

# COUR DU QUÉBEC



PUBLIC  
REPORT

2014

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REPORT

2014

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**YBAM** Young Bar Association of Montreal

**CCP** *Code of Civil Procedure*

**CPP** *Code of Penal Procedure*

**SC** Settlement conference

**AAD** Administrative and Appeal Division

**LLLL** Laval–Laurendides–Lanaudière–Labelle

**YPA** *Youth Protection Act*

**YCJA** *Youth Criminal Justice Act*

**MJQ** Ministère de la Justice du Québec

**NCCP** *New Code of Civil Procedure*

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## Message from the Chief Judge



It is my pleasure to present the Court of Québec's 2014 Public Report.<sup>1</sup> It is a tool that I hope will be useful to members of the legal community and to all those who wish to learn about and understand the Court's vision, values, objectives, and daily activities in all its areas of jurisdiction across Québec.

This report summarizes highlights from the past year concerning the Court's Three-Year Vision for 2012-2013-2014. A more comprehensive review of the projects and work carried out to achieve our objectives is available on the Court of Québec website.

When it was introduced three years ago, this vision seemed highly ambitious. Although work still remains to be done, the judges and presiding justices of the peace in each region have strived hard every day to meet the Court's objectives. I am particularly proud of the many projects initiated across Québec to improve practices in small claims matters, case management, and aboriginal justice.

I would also like to stress the fundamental importance of the work judges do every day in the courts. Legitimate public expectations of judges

have changed, but a judge's main task is still to hear cases and settle disputes. This is demanding work, and again this year the Court of Québec has distinguished itself through the efforts and dedication of skilled judges reputed for their integrity and humanity.

The efficient administration of justice involves numerous daily challenges. The coordinating judges and associate coordinating judges describe a few of these challenges in the section presenting highlights from the past year in their respective regions.<sup>2</sup>

In 2015, the Court of Québec will continue its efforts to prepare for the introduction of the new *Code of Civil Procedure*. In addition to adjusting the monetary jurisdiction of the Civil Division, the new *Code* emphasizes mediation, conciliation, and sound case management, areas on which the Court has focused for a number of years. Youth Division judges will also be called upon to exercise a new jurisdiction, concurrent with the Superior Court, with respect to custody, tutorship, exercise of parental authority, and emancipation in cases where a protection or adoption matter is already

before them. Furthermore, work will be re-organized to accommodate the new division created at the Court of Québec to handle special penal cases more efficiently.

In all matters, the Court will support and assist judges in the performance of their duties, continue promoting a modern approach to case management, and maintain its leadership with respect to its partners in order to remain at the forefront of accessible justice adapted to citizens' needs. There is much to be done, but spurred on by our sense of belonging and our dedication to administering justice that is respectful of all citizens, we will continue to work together while encouraging initiative and creativity.

*Elizabeth Corte.*

ÉLIZABETH CORTE  
Chief Judge of the Court of Québec

1. *Public Report 2014* is available in English and French in paper and electronic form on the Court's website: [www.tribunaux.qc.ca/mjq\\_en/c-quebec/index-cq.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/index-cq.html)

2. These challenges are highlighted in italics.

# Presentation of the Court of Québec

The Court of Québec is composed of **290** judges and **36** presiding justices of the peace.

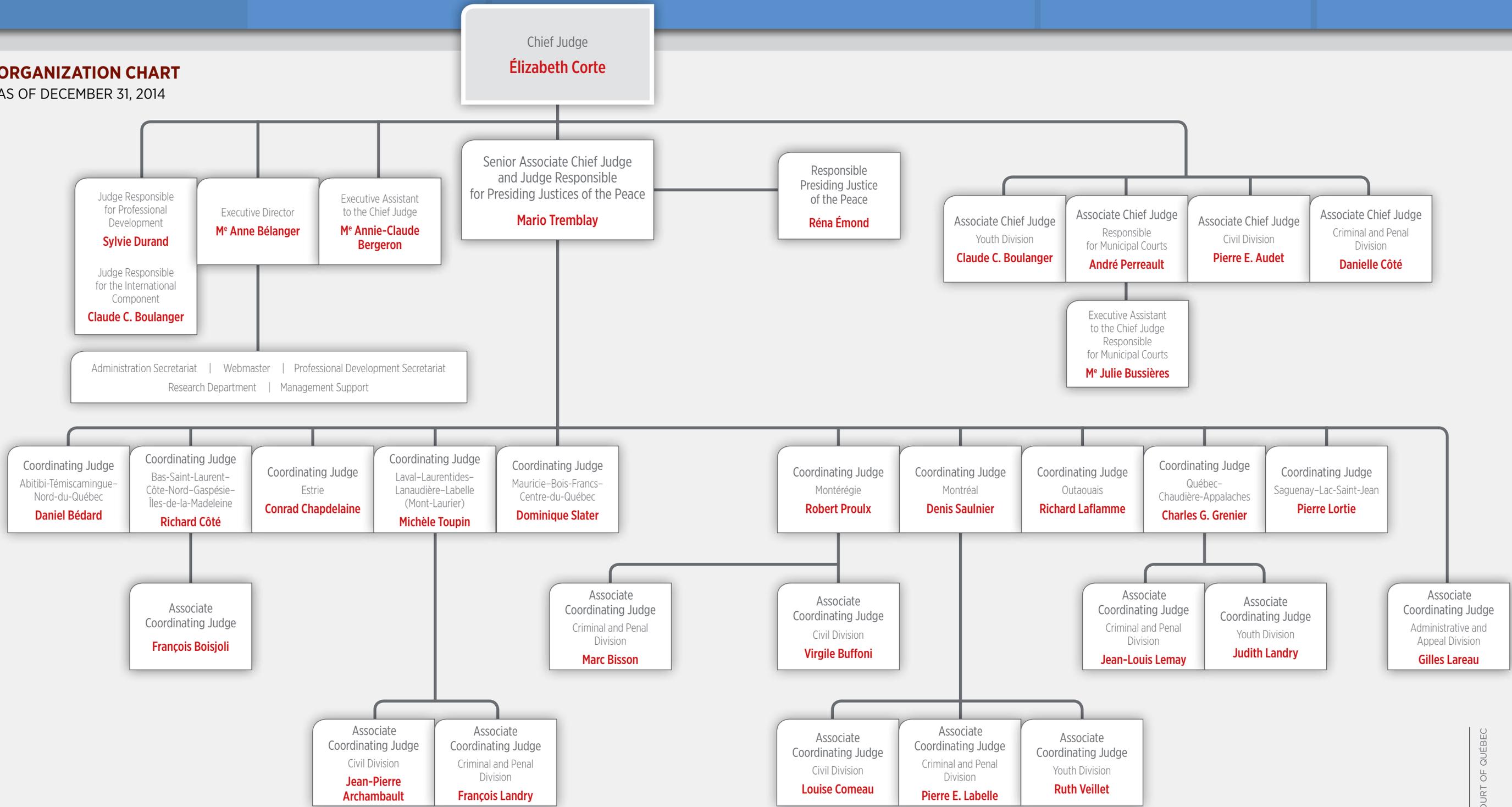
As of December 31, 2014, there were **281** judges and **35** presiding justices of the peace.

The *Courts of Justice Act* sets out the duties of the Chief Judge, Senior Associate Chief Judge, and Associate Chief Judges, all of whom who serve **seven-year**, non-renewable terms.

The **10** coordinating judges and **12** associate coordinating judges, who are appointed by the Chief Judge from among the Court's judges, complete this management structure. They serve **three-year**, renewable terms.

As of December 31, 2014, the Court of Québec had **281** judges, including **122** women (43.4%) and **159** men (56.6%).

## ORGANIZATION CHART AS OF DECEMBER 31, 2014



## ■ COMPOSITION



The current Chief Judges team

TOP ROW, FROM LEFT TO RIGHT,  
THE HONOURABLE:

**Danielle Côté**  
Associate Chief Judge  
for the Criminal and Penal Division

**Pierre E. Audet**  
Associate Chief Judge  
for the Civil Division

**Claude C. Boulanger**  
Associate Chief Judge  
for the Youth Division

**André Perreault**  
Associate Chief Judge  
responsible for Municipal Courts

BOTTOM ROW, FROM LEFT TO RIGHT,  
THE HONOURABLE:

**Élizabeth Corte**  
Chief Judge

**Mario Tremblay**  
Senior Associate  
Chief Judge

### Judges in Management Positions

#### Chief Judge

The Chief Judge ensures that the general policies of the Court of Québec are followed, coordinates and assigns cases to judges, sees to their professional development, and monitors compliance with the Judicial Code of Ethics. She carries out her duties with the support of a team of managing judges.

**The Honourable Élizabeth Corte was appointed Chief Judge of the Court of Québec on October 21, 2009. In cooperation with all the judges and presiding justices of the peace, whom she consults on a regular basis, the Chief Judge defines the Court's mission, values, and objectives.**

Under the *Courts of Justice Act*, the Chief Judge is tasked with assigning cases and scheduling Court sittings. On a daily basis, this responsibility is delegated to the coordinating and associate coordinating judges in each region.

The Chief Judge represents and acts as spokesperson for the Court of Québec with the government, other Québec courts, and other judicial bodies. She also chairs the Conseil de la magistrature du Québec.<sup>3</sup>

#### Senior Associate Chief Judge

The Senior Associate Chief Judge assists and advises the Chief Judge in the performance of her duties. In practice, he oversees compliance with the policies of the Court, and manages the scheduling and management-related professional development of the coordinating and associate coordinating judges. He chairs or sits on numerous committees, including those tasked with supporting court activities in the areas of technology, safety, and ethics.

3. For more information on Conseil de la magistrature du Québec, go to [www.conseildelamagistrature.qc.ca/index.php?langue=en](http://www.conseildelamagistrature.qc.ca/index.php?langue=en)

The Senior Associate Chief Judge conducts a periodic assessment of regional staffing needs and assignments, oversees application of the per diem judge program, and is responsible for the judge mobility program.

