

**Court of Québec**

**PUBLIC  
REPORT  
2011**

Abridged Version

3	Message from the Chief Judge
5	Composition of the Court of Québec
5	Judges in Management Positions
7	Judges
8	Presiding Justices of the Peace
8	Per Diem Judges
9	Jurisdiction of the Court of Québec
9	Civil and Administrative Division
10	Criminal and Penal Division
10	Youth Division
12	The Court of Québec: Present Throughout the Province
13	Area Covered
13	Judges by Region
14	Regions
21	Territory North of the 49th Parallel
21	Court of Québec Operations
21	Administration of the Court
22	Court Committees
22	Professional Development
23	Outreach
23	Specialized Courts
23	Human Rights Tribunal
23	Professions Tribunal

#### Court of Québec Organization Chart



**Message  
from the Chief Judge  
Élizabeth Corte**

Every year since 2005, the Court of Québec has published a public report about its operations, vitality and judges' activities.

There is no legislation or regulation that requires the Court to produce this document. The motivation for this important initiative is a desire to make ourselves known and earn the public's trust, without which the mission of courts of every jurisdiction is doomed to failure, as the Chief Justice of Canada recently reminded us.

In 2011, justice was a major concern for Quebecers but also – it should be underlined – their government. The Justice Access Plan introduced by the Minister of Justice called for contributions from judicial stakeholders in many fields. Where appropriate and in a way that preserved its full independence, the Court of Québec helped develop and implement measures to promote access to justice.

The many submissions made concerning the urgent need to increase the Court's resources produced results, and in May 2011, the Minister announced that the number of judges at the Court of Québec would be increased to 290, and the number of presiding justices of the peace would be increased to thirty-six. In the next report, I expect to be able to share with you that the announced measures have been successfully implemented, which will lead to a direct improvement in services to citizens.

The Court has also spent much energy revising the *Regulation respecting the procedure for the selection of persons apt for appointment as judges*. Every effort was made to ensure the best candidates would continue to be nominated. Selection committees will be even better trained and better informed about the vital

nature of their role. The transparency brought about by the new regulation can only foster public trust in judges.

Work to reform the *Code of Civil Procedure* elicited a great deal of interest among judges. A number of them participated in discussions about the new rules promoting change in judicial culture, both in internal committees and at meetings with other courts, bar associations, and Ministère de la Justice.

Court of Québec judges are already involved in case management, proceeding with respectful, but more targeted interventions, and are more sensitive than ever to the costs of justice. Protocols with bar associations, settlement conferences in civil and youth matters, and facilitation conferences in criminal matters demonstrate the Court's desire to be a leading force in improving services for citizens.

This document is the abridged version of the *Court of Québec Public Report 2011*. The complete version of the report is available in French only on the Court's website at <http://www.tribunaux.qc.ca>, in the "Court of Québec" section, under the "Documentation" tab.

The abridged version of the report, printed in both official languages, is accompanied by a DVD on which I am pleased to introduce the Court to you.



**Élisabeth Côté**  
Chief Judge

# Composition of the Court of Québec

## Judges in Management Positions

The Court of Québec is composed of a maximum of 270 judges and thirty-six presiding justices of the peace. It has a management structure that supports the judges in the performance of their duties and functions. To this end, the *Courts of Justice Act* provides for the positions of chief judge, senior associate chief judge, associate chief judges, coordinating judges, and associate coordinating judges. They are all appointed from among Court of Québec judges. The chief judge, senior associate chief judge, and associate chief judges are also members of Québec's Judicial Council (Conseil de la magistrature).



Top row, from left to right

**André Perreault**

Associate Chief Judge Responsible for municipal courts

**Claude C. Boulanger**

Associate Chief Judge for Youth Division

**Danielle Côté**

Associate Chief Judge for Criminal and Penal Division

**Pierre E. Audet**

Associate Chief Judge for Civil and Administrative Division

Bottom row, from left to right

**Mario Tremblay**

Senior Associate Chief Judge

**Élizabeth Corte**

Chief Judge

### Chief Judge

The chief judge manages the Court. She is also tasked with ensuring that the general policies of the Court are applied in judicial matters; coordinating, apportioning and supervising the work of the judges; promoting their professional development; and ensuring compliance with the Judicial Code of Ethics. She is also the chair of the Judicial Council.

