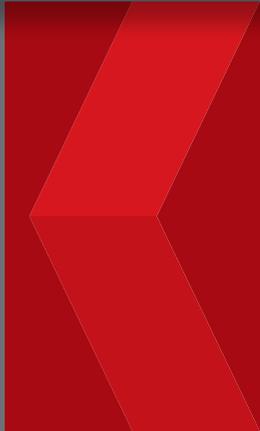


COUR DU QUÉBEC



KEY DEVELOPMENTS

2016 › 2017



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“I leave behind a judicial institution that is evolving along with the needs of the society it serves. May it remain ever strong and innovative. I will always be attached to the Court and will follow its progress with interest and affection.”

Hon. Élisabeth Côté,
outgoing Chief Judge
(2009-2016)

This report focuses on the highlights of 2016 and 2017. In particular, the Court would like to draw attention to the impressive work accomplished in the Court of Québec’s ten coordinating regions as reported on our website by each coordinating judge:

www.tribunaux.qc.ca/mjq_en/c-quebec/index-cq.html

Message from the Chief Judge



On October 26, 2016, I began a seven-year term as Chief Judge of the Court of Québec, succeeding Judge Élizabéth Corte. Over the following months, the team of Chief Judges welcomed several new members, as the terms of Senior Associate Chief Judge Mario Tremblay and Associate Chief Judges Claude C. Boulanger (Youth Division), Pierre E. Audet (Civil Division), and André Perreault (responsible for Municipal Courts) came to a close.

I have had the opportunity to thank these colleagues for their extraordinary commitment to their respective duties. The members of the management team have helped the Court to evolve and to define its identity as a strong, innovative community institution that is committed to outreach and offering services that meet the people's needs. In other words, it is made in the image of its judges!

The management team, now made up of Senior Associate Chief Judge Scott Hughes and Associate Chief Judges Robert Proulx (Youth Division), Henri Richard (Civil Division), Claudie Bélanger (responsible for Municipal Courts), and Danielle Côté (Criminal and Penal Division), is driven by these same values. Like those who came before us, we draw on the competence and commitment of each and every one of the 345 judges and presiding justices of the peace that make up our institution to do more and better at the Court of Québec every day.

