

**Minutes of the SPECIAL MEETING of CSCJA Board Meeting
Monday, December 16, 2024, Video meeting**

In attendance:

1. Conlan, C.
2. McMurtry, J.
3. Granosik, L.
4. O'Brien, K.
5. Lynch, M.
6. Cotnam, G.
7. Duncan, J.
8. Key, N.
9. Lafleur, D.
10. Pless, A.
11. Sheahan, Cillian
12. Tholl, J.

Branch, W. (Compensation Committee Chair)

Lockhart, S. (Executive Director)

Regrets: Shaner, K. Kroft, D. Farrar, D. Quigg, K. McKelvey, M.

7:02 pm Call to Order - Clayton Conlan, President

The meeting was convened with the sole agenda item being the discussion and decision on the amount to request as a salary increase in the Association's submission to the QuadComm, due December 20, 2024.

Report of the Compensation Committee – Ward Branch:

Having regard to the private and public sector comparators, in particular the income levels of self-employed lawyers, an upward adjustment to the judicial salary of puisne judges must be made to ensure that Canada is able to continue to attract outstanding candidates to the bench, particularly from the private sector.

In April 2022, the salary of puisne judges was \$372,200. When grossed up to account for the judicial annuity valued at 28%, it stood at \$476,416. By comparison, the relevant figure for the private practice comparator was \$774,408. Judicial salaries in 2022 thus fell short of the private sector comparator by \$297,992.

The Association and Council submit that an increase between \$57,854-\$62,035 is the minimum necessary to:

- a. *begin to correct for the historical flaw created by the fact that past Commissions were deprived of any corporate income data; and*
- b. *place the salary on a more solid economic footing for the future, in order help address recruitment problems from the private sector.*

An increase in that range adjustment is supportable on several principled bases:

- c. *It moves judicial salaries approximately 20% of the way to the \$297,992 figure that would fully address the correction required to address the new corporate data;*

- d. Even ignoring the newly disclosed corporate data, the range brackets the two lowest alternative touchstones, being:
1. The \$57,854 gap between the judicial salary and the DM-3 comparator adjusted for actual income;
 2. The \$62,035 gap between the judicial salary and the DM-4 Block Comparator; and
 3. The \$98,309 gap between the grossed-up judicial salary and the appropriately filtered unincorporated lawyer earnings;
 4. The \$157,664 gap between the grossed-up judicial salary and the appropriately filtered unincorporated lawyer earnings in the top 10 CMAs;

Given the historically corrective nature of this adjustment, the Association and Council submit that the increase should be applied to judicial salaries as of April 1, 2024, the first year of this quadrennial cycle. The Association and Council submit that the criteria under s. 26(1.1) of the Judges Act for the establishment of the salary of puisne judges justify that this Commission make the following salary recommendation

Recommendation: That the salary of puisne judges be increased by between \$57,854-\$62,035 on April 1, 2024, exclusive of usual statutorily mandated indexing based on the IAI, and that the other judicial salaries payable to the Judiciary under the Judges Act be adjusted proportionately.

DISCUSSION:

- It is important to position the ask in way that supports the private bar comparators and moves away from the DM3.
- The extensive data collected will support future QuadComms in comparing compensation more accurately and realistically.
- Other possible ask amounts were proposed and discussed.
- Chief Justice Wagner is yet to respond about the proposed position as he is travelling but the CJC representative on the committee is in agreement.

MOTION:

The Board of Directors accepts and endorses the recommendation by our legal counsel for the 2024 QuadComm IMK, to ask for a salary increase \$59,500, while maintaining the annual adjustment in accordance with IAI for inflation.

MOVED: Ward Branch
SECONDED: Nancy Key
For: 10
Against/abstain: 2
Motion Passed

Adjourned 7:35pm