The Senior Associate Chief Judge serves as vice president of Conseil de la magistrature du Québec.

#### Associate Chief Judges

The Associate Chief Judges assist the Chief Judge and advise her in the areas for which they are responsible. They chair a number of Court committees, including those responsible for organizing judges seminars. The Associate Chief Judges help the court achieve its objectives and establish its priorities and policies by recommending ways to improve its operations. They also support and assist judges with their daily tasks. At the request of the Chief Judge, the Associate Chief Judges chair committees formed to select candidates for judicial positions. They are also members of Conseil de la magistrature du Québec.

The Associate Chief Judge of the Court of Québec responsible for municipal courts manages 88 local and shared municipal courts serving more than 900 municipalities across Québec. The municipal courts and their 72 municipal judges are under his jurisdiction and he in turn reports to the Chief Judge of the Court of Québec, particularly regarding general policies applying to municipal judges, rules of practice, compliance with judicial ethics, professional development, and support for judges in improving the operation of municipal courts.

#### Coordinating and Associate Coordinating Judges

Under the Chief Judge's authority, the coordinating and associate coordinating judges are in charge of administering the Court in the judicial districts for which they are responsible. This includes scheduling sittings of the Court and assigning cases to judges. They also welcome new judges and are responsible for applying regional professional development programs and the judge mobility program in their respective regions.

Each associate coordinating judge generally takes responsibility for a particular Court division, under the authority of the coordinating judge. They work together to determine the needs of local judges and divide the workload across the region and with respect to the specific matters entrusted to them.

4. Réna Émond was appointed judge of the Court of Québec on February 11, 2015.

**The Honourable Mario Tremblay has been Senior Associate Chief Judge since September 1, 2009. Following an appointment in 2005, he assumed the Chief Judge's coordination and work assignment duties for the presiding justices of the peace. He is assisted in these tasks by Réna Émond,<sup>4</sup> who is in charge of the presiding justices of the peace.**

**The Honourable Claude C. Boulanger has been Associate Chief Judge in the Youth Division since September 1, 2009, while the Honourable Pierre E. Audet has served as Associate Chief Judge for the Civil Division since November 11, 2010. The Honourable Danielle Côté has occupied the position of Associate Chief Judge in the Criminal Division since June 16, 2011, and Associate Chief Judge André Perreault has been responsible for the municipal courts since February 17, 2010.**



Team of Chief Judges, Coordinating Judge, Associate Coordinating Judges and Judge responsible for Presiding Justices of the Peace as of December 31, 2014

TOP ROW, FROM LEFT TO RIGHT, THE HONOURABLE:

|                   |                    |                         |
|-------------------|--------------------|-------------------------|
| François Boisjoli | Ruth Veillet       | Richard Côté            |
| Pierre E. Labelle | Charles G. Grenier | Conrad Chapdelaine      |
| Denis Saulnier    | Michèle Toupin     | Jean-Pierre Archambault |
| Richard Laflamme  | Gilles Lareau      | Robert Proulx           |
| Daniel Bédard     | Réna Émond         | Marc Bisson             |
| Judith Landry     | François Landry    | Pierre Lortie           |
| Jean-Louis Lemay  | Dominique Slater   | Virgile Buffoni         |

BOTTOM ROW, FROM LEFT TO RIGHT, THE HONOURABLE:

|                     |
|---------------------|
| André Perreault     |
| Claude C. Boulanger |
| Mario Tremblay      |
| Élizabeth Corte     |
| Danielle Côté       |
| Pierre E. Audet     |
| Louise Comeau       |

The coordinating and associate coordinating judges meet regularly with the Chief Judges. They help draw up the guidelines, policies, and practices of the Court based in part on the expertise and needs of the judges in their regions. They also represent the Court of Québec on bodies such as local bar associations in their respective regions.

## Judges

The Court of Québec judges hear and decide cases involving civil, administrative and appellate, criminal and penal, and youth matters.

Some judges hear cases involving only one of these matters, while others—particularly in the regions—hear cases in more than one division or area. Their specialized knowledge and versatility help the Court respond to regional realities and meet all parties' needs more effectively.

**In the ongoing quest on the part of all members of the judicial system to improve access to justice, the role of judges has become significantly more complex. They preside over settlement and facilitation conferences, ensure sound case management, promote conciliation between opposing parties, and take part in initiatives launched by the Court or its partners.**

## Presiding Justices of the Peace

The 36 presiding justices of the peace serve in the Criminal and Penal Division throughout the province. In these matters, they are the first judicial officials involved, issuing all types of judicial authorizations, 24 hours a day, 365 days a year.

Presiding justices of the peace hear cases by telephone on weekends and public holidays. In 2013, the Court of Québec adopted procedures regarding night appearances that have since been suspended for an undetermined period.

In addition, presiding justices of the peace sit in all courthouses and points of service to hear cases relating to Québec legislation and a variety of federal statutes. In these matters, they have the same jurisdiction as Court of Québec judges. They preside over proceedings involving matters as varied and important as occupational health and safety, environmental protection, illegal practice of a profession, and securities.

On October 31, 2014, the Chief Judge renewed Ms. Réna Émond's mandate as person responsible for the presiding justices of the peace for another three years.<sup>5</sup>

## Appointments

Between November 2013 and November 2014, fourteen judges and two presiding justices of the peace were appointed to the Court of Québec,<sup>6</sup> either to replace colleagues who had retired or to fill one of twenty new positions allotted to the Court of Québec in the wake of amendments to the *Courts of Justice Act* in 2012.

These colleagues were chosen from hundreds of applicants. The selection committees looked for competent legal professionals who are fully aware of the social environment in which the law operates and who enrich the Court of Québec's bench with their expertise, humanity, sensitivity, and ability to listen.

Expectations are high and the challenges exciting. New judges are assisted by more experienced colleagues, specially trained judge-advisors, dedicated coordinating and associate coordinating judges, and Chief Judges committed to preserving the independence and quality of the institution they govern.

**Presiding justices of the peace make decisions that have far-reaching implications for the fundamental rights of residents and the outcomes of potential proceedings. Furthermore, the number and complexity of the applications for authorization they receive require that they keep their specialized knowledge up-to-date.**

**The presiding justices of the peace help streamline penal cases and enable more trials resulting from the creation of the new tax evasion investigation units to be held.**

5. Ms. Émond was subsequently appointed judge of the Court of Québec on February 11, 2015.

6. Visit the Court of Québec's website for information on the divisions and regions to which these judges were appointed.



Judges and presiding justices of the peace appointed between November 2013 and November 2014 (identified in bold)

TOP ROW, FROM LEFT TO RIGHT, THE HONOURABLE:

**Guy**laine Rivest  
**Louise** Gallant  
**Maryse** Brouillette  
**Gaston Paul** Langevin  
**Alain** Brillon

**Nathalie** Chalifour  
**Sandra** Blanchard  
**Claude** Lachapelle  
**Anne-Marie** Sincennes  
**David** Bouchard

BOTTOM ROW, FROM LEFT TO RIGHT, THE HONOURABLE:

**Jeffrey** Edwards  
**Pierre E.** Audet  
**Danielle** Côté  
**Mario** Tremblay

**Élizabeth** Corte  
**Claude C.** Boulanger  
**André** Perreault  
**Magali** Lewis

## Per Diem Judges

Since 2002, the Court has managed expenditures relating to the salaries and compensation of Court judges who act as per diem judges under an administrative agreement with Ministère de la Justice du Québec (MJQ), which is renewed each year. Under the terms of the agreement, amounts that are not paid out in compensation when judges retire or take long-term sick leave are available to compensate per diem judges.

At the request of the Chief Judge and in accordance with the Act, the government appoints per diem judges and presiding justices of the peace from among the judges who have retired and not yet reached age 75. Per diem judges qualify without further formalities and are paid by the day.

**From September 1, 2013 to August 31, 2014, 56 per diem judges sat for some 1,778 days, 8% in the Civil Division and practice court, 15% in the Small Claims Division, 16% in the Youth Division, and 61% in the Criminal and Penal Division.**

Cases are assigned to per diem judges to assist their colleagues in a given region. Per diem judges meet various needs of the Court, for example by replacing a judge on sick leave or compensating for a work overload caused by delays in filling a vacant position or by a short-term increase in the volume of cases. They also work on special projects, regarding small claims for example. The intermittent use of per diem judges helps the Court meet its wait time reduction objectives.

## JURISDICTION<sup>7</sup>

### Civil Division

Judges in the Civil Division decide cases presented in both the Regular and Small Claims Divisions, while about thirty of the 80 judges rule on appeals from administrative bodies and courts in the Administrative and Appeal Division.<sup>8</sup>

### Regular Division

The Court's judges have jurisdiction, within the limits prescribed by law, over civil actions initiated under the *Code of Civil Procedure* or any other statute. The judges have authority to hear claims where the monetary value or interest of the matter in dispute is under \$70,000, except support payment claims, claims related to residential leases (which come under the Régie du logement's jurisdiction), and claims reserved for the Federal Court. The judges are also empowered to deal with demands for the recovery of municipal or school taxes and for the reversal or setting aside of municipal or school assessment rolls.

Judicial conciliation has been an integral part of a judge's duties since 2003. Through settlement conferences presided over by a judge, disputes submitted to the Court can be resolved other than through a trial, saving both the parties and the judicial system time and money.<sup>9</sup>

### Small Claims Division

In the Small Claims Division, judges decide cases involving claims of \$7,000 or less payable by an individual or legal entity, company, or association with five or fewer employees during the twelve-month period preceding the claim. Legal representation is not permitted, except when special permission is granted in cases where the dispute raises complex questions of law. Cases are decided using the same legal rules as in the Regular Division, but with a simplified written procedure.

