



COUR DU QUÉBEC

RAPPORT PUBLIC

2010

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The artwork on the cover page was done by Judge Jean La Rue, on the occasion of the tenth anniversary of the Court of Québec in 1998. This artwork represents the robe worn by the judges and evokes the fact that the Court of Québec was formed upon the unification of provincial courts: the Provincial Court, the Court of Sessions of the Peace and the Youth Court.

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Please note that throughout this publication, the masculine gender has been used without any discrimination, but rather solely for the purpose of easier reading.

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# *Court of Québec* *Public Report 2010, extract*

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## *Message from the Chief Judge*



*Elizabeth Coste*

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I am extremely proud to present the fifth public report of the Court of Québec. All members of the Court's management team offered their input to provide you with an insight into our institution through the daily activities of judges as well as the activities that connect the Court to the society it serves.

The political, economic and social environment has had an undeniable impact this year on the operations of the Court. Accessibility to justice is an inescapable challenge for all courts of law across the country, and the judges of the Court of Québec have spared no effort to maintain a level of quality service despite daily concerns over underfunding in the area of justice and considerable delays in the appointment of judges.

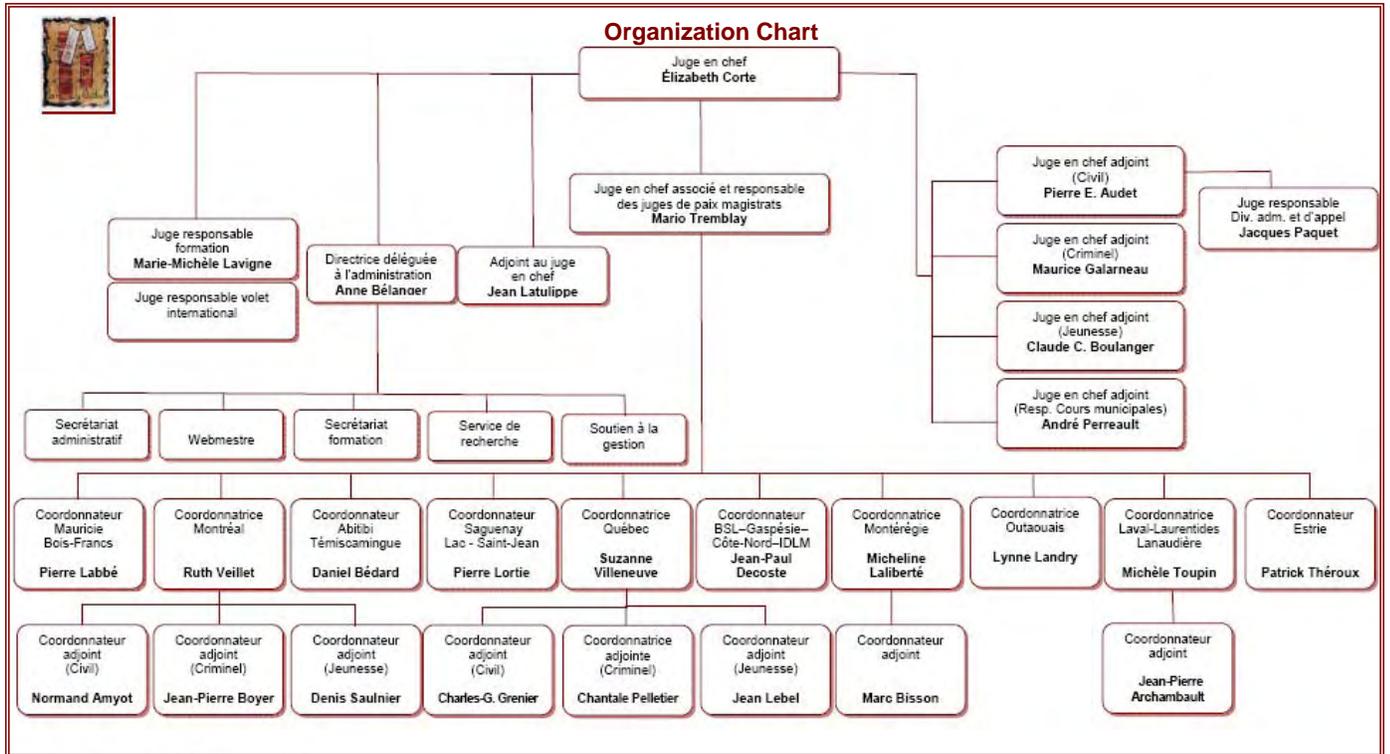
Nonetheless, in addition to their duties and functions as impartial and ethical decision-makers, judges have succeeded in maintaining the vitality of the Court of Québec and strengthen its outreach by participating in the countless activities that you will see described in the pages that follow.