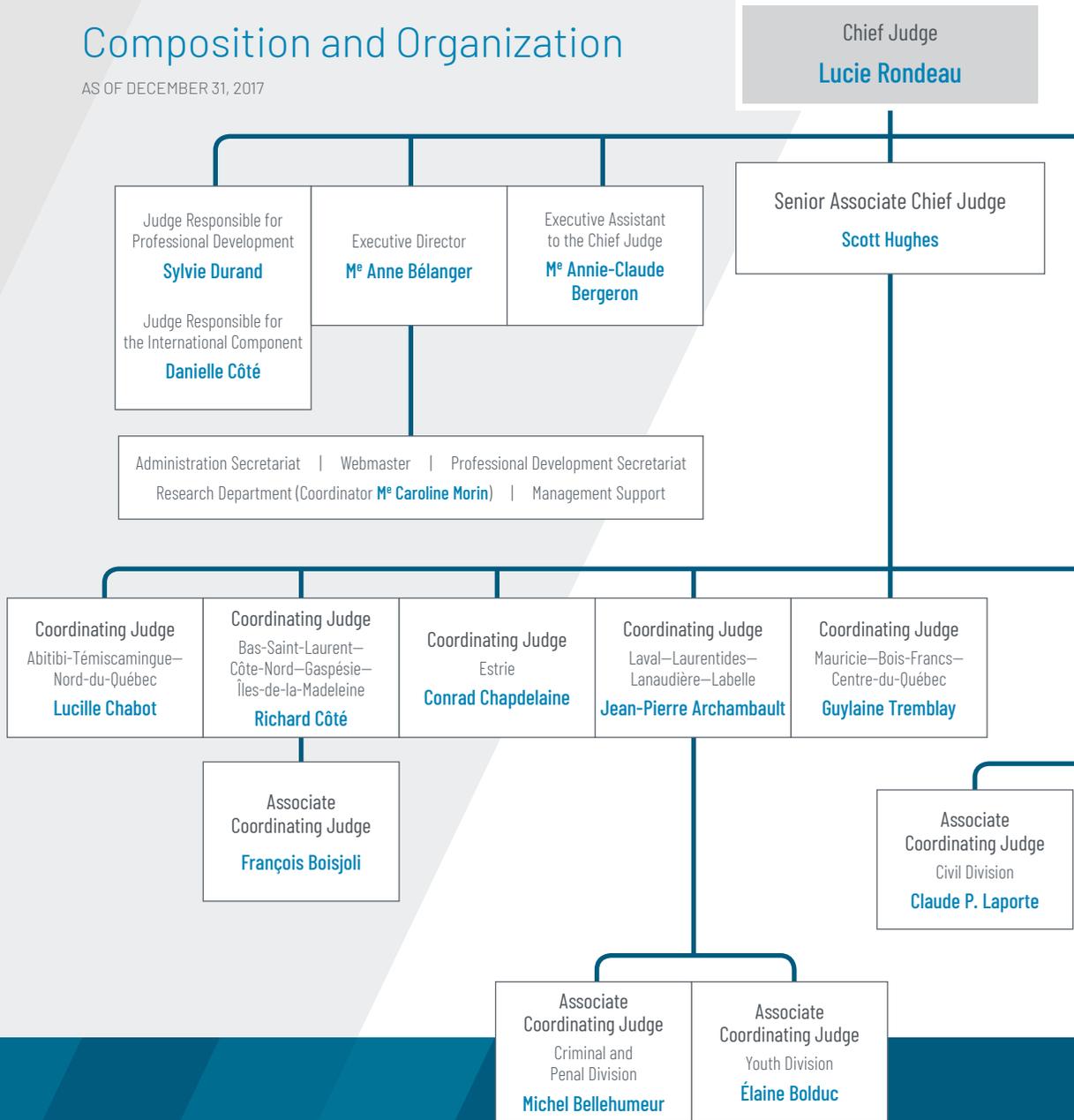
The passion, pride, and sense of ownership the judges feel in fully assuming the broad authority of the Court in every region of Québec, including the most remote communities, are powerful motivators to continue to fulfil our mission of delivering justice that respects the citizens of Québec – in other words, that is independent, impartial, objective, humane, and efficient.

A handwritten signature in black ink that reads "Lucie Rondeau". The signature is written in a cursive, flowing style.

