

COURT OF QUÉBEC  
PUBLIC REPORT 2012



<b>MESSAGE FROM THE CHIEF JUDGE</b>	<b>4</b>	Regions	16
<b>PRESENTATION OF THE COURT OF QUÉBEC</b>	<b>6</b>	<b>ADMINISTRATION OF THE COURT</b>	<b>22</b>
<b>COMPOSITION</b>	<b>8</b>	<b>COURT COMMITTEES</b>	<b>23</b>
Judges in Management Positions	8	<b>THREE-YEAR VISION 2012–2013–2014</b>	<b>24</b>
Judges	10	<b>VISION</b>	<b>24</b>
Presiding Justices of the Peace	10	<b>VALUES</b>	<b>24</b>
Per Diem Judges	11	A court that is defined by its judges	25
<b>JURISDICTION</b>	<b>11</b>	A court that adapts to citizens' needs	26
Civil Division	11	A court that innovates	27
Criminal and Penal Division	12	A dynamic court	28
Youth Division	13	<b>SPECIALIZED COURTS</b>	<b>29</b>
<b>THE COURT OF QUÉBEC:</b>	<b>14</b>	Human Rights Tribunal	29
<b>PRESENT THROUGHOUT THE PROVINCE</b>		Professions Tribunal	29
Area covered	15		
Court of Québec Judges by Region	15		

## MESSAGE FROM THE CHIEF JUDGE

Once again this year, it is my pleasure to present a public report<sup>1</sup> on the Court of Québec's main activities in 2012 in all regions of Québec and in each of its three divisions.

Last year, I made note of the positive response from Québec's Ministère de la Justice to the Court's many submissions concerning the urgent need to increase its resources. I am therefore delighted with the *Courts of Justice Act* amendments that came into effect on April 5, 2012, bringing the number of judges at the Court of Québec from 270 to 290 and the number of associate coordinating judges from 8 to 12. In addition, the Court now benefits from the contribution of 36 presiding justices of the peace, which is 3 more than last year.



The new *Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace* came into effect on January 28, 2012. Implementation of the regulation gave rise to an unprecedented burst of activity at the court: 38 judge positions were opened with the publication of 5 notices of selection in the *Journal du Barreau*, 18 selection committees have been formed to date, and over 600 candidates have been interviewed by members of these committees.

I would especially like to acknowledge the extraordinary work accomplished by the senior associate chief judge and associate chief judges, who presided over these committees and travelled all over Québec to meet the candidates. This exceptional effort will culminate in 2013 when the last positions are filled.

Establishing and filling these new positions is clearly a step toward our goal of administering justice within target time frames.

The Court of Québec's desire to be recognized as a court that adapts to citizens' needs is one of the four fundamental values of the Three-year Vision adopted by the Court this year. The 2012 public report provides a snapshot of the initiatives that have already been undertaken to implement this strategic plan, which comprises concrete actions aimed at improving access to justice. Among other accomplishments,

<sup>1</sup> This is the abridged version of the Court of Québec *Public Report 2012*. The unabridged version of the report is available in French only on the Court's website at [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/index-cq.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/index-cq.html). The abridged version is available in both official languages.

I am very proud of the establishment of the small claims issue table and the court-supervised drug treatment program in Montréal. I would also like to highlight the work of the committees tasked with analyzing amendments to civil procedure, adoption, and youth protection legislation currently under consideration.

All judges were encouraged to contribute to this collective effort to improve access to justice at the Court of Québec annual meeting, which is held as part of the annual judges' conference. This year's conference kicked off under the highly apropos theme "Sur les pistes de l'excellence" to help participants think about how we can excel and improve.

As you will see in reading this report, 2012 was a very active year for the Court in many regards. 2013 is shaping up to be just as busy — and in all likelihood even busier since it marks the 25<sup>th</sup> anniversary of the creation of the Court of Québec. This turning point in the life of our judicial institution will be an opportunity to take a look at our accomplishments, of course, but also a time to reflect further on the initiatives the Court of Québec should pursue and the actions it should take to stay in touch with the society it serves.