The chief judge is supported in her work by the team of judges in management positions. In cooperation with all the judges, whom she consults on a regular basis, the chief judge defines the institution's mission, values, and objectives.

### Senior Associate Chief Judge

The senior associate chief judge assists and advises the chief judge in the performance of her duties and functions. He ensures coordination among the associate chief judges, coordinating judges, and associate coordinating judges and oversees compliance with the Court's policies as well as scheduling.

The senior associate chief judge chairs or sits on numerous committees, including those whose objective is to support court activities in the areas of technology, safety, and ethics. He conducts a periodic assessment of regional staffing needs and assignments and oversees application of the per diem judges program and manages its operating budget. The senior associate chief judge is also responsible for application of the judge mobility program, issues related to judges' safety and chairing committees formed to select candidates for the positions of judge and presiding justice of the peace. In addition, he oversees the presiding justices of the peace.

### **Associate Chief Judges**

Associate chief judges are appointed by the government for a seven-year term, after consultation with the chief judge.

One of their duties is to advise the chief judge in matters that are within the jurisdiction of the division to which they are assigned. They are responsible for chairing committees formed to select candidates for the position of judge.

The associate chief judge responsible for municipal courts is in charge of managing the municipal courts. In this capacity, he or she performs the duties and functions conferred under the *Act Respecting Municipal Courts*. He or she further ensures that judicial ethics are observed and promotes the professional development of municipal judges.

### **Coordinating Judges and Associate Coordinating Judges**

With the government's approval, the chief judge designates a coordinating judge from among the Court's judges for each of the Court's ten coordinating regions. The chief judge may designate a maximum of eight associate coordinating judges when circumstances dictate. These associate coordinating judges represent the Court with stakeholders in their respective regions.

Under the authority of the chief judge, coordinating and associate coordinating judges are in charge of administering the Court in the judicial district(s) under their responsibility. They help develop the Court's priorities, policies, and practices, based in part on regional judges' expertise and the specific needs of their region.

Coordinating and associate coordinating judges are tasked with welcoming new judges. They are also responsible for regional professional development programs and the judge mobility program in their respective regions.



Chief Judge, Senior Associate Chief Judge, Associate Chief Judges, Coordinating Judges and Associate Coordinating Judges.

## Judges

On December 31, 2011, the Court had 268 judges out of a possible 270, of which 102 were women and 166, men. The tables below indicate the number of judges by age and years of seniority.

### Court of Québec judges by gender

Men	166
Women	102
<b>TOTAL</b>	<b>268</b>

There are two vacancies on the bench. Data as of December 31, 2011.

### Court of Québec judges by age

Under 50	47
50 to 59	117
60 to 70	104
<b>TOTAL</b>	<b>268</b>

There are two vacancies on the bench. Data as of December 31, 2011.

### Seniority of Court of Québec judges

Under 5 years	77
5 to 9 years	75
10 to 15 years	38
Over 15 years	78
<b>TOTAL</b>	<b>268</b>

There are two vacancies on the bench. Data as of December 31, 2011.

## Presiding Justices of the Peace

Presiding justices of the peace serve in the Criminal and Penal Division throughout Québec. In criminal matters, they are the first judicial officials involved, issuing all types of judicial authorizations, 24 hours a day, 365 days a year. As such, decisions made by presiding justices of the peace have serious consequences for the basic rights of citizens and the outcome of potential legal proceedings. They also preside over appearances by telephone every weekend and on holidays that fall on a Monday or Friday.

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 2011, three presiding justice of the peace positions were added, bringing the number to thirty-six. This addition will accelerate handling of penal cases and allow more trials arising from the creation of new tax evasion inquiry units to be held.

### Court of Québec Presiding Justices of the Peace by gender

Men	16
Women	17
<b>TOTAL</b>	<b>33</b>

There are two vacancies on the bench. Data as of December 31, 2011.

