

Minutes of CSCJA Board Meeting

Saturday, April 13, 2024, Fairmont Chateau Laurier, Ottawa, Ontario

In attendance:

Lynch, M.
Conlan, C.
Monast, M.
Chappel, D.
O'Brien, K.
Branch, W.
Davidson, K.
McKelvey, M
Shaner, K.
Tholl, J.
Granosik, L.
Gagné, S. (by video)
Duncan, J. (by video)

Edmond, J. (by video)
Quigg, K. (by video)

Lockhart, S. (Executive Director)

Regrets:

Lafleur, D.
Farrar, D.
Key, N.
McMurtry, J.

9:10 am Call to Order – Mona Lynch

Approval of Minutes – November 2023

Motion to approve the Agenda by O'Brien J.

Shaner J seconded.

Carried.

The Board wishes speedy recovery to McMurtry, J. and misses her presence.

Treasurer's Report

Stephanie Lockhart presents the Report including the Investment report. In the future, the Quadcomm and Compensation committee items broken out separately.

Recommends the approval of the Financial Statements.

Motion to approve the Financial Statements by Conlan J.

Davidson J seconded.

Carried.

Committee and Council composition updates – Mona Lynch

Mona Lynch reminds that the president is an ex-officio member of every committee. This said, she is not formally on the Governance committee but is on the Compensation Committee.

The new committee members are proposed as follows:

INDEPENDENCE OF THE JUDICIARY COMMITTEE: Jim Williams, NS

MEMBERSHIP SERVICES & WELLNESS COMMITTEE: Kristine Eidsvik, ON (Retired), Joel Groves, BC (Retired), Michael Phelan, ON (Retired)

PUBLIC EDUCATION & ACCESS TO JUSTICE COMMITTEE: Ranjan Agarwal, ON

Motion to approve the composition of the committees by Shaner J

Seconded by Granosik J

Carried.

President's Report – Mona Lynch

The President provided a verbal report. She met with the Chief justice Wagner and discussed the relationship between the CSCJA and the CJC, the CJC survey on mental health, the Quad comm, the transition to Canada Life, the CSCJA survey, the end of Judicom and the Conduct roster.

A second meeting took place between the President and Clay Conlan with Chief justices Wagner, Joyal and Savard. The President and the Vice-President discussed the new process for discipline complaints regarding discrimination and expressed the suggestion to modify the Judges Act, but the CJC would rather not. A letter from Chief justice Wagner to all judges followed that meeting.

The new Social media guidelines for judges as prepared by the CJC will be submitted to the CSCJA for comments.

The President provided the results of our Survey to the CJC, for “their eyes only” and not to be released yet.

The CJC was informed about the possibility of holding the IAJ annual conference in Canada after 2025.

The next meeting with the Chief justice will take place in June.

The President met with the president of the CBA.

The President met with the Mongolian judges and discussed potential for cooperation.

The President touched upon the Quad comm and the appointment of our representative, the independence committee and reminded that the Technology committee cooperated in the organisation of the seminar Judging Better, Judging Smarter to be held on June 25th to 27th in Calgary.

The President reported that the hiring and the integration of the administrative support for the Executive Director, Pam, went very well.

The President wrote to the Minister of Justice to express our concern regarding the number of vacancies on the bench in Canada and the lapsed judicial advisory committees and had to write again two weeks later to the new Minister. The answer was they are doing the best they can.

The President met with the Commissioner Marc Giroux and discussed the Incidentals, Canada Life transition concerns, Legal fees increase for lawyers represent our members and Amex credit card fees.

The President met with the Chief justice Popescul who approved the recommendations made by the international relations committee.

The President informed the Board that Judicloud is already operational in Manitoba.

The President informed the Board about the new resource available with regards to Corporate Travel and discussion followed.

The President required a legal opinion regarding the insurance to be carried for Directors' liability.

The President expressed her heartfelt thanks to the Executive Director and all members of all committees for their work for the Association.

No questions from the Board.

Quadcomm / Compensation Committee – Ward Branch

Ward Branch provided a verbal report and presented four points: the schedule of the Quadcomm and the choice of our representative, the data "hunt", the Incidentals issues and the IAI adjustments.

The Committee suggested a short list of potential representatives with two finalists. Discussion followed. Doug Hodson from Saskatchewan was approved as our representative for the Quad comm 2024. The CJC expressed prior to our meeting its consent to this appointment.