Upon reading this report, you will undoubtedly see that the Court of Québec's judges and the Presiding Justices of the Peace are dedicated to improving the quality of justice in Québec and work wholeheartedly towards solutions.

On a more personal note, I am completing my first year of a seven-year term of office during which I have had the privilege, alongside my entire team, of serving all Québec citizens to the best of my abilities. This report is a public testimony of the work we have accomplished and of our determination to promote modern and accessible justice.

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# Operation of the Court



## Organization

### Judges in Management Positions

Currently comprised of a maximum of 270 judges and 33 Presiding Justices of the Peace, the Court of Québec requires a management structure that supports the ability to discharge its duties and functions effectively. To that 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, all referred to as “judges in management positions.”



They are all appointed from among Court of Québec judges. The Chief Judge, Senior Associate Chief Judge and Associate Chief Judges are *ex officio* members of Québec’s judicial council (*Conseil de la magistrature*).

## **Chief Judge**

Judge Élisabeth Corte was appointed Chief Judge of the Court of Québec on October 21, 2009, for a seven-year term of office. In that capacity, she acts as the Court's representative and its spokesperson with the Government and other institutions.

As set forth in the *Courts of Justice Act*, the Chief Judge is also tasked with ensuring that the general policy of the Court is applied in judicial matters; coordinating, apportioning and supervising the work of the judges; seeing to their complementary training; and ensuring compliance with the Judicial Code of Ethics. In cooperation with the Coordinating Judges and Associate Coordinating Judges, she sees to the allotment of cases and the scheduling.

In addition, she chairs or sits on numerous committees and task forces, whose purpose is generally to promote better justice and easier accessibility to justice.

The Chief Judge is supported by the team of judges in management positions to perform her duties and functions. She assigns them specific tasks, which she then monitors. She plans and presides over the working sessions of the Chief Judges as well as the meetings attended by the Chief Judges, Coordinating Judges and Associate Coordinating Judges. In cooperation with all of the judges, whom she consults on a regular basis, she defines the institution's mission, values and objectives.

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## **Senior Associate Chief Judge**

Judge Mario Tremblay was appointed Senior Associate Chief Judge for a seven-year term of office effective September 1, 2009.

As set forth in the *Courts of Justice Act*, the Senior Associate Chief Judge assists and advises the Chief Judge in the performance of his duties and functions.

The Senior Associate Chief Judge ensures coordination among the Associate Chief Judges, Coordinating Judges and Associate Coordinating Judges. He is responsible for ensuring compliance with the Court's policies and management of timelines. He further sees to the training of Coordinating Judges and Associate Coordinating Judges in the area of management.

He chairs or sits on numerous committees, including those with the objective of supporting the activities of the court, such as the committees under the SIJ (Système intégré d'information de justice) project and committees in the areas of technology, security and ethics.

The Senior Associate Chief Judge conducts a periodic assessment of regional staffing needs. He sees to the application of the Supernumerary Judges program and administers its operations. He is also responsible for application of the judge mobility program and of issues relating to their safety.