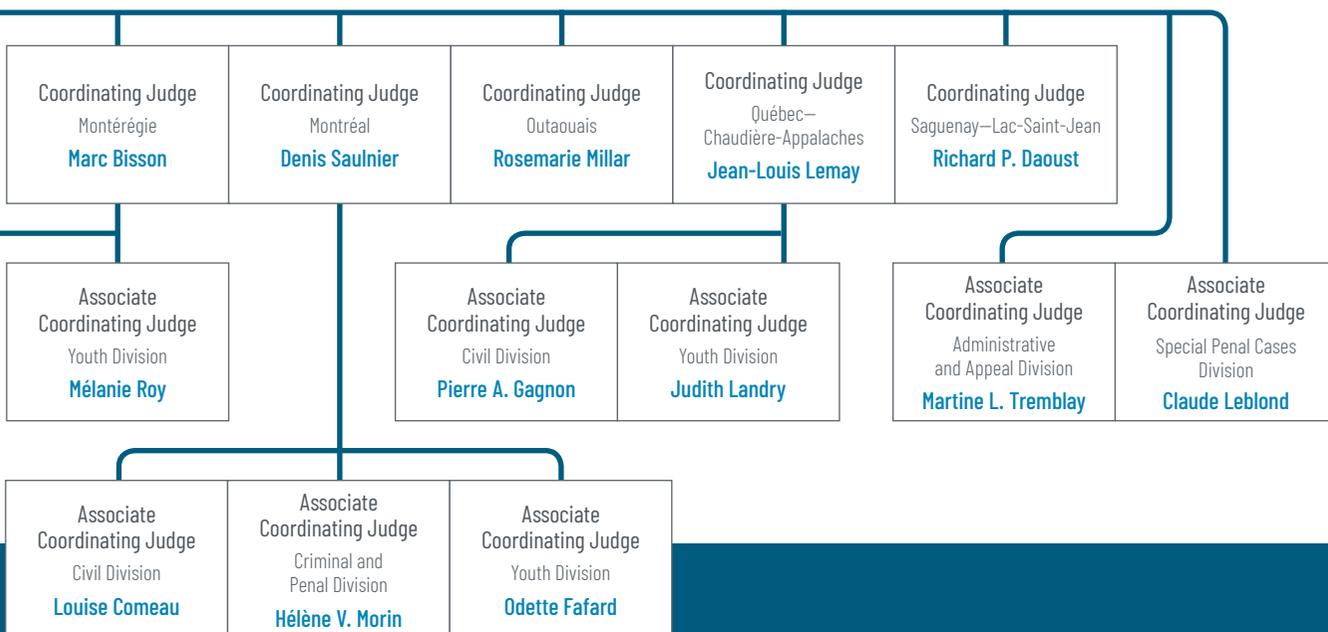
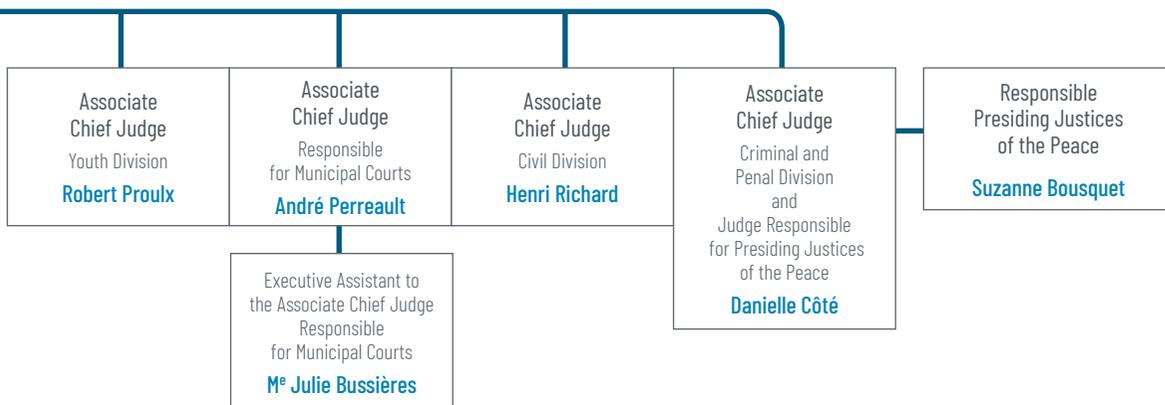
Lucie Rondeau
Chief Judge

Composition and Organization

AS OF DECEMBER 31, 2017



| | | |
|-----------------------------------|---|---|
| In office as of December 31, 2016 | <p>281 judges</p> <p>38 presiding justices of the peace</p> | <p>149 women (47%)</p> <p>170 men (53%)</p> |
| In office as of December 31, 2017 | <p>302 judges</p> <p>39 presiding justices of the peace</p> | <p>163 women (48%)</p> <p>178 men (52%)</p> |



1 Chief Judge

1 Senior Associate Chief Judge

4 Associate Chief Judges

Appointed by the government, after consultation with the Chief Judge.

7-year non-renewable term.

10 coordinating judges

12 associate coordinating judges

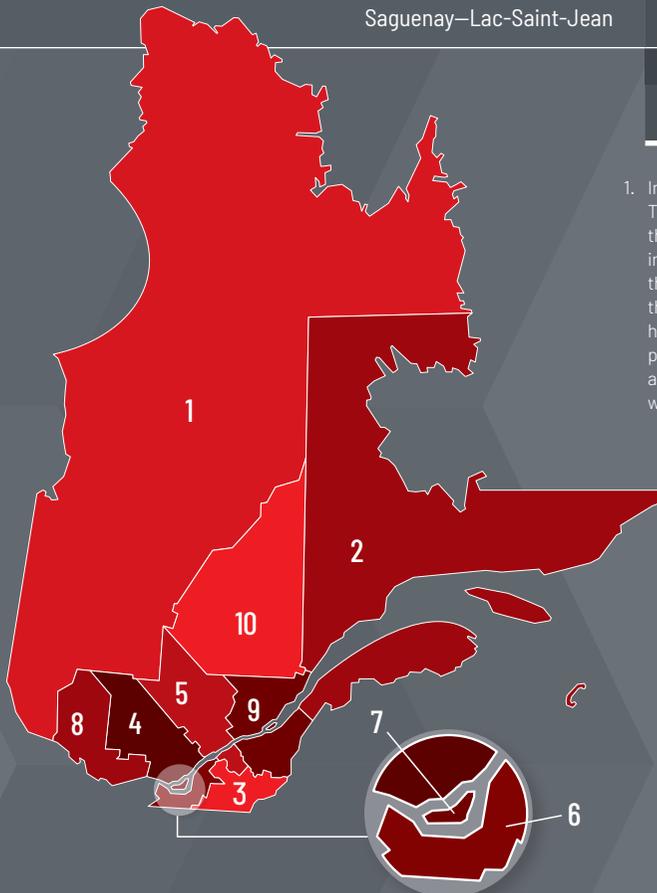
Appointed by the Chief Judge from among the Court's judges.