The Quadcomm hearings will take place in fall 2024 and our brief must be provided by the end of August 2024. The decision of the Quadcomm is expected in March 2025 and the government's response in July 2025.

The federal elections may impact this schedule if were held before October 2025.

Discussion on strategy followed, including the need for a plan B with regards to our counsel.

Ward Branch summarized the extensive search for financial data with Stat Can, the CRA and the Commissioner regarding the applicants and the private sector salaries. He indicated that another option would be to try to get data with the help of HR/Head hunting firms.

With regards to Incidentals, the discussion pertained to the Commissioner's discretionary jurisdiction, the somewhat arbitrary limits with respect to certain items and the legal opinion requested by the Association on that subject.

Finally, the IAI for this year is at 3,4%.

11:00 Break

Presentation on dealing with media – Vanessa Racine

Questions and discussion followed the presentation.

Conduct Committee – Jennifer Duncan

Jennifer Duncan provided a verbal report and updated the Board regarding the roster and notes that with the retirement of Chief justice Hinkson a new Conduct chair will be appointed.

Jennifer Duncan and the President will follow up with regards to the question if legal advice be covered at first response stage in the disciplinary process.

Independence Committee - Kent Davidson

Kent Davidson provided a verbal report and confirmed that our survey results were conveyed to the CJC and may be provided to chief justices. He confirmed that the legal opinion by Professor Paul Daly is expected soon and shared with the Board preliminary findings.

Discussion followed regarding the strategy on the public relations, the CJC, and the legal fronts.

Motion to dedicate an amount up to \$ 10 000 to hire a PR consulting firm to work on the strategy regarding the survey as well as to provide advice regarding the Quadcomm process by Davidson J.

Monast J seconded.

Carried.

12:45 Lunch

The Board is advised that the Commissioner Giroux confirmed that once a response is asked in the complaint process, the judge is entitled to legal advice, subject to the tariffs.

Technology Committee

A written report was circulated.

Public Education & Access to Justice - Kathleen Quigg

Kathleen Quigg provided a verbal report and summarized the Law Day program with the CBA, and presents new initiatives on access to justice, the role of judges and a social media campaign. The discussion follows regarding the possibility of hiring a PR consultant to support establishing the best strategy.

The Committee is planning a symposium on the independence of judiciary and a budget is being sought from the CJC.

International Relations – Clay Conlan

Clay Conlan provided a verbal report and stressed how successful Canadian judges are in the leadership roles in international associations. He informed the Board that Canadian delegation for the CMJA meeting in Kigali, Rwanda will be comprised of Lynne Leitch, Graham Mew and Todd Ducharme and for the IAJ annual conference in Cape Town, South Africa of judges Mona Lynch, Clay Conlan, Michèle Monast, Denis Jacques, Lukasz Granosik and Bill Goodridge as our delegation disposes of six delegates.

He proceeded to explain the difference in financing these activities following sections 41(1) and/or 41 (2) of the Judges Act.

Governance Committee – Kate O'Brien

A written report was circulated. Kate O'Brien explained the holistic approach the Committee is adopting regarding compliance and our bylaws. She underlines the democratic deficit that larger provinces have on the Council when calculating the pro rata of members vis à vis the number of judges in the province. She suggests adding 7 seats on the Council: 5 from Ontario, 1 from Québec and 1 representing Federal Courts, which would bring every constituency up over the 5%. The Council may have up to 60 members but has 48 currently.

She reminds that Members of Executive sit on the Board but not on the Council.

Discussion follows. The paramount role of the Council is confirmed.

Motion by O'Brien J to increase the number of Council members by 7: 5 from Ontario, 1 from Québec and 1 representing Federal Courts.

Seconded by Lynch J

Carried.

Member Services & Wellness - Michael McKelvey

A written report was circulated. Michael McKelvey explained the challenges regarding the retirees and the work of their subcommittee.

Discussion follows regarding benefits, additional coverage, supplemental benefit program, a FAQ section on the website, a joint committee on assignments, the unavailability of a study leave in certain regions and the need to broadcast our new travel services partner.

Other Business

None

14:50 Adjournment

Motion to adjourn by O'Brien J

Seconded by Lynch J.

Carried.