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### **Associate Chief Judges**

The Associate Chief Judges are appointed by the government for a seven-year term of office, after consultation with the Chief Judge. Consideration as to which judges are recommended by the Chief Judge is supported by an internal process introduced in 2009.

Judge Maurice Galarneau performs the role of Associate Chief Judge for the Criminal and Penal Division since May 19, 2004.

Judge Claude C. Boulanger performs the role of Associate Chief Judge for the Youth Division since September 1, 2009.

Judge André Perreault performs the role of Associate Chief Judge responsible for municipal courts since February 18, 2010.

Judge Pierre E. Audet performs the role of Associate Chief Judge for the Civil Division since November 11, 2010.

One of the duties of the Associate Chief Judges is to assist all of their colleagues in the performance of their duties and functions. They act as advisors to the Chief Judge in matters coming under the division to which they are assigned. As such, they prepare opinions for the Chief Judge in those matters. They further contribute to achieving the mission and objectives of the Court of Québec and to developing the Court's directions and policies to improve its operations.

The Associate Chief Judges are usually the ones who chair committees formed to select individuals applying for the position of judge.

The Associate Chief Judge responsible for municipal courts has the direction of the municipal courts under the authority of the Chief Judge of the Court of Québec. In that capacity, he performs the duties and functions conferred under the *Act respecting municipal courts*. In accordance with the municipal judges, he establishes general policies applicable to them and ensures to compliance with those policies. He further ensures that judicial ethics are observed and promotes the professional development of municipal judges.

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

The *Courts of Justice Act* specifies that the Chief Judge shall designate 10 Coordinating Judges, with the government's approval. The act further provides that the Chief Judge may designate, with the government's approval, a maximum of eight Associate Coordinating Judges, where circumstances so require.

The term of office in the case of Coordinating Judges and Associate Coordinating Judges is a maximum of three years; the term of office may be renewed.

The Coordinating Judges advise the Chief Judge and they contribute to develop the Court's directions, policies and practices and, in this regard, they bring the experience and needs they share with the judges in their regions.

Under the authority of the Chief Judge, they are responsible for administrating the Court (organization of judicial activities, allotment of judges' work) in the judicial district(s) under their responsibility. They are ambassadors of the Court, so to speak, among the various stakeholders in their respective regions.

The Associate Coordinating Judges assist the Coordinating Judge in performing his duties and functions. They collaborate to determine the needs of the judicial districts and judges and to allot work to the judges across their territory and in the specific areas entrusted to them.

The Coordinating Judges and Associate Coordinating Judges are also tasked with welcoming new judges. In addition, they are responsible for applying regional development programs and the inter-regional judge mobility program. The purpose of the latter program is to enable judges to enrich their experience by gaining familiarity with other work environments.

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## **Working Sessions of the Team of Judges in Management Positions**

Each year, 11 meetings are held by the Chief Judge, the Senior Associate Chief Judge, the four Associate Chief Judges, the Court's Administration Director and the Chief Judge's Assistant.

Much like a board of directors, the Chief Judge chairs these working sessions where discussions are held on matters ranging from major directions, policies and programs to more timely issues. Each of the meetings lasts one or two days, depending on the number of topics entered on the agenda and their nature.



Four times a year, the team of Chief Judges meets with the Coordinating Judges and Associate Coordinating Judges of all regions. On those occasions, they discuss matters relating to day-to-day management and the Court's directions, policies and programs.

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## **Court Committees**

The Chief Justice regularly forms committees which might include the Senior Associate Chief Judge, Associate Chief Judges and puisne judges. These committees' general mandate is to advise the Chief Judge.