At hearings, judges explain the rules of proof and procedure to the parties. They direct the proceedings, question witnesses, hear the parties, and decide issues in dispute. They provide each party with fair and impartial assistance to ensure that the law is rendered effective and carried out. When circumstances allow, judges endeavour to bring the parties to an agreement. Judges in this division also decide tax-related summary appeals.

**The monetary jurisdiction of the Small Claims Division increased from the threshold of \$300 or less established in 1972 to \$7,000 or less in 2003. This figure was increased again to \$15,000 or less on January 1, 2015.<sup>10</sup> Cases presented in the Regular Division prior to this date remain under its jurisdiction.**

7. Detailed statistics for all Court of Québec divisions and coordinating regions are available on the Court's website.

8. Two of the judges in the Administrative and Appeal Division are from the Criminal and Penal Division.

9. To learn more about settlement conferences in civil matters and obtain relevant statistics on the subject, go to [www.tribunaux.qc.ca/mjq\\_en/c-quebec/Modes\\_alternatifs\\_de\\_reglement\\_anglais/fs\\_depliant\\_civil\\_ang.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Modes_alternatifs_de_reglement_anglais/fs_depliant_civil_ang.html)

10. *Act to amend the Code of Civil Procedure and other provisions*, 2014, chapter 10.

## Administrative and Appeal Division

In 2007, the Court of Québec created the Administrative and Appeal Division (AAD)<sup>11</sup> within the Civil Division for the sake of uniformity, consistency, and efficiency. The judges of this division have exclusive authority to hear appeals from decisions rendered by a number of tribunals and administrative agencies, including Commission d'accès à l'information, Régie du logement, the Administrative Tribunal of Québec, the Police Ethics Committee, and ethics committees governing professionals in matters of financial products and services distribution and real estate brokerage. AAD judges are also called to rule on highly complex Agence du revenu du Québec decisions on taxation and tax recovery.<sup>12</sup>

## Youth Division

The *Courts of Justice Act* and the *Code of Civil Procedure* (CCP) establish the jurisdiction of the Court of Québec judges in youth matters, which involves enforcing the *Youth Protection Act*. They hear cases concerning minors whose security or development is compromised. Once the concerns have been substantiated on the basis of the evidence submitted, the judge orders one or more protective measures listed in the *Youth Protection Act* be carried out in order to stop the situation. The judges also hear applications for tutorship based on the rules set out in the *Youth Protection Act*. Settlement conferences in youth protection matters are presided by specially trained judges.<sup>13</sup>

**Court judges have exclusive jurisdiction when the accused youth cannot be released or has been placed in the Director of Youth Protection's custody, if the youth so requests or it is in his or her interest.**

Under Québec's *Code of Civil Procedure*, judges have exclusive jurisdiction over adoption applications, including those involving international adoption.

The judges are also competent to exercise the functions of the youth justice court, in accordance with the *Youth Criminal Justice Act*. In this regard, the judges preside over the trials of youth who were between the ages

of 12 and 18 at the time an offence was committed under the *Criminal Code* or under federal or provincial statutes of a criminal or penal nature. They also preside, in certain circumstances, over preliminary inquiries.

The judges also have jurisdiction in proceedings initiated under the *Code of Penal Procedure* for public welfare offences committed by defendants who were under 18 years of age at the time of the offence.

## Criminal and Penal Division

In Québec, the vast majority of criminal and penal cases is heard by Court of Québec judges since the only jurisdiction they do not exercise concerns certain offences restricted to the Superior Court (for example, murder trials).

The *Courts of Justice Act* states that the Court's judges have jurisdiction, within the limits prescribed by law, over proceedings under the *Criminal Code*, the *Code of Penal Procedure*, and any other criminal or penal legislation.

The judges from the Criminal and Penal Division may also handle certain applications for judicial authorization for which they have either exclusive or concurrent jurisdiction with the Superior Court or presiding justices of the peace.

They preside over release hearings, preliminary inquiries, proceedings that fall within the jurisdiction of a provincial court judge and a judge without a jury, as defined by the *Criminal Code*, as well as proceedings related to offences punishable on summary conviction.

The increase in the number of major police operations requires judges in the Criminal and Penal Division to be extensively available outside of the time they spend hearing cases and writing judgments.

In penal matters, they hear proceedings initiated under the *Code of Penal Procedure* or any other provincial or federal penal legislation concerning public welfare. Take for example Autorité des marchés financiers or even Agence du revenu cases, which are increasing in number at a significant rate and require more and more time to hear.

Given the increasing complexity of trials resulting from large-scale police operations, Parliament amended the *Criminal Code* to grant judges additional case management powers.

**The creation of the Special Penal Cases Division in December 2014, under the authority of the associate coordinating judge, will enable the court to respond to the increasing number and complexity of penal cases.**

**The Court of Québec asked that judges be given management powers for penal proceedings governed by the *Code of Penal Procedure*, which will have to be amended accordingly.**

11. [www.tribunaux.qc.ca/c-quebec/fs\\_division\\_administrative\\_appel.html](http://www.tribunaux.qc.ca/c-quebec/fs_division_administrative_appel.html)

12. Most appeals related to tax and tax recovery matters are heard by judges sitting in civil matters across Québec.

13. For more information on settlement conferences in youth protection cases, go to the Court of Québec website: [www.tribunaux.qc.ca/mjq\\_en/c-quebec/Modes\\_alternatifs\\_de\\_reglement\\_anglais/fs\\_depliant\\_jeunes\\_ang.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Modes_alternatifs_de_reglement_anglais/fs_depliant_jeunes_ang.html)

## COURT OF QUÉBEC JUDGES AND PRESIDING JUSTICES OF THE PEACE BY REGION

AS OF DECEMBER 31, 2014

|    |   | JUDGES      | PRESIDING JUSTICES 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 (Mont-Laurier)       | 40          | 4                               |
| 5  | Mauricie-Bois-Francs-Centre-du-Québec                     | 13          | 2                               |
| 6  | Montréal  | 38          | 5                               |
| 7  | Montréal  | 88          | 9                               |
| 8  | Outaouais   | 14          | 2                               |
| 9  | Québec-Chaudière-Appalaches                               | 42          | 4                               |
| 10 | Saguenay-Lac-Saint-Jean                                   | 10          | 2                               |
|    |   | <b>290*</b> | <b>36</b>                       |

\* Including vacant positions. The regional distribution is equal to the number of positions allotted in a region, but does not necessarily equal the number of judges in place because some of them were appointed to management positions (e.g., Associate Chief Judge) and are counted in the region where they were made judges.

## COORDINATING REGIONS

1

ABITIBI-TÉMISCAMINGUE-NORD-DU-QUÉBEC

POPULATION<sup>14</sup>  
 184,000  
 15,300 CREE (RESIDENT)  
 10,400 INUIT (RESIDENT)

**DANIEL BÉDARD** || Coordinating Judge

10

JUDGES

2

PRESIDING JUSTICES OF THE PEACE<sup>15</sup>

3

JUDICIAL DISTRICTS

ABITIBI | ROUYN-NORANDA | TÉMISCAMINGUE

6

COURTHOUSES AND SERVICE POINTS<sup>16</sup>

AMOS | ROUYN-NORANDA | VAL-D'OR | KUUJUAQ | LA SARRE | VILLE-MARIE

Timely access to a judge of the Court of Québec remains an ongoing concern in the management and assignment of cases.

In 2014, major structural changes in how sessions are organized were made in Nord-du-Québec for the first time since the Court of Québec was established in 1988. The changes have improved access and considerably reduced overall case processing times. In Abitibi-Témiscamingue, improvements related to the centralization of emergency services<sup>17</sup> and to judges' travel to service points have also helped the situation, despite increased demand.

### Nord-du-Québec

- The 2014–2015 judicial calendar included 24 sessions in the Youth Division, equally shared between the Inuit and Cree regions, at a frequency of one session a month. This is a major change, as previously youth and criminal cases were both heard during the same week, and it was impossible to hear all cases that were considered ready.

14. Source: Institut de la statistique du Québec, *Le bilan démographique du Québec*, 2014 edition, online: [www.stat.gouv.qc.ca/statistiques/population-demographie/bilan2014.pdf](http://www.stat.gouv.qc.ca/statistiques/population-demographie/bilan2014.pdf)

15. See the Court of Québec website for a list of judges and presiding justices of the peace who sit in the various courthouses.

16. Resident courthouses of Court of Québec judges are indicated in Roman (regular) letters. Courthouses and service points to which judges travel regularly are indicated in italics. For a list of **courthouses**, **service points**, as well as **regions and locations served by the itinerant court**, see the following sections of the Ministère de la Justice du Québec website:  
[www.justice.gouv.qc.ca/english/joindre/palais/palais-a.htm](http://www.justice.gouv.qc.ca/english/joindre/palais/palais-a.htm) and  
[www.justice.gouv.qc.ca/english/joindre/palais/itinerant/itinerant-a.htm](http://www.justice.gouv.qc.ca/english/joindre/palais/itinerant/itinerant-a.htm)

17. See *Public Report 2013*, page 20.

- Certain sessions in the Criminal Division have also been reorganized to provide exclusive sessions in communities where the volume of cases prevented hearings from being held within reasonable timeframes. The Inuit communities of Salluit and Inukjuak have benefited from this special service since September 2014.

The judicial calendar now includes 85 weeks of court time per year in Nord-du-Québec. If we add the cases from Nord-du-Québec that are handled by the centralized service for urgent applications, the equivalent of nearly five of the region's ten judicial positions are allocated to Nord-du-Québec. This is a significant improvement in available services if we consider that the number of weeks has more than doubled in four years.

### Abitibi-Témiscamingue

The centralization of urgent applications and the increase in and reorganization of court time have put pressure on case processing times in Abitibi-Témiscamingue. That said, the situation remains under control, although processing times for civil cases are a little longer than in other divisions.