### Court of Québec Presiding Justices of the Peace by age

Under 50	18
50 to 59	8
60 to 70	7
<b>TOTAL</b>	<b>33</b>

There are two vacancies on the bench. Data as of December 31, 2011.

## Per Diem Judges

Since 2002, the Court has managed expenditures relating to judges' salaries and compensation under an administrative agreement with Ministère de la Justice, renewed each year. Under the terms of the agreement, amounts that are not paid out in compensation when judges retire, pass away, or take long-term sick leave are available to compensate per diem judges.

## Jurisdiction of the Court of Québec

Court of Québec judges hear cases involving civil, administrative, appeal, criminal, 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, thereby meeting the needs of their region. These judges' specialization and versatility help the Court respond to regional realities and meet all parties' needs more effectively.

### Civil and Administrative 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 of Canada.

In the Small Claims Division, judges decide cases involving claims of \$7,000 or less payable by an individual or by a 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 in which the dispute raises complex questions of law. The written procedure is simplified. The judges explain the rules of evidence and procedure to the parties. They direct the proceedings, question witnesses, hear the parties, and decide the issues in dispute as well as the applicable rules of law. When circumstances allow, the judges try to bring the parties to an agreement. The judgment rendered is a reasoned decision and cannot be appealed.

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.

In 2007, the Court of Québec created the Administrative and Appeal Division within the Civil Division. The thirty judges appointed to it have exclusive jurisdiction 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. Such jurisdiction to hear appeals also applies to Agence du revenu du Québec decisions regarding taxation and tax recovery.

## Criminal and Penal Division

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

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*, or any other criminal or penal legislation.

The judges from this division also handle certain applications for judicial authorization for which they have either exclusive jurisdiction or concurrent jurisdiction with the Superior Court or the presiding justices of the peace. The increase in the number of major police operations requires judges to be extensively available outside of the time they spend hearing cases and writing judgments.

The judges preside over interim release hearings whose goal is to decide whether a defendant may be released before legal proceedings are over. They also preside over preliminary inquiries.

In criminal matters, the judges preside over legal proceedings that fall within the jurisdiction of a provincial court judge and a judge without a jury, as defined by the *Criminal Code*. They also preside over proceedings related to summary conviction offences.

In penal matters, they hear proceedings under the *Code of Penal Procedure* or any other provincial or federal penal legislation concerning public welfare.

## Youth Division

The *Courts of Justice Act* and the *Code of Civil Procedure* establish the jurisdiction of Court of Québec judges in youth matters. 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 twelve and eighteen at the time an offence was committed under the *Criminal Code* or under federal or provincial statutes of a criminal or penal nature.

The judges also have jurisdiction in proceedings under the *Code of Penal Procedure* for public welfare offences committed by defendants who were under eighteen years of age at the time of the offence. The 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 certain circumstances, the judges also preside over preliminary inquiries.

In addition, judges enforce the *Youth Protection Act*. They hear cases concerning minors whose safety or development is or may be declared to be in danger. Once the danger has been established to the judge's satisfaction, the judge orders one or more protection measures listed in the *Youth Protection Act* to be carried out in order to stop the situation.