### **List of Court Committees**

- Advisory committee on official expenses and travel costs of Court of Québec judges
  - Editorial committee for the practical guide on criminal, penal and youth law
  - Committee for effective management in civil, administrative and appeal, and small claims matters
  - Committee on the judicial treatment of client groups with special issues
  - Committee on delays for hearing in civil matters
  - Advisory committee on communication
  - Committee on forms used by Presiding Justices of the Peace
  - Committee reviewing the *Regulation respecting the procedure for the selection of persons apt for appointment as judges*
  - Intranet committee – Court of Québec component
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## **Jurisdiction of the Court**

Court of Québec judges hear cases in civil, administrative and appeal, and criminal and penal cases, as well as in youth-related matters. Some judges hear cases in only one of the above matters, but a proportionally larger number are versatile, meaning that they hear cases in more than one matter.

The Court of Québec judgments are accessible on the website [www.jugements.qc.ca](http://www.jugements.qc.ca) (rulings of Québec courts, tribunals and bodies), which is kept up-to-date through a collaborative effort between the *Société québécoise d'information juridique* (SOQUIJ) and the *Ministère de la Justice du Québec*.

## **Civil Division**

Under the *Courts of Justice Act*, 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 all claims involving monetary value or interest – in relation to the object of the dispute – that are less than \$70,000, except claims for support payments and those reserved for the Federal Court of Canada.

The judges also have jurisdiction, by law, to settle actions to recover municipal or school taxes and to annul or reverse municipal or school board assessment rolls. Their jurisdiction also extends to actions contesting a person taking office on a municipality or school board.

The judges hear requests to have a person undergo a psychiatric examination or confined to an institution.

Moreover, the judges sit in the Small Claims Division to hear cases involving claims amounting to a maximum of \$7,000, payable by a person, and under certain conditions, by a legal entity, a partnership or an association. This division is different from the others, given the fact that the parties cannot be represented by a lawyer, except upon special permission, when the dispute raises complex questions of law. No formalities apply to the hearing of cases presented to judges sitting in this division, and the written procedure is simplified. When circumstances so allow, the judges may try to bring the parties to an agreement. They explain the rules of evidence and procedure. They direct the proceedings, question witnesses, hear the parties and decide the issues on disputed matters as well as applicable rules of law. These judges give fair and impartial assistance to each party, so as to render the substantive law effective and look after any legal consequences. The judgement rendered cannot be appealed. A summary appeal may also be filed with the Small Claims Division in relation to tax matters.

Judicial conciliation has been an integral part of a judge's duties since 2003. By means of a settlement conference presided over by a judge, disputes submitted to the Court can be resolved otherwise than by trial, thereby enabling both the parties and the judicial system to save time and money.

In administrative matters, within the Administrative and Appeal Division, under the responsibility of Judge Jacques Paquet, judges exercise the powers conferred upon them by various statutes. Lawsuits under those statutes are not subject to a financial limit.

The judges of the Court of Québec have exclusive jurisdiction to hear the appeals of decisions rendered by several administrative tribunals, including the commission for access to information, the rental board, the Administrative Tribunal of Québec, the police ethics committee and ethics committees formed under the *Act respecting the distribution of financial products and services* and the *Real Estate Brokerage Act*. Such jurisdiction to hear appeals also applies to decisions of the Minister of *Revenu Québec*, with regard to tax matters.

About 80% of these cases deal with tax and taxation issues. The other cases are referred to judges in this division shortly after they are opened, thereby ensuring prompt and effective management, particularly with regard to scheduling dates for the submission of factums, determining the date of hearing and, where applicable, deciding on incidental claims.

By creating the Administrative and Appeal Division, judges within that division are able to benefit from regular training, and to interact regularly with other members, thereby creating a dynamic beneficial to judges as well as to the parties and their lawyers.

### **Criminal and Penal Division**

The *Courts of Justice Act* establishes that the Court's judges have jurisdiction, within the limits prescribed by law, over actions taken under the *Criminal Code*, the *Code of Penal Procedure* or any other law of a criminal or penal nature.

