves reminded the meeting that before the pandemic, the Chief Justice had arranged to set up a committee of the CJC to consider Our Association's proposal regarding term limits. In late April 2021, the Chief Justice informed Mr. Justice Groves and Past President Mr. Justice Thomas Cyr of the results of the CJC's consideration of our proposal, namely. That result being: a resolution of the CJC requiring all Chief Justice and all Associate Chief Justices, after ten years of service, to reflect and consider whether it is appropriate for them to continue in office. Our Association had previously created a Reflection Committee on Term Limits, chaired by Madam Justice Georgina Jackson, which will now be revived, consider the response received from the CJC, and make recommendations regarding next steps.

Planning Committee on Restructuring Our Association

Mr. Justice Groves informed the meeting that the Planning Committee, chaired by Madam Justice Katherine O'Brien had a special one-day meeting in November 2021 to address issues of governance, the purpose of Our Association, our mission, and what the membership wants. He noted that Madam Justice O'Brien will provide further details of the results of that meeting later on.

Conduct Review

Mr. Justice Groves noted that conduct review has long been a controversial issue. He reported that the government has allowed Our Association and the CJC to make submissions for a more efficient process, and that the government has since made a decision on a conduct review process, involving Puisne Judges selected from a list provided by Our Association to sit on a panel.

Independence of the Judiciary Committee

Mr. Justice Groves noted that the Committee acted quickly in response to a request from the Federal Minister of Justice on issues concerning a proposed Wrongful Conviction Commission. Madam Justice Michelle Monast will provide further details on that Commission.

General

Mr. Justice Groves was happy to report that Our Association is active, reflective, functioning, and in good shape. He thanked the Executive, the Directors of the Board, and the hard-working members of each of Our Association's Committees. He thanked as well everyone for supporting his tenure as President.

Finally, he noted that a number of written reports have been circulated at the meeting but will not be discussed directly. They include:

- Report of the Membership Committee
- Report of the International Relations Committee
- Report of the Public Education Committee

- Report of the Insurance Committee
- Report of the Judges Counselling Program

III. Report of the Commissioner for Federal Judicial Affairs

Bill C-19

The Commissioner, Marc Giroux provided an update on relevant provisions of Bill C-19, the budget implementation act which was passed on June 23. This bill included new amendments to the *Judges Act*, including increases to incidental allowance and representational allowance. He noted that as of April 1, 2020, judges have an allowance of \$7500, and may now carry forward expenses of one year. He further informed the meeting of the Commissioner's proposal: that for the years 2021/2022 and 2022/2023, there will be allowances for each year, and judges can as well claim unused portions from previous years up to \$5000. He noted as well that the bill included an amendment for judges in the northern areas to receive medical and dental allowances.

Expenses

The Commissioner noted that the next publication of judges' expenses will arrive at the end of July. He noted that expenses have been increasing as COVID-19 precautions relax and travel resumes.

Appointments to Superior Courts

The Commissioner reported that there are currently 55 Superior Court vacancies across the country, and a further 22 vacancies created under Bill C-19. There were 73 judicial appointments in the last year, including two new Chief Justices. Judicial Advisory Committees, which have been mostly virtual, are now beginning to take place in person again. There were 43 held in the past year, at which 303 candidates were assessed.

JUDICOM

The Commissioner noted that a revamp of JUDICOM is in the works, with the goal of creating a cloud platform for the service. A team including Mr. Justice Herbert Rempel, Mr. Justice Elliot Myers, and Madam Justice Lana Krogen are hard at work on this.

International Cooperation

The Commissioner reported that they are in discussion with the NJI, along with Global Affairs Canada, about what judges can bring to international cooperation programs. Madam Justice Mary Moreau is the Chair of the Judges International Cooperation Advisory Board, which is investigating the possibility of projects in Mongolia and Colombia.

Working Group on Social Media and Security

A working group has been in discussion with Madam Justice Michèle Monast and Madam Justice Mona Lynch regarding increasing attacks on judges on social media, and security threats. The group is to be made up of representatives from Our Association and from the CJC, as well as Mr. Giroux.

Status of the Commissioner's Office

The Commissioner reported that offices in the Commissioner's Office have mostly been closed to in-person attendance. In response to staff, they have currently instituted a policy expecting attendance at a

minimum of twice a week. This matches a general government movement towards more in-person attendance.

IV. Treasurer's Report

Madam Justice Mona Lynch presented the Treasurer's report. She highlighted a few changes, including the increase of membership fees to \$600, creating an increase in revenue from dues, as well as an income of \$5000 from the 2020 Directory Sponsorship that wasn't received until 2021. She noted that the majority of expenses were related to the latest QuadComm, with some additional expenses related to the return to in-person events and meetings. She noted an accounts receivable in the form of a \$655,100 reimbursement for QuadComm.

Madam Justice Lynch confirmed that membership and investment revenue targets this year were reached, and reported a healthier budget than expected. She confirmed that these financial statements were reviewed at the Board meeting in April 2022 and were recommended for approval. Madam Justice Lynch, seconded by Mr. Justice Lukasz Granosik, moved to approve the report. Carried.

V. Appointment of Auditors

Madam Justice Mona Lynch, seconded by Kent Davison, moved to approve Vaive and Associates Professional Corp. as auditors for the year 2022. Carried.

VI. Approval of New Members of Board of Directors

The President, Mr. Justice Joel Groves noted that new members have already been approved by the Board, but still require approval by the members at the annual general meeting. The new Directors are Mr. Justice Kent Davison (Alberta), Mr. Justice Michael McKelvey (Ontario), and Madam Justice Deborah Chappel (Ontario). Madam Justice Julie Dutil, seconded by Madam Justice Janet McMurtry, brought a motion to approve the new Directors. Carried.