- The centralization of urgent applications enables the Court to meet prescribed time limits for youth cases because the days set aside for hearing applications on merit are not punctuated by interruptions to hear urgent applications of various kinds.
- “Floating days” for hearing civil cases on their merits continue to be popular with lawyers and help reduce wait times. In the medium term, this approach plus the addition of more floating days should go a long way to reducing wait times.
- In the Small Claims Division, the addition of extra hearing days should help reduce case processing times, which remain acceptable despite a slight increase.

*The Court cannot ensure timely access to justice in all cases without resorting to outside or per diem judges in addition to those provided for under the Québec-Cree Peace of the Brave agreement.*

*It is worth noting the steady increase in the volume of youth cases in Nord-du-Québec and a volume of criminal cases that, pro rata to the Aboriginal population, is one of the highest in Québec.*

*The Court also has to deal with the fact that for the past several years the volume of certain types of cases at service points and courthouses in Abitibi-Témiscamingue without resident judges has been equal or greater than that handled by certain courthouses with resident judges.*

## 2 BAS-SAINT-LAURENT—CÔTE-NORD—GASPÉSIE—ÎLES-DE-LA-MADELEINE

POPULATION  
390,000

**RICHARD CÔTÉ** || Coordinating Judge

**FRANÇOIS BOISJOLI** || Associate Coordinating Judge

**17** JUDGES **4** PRESIDING JUSTICES OF THE PEACE

**6** JUDICIAL DISTRICTS BAIE-COMEAU | BONAVENTURE | GASPÉ | KAMOURASKA | MINGAN | RIMOUSKI

**14** COURTHOUSES AND SERVICE POINTS<sup>18</sup> BAIE-COMEAU | MATANE | NEW CARLISLE | PERCÉ | RIMOUSKI | RIVIÈRE-DU-LOUP | SEPT-ÎLES | AMQUI | CARLETON | FORESTVILLE | GASPÉ | HAVRE-AUBERT | MONT-JOLI | SAINTE-ANNE-DES-MONTS

The huge region of Bas-Saint-Laurent-Côte-Nord-Gaspésie-Îles-de-la-Madeleine is composed of three administrative regions containing 238 municipalities.

Judges in this region are versatile and regularly sit in more than one division. Judges and presiding justices of the peace travel to service points throughout the region, and itinerant court services are provided in Natashquan, Saint-Augustin, Blanc-Sablon, La Romaine, Kawawachikamach, and Schefferville.

*Residents of isolated communities that use itinerant court services do not always have access to proper courtrooms. In certain cases, it is difficult for lawyers to meet privately with their clients, and victims and witnesses must sometimes wait in the same area as the accused. Office space available to the judge and participants are often inadequate, especially in terms of equipment.*

*Videoconferencing links between isolated communities and Sept-Îles are not yet available for court appearances, which means that detainees must be taken to Sept-Îles.*

Because of the size of the region and its many service points, the Court has set up a regional on-call service for urgent cases. This enables residents to be heard by a judge by conference call during business hours. However, this service is not yet available in isolated areas.

Court services in Kawawachikamach and Schefferville have been expanded in collaboration with local bar associations and judicial officials. For example, the itinerant court started hearing youth protection cases in these communities in early 2015. This measure is designed to keep children and their parents from having to make long trips to Sept-Îles where these cases were previously heard.

Also in the interests of boosting efficiency, cases from Forestville that come under the *Youth Criminal Justice Act* are heard there rather than in Baie-Comeau.

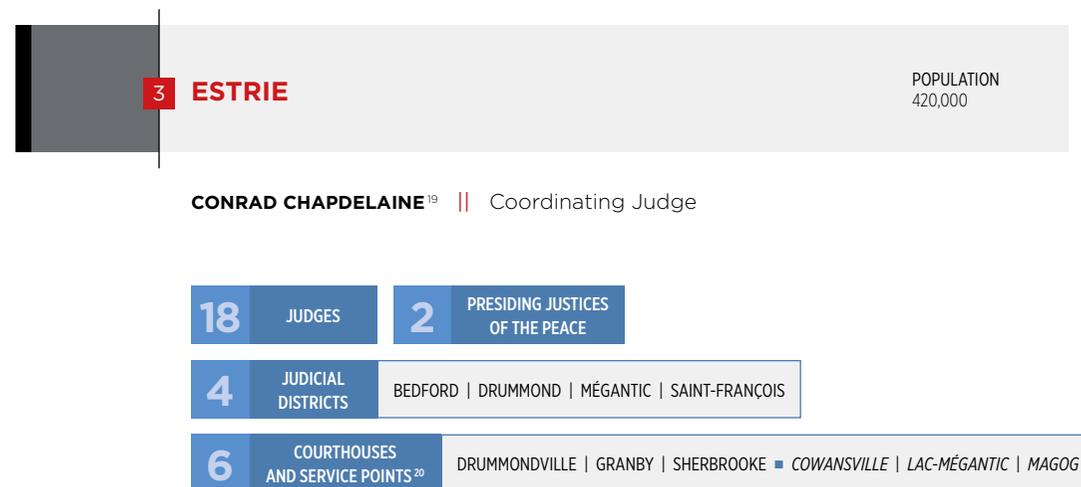
In 2014, judges in the Small Claims Division worked hard to reduce hearing wait times, especially in Rimouski and Rivière-du-Loup. Extra days were added to the hearing schedule and, in collaboration with judicial services, measures put in place to closely monitor the situation. Recent observations indicate that wait times are gradually decreasing.

18. *Supra*, note 16.

*The region also has a serious shortage of mediators for small claims cases. Efforts initiated in 2014 to recruit and train lawyer mediators in collaboration with the bar association should bear fruit in 2015.*

A number of judges in the region are specially trained to preside over civil and youth settlement conferences as well as facilitation conferences in criminal matters.

*Settlement and facilitation conferences have been quite successful, but their use is still too infrequent. More work is needed to educate the judicial community about these options.*



A highlight of 2014 was the signature of early case management protocols with the Saint-François, Bedford, and Arthabaska bar associations.<sup>21</sup> The protocols are now in effect and applied throughout the region. They particularly target disputes over latent defects, construction defects, and defective workmanship.

Judges in the Estrie Small Claims Division, in collaboration with local bar associations, strongly support and encourage on-site mediation on the day of the hearing. This service is available in the judicial district of Bedford.

In the Youth Division, further efforts have been made to enhance case management efficiency. Settlement conferences have also become more widely available.

In the Criminal and Penal Division, the number of facilitation conferences that were held (28) helped contribute to the recovery of 67 hearing days, which were then allocated to other cases. Lengthy cases are preceded by management and pre-trial conferences. Together these measures promote the efficient use of resources, significantly reduce wait times, and save many witnesses a trip to the courthouse.

19. Judge Chapdelaine started his term as coordinating judge on July 1, 2014, replacing Alain Désy, who had held the position since June 6, 2012.

20. *Supra*, note 16.

21. [www.tribunaux.qc.ca/c-quebec/fs\\_regles\\_reglements.html](http://www.tribunaux.qc.ca/c-quebec/fs_regles_reglements.html)

Despite the increasing complexity of cases, wait times remain acceptable in all divisions. In their ongoing efforts to manage cases more effectively, judges have also benefited from the collaboration of local bar associations and lawyers practicing in the region.



The Civil Division was particularly productive in 2014. Hearing wait times, especially in the Small Claims Division, were significantly reduced thanks to the arrival of a number of new judges and the use of per diem judges. In 2014, wait times dropped from 449 to 310 days in Laval, 613 to 167 days in Saint-Jérôme, and 409 to 198 days in Joliette.

Judges heard a number of cases via early case management conference calls. The cases were subsequently referred to a settlement conference, held within two or three months. In many instances, disputes were settled out of court, even where lawyers had anticipated hearings lasting several days. About half of the cases were resolved after a settlement conference, within a period of 180 days.

**In 2014, 106 settlement conferences for civil cases were held, saving 241 hearing days for other cases. Almost all the judges in the Civil Division are trained to preside over settlement conferences.**

**A number of judges conduct training activities organized by the Laval and Laurentides-Lanaudière bar associations to promote amicable methods of dispute resolution. They also stress the importance of having the parties meet and discuss matters with a view to settling their dispute out of court, or if this is unsuccessful, in order to reduce wait times and the length of hearings.**

In all civil cases lasting three or more days, lawyers for the parties are invited to a pre-trial management conference with their clients, which may be transformed into a settlement conference with a view to reaching an amicable settlement. The parties usually agree to this and such settlement conferences are quite often successful.

In the Youth Division, a concerted effort on the part of judges made it possible to meet the prescribed time limits provided for in the *Youth Protection Act*.

22. *Supra*, note 16.

*Work meetings between the Court and the bar associations explored possible solutions to the shortage of lawyers specializing in youth cases. This major problem remains unresolved.*

Settlement conferences for youth cases and facilitation conferences in criminal matters freed up numerous hearing days for other cases. Each judicial district in the LLLL region now has judges who are specially trained to preside over settlement conferences.

In the Criminal and Penal Division, the introduction of a reminder system that systematically invites lawyers involved in lengthy trials to consider facilitation conferences has also contributed to promoting settlements.

*Nonetheless, the volume, complexity, and length of cases are still increasing in the LLLL region. This is due in part to the activities of special police squads, which have sometimes resulted in trials lasting several weeks.*

*The availability of courtrooms continues to be a major problem in all divisions, especially for criminal cases, and has an effect on wait times.*

In 2014, judges in the LLLL region worked hard to improve methods for dealing with cases involving mental health problems. For example, meetings were held with psychiatrists working at hospitals that had submitted applications for permission to conduct psychiatric assessments or confine patients. The meetings helped participants, including judges and attorneys representing hospitals and patients, to better understand their role and improve their practices. In criminal matters, the mental health issue table in the judicial district of Terrebonne, which brings together professionals from various fields (health care, probation, street work, prosecution, defence, judiciary), came up with the idea of a pilot project to support people with mental health problems who have been accused of a crime. Three judges and various social workers will be involved in this project. After a period of follow-up and discussion with the various participants, the prosecution and the defence recommend ways of resolving the case to the judge.