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, with regard to charges laid under the *Criminal Code* or any other law of the same nature. They also preside over proceedings relating to offences punishable by summary conviction, pursuant to the provisions of Part XXVII of the *Criminal Code*. Only offences restricted to the exclusive jurisdiction of the Superior Court fall outside the authority of the Court of Québec's Criminal and Penal Division.

In penal matters, the judges hear actions taken under the *Code of Penal Procedure* or any other penal legislation relating to offences concerning public welfare, as provided for in Québec and Federal legislation, pursuant to Part XXVII of the *Criminal Code*.

The judges also preside over preliminary inquiries to which people charged under the *Criminal Code* are entitled in order to determine whether there is a matter for trial.

Depending on the nature of the offence in question, i.e., whether it is tried as a summary or indictable offence, the appeal of a decision rendered in criminal or penal matters will be heard either by the Superior Court or by the Court of Appeal.

Moreover, the judges of the Court exercise the powers granted to Justice of the Peace and handle applications for judicial authorization where provided by law. The growing number of large police operations requires considerable availability, and the scope of this task that judges perform discretely deserves to be underscored.

## Youth Division

The *Courts of Justice Act* establishes the jurisdiction of the Court of Québec's judges with regard to youth-related matters.

The judges therefore have the authority to exercise the powers and functions of the Youth Division of the Court of Québec, in accordance with the *Youth Criminal Justice Act*. In this regard, the judges preside over the trials of accused offenders who were between 12 and 18 years old at the time of the commission of an offence under the *Criminal Code* or under federal or provincial statutes of a criminal or penal nature.

The judges also have jurisdiction over proceedings initiated under the *Code of Penal Procedure*, with regard to offences relating to public welfare and committed by defendants under 18 years of age. The Court judges have exclusive jurisdiction when the accused adolescent could not be released or if he was placed in the custody of the director of youth protection, if the adolescent so requests, or if it is in his interest to do so. Under certain circumstances, the judges also preside over preliminary enquiries.

Moreover, the judges enforce the *Youth Protection Act*. They hear cases concerning minors whose safety or development is – or may be declared to be – at risk. Once the risk situation has been established to the Court's satisfaction, the judge orders one or more protection measures to be carried out, as provided for in the *Youth Protection Act*, in order to put a stop to this situation.

The judges also hear all adoption cases, including those involving international adoption.

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## Presiding Justices of the Peace

Presiding Justices of the Peace provide their services throughout the territory of Québec 24 hours a day, 365 days a year.

Their areas of activity lie mainly in criminal and penal matters, more particularly the issuance of judicial warrants of every nature. They also sit in all courthouses and points of service to hear matters relating to the commission of penal offences under various statutes. In these matters, Presiding Justices of the Peace and Québec Court Judges have the same jurisdiction.

Presiding Justices of the Peace deal with a considerable volume of penal cases in courtrooms. More and more, they hear cases of long duration, in matters as varied as occupational health and safety, wildlife protection, environment, forestry and securities, to name just a few.

Working in chambers, they deal with applications for judicial authorizations, particularly in the area of searches and arrests. The complexity of the applications being submitted is unprecedented, and a constantly growing body of knowledge is mandatory in this area.

Presiding Justices of the Peace are on duty every weekend and every holiday so that appearances by telephone will be made available to the population of Québec.

Three new Presiding Justices of the Peace were appointed completing the contingent as of April 2010.

However, with reduced staff and hearing schedules cancelled for lack of judges, delays have built up for dealing with statutory cases. At the same time, in certain regions, an increased volume of new cases combined with cutbacks in staff in administrative services, has caused a substantial delay that the Court wishes to address.

In Montréal and Québec City, it would seem possible this delay could be resolved by increased use of the two roving Presiding Justices of the Peace. Elsewhere, particularly in the Montérégie region, which is already in a deficit situation, it may be impossible to catch up with the delay unless additional resources are allocated.