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

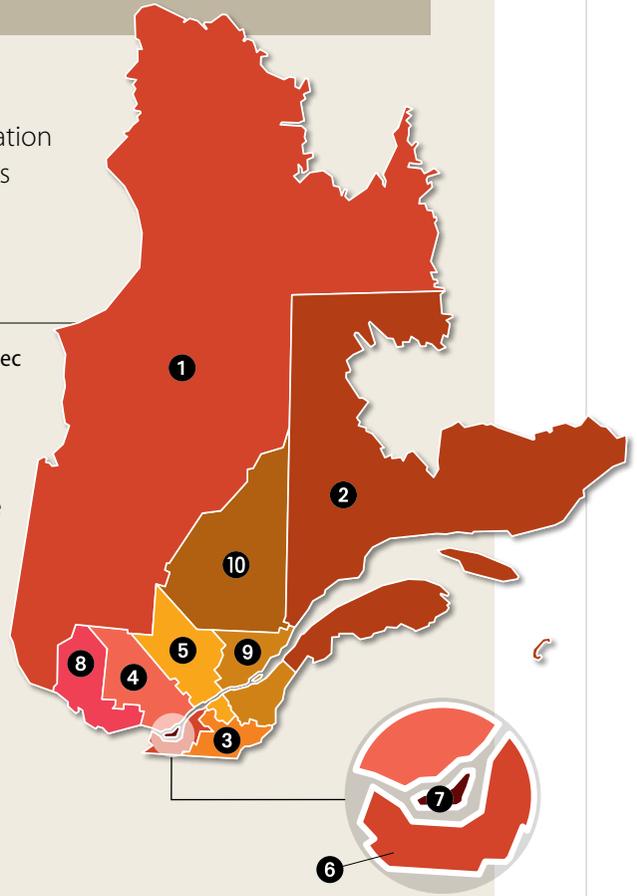
THE COURT  
OF QUÉBEC:  
PRESENT  
THROUGHOUT  
THE PROVINCE



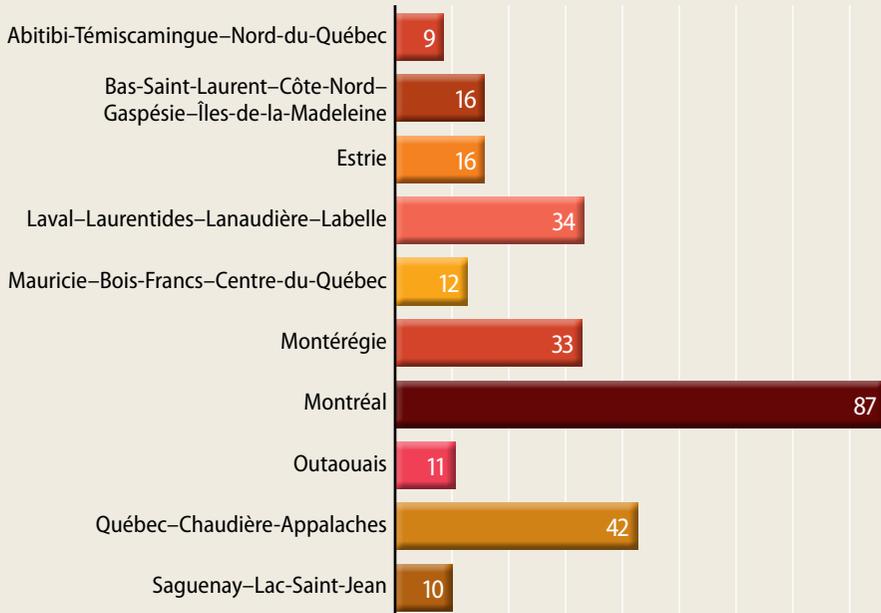
## Area Covered

The Court of Québec is present throughout Québec, whose population is over 7,900,000. The Court's judges sit in 36 judicial districts, serving 98 courthouses and points of service.

- 1 Abitibi-Témiscamingue-Nord-du-Québec
- 2 Bas-Saint-Laurent-Côte-Nord-Gaspésie-Îles-de-la-Madeleine
- 3 Estrie
- 4 Laval-Laurentides-Lanaudière-Labelle
- 5 Mauricie-Bois-Francs-Centre-du-Québec
- 6 Montérégie
- 7 Montréal
- 8 Outaouais
- 9 Québec-Chaudière-Appalaches
- 10 Saguenay-Lac-Saint-Jean



## Judges by Region



## Regions

### 1 Abitibi-Témiscamingue–Nord-du-Québec

COORDINATING JUDGE

**Daniel Bédard**

Abitibi-Témiscamingue–Nord-du-Québec is the largest of the ten regions served by the Court of Québec. It includes three judicial districts: Abitibi, Rouyn-Noranda, and Témiscamingue, with six courthouses and twenty points of service.

To provide service across this vast area, the Court of Québec relies on a team of nine judges and two presiding justices of the peace. Of the nine judges, eight act in civil, criminal and penal, as well as youth matters, while the ninth sits exclusively in youth matters.