Renewable term of not more than 3 years.

1 coordinating judge or 1 team for each of Qu bec's 10 regions.

Distribution of Québec's 306 judges and 39 presiding justices of the peace

| | | JUDGE | PRESIDING JUSTICE OF THE PEACE |
|----|---|------------------------|--------------------------------|
| 1 | Abitibi-Témiscamingue–Nord-du-Québec | 10 | 2 |
| 2 | Bas-Saint-Laurent–Côte-Nord–Gaspésie–Îles-de-la-Madeleine | 17 | 4 |
| 3 | Estrie | 18 | 2 |
| 4 | Laval–Laurentides–Lanaudière–Labelle | 44 | 5 |
| 5 | Mauricie–Bois-Francs–Centre-du-Québec | 13 | 2 |
| 6 | Montérégie | 40 | 6 |
| 7 | Montréal | 97 | 10 |
| 8 | Outaouais | 15 | 2 |
| 9 | Québec–Chaudière–Appalaches | 42 | 4 |
| 10 | Saguenay–Lac-Saint-Jean | 10 | 2 |
| | | TOTAL | |
| | | 306¹ | 39 |



1. Including vacant positions.
The regional distribution matches the number of positions allotted in a region, but not necessarily the number of judges exercising their duties there, because some judges have been appointed to management positions (e.g., Associate Chief Judge) and continue to be counted in the region where they were appointed as judge.

Highlights of 2016 and 2017

Expanded jurisdiction over youth and civil matters

Since the *Code of Civil Procedure* went into effect on January 1, 2016

Youth Division

In adoption and youth protection cases brought before the Court of Québec, the Court can *also* determine child custody matters, rule on the emancipation of an adolescent, decide disputes between parents regarding parental authority, and name tutors. As a result, parties can now settle any of these questions related to a protection application before a single court and a judge who is already familiar with the family's situation.

Civil Division (Regular Division)

The monetary threshold for cases heard by judges of the Court of Québec is adjusted so they can decide cases where the value of the matter in dispute or the amount claimed is up to \$85,000. The threshold was \$70,000 previously.

Referral on two constitutional questions regarding the jurisdiction of the Court of Québec in civil and administrative matters

A controversy arose around the Court of Québec's exercise of part of the jurisdiction conferred on it by the legislature in civil and administrative matters, to such an extent that its legitimacy was questioned in a Motion for Declaratory Judgment by the Chief Justices of the Superior Court on July 17, 2017.

The Québec government issued an Order in Council on August 30, 2017, directing the Attorney General to refer the matter to the Court of Appeal for an opinion on the constitutionality, under Section 96 of the *Constitution Act, 1867*, of the Court of Québec's jurisdictional monetary threshold as well as the appellate jurisdiction attributed to it in certain matters. The order was filed at the Office of the Court of Appeal for the District of Montréal under the number 500-09-027083-179 on October 5, 2017.

"Despite the constitutional questioning of part of its jurisdiction initiated by the Chief Justices of the Superior Court, the Court of Québec stands by the tradition of institutional cooperation with all authorities and courts, including the Superior Court and its judges, to fulfil the courts' primary mission of serving citizens and deciding disputes in our society."