As early as last year, we proposed an amendment to the *Courts of Justice Act* so that Per Diem Presiding Justices of the Peace could be appointed. The possibility of using Presiding Justices of the Peace compensated on a daily basis would have prevented the cancellation of several hearings and would have allowed to partly make up on the delay. Till now, however, it would seem that no amendment to the Act has been initiated.

### **A Few Statistics on Presiding Justices of the Peace**

Last year, despite absences, Presiding Justices of the Peace sat for a greater number of hours.

In addition, Presiding Justices of the Peace kept up the pace, enabling 2,235 individuals to appear in person, 8,265 individuals to appear by means of telecommunication and 5,046 individuals to appear on Fridays after business hours, or on weekends, by means of telephone.

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### **Appointments and Departures**

In the process of appointing judges to the Court, the Associate Chief Judges and, occasionally, the Senior Associate Chief Judge play an active role in the selection of new judges by chairing the committees formed for that purpose. From September 2009 to September 2010, 10 selection committees were

formed. On its website ([tribunaux.qc.ca](http://tribunaux.qc.ca)), under the heading *Appointments – Calls for nominations*, the Court of Québec tracks the selection process for vacancies on the bench.

Long lead times can be seen, from the date on which a vacancy occurs to the date on which a replacement judge is appointed. Given the negative consequences of these lead times on judicial activities, the direction of the Court closely monitors the stages of the replacement process and urges the government to move ahead more quickly on appointments.

As regards the appointment of judges, the Court has suggested a number of changes to the *Ministère de la Justice* concerning the *Regulation respecting the procedure for the selection of persons apt for appointment as judges*. Some of those suggestions were intended to reduce to a minimum the time between a judge's retirement and the date of his replacement. Those amendments are still forthcoming.

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### **Per Diem Judges**

Since 2002, the Court manages expenditures relating to judges' salaries and compensation under an administrative agreement with the *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 go on long term sick leave during a budget year, are freed up to compensate Per Diem Judges.

The Court defers to the government twice a year to appoint Per Diem Judges from among those judges who have retired but not yet reached 75 years of age. Theoretically, any judge who meets those two criteria can take part under the system, and the government handles these requests without exercising its discretion.

From September 1, 2009, to August 31, 2010, 34 Per Diem Judges have occasionally served to support the efforts of puisne judges. Since the number of days during which Per Diem Judges have served is subject to budget limitations, it was clearly insufficient for the Court to achieve its objectives as regards to service to the population.

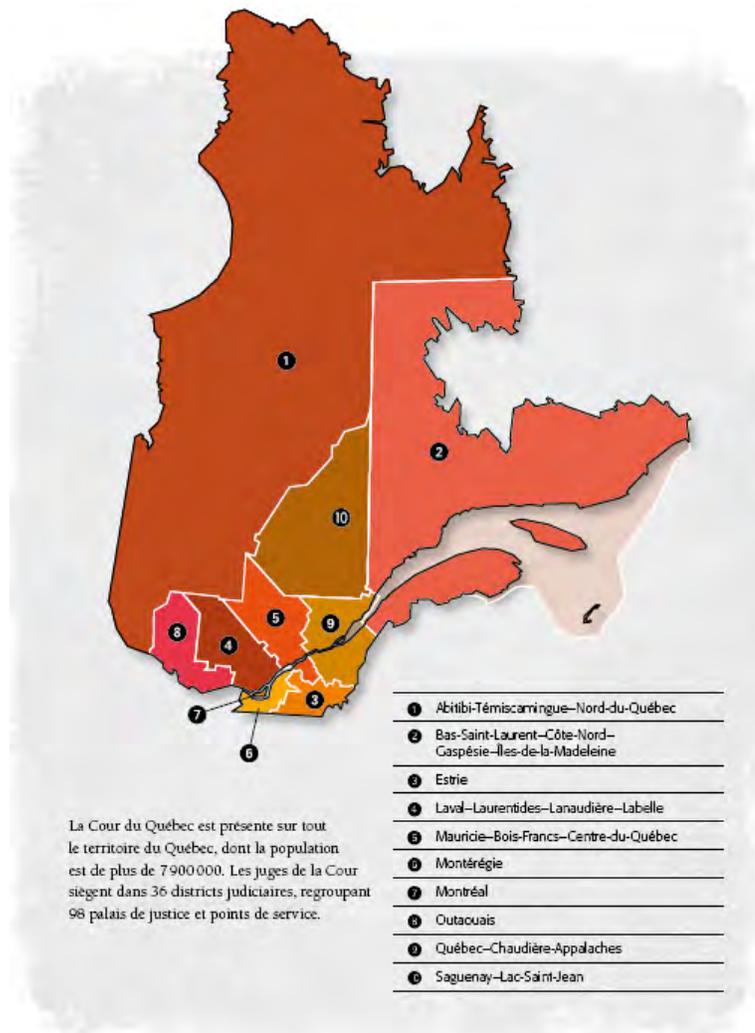
This year, the Court used this budget to make up for 20 judges who were no longer working due to retirement or for other reasons, and to support certain special projects to reduce delays in civil matters.