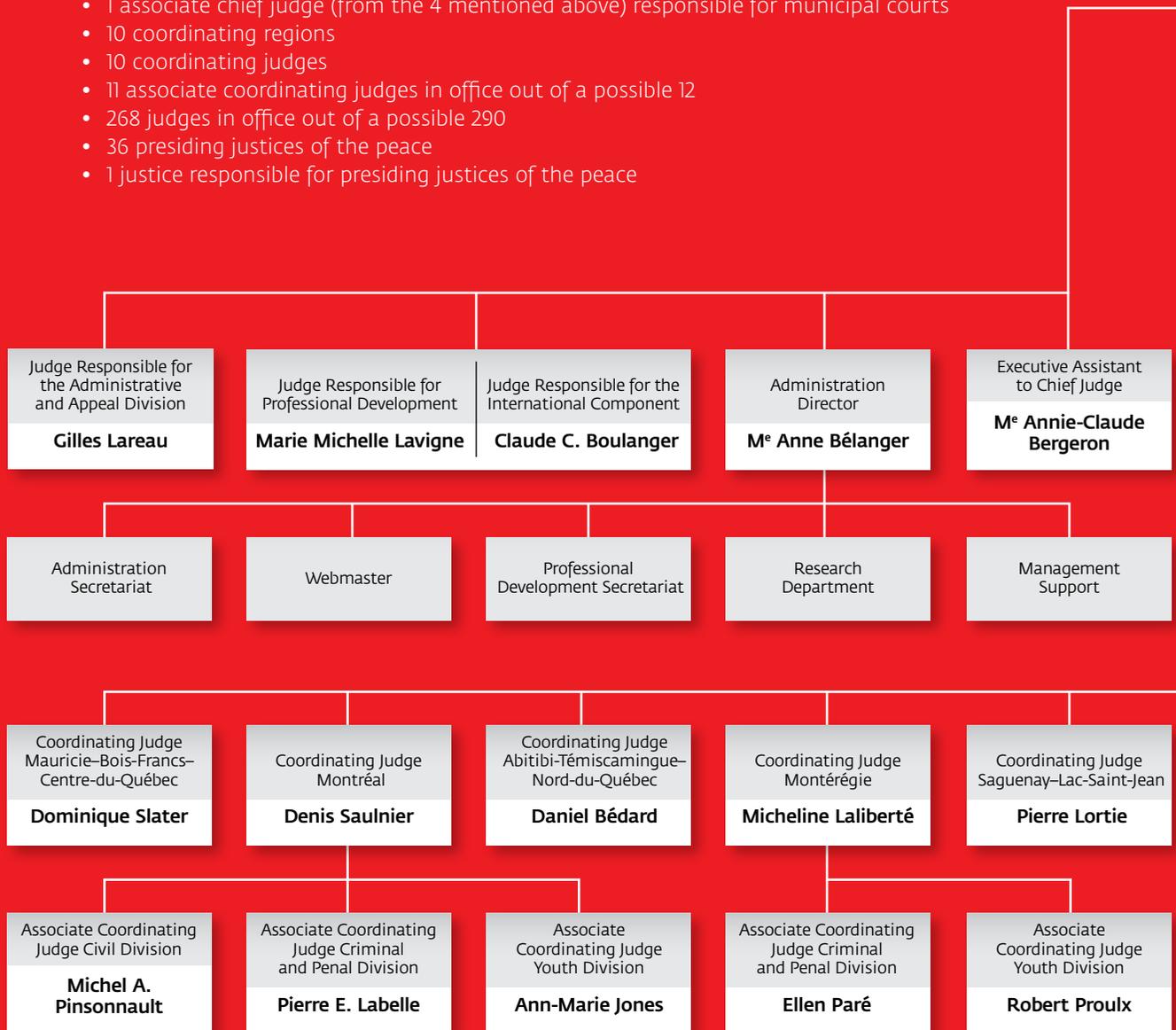


Élizabeth Corte  
*Chief Judge*

# PRESENTATION OF THE COURT OF QUÉBEC

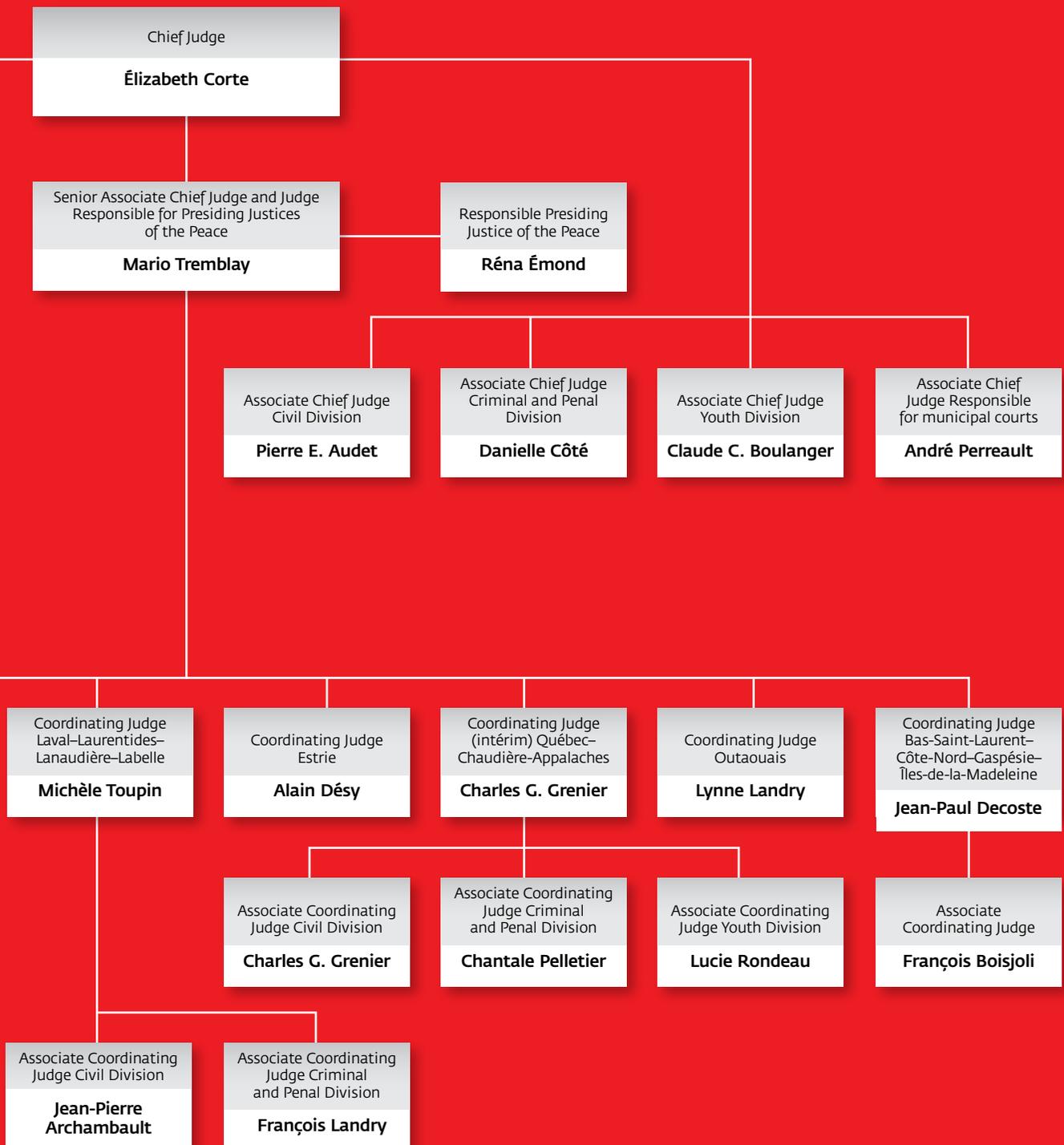
As of December 31<sup>st</sup>, 2012, the Court of Québec consisted of :

