



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

MINUTES OF ANNUAL GENERAL MEETING CANADIAN SUPERIOR COURT JUDGES ASSOCIATION

JULY 6, 2023

Present:

1. The Honourable Justice Robert W. Armstrong, Court of King's Bench of Alberta
2. The Honourable Justice Ward K. Branch, Supreme Court of British Columbia
3. The Honourable Justice Scott K. Campbell, Superior Court of Justice (Ontario)
4. The Honourable Justice Deborah L. Chappel, Superior Court of Justice (Ontario)
5. The Honourable Justice Krista L. Colford, Court of King's Bench of New Brunswick
6. The Honourable Justice Clayton J. Conlan, Superior Court of Justice (Ontario)
7. L'honorable juge Geneviève Cotnam, Cour d'appel du Québec
8. The Honourable Justice Tom Crabtree, National Judicial Institute/Supreme Court of BC
9. L'honorable juge Thomas Cyr, Court of King's Bench of New Brunswick (Family Division)
10. The Honourable Justice Kent H. Davidson (online), Court of King's Bench of Alberta
11. The Honourable Justice Alan S. Diner, Federal Court
12. L'honorable juge Julie Dutil, Cour d'appel du Québec
13. The Honourable Justice James G. Edmond, Court of King's Bench of Manitoba (General Division)
14. The Honourable Justice David P.S. Farrar (online), Nova Scotia Court of Appeal
15. The Honourable Justice Jody Fraser, Court of King's Bench of Alberta
16. L'honorable juge Serge Gaudet, Cour supérieure du Québec
17. The Honourable Justice William H. Goodridge, Court of Appeal of Newfoundland and Labrador
18. L'honorable juge Lukasz Granosik, Cour supérieure du Québec
19. The Honourable Justice Miriam Gropper, Supreme Court of British Columbia
20. The Honourable Justice Joel R. Groves, Supreme Court of British Columbia
21. The Honourable Justice Thomas A. Heeney, Superior Court of Justice (Ontario)
22. The Honourable Justice J. Paul R. Howard, Superior Court of Justice (Ontario)
23. L'honorable juge Denis Jacques, Cour supérieure du Québec
24. The Honourable Justice Stanley J. Kershman, Superior Court of Justice (Ontario)
25. L'honorable juge Chantal Lamarche, Cour supérieure du Québec
26. The Honourable Justice Denise A. LeBlanc (online), Court of Appeal of New Brunswick
27. The Honourable Justice Lynne C. Leitch, Superior Court of Justice (Ontario)
28. Ms. Stephanie Lockhart, Canadian Superior Court Judges Association
29. The Honourable Justice Mona Lynch, Supreme Court of Nova Scotia
30. The Honourable Justice Alexander (Sandy) MacDonald, Supreme Court of NL
31. The Honourable Justice Heather Adair McArthur -online, Superior Court of Justice (Ontario)
32. The Honourable Justice Michael K. McKelvey, Superior Court of Justice (Ontario)
33. The Honourable Justice Janet E. McMurtry, Court of King's Bench for Saskatchewan
34. L'honorable juge Michèle Monast, Cour supérieure du Québec
35. The Honourable Justice Patrick J. Murray – virtual, Supreme Court of Nova Scotia
36. The Honourable Justice Elliott M. Myers, Supreme Court of British Columbia
37. The Honourable Justice Katherine J. O'Brien, Court of Appeal of Newfoundland and Labrador
38. L'honorable Marie-Anne Paquette, Juge en chef, Cour supérieure du Québec