### 2 Bas-Saint-Laurent–Côte-Nord–Gaspésie–Îles-de-la-Madeleine

COORDINATING JUDGE

**Jean-Paul Decoste**

Delivering justice in this region is a daunting challenge due to the size of the area and the scattered population. The region encompasses eighteen regional county municipalities (RCMs), seven territories outside the RCMs, and 238 municipalities across three administrative regions. The Court of Québec has a presence at twenty-five points of service across the entire region.

The Gaspésie–Îles-de-la-Madeleine region has four courthouses and two points of service. There is one resident judge at the Percé courthouse and two at the New Carlisle courthouse. The Bas-Saint-Laurent region has four courthouses and three points of service. The Rimouski and Kamouraska judicial districts each have three resident judges, and one judge has an office at the Matane courthouse. The Côte-Nord region has two courthouses and ten points of service. There are three resident judges in Baie-Comeau and three in Sept-Îles.

To provide service across this vast area, the Court relies on a team of sixteen puisne judges and four presiding justices of the peace. The sixteen judges are divided among seven courthouses, and services are also provided at eighteen other points of service.

### 3 Estrie

COORDINATING JUDGE

**Patrick Théroux**

The Estrie region comprises the judicial districts of Saint-François, Bedford, Drummond, and Mégantic. There are four courthouses (Sherbrooke, Granby, Cowansville, and Drummondville) and two points of service (Lac-Mégantic and Magog) for the region's approximately 380,000 inhabitants.

In the Estrie region, the Court is staffed by sixteen judges and two presiding justices of the peace. The Sherbrooke courthouse has ten resident judges, the Granby courthouse has four, and the Drummondville courthouse, two. Many of them are versatile, meaning they hear a wide variety of cases, providing a clear benefit to citizens who receive consistent, efficient, and timely justice. The presiding justices of the peace at the Sherbrooke and Granby courthouses perform their duties throughout the region.

### 4 Laval–Laurentides–Lanaudière–Labelle

COORDINATING JUDGE

**Michèle Toupin**

ASSOCIATE COORDINATING JUDGE

**Jean-Pierre Archambault**

The Laval–Laurentides–Lanaudière–Labelle region remains the fastest-growing region in Québec.

The region has a team of thirty-five judges at four courthouses and three points of service. Of these judges, nineteen are based at the Saint-Jérôme courthouse, eight at the Laval courthouse, and seven at Joliette. Many of them are versatile, meaning they sit in more than one division, which allows them to meet the ad hoc needs of the Youth Division. The team also includes four presiding justices of the peace who work in the four judicial districts in addition to performing their share of provincial on-call duties.

## 5 Mauricie–Bois-Francs–Centre-du-Québec

### COORDINATING JUDGE

**Pierre Labbé**

In 2011, the combined efforts of resident and per diem judges made it possible to maintain reasonable wait times for hearings in the region's three judicial districts.

In the Criminal and Penal Division, the number of lengthy cases continues to pose an ongoing challenge with regard to hearing scheduling, especially in the Trois-Rivières judicial district.

In the Civil Division, the civil rolls have been available for consultation online since November 24, 2011, and all cases are set for hearing at each provisional roll call. The out-of-court settlement rate remains relatively high. In the Small Claims Division, the number of cases has fallen slightly. Two judges from the region sit in the Administrative and Appeal Division.

In the Youth Division, target times are being met in the three judicial districts.

## 6 Montérégie

### COORDINATING JUDGE

**Micheline Laliberté**

### ASSOCIATE COORDINATING JUDGE

**Marc Bisson**

The Montérégie region covers the area comprising the judicial districts of Longueuil, Beauharnois, Richelieu, Saint-Hyacinthe, and Iberville. Residents of the Montérégie region have five courthouses and two points of service at their disposal. The courthouses are located in the municipalities of Longueuil, Saint-Hyacinthe, Sorel-Tracy, Saint-Jean-sur-Richelieu, and Salaberry-de-Valleyfield. The two points of service are administered by the Salaberry-de-Valleyfield courthouse and open on an itinerant basis in the municipalities of Châteauguay and Vaudreuil-Dorion; small claims cases are heard there.