- 3 divisions: civil, criminal and penal, and youth
- 1 chief judge
- 1 senior associate chief judge
- 4 associate chief judges
- 1 associate chief judge (from the 4 mentioned above) responsible for municipal courts
- 10 coordinating regions
- 10 coordinating judges
- 11 associate coordinating judges in office out of a possible 12
- 268 judges in office out of a possible 290
- 36 presiding justices of the peace
- 1 justice responsible for presiding justices of the peace



# ORGANIZATION CHART

As of December 31, 2012



# COMPOSITION

## Judges in Management Positions

The Court of Québec is composed of a maximum of 290 judges and 36 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)<sup>2</sup>.



TOP ROW, FROM LEFT TO RIGHT

**Claude C. Boulanger**

Associate Chief Judge for Youth Division

**Pierre E. Audet**

Associate Chief Judge for Civil Division

**André Perreault**

Associate Chief Judge Responsible for municipal courts

BOTTOM ROW, FROM LEFT TO RIGHT

**Mario Tremblay**

Senior Associate Chief Judge

**Élizabeth Corte**

Chief Judge

**Danielle Côté**

Associate Chief Judge for Criminal and Penal Division

## 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 Court'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 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 judge program. The senior associate chief judge is also responsible for application of the judge mobility program and issues related to judges' safety. In addition, he oversees the presiding justices of the peace.

<sup>2</sup> To learn more about Conseil de la magistrature, please visit the Conseil website at <http://www.conseildelamagistrature.qc.ca/index.php?langue=en>.

## Associate Chief Judges

The four associate chief judges of the Court of Québec are appointed by the government, 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 for which they are responsible. They help reach the Court's objectives and establish Court priorities and policies by recommending ways to improve its operations. 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 these courts. In this capacity, he performs the duties and functions conferred under the *Act Respecting Municipal Courts*. He 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 twelve associate coordinating judges when circumstances dictate. Under the chief judge's authority, coordinating and associate coordinating judges are in charge of administering the Court in their respective regions. 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, Associate Coordinating Judges, M<sup>e</sup> Anne Bélanger and M<sup>e</sup> Annie-Claude Bergeron.

## Judges

On December 31, 2012, the Court had 268 judges out of a possible 290, of which 106 were women and 162, men. The tables below indicate the number of judges by years of seniority and by age.

### Court of Québec Judges by Seniority on December 31, 2012

Under 5 years	80	30%
5 to 9 years	72	27%
10 to 15 years	38	14%
Over 15 years	78	29%
<b>Total</b>	<b>268<sup>3</sup></b>	<b>100%</b>

### Court of Québec Judges by Age on December 31, 2012

Under 50	49	18%
50 to 59	115	43%
60 to 70	104	39%
<b>Total</b>	<b>268</b>	<b>100%</b>

## Presiding Justices of the Peace

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

The *Courts of Justice Act* was amended in 2012 to create a position of justice responsible for presiding justices of the peace.

### Presiding Justices of the Peace by Gender on December 31, 2012

Men	18	50%
Women	18	50%
<b>Total</b>	<b>36</b>	<b>100%</b>

### Presiding Justices of the Peace by Age on December 31, 2012

Under 50	19	53%
50 to 59	9	25%
60 to 70	8	22%
<b>Total</b>	<b>36</b>	<b>100%</b>

<sup>3</sup>There were twenty-two vacancies on the bench.