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## Territory Covered

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

Each of the Court's judges may exercise the full authority of the Court across the entire province, regardless of the division to which they are assigned. To better coordinate its activities, the Court has divided its territory into 10 regions:



N.B.: For additional information on the coordinating regions, please refer to the Court's website at the following address: [http://www.tribunaux.qc.ca/mjq\\_en/c-Québec/index-cq.html](http://www.tribunaux.qc.ca/mjq_en/c-Québec/index-cq.html)

## Circuit Court – Québec Territory North of the 49th Parallel

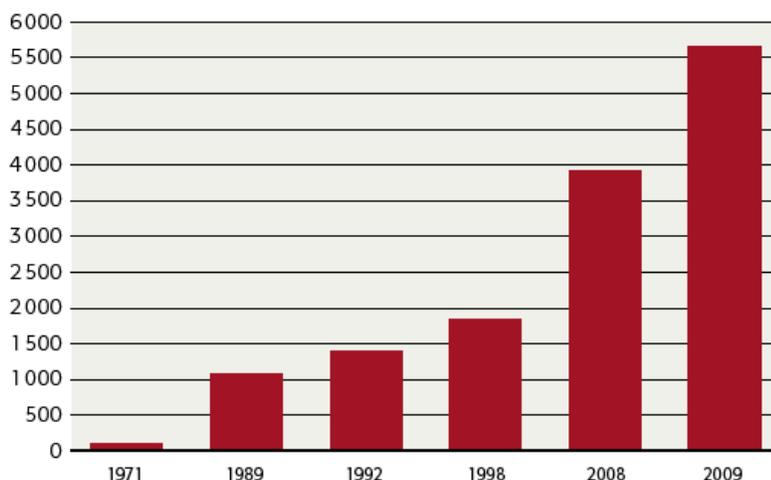
Through a circuit court, judges also perform their duties and functions in the Aboriginal communities of Québec's Far North (Hudson Bay, James Bay and Ungava Bay), as well as on the North Shore. The judges travel to hear cases according to a pre-determined judicial calendar or, sporadically, to meet special needs. Over the course of a year, the judges hold about 280 days of circuit court in the Far North or on the North Shore. This procedure allows judges to serve population in remote regions while adapting the justice system we are familiar with in Québec as much as possible to the traditional values of the communities that benefit from the services of the Court.



In northern Québec, Cree communities plan on building nine courthouses where the Court of Québec could hold hearings. One of those courthouses, in Mistissini, will be inaugurated within the coming year. Each of the communities expects to be able to provide suitable premises within two years' time.

The following table illustrates growth in the number of cases up until 2009. As can be seen, the volume of cases has risen constantly – a volume that the Court is unable to absorb with current staffing.