## 5 MAURICIE-BOIS-FRANCS-CENTRE-DU-QUÉBEC

POPULATION  
405,000

**DOMINIQUE SLATER** || Coordinating Judge

|    |  |   |                                 |
|----|--|---|---------------------------------|
| 13 | JUDGES                                       | 2   | PRESIDING JUSTICES OF THE PEACE |
| 3  | JUDICIAL DISTRICTS                           | ARTHABASKA   SAINT-AURICE   TROIS-RIVIÈRES            |                                 |
| 4  | COURTHOUSES AND SERVICE POINTS <sup>23</sup> | SHAWINIGAN   TROIS-RIVIÈRES   VICTORAVILLE ■ LA TUQUE |                                 |

In 2014, there was considerable interest in improving access to justice for aboriginal communities, especially the Wemotaci and Obedjiwan communities (in youth matters), served by the courthouse in La Tuque. A Court committee chaired by Associate Chief Judge Danielle Côté and on which sits a local judge met with leaders of the Attikamek nation. The Associate Chief Judge also travelled to Wemotaci with two local judges to meet the band council and community workers and discuss their concerns about access to justice for members of their community.

Some of the concrete measures considered in the wake of these meetings include special court days in La Tuque for members of the Wemotaci community and a videoconferencing system linking it to the La Tuque courthouse. Discussions are underway about other measures to improve services to the community.

In civil matters, the coordinating judge held discussions with representatives of the Mauricie bar association and judicial services in preparation for the introduction of the new *Code of Civil Procedure*. The goal was to launch an early case management initiative for certain types of cases, notably those involving defective workmanship and latent and construction defects.

*In the Criminal and Penal Division, the number of days devoted to hearing lengthy cases increased, mainly due to large-scale police operations in the region. Managing these cases continues to be a challenge.*

The obligation for lawyers to complete a joint form for hearings lasting three days or more and the increasing use of pre-trial and early case management conferences remain the best way to clarify the issues in dispute and shorten the length of hearings. The increase in the number of facilitation conferences has also helped save scheduled hearing days.

In youth matters, an advisory committee composed of judges and lawyers held productive discussions on how to improve operating procedures and use court time more efficiently.

<sup>23</sup>. *Supra*, note 16.

## 6 MONTÉRÉGIE

POPULATION  
1,500,000**ROBERT PROULX**<sup>24</sup> || Coordinating Judge**MARC BISSON**<sup>25</sup> || Associate Coordinating Judge (Criminal and Penal Division)**VIRGILE BUFFONI**<sup>26</sup> || Associate Coordinating Judge (Civil Division)

38

JUDGES

5

PRESIDING JUSTICES  
OF THE PEACE

5

JUDICIAL  
DISTRICTS

BEAUHARNOIS | IBERVILLE | LONGUEUIL | RICHELIEU | SAINT-HYACINTHE

5

COURTHOUSES<sup>27</sup>

LONGUEUIL | SAINT-HYACINTHE | SAINT-JEAN-SUR-RICHELIEU | SALABERRY-DE-VALLEYFIELD | SOREL-TRACY

In the Youth Division, settlement conference initiatives are ongoing. For example, a pilot project is underway in Saint-Hyacinthe and another is in the planning stages for the Kahnawake reserve. Settlement conferences, facilitation conferences in penal matters for teens, and more efficient case management should shorten hearing times for lengthy cases.

*In criminal and penal matters, needs continue to grow, especially due to increasingly long and complicated trials. Mega-trials are also becoming more common in the Montérégie region.*

On the initiative of the director of criminal and penal prosecutions, a courtroom in Longueuil is set aside three days a week for hearing domestic violence cases. To assess the duration of lengthy cases more accurately, all cases of one day or more must be preceded by a case management conference.

Early case management for civil cases in Longueuil continues to be a success, significantly shortening wait times and promoting the active participation of the parties in resolving their disputes. Since fall 2014, two judges have been presiding part-time over settlement and management conferences as part of the special case management program first put in place in 2009. Interest in settlement conferences is growing and is available throughout the region.

The Court of Québec continues to support the efforts of the young bar association of Longueuil, which set up a legal information service on small claims providing by volunteer lawyers at the Longueuil courthouse.

24. Judge Proulx started as coordinating judge on October 31, 2014, replacing Judge Micheline Laliberté, who had held the position since October 9, 2007.

25. Judge Bisson began his term on October 31, 2014, taking over from Judge Ellen Paré, who had held the position since October 31, 2012.

26. Judge Buffoni was appointed associate coordinating judge on October 31, 2014.

27. *Supra*, note 16.

*In Montérégie, the need for legal services is growing constantly. Even where the volume has not increased, cases tend to be longer and require much more court time.*

*The courthouses in Saint-Hyacinthe and Sorel-Tracy have major weaknesses with regard to the safety and security of judges and the public.*

*The shortage of courtrooms is a problem at the Saint-Hyacinthe and Longueuil courthouses, making it impossible to shorten wait times. Plans to renovate and reorganize the Longueuil and Saint-Hyacinthe courthouses are in the works. However, progress is very slow.*

## 7 MONTRÉAL

POPULATION  
1,960,000**DENIS SAULNIER** || Coordinating Judge

88

JUDGES

9

PRESIDING JUSTICES  
OF THE PEACE

1

JUDICIAL  
DISTRICTS

MONTRÉAL

3

COURTHOUSES  
AND SERVICE POINTS<sup>28</sup>

BELLECHASSE (JEUNESSE) | MONTRÉAL ■ CENTRE DE SERVICES JUDICIAIRES GOUIN

The Montréal region is ethnically and culturally diverse, requiring special understanding and sensitivity on the part of judges. The Montreal courthouse's interpretation services must deal with over 40 languages, which often has an impact on the complexity and length of cases.

In Montréal, the Court of Québec's activities are carried out in three separate buildings. The main courthouse is on rue Notre-Dame Est. Another building on rue de Bellechasse Est is used exclusively for youth protection, adoption, and youth criminal cases. The Gouin Judicial Services Centre in the northern part of the city is mainly reserved for big criminal trials and jury trials heard before a Superior Court judge.

*The Montréal courthouse lacks space, obliging the Court to find innovative short-, medium-, and long-term solutions.*

28. *Supra*, note 16.

## Criminal and Penal Division

**PIERRE E. LABELLE** || Associate Coordinating Judge

The judges and presiding justices of the peace of Montréal hear an impressive number and variety of increasingly complex cases, making it the busiest judicial district in Québec.

District judges hear important Québec cases resulting from large-scale police operations and often involving a number of defendants. They deal with various types of evidence generated by electronic and physical surveillance or search warrants, for example.

Judges spend many hours outside the courtroom studying and, if necessary, signing warrants authorizing such procedures as the interception of private communications.

**It is now clear that the number of cases will not decrease, and that no additional court space will become available in the near future.**

The Court has identified and implemented solutions to shorten wait times for lengthy cases. Case management conferences help determine how long trials will actually take, while facilitation conferences help the parties reach a settlement. These invaluable tools ensure that court time is used more efficiently.

*The Montréal courthouse dates back to the early 1970's and clearly ways must be found to adapt it to meet current needs (for example, cases with multiple defendants or those requiring heightened security measures). The cell blocks also need renovating to make them more efficient. The lack of support staff—another drag on the Court's efficiency—must also be addressed.*

## Civil Division

**LOUISE COMEAU**<sup>29</sup> || Associate Coordinating Judge

Reducing wait times in the Small Claims Division is a key priority, and significant efforts were made in 2014 to meet this objective. Although three judge positions remained unfilled as of December 31, 2014, the time required for cases to be put on the rolls dropped from 600 to 460 days due to more hearing days and the use of per diem judges. The backlog of cases decreased from over 4,000 to about 2,500.

In fall 2014, the Young Bar Association of Montréal (YBAM) and the Court of Québec signed a protocol to set up an on-site, same-day mediation service in the Small Claims Division.<sup>30</sup> Inspired by initiatives in other districts, a group of judges, with the help of the coordinating team in Montréal, conceived the project in collaboration with the YBAM. The aim of the project is to make mediation by certified lawyer-mediators more available. Another objective is to test the level of public interest in participating in a mediation session on the day of their hearing and to boost the number of cases on the rolls.

29. Judge Comeau started her term as associate coordinating judge on January 14, 2014, replacing Judge Michel. A. Pinsonnault, who was appointed as a judge of the Superior Court.

30. Online at [www.tribunaux.qc.ca/c-quebec/ProtocoleMediationPetitesCreancesMtl\\_oct2014.pdf](http://www.tribunaux.qc.ca/c-quebec/ProtocoleMediationPetitesCreancesMtl_oct2014.pdf)

From mid-November 2014 to mid-February 2015, cases considered suitable for mediation were put on the rolls in two courtrooms set aside for the mediation project on Mondays and Tuesdays. About 60% of the parties in these cases agreed to participate and 50% of these settled their disputes.

In the Regular Division, wait times for trials are less than five months and the number of settlement conferences rose from 59 in 2013 to 70 in 2014.

## Youth Division

**RUTH VEILLET**<sup>31</sup> || Associate Coordinating Judge

All cases in the Youth Division were generally heard within relatively short time-frames and in most cases within the prescribed legal limit.

*Many youth protection and youth criminal justice cases require lengthy hearings. Cases are also increasingly complex, due in part to the type of problems at issue (for example, parental alienation or serious disputes between the parents).*

Judges are available for settlement conferences in youth protection cases at the parties' request. Case management conferences are now held in all youth criminal justice cases. They are presided by the associate coordinating judge in the case of trials expected to last a day or more. A pro forma appearance, in the presence of the accused, is scheduled no later than 30 days before the trial date to determine whether the length of the trial should be maintained. In certain cases, this process can free up court time for other cases.