## 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, which is renewed each year. Under the terms of this 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.

# JURISDICTION

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

## Civil Division

### 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 of Canada.

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 otherwise than by a trial, saving both the parties and the judicial system time and money.

### Administrative and Appeal Division (AAD)

In 2007, for the sake of uniformity, consistency, and efficiency, the Court of Québec created the Administrative and Appeal Division (AAD) within the Civil Division. The approximately 30 judges assigned to it 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 on taxation and tax recovery.

### **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. 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. They provide each party with fair and impartial assistance, so as to render effective the substantive law and ensure that it is carried out. When circumstances allow, the judges endeavour to bring the parties to an agreement. The judgment rendered is a reasoned decision and cannot be appealed.

### **Criminal and Penal Division**

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 this division may also handle certain applications for judicial authorizations for which they have either exclusive or concurrent jurisdiction with the Superior Court or 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 (or bail) hearings whose goal is to decide whether a defendant may be released before legal proceedings are over. They are also in charge of preliminary inquiries, which determine whether there is a triable issue.

In criminal matters, the judges preside over 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 offences punishable on summary conviction.

In penal matters, they hear proceedings initiated 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 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.

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. 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 requests so or if 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 security 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 protective measures listed in the *Youth Protection Act* to be carried out in order to stop the situation.

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

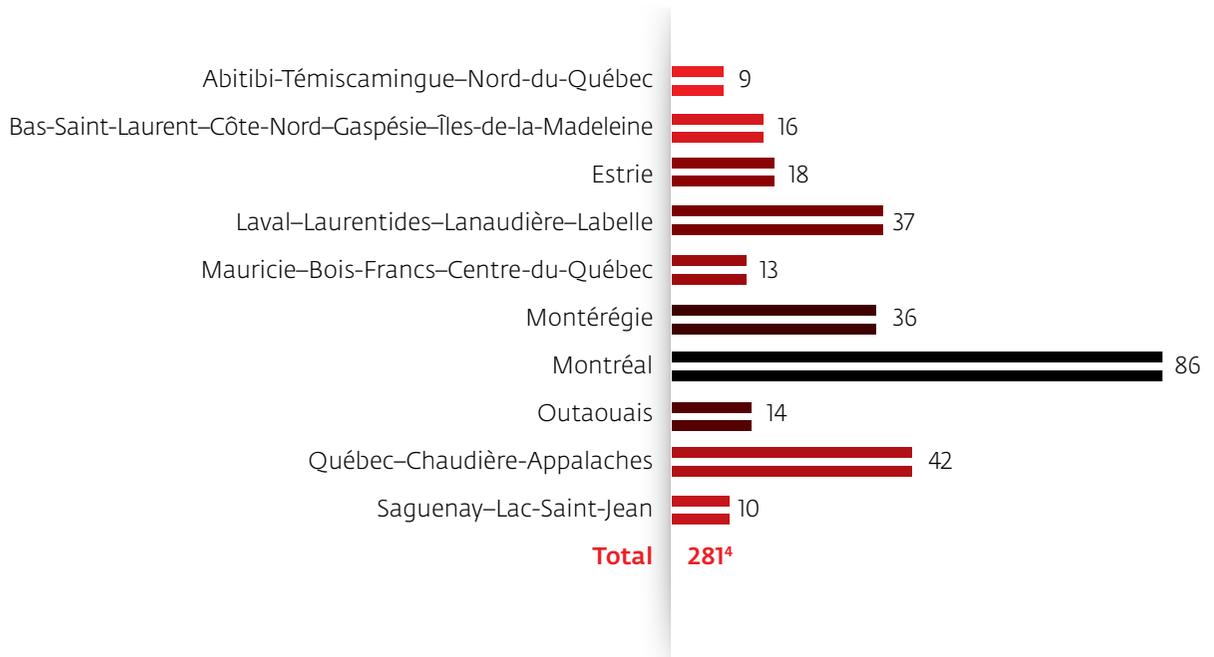
THE COURT OF QUÉBEC:  
PRESENT THROUGHOUT THE PROVINCE

## AREA COVERED

- 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



## COURT OF QUÉBEC JUDGES BY REGION ON DECEMBER 31, 2012



<sup>4</sup> Including vacant positions.

## REGIONS

### **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 the judicial districts of 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.

One of the projects of interest developed in 2012 aims to centralize urgent cases to speed up processing, shorten waiting times, and allow judges not to interrupt or suspend in-progress trials to hear urgent cases (e.g., release hearings)<sup>5</sup>.

The Court also introduced a new way to manage civil cases that are ready to be heard. Certain “floating” days are now offered to parties who are not available on the dates indicated when cases are called. After coming to a mutual decision, parties can submit their preferred dates, following which the Court advises them of the selected date.

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

Coordinating judge: **Jean-Paul Decoste**

Associate coordinating judge: **François Boisjoli**

Delivering justice in this region is a daunting challenge due to the huge area to cover and the scattered population.