HON. LUCIE RONDEAU
CHIEF JUDGE

Presiding justices of the peace are judges too: independent, impartial, ethical, and specialized in certain areas

Over recent months a serious misunderstanding regarding the responsibilities of presiding justices of the peace in the Court's Criminal and Penal Division has been fueling a controversy regarding the protection of the confidentiality of journalistic sources.

The Chief Judge had to intervene several times to inform the public about these functions and to remind them that presiding justices of the peace are chosen according to the same selection process as Court of Québec judges, they are subject to the same Code of Ethics, and they must answer for their actions before the same Judicial Council.

The Chamberland Commission notes that presiding justices of the peace are specialists in judicial authorization matters. They do not simply sign the documents presented to them without first carrying out the appropriate verifications.

The Court of Québec is very pleased that the Chamberland Commission has acknowledged that the public can trust presiding justices of the peace because they have the ability and the integrity to do their jobs with complete independence and impartiality.

After an in-depth analysis of the situation, the Commission of Inquiry on the Protection of the Confidentiality of Journalistic Sources filed its report on December 14, 2017. The Court of Québec is satisfied with its conclusion that the criticism expressed publicly over the past year regarding the work of the presiding justices of the peace was unfounded.

The Court also notes that, according to the Commission, the evidence submitted revealed nothing that would justify taking the power to hear a judicial authorization request targeting a journalist away from the presiding justices of the peace.

Changing how services are offered in criminal and penal matters

The *Courts of Justice Act* was amended to increase the number of judges to 306. The 16 new offices thus created were assigned to the Criminal and Penal Division and distributed across the regions of Montréal (9), Laval-Laurentides-Lanaudière-Labelle (4), Montérégie (2), and Outaouais (1). They were all filled on March 27, 2017, in addition to two other offices left vacant due to retirements.

+16



18 new judges welcomed to the Court of Québec to fill 16 new offices and 2 retired judges.

Soon after these appointments, the Court set out to rethink how it organizes its work so that citizens can fully benefit from all that these new resources have to offer.

In practice, the arrival of the new judges makes it possible to:

- › Very quickly increase the number of hearing days in each affected region
- › Implement case management, which helps reduce wait times

In Montréal, the average time to set a trial date for a released person requiring two hearing days was reduced from 24 to 9 months (between December 2016 and December 2017).

Change in average time to set a trial date for a released person requiring one hearing day from December 2016 to December 2017.

| | 2016 | 2017 |
|--|----------------|----------------|
| Montréal | | |
| » Longueuil | 6 to 9 months | 3 to 6 months |
| » Salaberry-de-Valleyfield and Saint-Hyacinthe | 9 to 12 months | 8 to 10 months |
| » Sorel-Tracy and Saint-Jean-sur-Richelieu | 3 to 6 months | 3 to 6 months |

- › Allow judges to continue hearing cases requiring more hearing hours than initially scheduled without significant postponements. These additional resources offer more flexibility to transfer the normally assigned files to another judge when a case requires a longer hearing than expected.
- › Effectively manage medium- and long-term cases by convening the parties' attorneys approximately three months before the scheduled trial date. Judges are designated to convene the parties to ensure that the court time provided for when the trial date was set is still appropriate or necessary.

Experience in the Montréal district has shown how effective a new form of case management is that encourages dialogue between parties and often leads to a settlement.

FOR EXAMPLE

Between January and April 2017, 129 scheduled hearing days were recovered and used to handle other cases. This means that for those four months, an average of 67% of the scheduled hearing days were recovered through case management.

In addition to the benefits of having more judges, the measures the Court put in place to reduce wait times in cooperation with attorneys are also paying off. These measures include facilitation conferences, case management, and out-of-court examinations, which replace preliminary inquiries when the committal is uncontested. This avoids calling a judge in to preside over a preliminary inquiry when the committal is not in dispute. It speeds the case processing time without depriving the parties of the benefits of a preliminary inquiry. This initiative is in place in the following regions: Outaouais, Montréal, Abitibi-Témiscamingue-Nord-du-Québec (Amos, Val-d'Or Rouyn-Noranda, Ville-Marie, and La Sarre), Bas-Saint-Laurent-Côte-Nord-Gaspésie-Îles-de-la-Madeleine (Rivière-du-Loup and Rimouski), Estrie, and Montérégie.

The Court continues to work with its partners in each region to gauge the best ways to reduce wait times, because real change requires the efforts and coordination of all participants in the criminal justice system².