The region has thirty-four judges and four presiding justices of the peace. The coordination team also relies on assistance from outside judges and per diem judges when the need arises.

In youth matters, case management conferences, pre-trial conferences, and facilitation conferences increased in 2011.

In civil matters, it is worth noting that one of the region's judges presides full time over conciliation and case management conferences. Nearly 150 cases were handled in this way during the year. Settlement conferences proved highly successful, with 137 sessions being held.

## **7 Montréal**

### COORDINATING JUDGE

#### **Ruth Veillet**

In the Montréal region, the Court of Québec's judicial activities are divided between three locations. The main courthouse is located on Rue Notre-Dame Est and houses judges who hear civil and administrative and criminal and penal matters, as well as the presiding justices of the peace. The second building, the Court of Québec Youth Division, is located on Rue de Bellechasse Est and accommodates judges responsible for adoption, youth protection, and youth criminal justice cases. The third, Centre de services judiciaires Gouin, is located on Boulevard Gouin Ouest and is dedicated primarily to major criminal cases.

Nearly one-third (eighty-five) of the Court's judges served under the Montréal coordinating team between January 1 and December 31, 2011.

### **Presiding Justices of the Peace**

Montréal has seven presiding justices of the peace, including two who regularly sit outside Montréal. Presiding justices of the peace handle a large volume of penal cases in courtrooms. Working in chambers, they also decide applications for judicial authorization, particularly in the area of searches and arrests.

### **Civil Division**

#### ASSOCIATE COORDINATING JUDGE

#### **Normand Amyot**

Civil Division judges sit in civil matters and in the Small Claims Division. Fifteen of these also sit in the Administrative and Appeal Division. The judges also preside over numerous settlement conferences in civil matters.

### **Criminal and Penal Division**

#### ASSOCIATE COORDINATING JUDGE

#### **Jean-Pierre Boyer**

In the Criminal and Penal Division, the year was marked by an insufficient number of judges. Some of the vacancies had been posted since the summer of 2010, and despite appointments, there was still a shortage of staff.

To deal with mega-trial requirements, Criminal and Penal Division judges adopted a process to promote their involvement in case management. Through it, they pay special attention to the preparation and conduct of the criminal justice process at every step, in close cooperation with the prosecution and the defence.

## **Youth Division**

ASSOCIATE COORDINATING JUDGE

**Denis Saulnier**

At the Montréal Youth Division, the volume of protection cases remained steady, while delinquency case volume fell. Settlement conferences presided over by judges allowed certain cases to be quickly and smoothly brought to a close.

With the support of Batshaw Youth and Family Centres and the Pavillon Foster Addiction Rehabilitation Centre, a pilot project was put in place for parents whose drug, alcohol, or gambling addiction compromises their children's safety or development. Under the program, Batshaw Youth and Family Centres, the Pavillon Foster Addiction Rehabilitation Centre, and case judges continuously monitor children's situations to determine whether children should stay with or return to their families.

## **8 Outaouais**

COORDINATING JUDGE

**Lynne Landry**

The Outaouais region has a population of over 363,000 and is divided into two major areas. The first is Gatineau, and the second comprises the four rural RCMs of Pontiac, Les Collines-de-l'Outaouais, La Vallée-de-la-Gatineau, and Papineau, as well as the Kitigan Zibi and Lac-Rapide reserves, two Algonquin municipalities.

Outaouais' population is spread over a 33,000 km<sup>2</sup> area made up of the judicial districts of Hull (Gatineau courthouse), Pontiac (Campbell's Bay courthouse), and Labelle (Maniwaki courthouse).

The region has eleven judges who take turns sitting in the three courthouses. All the judges have authority to hear cases in each of the matters within the Court's jurisdiction. In addition, two presiding justices of the peace work with the Court of Québec. All the region's judges and presiding justices of the peace are based at the Gatineau courthouse in the Hull sector.

In civil matters, a case management project was put in place. After twelve months of activity, 156 cases were selected, of which nearly 80% were resolved through settlement conferences or by means of an audio conference or pre-trial settlement.