39. L'honorable juge Marylène Pilote, Court of King's Bench of New Brunswick (Family Division)
40. The Honourable Justice Kathleen A. Quigg, Court of Appeal of New Brunswick
41. The Honourable Justice Herb Rempel, Court of King's Bench of Manitoba (General Division)
42. L'honorable juge Simon Ruel, Cour d'appel du Québec
43. The Honourable Justice Cillian D. Sheahan, Supreme Court of Newfoundland and Labrador
44. L'honorable juge adjointe Alexandra Steele – online, Federal Court
45. L'honorable Larry Landry, Court of King's Bench of New Brunswick
46. L'honorable Michel Pinsonnault, Cour supérieure du Québec, ONLINE
47. The Honourable Pierre Muise, Supreme Court of Nova Scotia, ONLINE
48. The Honourable Jennifer Duncan, Supreme Court of British Columbia, ONLINE
49. The Honourable Jerome Tholl, Court of Appeal for Saskatchewan, ONLINE
50. L'honorable Bernard Tremblay Cour supérieure du Québec, ONLINE
51. L'honorable Bernard Synnott Cour supérieure du Québec, ONLINE
52. The Honourable Susan Himel, Superior Court of Justice Ontario, ONLINE
53. The Honourable Deborah Gass, Supreme Court of Nova Scotia, ONLINE
54. L'honorable André Wery, Cour supérieure du Québec, ONLINE
55. The Honourable Sandra Wilkinson, Supreme Court of British Columbia, ONLINE

GUESTS:

Ms. Errolyn Humphreys, Office of the Commissioner for Federal Judicial Affairs
Brenda Brown, Prosure Insurance Group

Call to Order

Deputy Commissioner for Federal Judicial Affairs – Errolyn Humphries

The Office of the Commissioner for Federal Judicial Affairs [CFJA] has added personnel to deal with the increased volume of claims. They hope to return soon to completing claims within ten days.

March 31, 2024 is the deadline for submitting purchases covered by the retroactive increase in the Incidental Allowance.

29 appointments have been made since April 2023, leaving 81 current vacancies.

International work continuing by the International Co-operation Division of the CFJA in Mongolia and Columbia. The Division has started a new project with Global Affairs Canada providing a Technical Assistance Program for three countries over five years. Judges engaging in international development work, or traveling internationally, should be aware of the CFJA's online security program, available through a link on Judicom.

The new Judicom program is an MS365 based initiative.

Compensation and Benefits - Judges must positively enroll in the Canada Life plan, which replaced Sun Life as the administrator of the PSHCP plan. The transition was not as intuitive as the CFJA hoped it would be. Canada Life will not provide a laminated card, but a PDF document is available showing the services covered.

Judges are asked to check the FJA Services – Notices site on Judicom for updates from the CFJA.

Language Training is offered through immersion sessions in August and September, Legal Terminology programming, and customized, individual programming.

Approval of Minutes of the 2022 AGM

Amendments to Minutes: Smallwood J (as she then was) is in the Northwest Territories, Jacques missing an “s”

Moved: Lynch J

Seconded: O’Brien J

Carried

President’s Report – Monast J

(attached as schedule A)

Treasurer’s Report – Conlan J

Statement of Operations – attached

Expenses down in 2022 because of the decrease in legal fees.

Balance Sheet – attached

Cash position high because of the receipt of QuadComm legal fees (\$665,000) reimbursement. Liabilities largely unchanged. Net assets up.

Investments – Investments Policy sub-committee met with BMO advisor to review investment strategy. Investments are healthy, relatively diversified, and geared to growth without loss of principal.

Question by Heeney J re Balance Sheet, assets, page 6 of Financial Statements, re last line of net assets. Conlan J will check with auditors.

Move acceptance of 2022 Financial Statements – Conlan J

Seconded – Heeney J

Carried

Moved by Conlan J to reappoint auditors Vaive & Associates for year after current appointment.

Seconded by Edmond J

Carried

Report of Governance Committee – O'Brien JA

Have been implementing policies recommended through the 2020 governance review. Almost all committees have terms of reference. They are available in the Board Policy manual available online on CSCJA site.

We have developed or updated various policies, including a Policy Review Policy, also available in the Board Policy Manual.

The Sub-committee on Nominations reported and recommended a slate of candidates for the next executive. The committee tries to cover four regions in the country – West and North, Ontario, Quebec, Maritimes and Newfoundland and Labrador.