The Court relies on a team of sixteen puisne judges and four presiding justices of the peace in this region. The sixteen judges serve in seven courthouses, and service is also provided at eighteen other points of service.

The judges' active participation in case management is producing results in pre-hearing, facilitation, and settlement conferences. Although settlement conferences are still rarely used, particularly in the Criminal and Penal Division, every judge endeavours to convince attorneys to make use of this option to meet the region's needs and realities.

<sup>5</sup> *Infra*, p.26.

## **Estrie**

Coordinating judge: **Alain Désy**

The Estrie region comprises the judicial districts of Saint-François, Bedford, Drummond, and Mégantic. There are four courthouses in Sherbrooke, Granby, Cowansville, and Drummondville, and points of service in Lac-Mégantic and Magog.

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

Alternative dispute resolution methods and case management are widely used in Estrie. The judges' ongoing involvement is a perfect match for the high level of cooperation received from attorneys practicing in the region.

## **Laval–Laurentides–Lanaudière–Labelle (Mont-Laurier)**

Coordinating judge: **Michèle Toupin**

Associate coordinating judge (Civil Division): **Jean-Pierre Archambault**

Associate coordinating judge (Criminal and Penal Division): **François Landry**

The Laval–Laurentides–Lanaudière–Labelle region comprises the judicial districts of Laval, Terrebonne, Joliette, and Labelle (Mont-Laurier) and has four courthouses and three points of service. It continues to be the fastest-growing region in Québec.

Many of the region's thirty-five judges are versatile, meaning they sit in more than one division, which allows them to meet the ad hoc needs of the Youth Division. Four presiding justices of the peace serve the four courthouses, in addition to performing their share of provincial on-call duties.

In 2012, early case management protocols were signed with the Laval and Laurentides–Lanaudière bars for cases involving latent defects, defective workmanship, and construction defects. In implementing these protocols — which are already showing promise — the partners seek to save time and significantly reduce costs incurred by citizens.

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

Coordinating judge: **Dominique Slater**

The Mauricie–Bois-Francs–Centre-du-Québec region comprises the three judicial districts of Trois-Rivières, Arthabaska, and Saint-Maurice and four courthouses in Trois-Rivières, Victoriaville, Shawinigan, and La Tuque. The La Tuque courthouse provides services to the aboriginal communities of Wemotaci and Obedjiwan (in youth matters). On December 31, 2012, the region was staffed by thirteen judges and two presiding justices of the peace.

The sustained efforts of the region's judges enable residents to enjoy timely access to quality justice. Numerous tools to facilitate efficient administration of justice, including videoconferencing, pre-hearing conferences, and settlement conferences, are used in all Court divisions.

## **Montérégie**

Coordinating judge: **Micheline Laliberté**

Associate coordinating judge (Youth Division): **Robert Proulx**

Associate coordinating judge (Criminal and Penal Division): **Ellen Paré**

The Montérégie region covers the area comprising the judicial districts of Longueuil, Beauharnois, Richelieu, Saint-Hyacinthe, and Iberville. It has thirty-six judges and five presiding justices of the peace.

In the Civil Division, early case management has been highly successful, reducing waiting times appreciably. The Court of Québec continues to support the efforts of Association du Jeune Barreau de Longueuil, which set up a legal information service in 2012 to provide citizens with free information sessions on small claims led by volunteer lawyers.

In criminal matters, the judges preside more and more regularly over pre-hearing, facilitation, and case management conferences and generally receive good cooperation from attorneys.

In the Youth Division, new dispute settlement tools are being discussed in response to the growing caseload.

## Montréal

Coordinating judge: **Denis Saulnier**

Montréal's 86 judges and presiding justices of the peace handle the largest case volume in Québec.

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 twenty-nine Criminal and Penal Division judges, twenty-seven Civil Division judges, and nine presiding justices of the peace. The second building, located on Rue de Bellechasse Est, is unique in that its twenty-one judges exclusively hear youth protection, adoption, and youth criminal cases. The third, Centre de services judiciaires Gouin, is located in the north of the city and is dedicated primarily to criminal mega-trials.

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

### CRIMINAL AND PENAL DIVISION

Associate coordinating judge: **Pierre E. Labelle**

In 2012, in cooperation with numerous partners, the Court is pleased to have played an active role in setting up the Court of Québec's court-supervised drug treatment program in Montréal. The program is designed primarily for persons dealing with addiction problems who commit offences to satisfy their habits.

Other programs, including domestic violence programs, are still in place, and every effort is being made to continuously improve them.

### CIVIL DIVISION

Associate coordinating judge: **Michel A. Pinsonnault**

Civil Division judges sit in the Regular Division and Small Claims Division. Fifteen of them also sit in the Administrative and Appeal Division (AAD).

In 2012, numerous settlement conferences were held, saving over 100 hearing days, which were used to the benefit of other citizens.

The judges also heard 3,438 applications regarding mental health matters, (e.g., motions to obtain a psychiatric evaluation or for confinement), which represents a 40% increase over 2008. The Court must pay special attention to this increase in order to continue providing quality services to individuals in distress.