In criminal matters, a pilot project on pre-examination in lieu of preliminary inquiries was under way to improve the management of lengthy preliminary inquiries. The objective is to reduce wait times for hearings and allow cases to progress more quickly to the hearing on the merits.

In youth matters, wait times remained reasonable.

## 9 Québec–Chaudière–Appalaches

INTERIM COORDINATING JUDGE

**Charles G. Grenier**

CIVIL DIVISION ASSOCIATE COORDINATING JUDGE

**Charles G. Grenier**

CRIMINAL AND PENAL DIVISION ASSOCIATE COORDINATING JUDGE

**Chantale Pelletier**

YOUTH DIVISION ASSOCIATE COORDINATING JUDGE

**Jean Lebel**

The Québec–Chaudière–Appalaches region extends from Charlevoix to Portneuf on the north shore of the St. Lawrence River, and from L'Islet to Sainte-Croix de Lotbinière on the south shore. The region has five courthouses located in La Malbaie, Montmagny, Québec City, Saint-Joseph-de-Beauce, and Thetford Mines. When demand warrants and appropriate premises are available, Civil Division judges also hear small claims cases at three points of service in Cap-Santé, Sainte-Croix de Lotbinière, and Lévis.

The Court relies on the services of thirty-eight judges at the Québec City courthouse, one judge at the Saint-Joseph-de-Beauce courthouse, and one judge at the Montmagny courthouse.

The region also has four presiding justices of the peace sitting in penal matters. Three of them are based at the Québec City courthouse and the fourth is based at the Saint-Joseph-de-Beauce courthouse.

In the Civil Division, thirty-five settlement conferences presided over by judges were held, producing a high dispute settlement rate and saving a hundred days worth of inquiries and hearings. In the Small Claims Division, wait times for a hearing were under one year in all the region's judicial districts.

In the Youth Division, over the course of the judicial year, judges presided over thirty-seven settlement conferences; in the vast majority of cases, the parties reached agreements that were in the best interests of the children or youth concerned.

In the Criminal and Penal Division, pre-trial conferences are held for trials or inquiries lasting over two days. The wait time for a trial is around six months.

## 10 Saguenay–Lac-Saint-Jean

### COORDINATING JUDGE

#### **Pierre Lortie**

From a judicial standpoint, Saguenay–Lac-Saint-Jean, the Court of Québec's third-largest coordinating region, covers the area between Saguenay and Chibougamau. It has a population of about 280,000 divided between some fifty localities, each with its own characteristics: urban areas, farming and logging towns, aboriginal communities, and so on.

This rich diversity has an impact on the work of the Court of Québec's regional team, which is made up of ten judges and two presiding justices of the peace. The team serves the judicial districts of Alma, Chicoutimi, and Roberval, in addition to the town of Chibougamau, which falls under the concurrent jurisdiction of the Roberval and Abitibi districts. The judges perform their duties and functions in five courthouses.

The region's judges are generally assigned to more than one division.

In criminal matters, special operations placed heavy demands on judicial resources. However, there was increased use of facilitation conferences, which promote the identification of judicial solutions when requested by both parties.

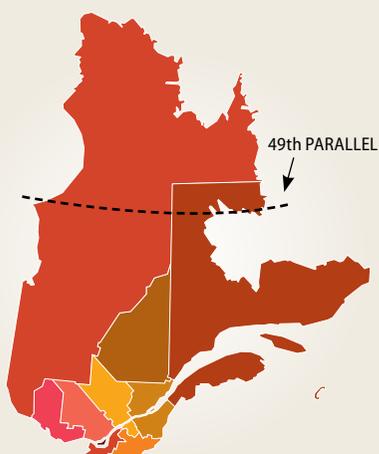
In youth matters, an advisory committee composed of judges and lawyers examined various operational problems and after analysis of the situation, a number of rules were adopted.

In civil matters, the number of settlement conferences continued to grow, and settlement rates were high. The judiciary and the bar adopted a regional protocol setting out special case management measures and judges devoted more and more of their time to case management.