Moved by Groves J that the next Executive be as follows:

President – Lynch J

Vice president – Conlan J

Treasurer – McMurtry J

Secretary – Granosik J

Past president – Monast J

Seconded by Branch J

Carried

Moved by O'Brien JA that the 2023-2024 Board of Directors be:

1. Hon. Justice Deborah Chappel (ON)
2. Hon. Justice Clayton Conlan (ON)
3. Hon. Justice Kent Davidson (AB)
4. Hon. Justice Jennifer Duncan (BC)
5. Hon. Justice James Edmond (MB)
6. Hon. Justice David Farrar (NS)
7. Hon. Justice Suzanne Gagné (QC)
8. Hon. Justice Lukasz Granosik (QC)
9. **Hon. Justice Nancy Key (PE)**
10. **Hon. Justice Dominique Lafleur (TCC)**
11. Hon. Justice Mona Lynch (NS)
12. Hon. Justice Michael McKelvey (ON)
13. Hon. Justice Janet McMurtry (SK)
14. Hon. Justice Michèle Monast (QC)
15. Hon. Justice Katherine O'Brien (NL)
16. Hon. Justice Kathleen Quigg (NB)
17. **Hon. Justice Jerome Tholl (SK)**

Seconded by Goodridge JA

Carried

Moved by O'Brien JA to amend Bylaw No. 4, article 6, re Council as follows:

BE IT RESOLVED that the Association Bylaw 4, article 6, COUNCIL OF THE ASSOCIATION, be amended as presented at the 2023 AGM to reflect the terms and role of Council Members as defined by the 2022 Governance Review.

BE IT FURTHER RESOLVED that the Association take further steps to review and revise the French translation of Bylaw 4 in its entirety.

Article 6: Council of the Association

6.01 Number There shall be a Council of the Association which shall comprise up to 60 persons. The board shall from time to time by resolution set the actual number of Council Members and the number of them to be elected by Members of the Association resident in each of the Provinces and in the Territories, and from Members of the Courts. Each of the Provinces, each of the Territories and each of the Courts shall be represented on the Council.

6.02 Qualifications A Council Member must be a Member of the Association.

6.03 Role of Council Members A Council Member should represent the Association to the Members in their geographical jurisdiction and should express the concerns of the Members in their area to the Board and the Executive. Specifically, a Council Member should:

- Promote the CSCJA and encourage judges within their region to become Members.***
- Disseminate information about the activities and objectives of the CSCJA to Members and prospective Members within their region.***
- When requested by the Board or Executive, collect and provide information or feedback from Members in their region.***
- Proactively bring regional issues to the attention of the Board or Executive and, if appropriate, propose solutions.***
- Join at least one CSCJA Committee or Sub-Committee.***
- Communicate with regional Board Member(s) to stay current about CSCJA activities and to share ideas relevant to the CSCJA's work and its Members' concerns.***
- Attend the CSCJA's Annual General Meeting as a representative of their region.***
- Attend Council meetings when called from time to time by the President of the Association.***

6.04 Election The members of the Association from each of the Provinces, the Territories and the Courts shall elect from their members the designate number of Council members for their Province, Territory or Court, consistent with democratic principles, reflecting any unique practices associated with that Province, Territory, or Court.

6.05 Term of Office Each Council Member shall be elected for a three-year term, with a maximum of three terms. If a successor has not been elected to office, that person may continue to hold office as a Council Member until their successor has been elected.

6.06 Vacation of Office The office of a Council Member shall automatically be vacated if:
– *the Council Member resigns by delivering a written resignation to the Secretary of the Association;*
– *the Council Member ceases to be a Member of the Association;*
– *the Council Member fails for a period of twelve (12) months to fulfill their role as described in section 6.03 of this Article, which determination shall be made by a vote of no less than two-thirds of the Board.*

6.07 Replacement of Council Member As soon as reasonably practicable after a vacancy occurs, an election shall be held in the particular Province, Territory, or the Court from which the vacating Council Member was elected, to fill that vacancy in accordance with procedures adopted by the members of the Association from the Province, Territories or the Court and the person so elected shall hold office for the unexpired term of their predecessor.