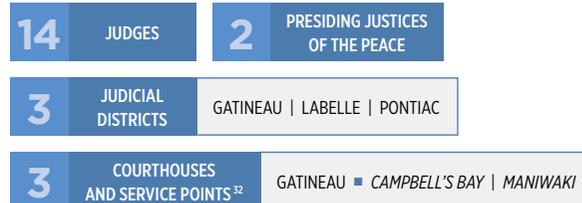
**The judges in the division heard a little over 18,500 cases during the year. The number of youth protection cases was 6% higher than in the previous year, whereas the number of youth criminal justice cases was 12% lower than in 2013.**

31. Judge Veillet started her term as associate coordinating judge on September 1, 2014, replacing Judge Ann-Marie Jones, who had held the position since August 1, 2012.

## 8 OUTAOUAIS

POPULATION  
381,000

RICHARD LAFLAMME || Coordinating Judge



The Civil Division's early case management program, established in 2010, got a boost in 2014. Three judges now contribute to the success of this initiative. The program's objectives are to promote access to justice, limit wait times and costs, and ensure compliance with the civil law proportionality principle.

The program has been so effective that the average time to process finished cases is less than four months. The program has also considerably reduced wait times for cases that are not settled through case management. As a result, the system is faster and less costly. In 2014, 60 settlement conferences were held, helping to free up 127 scheduled hearing days for other cases.

These measures made it possible to add hearing days for small claims cases, thus reducing wait times from 10 to 9 months. In the Small Claims Division, a program offering on-site, same-day mediation was set up by the Outaouais bar association in conjunction with the Court. A mediator is available on the day of the hearing to assist parties who wish to attempt to reach a settlement. If they are unsuccessful, a judge is on hand to hear the trial the same day.

In criminal matters, changes to the Court's operating procedures adopted in 2013 were consolidated. The practice court established to assist with weekly case management frees up time in busy courtrooms and makes management of lengthy cases more efficient.

Tighter case management from the beginning of the judicial process in cooperation with attorneys has helped shorten wait times for scheduling regular cases, with preliminary investigations or trials being held less than five months after the parties declare themselves ready to proceed. Furthermore, the pilot project on examinations for discovery in lieu of preliminary inquiries, launched in 2012,<sup>33</sup> has helped settle a number of cases and made it possible to offer trial dates in a timelier manner.

**In 2014, 66 lengthy cases totalling over 127 hearing days were scheduled within six months of their certification of readiness.**

32. *Supra*, note 16.

33. See page 60 of the full version of the Court's 2012 public report.

## 9 QUÉBEC-CHAUDIÈRE-APPALACHES

POPULATION  
1,144,000

CHARLES G. GRENIER || Coordinating Judge  
 JUDITH LANDRY<sup>34</sup> || Associate Coordinating Judge (Youth Division)  
 JEAN-LOUIS LEMAY || Associate Coordinating Judge (Criminal and Penal Division)



The inauguration of the new Montmagny courthouse in November 2014 was a major event in the region. This beautiful, state-of-the-art facility, with its cutting-edge technology and modern design standards, has three courtrooms, whereas the previous courthouse had only two. The extra space will significantly increase interaction between the Court of Québec and the Superior Court, especially in youth and criminal matters.

34. Judge Landry began his term as associate coordinating judge on July 1, 2014, replacing Judge Lucie Rondeau, who had held the position since July 3, 2012.

35. *Supra*, note 16.

**In 2014, 55 cases were heard under the rules set out in the memorandum of understanding.**

In civil matters, the memorandum of understanding between the Court of Québec and the Québec City bar association regarding early case management came into effect on January 1, 2014. The memorandum of understanding aims to simplify the hearing of complex cases such as those involving a warranty of quality on sold property, commonly called latent defect cases. The objective is to simplify procedures and reduce wait times and costs for the parties. From the beginning of the case, the parties also have access to a judge who can preside over a settlement conference if the parties so wish.

The rules in the memorandum of understanding specify that all judges in the Civil Division will participate, in turn, in early case management. When the new *Code of Civil Procedure* comes into force, these rules will apply to all cases.

The benefits of early case management by the judge, in cooperation with members of the Québec City bar association, can already be seen, especially with regard to eliminating irrelevant or overly costly expert reports, responding to the rapid increase in the number of warranty and sub-warranty cases, and promoting timely access to settlement conferences.

**In 2014, judges presided over 52 settlement conferences in civil cases, which enabled the Court to free up about a hundred hearing days for other cases.**

All judicial districts promote careful, proactive management of the rolls in conjunction with lawyers and bar associations in order to schedule trial dates in a timely manner and reduce wait times. This proactive approach is supplemented by a permanent settlement conference service. The parties and their attorneys appreciate this alternative and are using it more and more.

In Québec City, civil cases where the defense is presented orally are heard by a judge within three or four months of the originating motion. A total of 147 cases of this nature were entered on the rolls, with 62 going to court and 54 settled out of court.

In 2014, an initial meeting regarding the institutional confinement of people with mental health issues was held between the associate coordinating judge and the attorneys representing the hospitals concerned in the judicial districts of Québec City, the Beauce, Frontenac, Montmagny, and Charlevoix. The meeting was aimed at standardizing the Court of Québec's best practices in this area as much as possible. The objective was to reduce wait times, humanize the court experience of the persons concerned, and promote, in collaboration with the bar associations concerned, the legal representation of the mentally ill in order to protect their basic rights and freedoms.

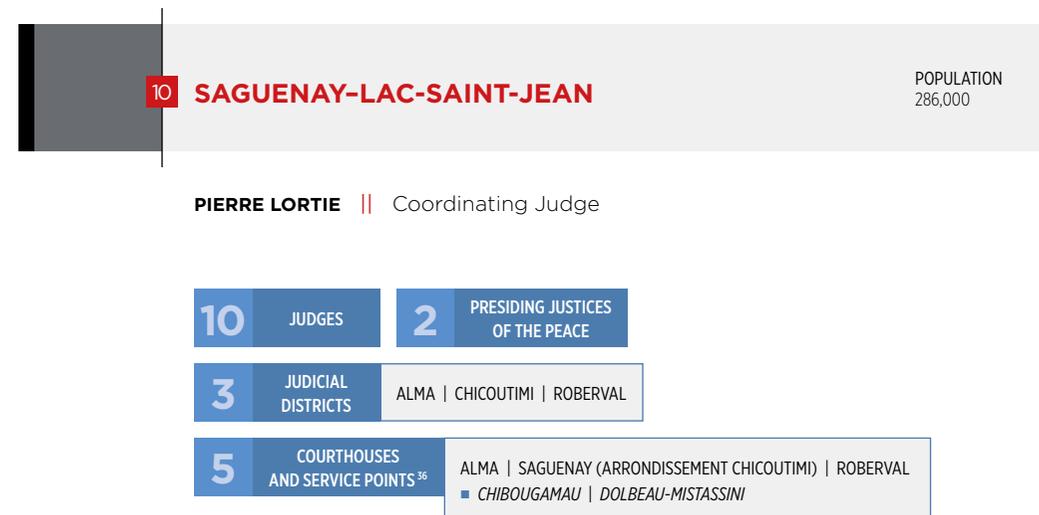
In criminal and penal matters, a number of pre-trial conferences were held with a view to reducing the length of trials and preliminary inquiries and to respecting time allocations.

Management and facilitation conferences are held prior to all lengthy trials and inquiries. Case management and judges' involvement very early in the judicial process ensure more effective control of the Court's time and resources. Target wait times remain a key concern.

The tradition of close collaboration with the criminal court registry led again this year to the creation of procedures and forms ensuring smoother case transition.

In the Youth Division, discussions launched in 2012 to enhance settlement conference effectiveness have led to new practices that have encouraged further development of this alternative method of dispute resolution in youth protection cases.

*The coordinating team continued to vigorously press Ministère de la Justice du Québec for measures to improve courtroom security in the Québec City courthouse, particularly in criminal cases. Some of these measures are the subject of an agreement in principle with the ministry and should be implemented in 2015 and 2016.*



The Saguenay-Lac-Saint-Jean region is very diverse, with urban areas, industrial zones, and large swathes of farmland and forest. It is home to three aboriginal nations: the Innu (previously known as the Montagnais) in Mashteuiahtsh, the Attikamek in Opitciwan, and the Cree in the Chibougamau area.

As judges travel over a huge area, they sit in at least two divisions in order to maximize available services.

Management of criminal cases following implementation of Bill C-2 (*An Act to amend the Criminal Code and to make consequential amendments to other Acts*<sup>37</sup>) and special anti-drug operations continue to put pressure on the Court's resources. The demand for lengthy trials remains strong, a situation that also affects presiding justices of the peace.

*As the number of facilitation conferences has not increased as much as hoped, another awareness campaign for lawyers will be required.*

*In Roberval, the shortage of courtrooms continues to be a concern, as it limits the number of cases that can be assigned and lengthens wait times.*

<sup>36</sup>. *Supra*, note 16.

<sup>37</sup>. S.C. 2008, c. 6.

In youth-related matters, indicators for both protection and delinquency cases have improved, with increases in the number of cases opened, hearing hours, and judgements rendered. Lawyers are requesting settlement conferences more and more often in protection cases.

**Active case management in criminal, civil, and youth matters is a common denominator throughout the judicial region.**

In the Civil Division, the early case management protocol was broadened in early 2015. Initially, only cases involving latent defects were included. In cooperation with the Saguenay–Lac-Saint-Jean bar association, the protocol now covers defective workmanship, construction defects, and any other cases where the parties consent.

In aboriginal matters, representatives of the Court met with leaders of the Attikamek nation in La Tuque. The Associate Chief Judge and the coordinating judge of the Criminal and Penal Division travelled to Opitciwan to meet with members of the community. In both cases, practical solutions for improving judicial services were discussed. Discussions with authorities to obtain *Gladue* reports are continuing in 2015.