## YOUTH DIVISION

Associate coordinating judge: **Ann-Marie Jones**

The volume of youth protection and delinquency cases remained largely unchanged, but the increase in the number of lengthy and complex cases requires more hearing and management time. The same can be said of adoption matters.

However, the case management process introduced at the Youth Division in 2010 makes it easier to schedule pre-hearing and management conferences and determine the parties' interest in settlement conferences in lengthy cases requiring two or more hearing days.

## Outaouais

Coordinating judge: **Lynne Landry**

The Outaouais region comprises the judicial districts of Hull (Gatineau courthouse), Pontiac (Campbell's Bay courthouse), and Labelle (Maniwaki courthouse). The year 2012–2013 will go down in regional history as the year in which the number of puisne judges increased from eleven to fourteen. This addition will improve services in all areas. Two presiding justices of the peace complete the Outaouais team.

Intervention by judges from all Court divisions as early as possible in the judicial process is encouraged. Alternative dispute resolution methods, including settlement, facilitation, pre-hearing, and management conferences, are an important focus. The parties and their lawyers are more likely to participate in programs in place.

## Québec–Chaudière–Appalaches

Interim coordinating judge: **Charles G. Grenier**

Associate coordinating judge (Civil Division): **Charles G. Grenier**

Associate coordinating judge (Criminal and Penal Division): **Chantale Pelletier**

Associate coordinating judge (Youth Division): **Lucie Rondeau**

The Québec–Chaudière–Appalaches region includes the judicial districts of Québec City, Beauce, Frontenac, Montmagny, and Charlevoix and has five courthouses located in Québec City, Saint-Joseph-de-Beauce, Thetford Mines, Montmagny, and La Malbaie. When demand warrants it and appropriate premises are available, Civil Division judges also hear small claims cases at three points of service.

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 latter two also serve at the Québec City courthouse. The region has four presiding justices of the peace.

Working in close cooperation with the Québec Bar, the team of coordinating judges continues to focus on attentive, dynamic management of the rolls, with the aim of scheduling trial dates quickly and reducing waiting times. This proactive approach is supplemented by permanently available pre-hearing or management conferences and settlement conferences. The parties and their attorneys appreciate these alternatives and are using them more and more.

In the Civil Division, 48 settlement conferences were held by judges, producing a 90% settlement rate and saving 100 days worth of inquiries and hearings.

Youth Division judges continued to give parties the option of using settlement conferences as an alternative conflict resolution method in youth protection cases. In addition, the Jeunes Parents program that provides judicial followup for parents dealing with addiction problems remains in effect.

In criminal and penal matters, some forty pre-hearing conferences were held for trials or inquiries lasting more than two days. A new procedure was also established allowing the accused to amend the conditions of an undertaking with the prosecutor's consent without being required to return before a judge.

Lastly, a variety of measures related to mental health custody orders have been put into place to make the process of hearing motions more human and attentive and ensure those involved are not subject to undue waits.

## Saguenay–Lac-Saint-Jean

Coordinating judge: **Pierre Lortie**

Saguenay–Lac-Saint-Jean is the Court of Québec’s third-largest coordinating region. The judges work in 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 Court’s regional team is made up of ten judges and two presiding justices of the peace. Nearly all the judges serve in at least two divisions, with some even working in three. This flexibility allows citizens to access services quickly and reduce costs, in addition to meeting a variety of ad hoc needs.

In the Saguenay–Lac-Saint-Jean region, judicial waiting times are reasonable. The main challenge is reducing costs, which helps improve access to justice. Early case management in conciliation conferences and judicial case management in latent defect cases contribute to achieving this goal. These methods also help the parties find solutions to their problems in a less contentious setting.

## ADMINISTRATION OF THE COURT

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.

The Office manages the budget for compensation, travel expenses and official expenditures for judges and presiding justices of the peace, as well as their furnishing, personalized stationery, and other necessary supplies. It also contributes financially to expenses incurred in connection with the annual judges’ conference.

The Office also operates a research department for judges and presiding justices of the peace staffed by researchers and specialists. Their duties include providing support to judges on the cases that have been referred to them and assisting with the work of various committees and certain professional development seminars.

With regard to professional development, the Secrétariat au perfectionnement is responsible for the logistical organization of training seminars for judges and presiding justices of the peace.

In connection with municipal affairs, the Secrétariat aux cours municipales supports the associate chief judge responsible for municipal courts. Three employees assign judges, organize training seminars, and provide support to the associate chief judge in managing the municipal courts.

Lastly, Office staff provides administrative support to chief judges, including actively assisting with the orientation of newly appointed judges. They also provide chief judges, coordinating judges, and associate coordinating judges with useful management data.

## COURT COMMITTEES

The mandate of Court of Québec committees, which are made up of judges and presiding justices of the peace, 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 clientele with special issues.

## THREE-YEAR VISION 2012–2013–2014 <sup>6</sup>

The Court of Québec's *Three-year Vision 2012–2013–2014* is the outcome of periodic reflection by the Court to stay in touch with the society it serves and ground its actions in values shared by all its members.