## Territory North of the 49th Parallel

### The Itinerant Court and Justice in Aboriginal Communities

Through what is commonly called the itinerant court, judges perform their duties and functions in the aboriginal communities of northern Québec (Hudson Bay, James Bay, and Ungava Bay) as well as on the North Shore. Cases are heard based on a pre-set schedule and occasionally at additional hearings held to meet specific needs. This procedure makes justice accessible in remote regions while adapting the justice system as much as possible to the traditional values of aboriginal communities.



## Court of Québec Operations

### Administration of the Court

#### Administration Director

The Office of the Chief Judge operates under the terms of an administrative agreement concluded in 2002 between the chief judge and the Minister of Justice. Administrative and financial duties are handled by the administration director under the direction of the chief judge.

Office staff members contribute to the Court's development, administrative autonomy, and efficient operation. They provide support to judges in both their judicial and administrative duties. They help design and develop work and management tools through their role on various working committees at the Court and with Ministère de la Justice.

#### Responsibilities

The Office manages the compensation budget for judges and Office employee as well as the budget for judges' travel costs and official expenditures and for expenses incurred in connection with the annual judges' conference. The Office also manages the operating budget and bears all costs related to the publication of guides, reports, and other documents for the Court.

## Support for Judicial Activities

Under the direction of the administration director and the senior associate chief judge, Research Department legal specialists provide legal support to judges and presiding justices of the peace. The Research Department comprises eleven specialists. The Department has offices at the Québec City and Montréal courthouses. Research Department staff write legal opinions on request and conduct research for cases that have been referred to the judges.

## Professional Development Secretariat

The Office plays a key role in running the annual professional development program. Under the supervision of the judge responsible for professional development and the advisory committee, Professional Development Secretariat staff organize and coordinate all professional development seminars designed for judges and presiding justices of the peace.

## Court Committees

The chief judge forms committees made up of judges and presiding justices of the peace based on need. The committees' mandate is to advise the chief judge on various matters referred to the Court's judges, as well as on communications, technological support, mentoring, and judicial treatment of client groups with special issues.

## Professional Development

### Professional Development Program for Judges

The professional development program for judges consists of mandatory training provided to each newly appointed judge. Thereafter, judges are provided with continuous training programs in the areas of law in which they practise. Judges may also take seminars on information technology, case management, settlement conferences, and facilitation conferences. These seminars are designed for all judges, regardless of division. Regional training days are organized to take stock of legislative and case law developments in a particular field of law or to address specific topics in response to needs expressed by judges.

Every professional development activity is planned and overseen by a committee whose members and chair are appointed by the chief judge. Each committee is under the direction of an associate chief judge.

## Professional Development for Presiding Justices of the Peace

Presiding justices of the peace are eligible to attend certain seminars and presentations designed for Court judges. They also organize seminars on specific topics, such as recent developments in penal and regulatory law, powers of judges who issue authorizations, and limitations related to night work. In addition, every year, presiding justices of the peace organize and attend a seminar on a current topic.

## Outreach

Court judges may attend seminars in Québec, the rest of Canada, or elsewhere to receive training or act as guest speakers or panellists. In addition, the Court regularly welcomes magistrates from other jurisdictions, both in Canada and abroad, to share their knowledge and discuss how the Court operates.

# Specialized Courts

## Human Rights Tribunal

The Human Rights Tribunal was created in 1990 when major amendments to the Québec *Charter of Human Rights and Freedoms* came into effect. As a specialized judicial body, the Tribunal has jurisdiction to hear disputes related to discrimination and harassment motivated by a variety of reasons prohibited under the Charter. The Tribunal has authority to award material, moral, and punitive damages and to render all necessary orders related to its jurisdiction.

The Tribunal consists of at least seven members, namely a president chosen from among the judges of the Court of Québec and six assessors. Their term of office is five years and is renewable. The government may also appoint judges from the Court of Québec to hear and decide an application or for a determined period.

## Professions Tribunal

The Professions Tribunal was created in 1973 with the adoption of the *Professional Code*. Tribunal members are chosen from among Court of Québec judges and currently number eleven. They hear appeals of decisions issued by discipline councils and certain non-disciplinary decisions made by boards of directors and executive committees. In 2011, the Tribunal handed down 237 judgments.

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**Court of Québec  
Organization Chart**

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