More generally, judges ensure that each assignment of additional resources at the Court is relevant for the case in question.

In addition to these ongoing efforts, the Court is also heavily involved in the Table Justice-Québec action plan³, which it helped develop. Under the plan the Court has made a series of concrete commitments, including on case management and how the Court is organized. As stated previously, the Court is committed to doing its part to make the cultural change needed to reduce wait times.

Practical rules for attorneys, parties, and other citizens

Complete revision of the [Regulation of the Court of Québec](#)

The new Regulation of the Court of Québec came into effect January 1, 2016. The Regulation was fully reviewed to modernize its provisions and to adapt some of them to the new *Code of Civil Procedure*.

More options for [using technology in courtrooms](#)

Since June 1, 2016, attorneys, parties, and recognized journalists are allowed to tweet from a courtroom at the Court of Québec, the Superior Court, or the Court of Appeal, unless the law, a specific order, or a judge forbids it.

2. *R. c. Jordan*, 2016 CSC 27, paragr. 137

3. To consult the action plan (in French): www.tribunaux.qc.ca/c-quebec/Communiqués/Documentation/PlanTJQ2016_2017.pdf

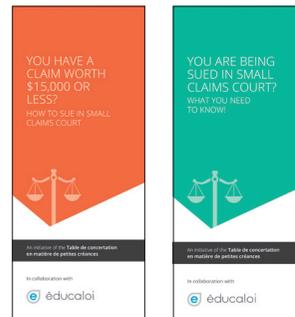
For parties in the Small Claims Division

Practical resources

[Reference guides for claimants and defendants](#) in the Small Claims Division are available on the Court of Québec website. These helpful guides were developed by members of the Small Claims Issue Table, specifically Éducaloi, the Greater Montréal Community Justice Center, and the Court of Québec.

A few months later a [video was added explaining the judge's role in the Small Claims Division](#). It is available in both French and English on the Court's website.

In addition, many judges continue to participate in free information sessions offered by bar associations, young bars, and community justice centers in Gatineau, Joliette, Laval, Longueuil, Québec City, and Saint-Jérôme, among others.



CHECK BACK REGULARLY

[A list of small claims initiatives underway across Québec at the instigation of various bars, organizations, and institutions, including the Court of Québec.](#)

Important partnerships to encourage

Proud partner of the Accès au droit et à la justice (Accessing law and justice, ADAJ) research project



The Court actively contributes to a number of research studies on the theme of equal access to the law and justice. This major initiative grew out of work by the Observatoire du droit à la justice.

The Court of Québec participates in various pilot projects with ADAJ, including working with citizens not represented by an attorney (self-representation and the citizen litigant), communications that help improve understanding of the courts' work, child custody in youth protection matters, private methods for preventing and settling disputes, and paperless justice.

Active member of the Québec Forum on Access to Civil and Family Justice



Québec Forum on Access
to Civil and Family Justice

nouvelleculturejudiciaire.quebec

Outgoing Chief Judge Élizabéth Corte headed the steering committee that created the Québec Forum on Access to Civil and Family Justice for two years before handing it over to the President of the Bar, Claudia P. Prémont.

One of the Forum's most recent accomplishments was a guide to help citizens find the information or legal advice they are looking for, so they are always "knocking on the right door."

Long-term cooperation across Québec

In every region of Québec, judges look for ways to interest local bar associations and youth bars, law firms, community justice centers, Éducaloi, and Pro Bono Québec in setting up projects and trying new approaches. The opposite is true as well, as these partners regularly reach out to the Court with their own original ideas.

Judges also regularly agree to give talks on various topics. Many colleagues lead workshops and participate in moot court competitions or lunch talks with bar and young bar members or with students from colleges, universities, or the École du Barreau.

In addition, every year about a dozen judges take part in an educational program on human rights from the Citizenship and Charters Committee of the Canadian Bar Association. This program was created in 1997 to introduce groups of secondary-school students to human rights through mock trials.

Our activities are regularly updated
on the Court of Québec website:

www.tribunaux.qc.ca/mjq_en/c-quebec/index-cq.html

and

on our Twitter account:

 [@cour_du_quebec](https://twitter.com/cour_du_quebec)

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