### VISION

That the Court of Québec seeks to 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**

A court that is built on its judges' competence, integrity, probity and humanity

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

A court that responds to citizens' needs within targeted time frames

#### **A court that innovates**

A court that promotes case management, appropriate dispute settlement methods, and the use of various means of communication

#### **A dynamic court**

A court that provides leadership and advocates dialogue, cooperation, and involvement with partners from the legal and judicial community

<sup>6</sup> The complete text of the Three-year Vision is available at:  
[http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/Communiqués/Vision\\_EN\\_Vfinale.pdf](http://www.tribunaux.qc.ca/mjq_en/c-quebec/Communiqués/Vision_EN_Vfinale.pdf).

Here is a snapshot of some of the concrete initiatives the Court has already undertaken to implement this Three-year Vision.

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

### **Selecting the Best Candidates**

The *Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace* came into effect in 2012.

Under the new regulation, selection committee membership has been increased from three to five people. Each committee is chaired by a judge who, in practice, is the senior associate chief judge or an associate chief judge. Selection committee members receive special training to help them fully understand their role. Training is provided by the team made up of the senior associate chief judge and associate chief judges of the Court of Québec. The criteria that selection committees must consider in evaluating candidates have been spelled out.

In order to allow the Minister of Justice to make a recommendation to the Cabinet, the selection committee draws up a report indicating, in alphabetical order, the names of three candidates it considers qualified to be appointed as judges. The committee report includes a personalized appreciation of the proposed candidates.

The Court of Québec subscribes to the new thrust of the regulation, which will allow it to continue proposing excellent candidates to the Minister of Justice.

### **Mentoring**

The Court of Québec has implemented a mentorship program for new judges. It is part of the orientation program and rounds out the professional development activities that are provided for new colleagues.

### **Professional Development**

The professional development program for judges consists of mandatory training provided to each newly appointed judge. Thereafter, judges are provided with training programs in the areas of law in which they practice. 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.

Presiding justices of the peace are eligible to take part in general training activities designed for all Court of Québec judges, such as the seminars on trial conduct and judgment writing. Every year, they are also provided with specialized training sessions on specific topics.

### **Personal Involvement of Judges**

From the time they are appointed, all Court judges are encouraged to participate in Court committees, including those related to the organization of professional development activities. Every activity is planned and overseen by a committee whose members are appointed by the chief judge, who also designates the chair. Each committee is under the direction of an associate chief judge.

### **The Administrative and Appeal Division**

In fall 2011, the Court of Québec engaged in a reflection about the Administrative and Appeal Division (AAD). The aim of this process was to take stock of the experience acquired by the Division since its creation and identify priorities to strengthen its foundations and clarify its objectives. After analyzing the situation and consulting the judges, the Division restructuring report was presented to Court management and approved in fall 2012. The restructuring process has been underway since January 1, 2013.

### **A court that adapts to citizens' needs Justice in Aboriginal Communities**

- The Itinerant Court and Justice in Aboriginal Communities

Judges serving on the itinerant court perform their duties in the aboriginal communities of northern Québec (Hudson Bay, James Bay, and Ungava Bay), as well as on the North Shore. They hear cases based on a pre-set schedule and occasionally at additional times 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.

- Project to Centralize Urgent Cases

The Court of Québec implemented a project to centralize urgent cases in the Abitibi region to lighten the itinerant court's overbooked rolls. The project will provide for the capacity to hold interim release hearings by videoconference, which will free up the itinerant court to focus on preliminary inquiries and trials. This solution also ensures that aboriginal detainees can remain in their communities during this important phase instead of being transported to detention facilities, often several hours away by air.

This project provides for the centralization of urgent cases in all matters, with a view to avoiding unnecessary travel and costs in a large district where the nearest courthouse is often a considerable distance away.

### **Therapeutic Justice**

- The Court of Québec's Drug Treatment Program in Montréal

In November 2012, the chief judge announced the implementation of the Court of Québec's drug treatment program in Montréal (Programme de traitement de la toxicomanie de la Cour du Québec à Montréal, or PTTCCQ). This pilot project is part of the provincial program adopted under the provisions of Section 720(2) of the *Criminal Code* and announced by the Québec's Minister of Justice and Attorney General.

The Court of Québec is convinced that the consequences of implementing this court-supervised drug treatment program will be positive, not only for offenders who will receive structured, personalized treatment, but also for the judicial system and society in general.

## **A court that innovates**

### **Case Management and Appropriate Dispute Settlement Methods**

- Case Management

The introduction of case management, at the very beginning of the institution of legal proceedings, is an innovation to the civil justice system brought in by the amendment of the *Code of Civil Procedure* in 2002. The judge's role is no longer limited to hearing adversarial proceedings. By managing cases and the rolls for hearing, judges take an active role in ensuring cases progress smoothly. The ultimate goal is to administer justice in a timelier and less costly manner.

- Small Claims

On September 1, 2012, the *Access to Justice Act*, the legislation that gave birth to the Small Claims Division, discreetly celebrated its 40<sup>th</sup> anniversary. In 1972, the Division had jurisdiction to hear claims of \$300 and under. By 2012, this had increased to \$7,000 and under. Proposed amendments to the *Code of Civil Procedure* would raise this amount substantially to \$15,000.