6.08 Meeting(s) of Council The Council of the Association shall meet at least once a year, at a time directed by the Executive, for the purpose of Council Members raising issues of concern of their membership to the Board and Executive and to discuss any other business of the Association. Additionally, the Council may, at the direction of the Board or the Executive, meet at other times as directed by the Board or the Executive for the specific task of providing input to the Board or the Executive on issues directed to it for consideration by the Board or the Executive.

Question by Heeney J on calculating the number of council members per province.

O'Brien JA responded– Article 6.01 allows the Board to decide the actual number of council members. The Committee will make a resolution at the Board meeting.

Seconded by Cyr J

Carried.

Compensation Committee – Branch J

The committee has launched a priority survey in each province/territory in preparation for the next QuadComm. The committee is likely to focus on the salary issue.

Data collection: seeking private law corporation incomes from CRA.

Experts: to collate the information collected from CRA and for a large firm study.

Pre-appointment income: the last QuadComm asked us to study this, but we issued an objection to the relevance of the information. They confirmed they want this information.

Committee members: Morawetz CJ has joined the committee and can speak to recruitment difficulties.

CSCJA appointee on QuadComm: we are still recruiting.

Industrial Aggregate Index: only 2% this year because of growth of lower-salaried employees after Covid-19. We are still better with IAI over CPI.

Independence of the Judiciary Committee – Davidson J

Written report.

Legislation on Committee on Wrongful Convictions is before a Parliamentary committee. The legislation does not reflect CSCJA recommendations, so we may consider a legal intervention to put those recommendations on record.

Diminution of support from provincial governments. We are conducting an empirical study. We have completed a detailed survey of 12 judges to inform the creation of the survey for all judges.

Keira's Law on education for judges on domestic violence: we will consider the implications for judges.

Conduct Committee – Lynch J

Written report.

The enactment of Bill C-9 was a long process.

Dugre complaint: the record was just received at the Federal Court.

The new committee chair is Duncan J.

Supplementary Insurance – Brenda Brown of Prosure Group

Established in 1986. The policy is still with Sun Life and is renewed every January 1. Sun Life usually offers an open window period.

A stabilization fund is available for contribution to premiums to offset a large premium increase.

A judge must be a CSCJA member to join and must join one year before retirement. If a judge cancels membership, s/he cannot rejoin. Retirees do not have travel benefits.

Claims must be sent to primary insurer first. Submit Explanation of Benefits document to Canada Life (after July 1, 2023) or Sun Life (before July 1).

Other benefits include a Telus assessment, broker individual insurance plans.

International Relations – Jacques J and Lynch J

Written report on IAJ from Jacques J.

Leitch J reported on the work of the Commonwealth Magistrates and Judges Association [CMJA]. The CMJA has 56 members. The CSCJA nominated Leitch J as president of the CMJA. Her three year term began in September 2022. Membership encouraged, enrolment available at cmja.org.

Judges Counselling Program – Kershman J

Kershman J gave a verbal report. Available to all judges, spouses, children under 21 and dependant children under 25. Counseling available 24/7 at jcp.ca. Encourage attendees to tell members about JCP.

Other Committee Reports

The Member Services & Wellness and Public Education and Access to Justice Committees provided written reports.

Varia

Monast J introduced Lynch J as the new president. Lynch J thanked members for the nomination as president of the CSCJA. Eight former presidents in the room.

Adjournment

Moved by Groves J to adjourn

Seconded by Granosik J

Carried

AGM 2023 Minutes approved on: June 26, 2024

Signed:

A handwritten signature in black ink, appearing to be 'M. Lynch', written over a horizontal line.

Justice Mona Lynch, 2023/24 President, CSCJA