VII. Report of the Compensation Committee

Mr. Justice Ward Branch gave the report of the Compensation Committee. He was pleased to announce the appointment of new counsel, Audrey Boctor, who will be supporting existing counsel Pierre Bienvenu. He further recognized that full provincial and territorial representation had been reached on the Committee. Regarding the QuadComm schedule, he noted that the first formal step will be to meet with the Deputy Minister in Spring 2024. In advance of this meeting, the Committee will spend the next year gathering as much data as possible.

VIII. Report of the Independence of the Judiciary Committee

Madam Justice Michèle Monast delivered a report of the Committee. She reminded the meeting that in 2020, the Minister of Justice said he wanted to create an independent body, separate from the DOJ and Government, to review criminal convictions in cases where miscarriages of justice could likely occur. To this end, in 2021 he appointed two retired judges, Mr. Justice Harry LaForme, and Madam Justice Juanita Westmoreland-Traoré, to hold public consultations and make recommendations on the structure and mandate of this body. They provided their report in April 2022, the 200-page product of in-depth analysis of current review processes for criminal convictions, and the consequences of miscarriages of justice, which included 51 recommendations.

Madam Justice Monast informed that Our Association was then invited by the Minister to provide its perspective on this report and the impact the recommendations would have on the judiciary. That matter was referred to the Independence of the Judiciary Committee. The Committee identified several recommendations that were of cause of concern for Superior Court judges. These concerns were also shared by members of the CJC.

The Report of the Committee was finalized in June, approved by the Executive Committee, and sent to the Minister of Justice. It was also shared with the CJC, and a copy sent to the Chief Justice.

IX. Update from the Judicial Conduct Review Committee

Madam Justice Mona Lynch provided a short update that the House of Commons has risen without a second reading of the Bill that would put in place a new judicial conduct review scheme. As such the matter has not proceeded further.

X. Update from the Access to Justice Committee

Mr. Justice Clayton Conlan gave an update on how the Committee is seeking to increase access to justice in two ways. First, by coordinating with other access to justice organizations, such as the National Access to Justice Committee, as well as smaller organizations like the National Self-Represented Litigants Project out of the University of Windsor Law School. And second, by authoring and distributing newsletters. He credited recent authors Madam Justice Kathleen Quigg and Mr. Justice John Mitchell, writing from the perspective of Atlantic Canada, Madam Justice Janet McMurtry, in Saskatchewan, Madam Justice Gillian Marriott, in Alberta, and Mr. Justice Nathan Smith, currently working on a newsletter offering the perspective of British Columbia.

XI. Report from the Planning Committee

Madam Justice Katherine O'Brien informed the meeting that the Committee's focus for the past year has been moving ahead with a governance review. They retained an AMCES company to perform a formal company review, and which filled a report setting out objectives to improve governance of Our Association. The Planning Committee has implemented those objectives, which included a revamp of the Committee Structure, and a reduction in the number of Committees. Including, going forward, that the Planning Committee will consolidate with the Nomination Committee to form the Governance Committee.

At a fall Board meeting, the Committee also identified the following Strategic Goals:

- 1. Advocate for standardized and positive working conditions
- 2. Strengthen stakeholder relationships
- 3. Influence fair and competitive compensation and benefits for members

The Committee also developed for Our Association, for the first time, a Mission & Vision Statement, as follows:

- Mission (What, How, Why)
 - *The CSCJA protects judicial independence, promotes respect for the rule of law and represents the interests of federally appointed judges in Canada.*
 - *L'ACJCS protège l'indépendance judiciaire, promeut le respect de la règle de droit et représente les intérêts des juges de nomination fédérale au Canada.*
- Vision (What success looks like)

- *The CSCJA seeks an independent, supported and responsive federally appointed judiciary in Canada.*
- *L'ACJCS aspire à une magistrature indépendante, soutenue, sensible et proactive, nommée par le gouvernement fédéral au Canada.*

XII. Amendments to the By-Laws

Madam Justice O'Brien informed the meeting that to introduce the above structural changes, amendments to the by-laws were required. The proposed changes to the by-laws were circulated in advance of the meeting. Madam Justice O'Brien highlighted that aside from the new governance model, the changes would also introduce a three-year term limit for Board and Council members, with the option to stand for re-election two additional times.

Madam Justice O'Brien, seconded by Madam Justice Deborah Chappel, moved to approve the amendments to the by-laws. Carried.

XIII. Report of the Nominating Committee

Mr. Justice Thomas Cyr, seconded by Madam Justice Julie Dutil, moved that the 2022-2023 Executive Committee of the Canadian Superior Courts Judges Association be composed as follows. Carried.

- President: Michèle Monast (Quebec)
- Vice-President: Mona Lynch (Nova Scotia)
- Treasurer: Clayton Conlan (Ontario)
- Secretary: Janet McMurtry (Saskatchewan)
- Past President: Joel Groves (British Columbia)

XIV. Transfer of Office

The President, Mr. Justice Joel Groves, welcomed Madam Justice Michèle Monast as incoming President. Madam Justice Monast thanked the Committee for their trust in her and promised to maintain efficiency and credibility within the Association as it represents a large majority of federally appointed judges.

XV. Meeting Adjourned

Madam Justice Kristine Eidsvik, seconded by Mr. Justice Denis Jacques, moved to adjourn. Carried.

Signed:



Justice Clayton Conlan, Secretary CSCJA