The judiciary and the regional bar's liaison committees continue to hold productive discussions. These meetings help improve judicial efficiency and prevent future problems.

## ■ ADMINISTRATION OF THE COURT

### Office of the Chief Judge

The administrative agreement between the Chief Judge of the Court of Québec and Ministère de la Justice, in effect since 2002, entrusts the Chief Judge with a number of administrative, budgetary, legal, and communications responsibilities directly related to the proper functioning of the Court.

**The Office of the Chief Judge is led by Executive Director Anne Bélanger, who reports directly to the Chief Judge. Most of its 35 employees work in the Québec City and Montréal courthouses.**

The Office of the Chief Judge handles a wide variety of tasks. On the administrative side, considerable effort goes into processing the large volume of expense claims resulting from the assignment of cases to judges in the 92 courthouses and services points across Québec, the reimbursement of official expenses, attendance at professional development seminars, and so on.

In the legal sphere, the Court's research department, made up of 12 legal specialists and researchers, handled 2,200 requests of various types in 2014. This assistance is very useful for judges hearing complex cases. The researchers also helped design or update nearly twenty reference guides and some 15 training activities. The researchers assist the Court's working committees in preparation for the coming into force of the new *Code of Civil Procedure*.

Monitoring judicial activities is also an important issue. A systems and procedures analyst compiles, analyzes, and provides useful management indicators to the Chief Judges and the coordinating judges in order to optimize the presence of the judiciary across the province.

The availability and relevance of legal and administrative information deserves special attention. It is the responsibility of the information officer, who tweets, updates the Court's intranet and Internet sites, and assists the communications advisory committee.

**Communications and technology is one of the Court's key concerns.**

With regard to professional development, Conseil de la magistrature delegates responsibility for planning, designing, and organizing training seminars for judges to the Office of the Chief Judge. Two staff members are assigned to this task. Every year, close to thirty seminars are held for judges of the Court of Québec, presiding justices of the peace, and municipal judges.

The Office of the Chief Judge also provides administrative support to the Associate Chief Judges in charge of municipal courts. Three staff members work with him on assigning cases to municipal judges, providing management support for municipal courts, and ensuring the smooth running of professional development seminars for municipal judges.

## Budget

Expenditures of the Office of the Chief Judge for the 2013-2014 fiscal year are as follows:

| Compensation  | Operating Expenses  |
|---|---|
| Court of Québec judges<br><b>\$67,670,900</b>         | Judicial furnishings<br><b>\$346,000</b>  |
| Presiding justices of the peace<br><b>\$4,328,500</b> | Annual general meeting and other administrative meetings<br><b>\$87,600</b>                     |
| Office staff<br><b>\$2,320,200</b>                    | 25th anniversary brochure and folder<br><b>\$5,800</b>  |
|   | Professional association dues<br><b>\$18,500</b>  |
|   | Contribution to the judicial assistance program<br><b>\$33,000</b>                              |
|   | Training of staff and judges in management positions<br><b>\$7,200</b>                          |
|   | Supplies, materials, subscriptions, maintenance, and courier service<br><b>\$30,500</b>         |
|   | Stationary and notebooks<br><b>\$31,600</b>   |
|   | Photocopier (rental)<br><b>\$13,000</b>   |
|   | Book on the history of the Court of Québec (writing)<br><b>\$9,600</b>                          |
|   | Professional IT services<br><b>\$9,300</b>  |
|   | Professional services (graphic designer, translator, linguist, photographer)<br><b>\$32,800</b> |
|   | Robes and accessories for newly appointed judges<br><b>\$16,500</b>                             |
| Travel Expenses                                       |   |
| Court of Québec judges<br><b>\$1,986,600</b>          |   |
| Presiding justices of the peace<br><b>\$210,500</b>   |   |
| Office staff<br><b>\$50,600</b>                       |   |
| Official Expenses                                     |   |
| Court of Québec judges<br><b>\$1,136,300</b>          |   |
| Presiding justices of the peace<br><b>\$67,300</b>    |   |

## Accomplishments in 2014 Relating to the *Three-Year Vision 2012-2013-2014*

The Court of Québec's *Three-Year Vision 2012-2013-2014* ended in December 2014. In the [detailed report on these three years posted on its website](#), the Court describes its accomplishments and reports on its progress toward achieving the Vision's objectives. However, several highlights from 2014 are worth noting here.

### VISION

That the Court of Québec be recognized as the court whose judges and presiding justices of the peace stand out for their sense of belonging and their dedication to administering justice that is respectful of all citizens.

### VALUES

#### A court that is defined by its judges

- 21 judge positions and 2 presiding justice of the peace positions announced in *Journal du Barreau*
- 8 judge positions filled
- 1 of the 2 presiding justice of the peace positions filled

#### A court that adapts to citizens' needs

##### Domestic Violence

The individualized treatment of domestic violence cases in Montréal has been extended to other districts. Given the volume of these types of cases, hearing days and courtrooms are now reserved for them in the judicial districts of Longueuil and Québec City.

##### Mental Health

Judges in the Youth Division often face situations where parents are dealing with mental health problems, for example in youth protection and adoption cases. Directors of youth protection in Québec agreed to assess potential participation

in an initiative designed to keep children with parents suffering from mental health problems when it is in the interest of the children.

A civil law subcommittee set up to examine issues of institutional confinement produced a directory of best practices in this area for judges in 2014.

**The theme of the 2014 Judges Conference was *Mental Health—Let's talk about it!* Many interesting topics in all areas of expertise were addressed, including single expert reports and homelessness.**

### Aboriginal Justice

As part of the itinerant court, judges serve aboriginal communities in Québec's Far North (Hudson's Bay, James Bay, and Ungava Bay). They also travel to the Côte-Nord region. From September 1, 2013 to August 31, 2014, 375 days of cases were assigned in the Nord-du-Québec and Côte-Nord regions (itinerant court), compared to 353 in 2013.

Meetings with the chiefs of the various aboriginal nations continued with a view to analyzing their needs and examining with them how the Court can improve its services. Discussions were held with the chiefs of the Attikamek nation on broadening the array of Court services based on the initiative to centralize urgent applications, which gave very good results in Abitibi.<sup>38</sup>

#### A court that innovates

##### Settlement Conferences

Judges collaborated on a research project by Professor Jean-François Roberge of Université de Sherbrooke. The aim of the project was to gauge the extent to which parties that take part in civil settlement conferences feel that justice had been served.<sup>39</sup>

**The results of research conducted by Professor Jean-François Roberge are encouraging: Users are very positive about the quality and value of settlement conferences, which help boost public confidence in the justice system.**

In youth matters, training sessions on settlement conferences were offered to directors of youth protection, social workers, and legal aid and private practice lawyers. These efforts have borne fruit as the number of settlement conferences is growing. A guide on settlement conferences for judges was also developed.

##### Early Case Management

The Laurentides–Lanaudière, Laval, Bedford, Saint-François, and Arthabaska bar associations signed early case management protocols with the Court of Québec for cases involving latent defects, defective workmanship, construction defects, condominiums, as well as all other matters at the parties' request.<sup>40</sup>

##### Small Claims Issue Table

The Small Claims Issue Table is made up of representatives of a number of justice partners.<sup>41</sup> Tangible measures for providing legal assistance to parties in the Small Claims Division are promoted.

38. See *Public Report 2013*, page 20.

39. The research report is available online at [www.barreaudequebec.ca/wp-content/uploads/2014/09/Rapport-de-recherche-sur-lexp%C3%A9rience-des-justiciables-et-avocats-sur-la-conf%C3%A9rence-de-r%C3%A8glement-%C3%A0-lamiable.pdf](http://www.barreaudequebec.ca/wp-content/uploads/2014/09/Rapport-de-recherche-sur-lexp%C3%A9rience-des-justiciables-et-avocats-sur-la-conf%C3%A9rence-de-r%C3%A8glement-%C3%A0-lamiable.pdf)

40. All these protocols are available on the Court's website.

41. For a list of issue table partners' activities, see [www.barreau.qc.ca/pdf/petites-creances/Tableau\\_Initiatives.pdf](http://www.barreau.qc.ca/pdf/petites-creances/Tableau_Initiatives.pdf)

Information sessions for these parties were held in a number of districts, including Laval, Saint-Jérôme, Joliette, Terrebonne, Longueuil, Québec City, and Gatineau. These were good opportunities to promote mediation, a free service for the parties.<sup>41</sup>

Initiatives to provide on-site mediation, a service available to parties in the Small Claims Division, have also been launched in Montréal and Gatineau.

### Regulation of the Court of Québec

The Court of Québec began revising its *Regulation* in preparation for the coming into effect of the new *Code of Civil Procedure*. The Senior Associate Chief Judge and Associate Chief Judges, in collaboration with the judges sitting in all other divisions, are taking part in this endeavour, which covers all Court of Québec and itinerant court jurisdictions and takes new technology into account.

Presiding justices of the peace are also involved in updating the *Regulation* regarding criminal prosecutions. For example, they are currently incorporating work processes for applications for judicial authorization.

### A dynamic court

- 164 tweets on the Court's Twitter accounts in 2014
- The French and English versions of the Court's homepage were viewed more than 112,000 times
- A page about the Court of Québec was posted online in **Wikipedia**: en.wikipedia.org/wiki/Court\_of\_Québec and fr.wikipedia.org/wiki/Cour\_du\_Québec.

## Specialized Courts

### ■ HUMAN RIGHTS TRIBUNAL

#### A specialized, autonomous, and independent tribunal

The Human Rights Tribunal, presided over by a Court of Québec judge, was created in 1990 when major amendments to the Québec Charter of Human Rights and Freedoms came into effect. The government's objective was to ensure greater accessibility to justice and more efficient adjudication of disputes concerning fundamental rights and freedoms.