To respond to existing and future claims, the Court has established two measures:

- New Seminar

A new seminar on small claims is currently being developed to train judges who hear small claims cases. The seminar primarily covers communication and case management at the Small Claims Division.

- Issue Table

The establishment of the small claims issue table was proposed to justice partners by the chief judge of the Court of Québec.

Work began on August 30, 2012, with initial partners that included the Court of Québec, the Québec Bar, young regional bars, and Ministère de la Justice's Direction générale des services de justice et des registres. Other partners subsequently joined, including regional bars and young bars, Office de la protection du consommateur, Chambre des notaires du Québec (small claims mediators), Chambre des huissiers de justice, Centre de justice de proximité de Montréal and Éducaloi.

The purpose of the small claims issue table is to promote and support the introduction of concrete measures to provide legal assistance to parties at the Small Claims Division. Private meetings and information sessions also provide opportunities to promote mediation, a free service offered to parties, which has not been as successful as hoped.

- Pilot Project on Examination for Discovery in Lieu of Preliminary Inquiries

On April 30, 2012, the Court of Québec and the Outaouais Bar signed an agreement to establish a pilot project on examinations for discovery in lieu of preliminary inquiries in criminal matters in the judicial district of Hull. A mechanism was also established to facilitate and manage these cases to move them more quickly toward a settlement or a hearing. Attorneys are using this pilot project more and more, and other judicial districts are considering implementing it.

- Case Management in Criminal Matters

The Court of Québec is determined to maximize designation of case management judges. *Criminal Code* case management provisions are not used enough, even though they provide all the flexibility needed to accelerate the processing of a wide variety of cases. Coordinating and associate coordinating judges have therefore been encouraged to pay special attention to cases that might benefit from such management.

### **A dynamic court Outreach<sup>7</sup>**

Court of Québec judges are encouraged to actively participate in working sessions with the Québec Bar and regional bars, take part in issue tables and liaison panels, and step up collaboration with university law faculties.

In taking part in these activities, judges generously agree to share their knowledge and experiences. They also seize these opportunities to better understand the needs of citizens and stay in harmony with the society they serve.

### **Communications**

In 2012, a number of online information documents about the Court of Québec were updated further to amendments to the *Courts of Justice Act* and the *Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace*.

<sup>7</sup> For more information on the activities of Court of Québec judges in 2012, see the Court's website: [http://www.tribunaux.qc.ca/mjq\\_en/c-quebec/index-cq.html](http://www.tribunaux.qc.ca/mjq_en/c-quebec/index-cq.html).

## SPECIALIZED COURTS



Michèle Pauzé, president

### Human Rights Tribunal

The Human Rights Tribunal<sup>8</sup>, 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. As a specialized judicial body, the Tribunal has jurisdiction to hear complaints related to discrimination and harassment grounded on one of the motives prohibited under the Charter. It can also hear cases concerning the exploitation of elderly and disabled persons as well as affirmative action programs.

The Tribunal consists of at least seven members, namely a president 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.



Louise Provost, president

### Professions Tribunal

The Professions Tribunal<sup>9</sup> was created in 1973 with the adoption of the *Professional Code*. It currently has jurisdiction over 44 professional orders.

The Tribunal sits with three judges for hearings on the merits. In other cases, it sits with one judge, appointed by the president. Its judgments are final. The Tribunal hears appeals of decisions issued by disciplinary councils and certain non-disciplinary decisions made by boards of directors and executive committees. The Tribunal may confirm, amend, or overrule any decision submitted to it that, in its judgment, should have been handed down in the first place.

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

In 2012, the Tribunal handed down 180 judgments.

<sup>8</sup> To learn more about the Tribunal, see its website: [http://www.tribunaux.qc.ca/mjq\\_en/TDP/index-tdp.html](http://www.tribunaux.qc.ca/mjq_en/TDP/index-tdp.html).

<sup>9</sup> To learn more about the Tribunal, see its website: [http://www.tribunaux.qc.ca/Tribunal\\_professions/index\\_professions.html](http://www.tribunaux.qc.ca/Tribunal_professions/index_professions.html).

This publication was written and produced by the Office of the Chief Judge of the Court of Québec :  
300, boulevard Jean-Lesage, Suite 5.15  
Québec City, Québec G1K 8K6  
Tel. : 418-649-3424

A limited number of copies of this publication was printed. A complete version of the report (in French only) may be consulted on the Court's website ([www.tribunaux.qc.ca](http://www.tribunaux.qc.ca)).

To order this publication, contact the Office of the Chief Judge of the Court of Québec :  
Tel. : 418-649-3100  
Fax. : 418-643-8432  
Email : [infocourduquebec@justice.gouv.qc.ca](mailto:infocourduquebec@justice.gouv.qc.ca)

© Court of Québec, 2013  
Legal deposit – Bibliothèque nationale du Québec, 2013  
National Library of Canada  
ISBN : 978-2-550-67212-8 (**imprimé**)  
ISBN : 978-2-550-67213-5 (**pdf**)