As a specialized judicial body, the Tribunal has authority to dispose of disputes involving discrimination and harassment based on reasons prohibited by the Charter, such as race, sex, pregnancy, sexual orientation, religion, social condition, a handicap or the use of any means to palliate a handicap. It can also hear cases related to the exploitation of elderly and disabled persons or to affirmative action programs. The Tribunal is fully independent of other tribunals and has an exclusively adjudicatory function. In order to be accessible to all members of the public, the Tribunal sits in all judicial districts across Québec.

The Tribunal is not only composed of Court of Québec judges, but also assessors who hear cases, advise the judges, and help draft decisions. The Tribunal currently has 13 members: four judges (including the president) and nine assessors. Under the terms of the Charter, all members of the Tribunal are chosen for their experience, ex-



**Ann-Marie Jones**  
President  
since Septembre 1,  
2014



**Michèle Paupé**  
President  
Septembre 1, 2010  
to August 30, 2014

pertise, sensitivity, and interest in matters of human rights and freedoms.

For more information, please visit the Tribunal's website, where you will find the legislative texts governing the Tribunal's operation, its most recent activity reports, and a list of its members.<sup>42</sup>

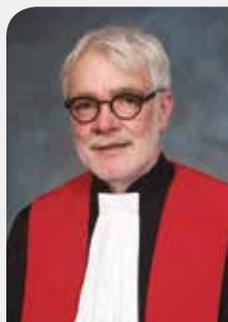
The judges sitting on the Tribunal as of December 31, 2014, other than its president, Ann-Marie Jones:

|  |   |   |
|--|---|---|
| Scott Hughes<br>Civil Division<br>Montréal | Yvan Nolet<br>Civil Division and<br>Youth Division<br>Laval | Rosemarie Millar<br>All three divisions<br>Gatineau |
|--|---|---|

**The Tribunal celebrates its 25th anniversary in 2015. Since its creation, the Tribunal has generated a considerable amount of jurisprudence on rights and freedoms under the Québec Charter. This is the perfect opportunity to celebrate its contribution and the work of its members, who analyze and make decisions on important social and cultural issues. Their decisions play a crucial role in Québec's constantly changing society.**

42. [www.tribunaux.qc.ca/mjq\\_en/TDP/index-tdp.html](http://www.tribunaux.qc.ca/mjq_en/TDP/index-tdp.html)

## ■ PROFESSIONS TRIBUNAL



**Martin Hébert**  
President



**Julie Veilleux**  
Vice President

The Professions Tribunal<sup>43</sup> was created in 1973 with the adoption of the *Professional Code*.

When it was created, the Professions Tribunal had jurisdiction over 38 professional orders. Today, that number has risen to 45 orders incorporating 53 professions.

The Tribunal sits with three judges for hearings on the merits. In other cases, it sits with one judge, appointed by the president. The Tribunal hears appeals of decisions issued by disciplinary councils and, since 1994, certain non-disciplinary decisions made by boards of directors or executive committees.

The Tribunal may confirm, alter, or quash any decision submitted to it and render the decision that it feels should have been rendered in the first place. Except on a question of jurisdiction, no extraordinary recourse provided in the *Code of Civil Procedure* can be exercised against its decisions.

The president of the Tribunal holds his or her position exclusively, while the other ten members, all Court of Québec judges, serve part time.

In 2014, the Tribunal rendered 198 judgments.

As of December 31, 2014, the Tribunal was composed of the following judges:

**Martin Hébert**  
Civil Division  
Montréal

**Julie Veilleux**  
Civil Division  
Montréal

**Jacques Paquet**  
Civil Division  
Montréal

**Robert Marchi**  
Criminal and Penal Division  
Montréal

**Jean R. Beaulieu**  
Criminal and Penal Division  
Saint-Jérôme

**Renée Lemoine**  
All three divisions  
Val-d'Or

**Jacques Tremblay**  
Civil Division  
Québec City

**Linda Despots**  
Criminal and Penal Division,  
Youth Division  
Montréal

**Pierre Labbé**  
Civil Division  
Victoriaville

**Patrick Thérout**  
Civil Division  
Sherbrooke

**Erick Vanchestein**  
Criminal and Penal Division  
Sherbrooke

## Conférence des juges de la Cour du Québec



**Doris Thibault**  
President  
since November 7,  
2014



**Claude Leblond**  
President  
for the years  
2012 to 2014

The 300 member Conférence des juges de la Cour du Québec is composed of judges of the Court of Québec and certain per diem judges.

Founded in 1962, the Conférence acts independently of the Court of Québec. It promotes excellence and mutual aid among its members and protects their interests. It also exists to safeguard the dignity, respect, authority, and autonomy of the courts and the judicial system.

Over the years, the Conférence has fought to have judicial independence recognized as one of the pillars of a free and democratic society. Its members have devoted considerable resources to defending this principle, which is founded in large measure on an independent judiciary. This independence is characterized by the irremovability, administrative independence, and financial security of judges.

The battles the Conférence has helped fight and the legal actions it has supported through to the Supreme Court of Canada have served not only its members but all the people of Québec. In this, the organization has given the courts an opportunity to help define what constitutes independent justice—that essential element of democratic society.

We must not forget that, at the end of the day, the principle of independent courts and an independent bench does not exist to benefit judges, but the public.

It is crucial because of the judges and court's role as protectors of the Constitution and the values embodied in it, including the rule of law, fundamental justice, equality, and preservation of democratic process.

Judicial independence is therefore not an end in and of itself, but rather a means of preserving our constitutional order. Because of it, public trust in our institutions and the administration of justice can remain at its highest level. And in a lawful society, this trust is imperative to the correct operation of the judicial system.

### Board of Directors

The Conférence des juges du Québec acts through its board of directors, which is made up of representatives of every region in Québec, the three Court of Québec divisions, and municipal judges. The members of the board for 2013–2014 were:

### Officers

**Claude Leblond**  
President

**Doris Thibault**  
Vice President  
Representative for the Saguenay–  
Lac-Saint-Jean region

**Christian M. Tremblay**  
Secretary

**François Marchand**  
Treasurer  
Representative for  
the Estrie region

**Serge Laurin**  
Outgoing president  
Representative for  
the Gatineau region

43. To learn more about the Tribunal, see its website:  
[www.tribunaux.qc.ca/Tribunal\\_professions/index\\_professions.html](http://www.tribunaux.qc.ca/Tribunal_professions/index_professions.html)

Advisors

**Diane Quenneville**  
Representative for the Civil Division

**Gilbert Lanthier**  
Representative for the Youth Division and the Montérégie region

**Jean-Pierre Dumais**  
Representative for the Criminal and Penal Division

**James Rondeau**  
Representative for the Bas-Saint-Laurent–Côte-Nord–Gaspésie–Îles-de-la-Madeleine region

**Jean-Pierre Gervais**  
Representative for the Abitibi-Témiscamingue–Nord-du-Québec region

**Jean La Rue**  
Representative for the Laval–Laurentides–Lanaudière–Labelle region

**Daniel Perreault**  
Representative for the Mauricie–Bois-Francs–Centre-du-Québec region

**Jacques A. Nadeau**  
Representative for the Canadian Association of Provincial Court Judges (since September 2014, judge Yvan Poulin replaces judge Nadeau)

## Conférence des juges de paix magistrats du Québec



**Jean-Georges Laliberté**  
President

The 36 presiding justices of the peace have been active in the judicial system since 2004 and serve all over Québec. They are all members of the Conférence des juges de paix magistrats du Québec, an association that has represented them effectively since its founding.

The objective of the Conférence is to promote the dignity, respect, authority, and autonomy independence of the presiding justices of the peace, the courts, and the judicial system, to encourage excellence and mutual aid among its members, and to defend their interests. One of its actions to this end was to file for a declaratory judgement against the government in 2008. This request, which raises constitutional questions about the remuneration of its members and potentially of the entire judiciary, was recently brought before the Supreme Court.

Along with the Court of Québec authorities, the Conférence helps keep presiding justices of the peace up-to-date in their knowledge. In addition, certain members were designated by the Chief Judge to sit on a range of advisory committees and the governance committee on judicial ethics and conduct. Several others are involved in working groups that provide the Conférence board of directors with information on a variety of topics, including training, remuneration, and recent case law developments.

The members of the Conférence board of directors are:

**Jean-Georges Laliberté**  
President

**Johanne White**  
Vice President  
Montréal

**Marie-Claude Bélanger**  
Vice President  
regions

**Michel Boissonneault**  
Secretary

**Patricia Compagnone**  
Treasurer

## RETIREMENTS

Every year at the Judges Conference, the Court and the Conferences pay tribute to the judges and presiding justices of the peace who have retired in the preceding months. The Association of Retired Judges joins them for this tribute.



**Louise Ménard**  
President of the Association of Retired Judges

The Association of Retired Judges provides a number of services to its members, including a newsletter about the association's initiatives and activities (*Prætor des Anciens*), support for per diem judges, and lunches, tours, and trips. The Chief Judge meets with members of the association at least once a year. This meeting is a mark of the Court's appreciation for retired judges' contribution to making the Court of Québec what it is today.



Judges who have retired in recent months (identified in bold)

TOP ROW, FROM LEFT TO RIGHT, THE HONOURABLE:

Élizabeth Corte  
Jean-Georges Laliberté  
Claude Leblond  
**Robert Levesque**

**Maurice Parent**  
**François Beaudoin**  
Gilles Michaud

BOTTOM ROW, FROM LEFT TO RIGHT, THE HONOURABLE:

Suzanne Handman  
Yvan Cousineau  
Gabriel de Pokomándy  
André Renaud

Gilles L. Ouellet  
Jean-Paul Decoste  
Gilles Charest

Although the time allotted for the tribute to retired judges was too short to do give anything more than a broad outline of their outstanding careers, each judge was warmly thanked for his or her dedication and generous contribution to the Court.



[www.tribunaux.qc.ca](http://www.tribunaux.qc.ca)