Evolution of Number of Cases



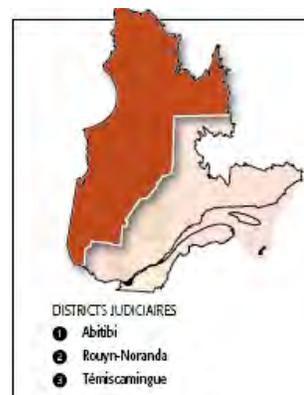
Source: *Direction régionale des Services judiciaires du Nord-du-Québec* (April 2009)

## Regions

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

Abitibi–Témiscamingue–Nord-du-Québec is the largest of the 10 regions that benefit from the services of the Court of Québec. It includes three judicial districts: Abitibi, Rouyn-Noranda and Témiscamingue, with 11 courthouses and 18 points of service.

As far as facilities are concerned, renovation and expansion work at the Val-d'Or courthouse was completed in late August 2010. The Court was able to return to its former premises and finally enjoy all the space it needed, thus improving the quality of services provided to citizens.



### The Judges

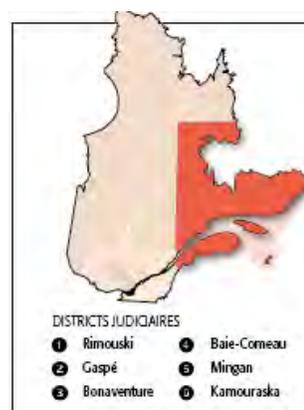
To provide its services over this vast territory, the Court of Québec relies on a team comprised of nine judges and two Presiding Justices of the Peace. Of the nine puisne judges, eight act in both civil, criminal and penal matters and well as in youth-related matters, and the ninth sits exclusively in youth-related matters.

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

Delivering justice in this region is a daunting challenge, not least because of the vastness of the territory and the diversity of the population that lives there.

The region encompasses 18 regional county municipalities (RCMs), seven territories outside the RCMs and 238 municipalities across three administrative regions. The Court of Québec is present at 25 points of service distributed across the entire territory.

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. There are three resident judges in Rimouski, three in Rivière-du-Loup and one in Matane.

In the Côte-Nord region, there are two courthouses and 10 points of service. Three judges are resident in Baie-Comeau and three in Sept-Îles.

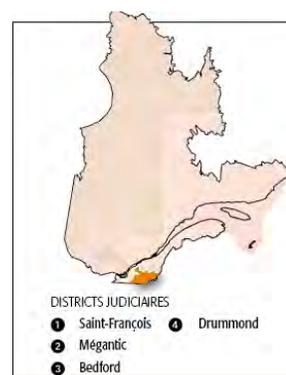
## The Judges

To provide services across this vast territory, the Court of Québec relies on a team of 16 puisne judges and four Presiding Justices of the Peace. The 16 judges are distributed across seven courthouses, and services are also provided in 18 additional points of service. As for the Presiding Justices of the Peace, their offices are located in the courthouses at Rivière-du-Loup, Rimouski, New Carlisle and Sept-Îles.

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### Estrie

The Estrie region is comprised of the judicial districts of Saint-François, Bedford, Drummond and Mégantic. The population totals approximately 377,600 inhabitants, who can count on four courthouses and two points of service. The courthouses are located in Sherbrooke, Granby, Cowansville and Drummondville, while points of service can be found in Lac-Mégantic and Magog.



### The Judges

In the Estrie region, the Court is staffed by 16 judges and two Presiding Justices of the Peace. The Sherbrooke courthouse has 10 resident judges, the Granby courthouse has four, and there are two at the Drummondville courthouse. Many of them are versatile, that is, they sit regularly in more than one matter, thereby providing an undeniable boon to litigants, who benefit from justice that is administered consistently, effectively and, of course, expeditiously.

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### Laval–Laurentides–Lanaudière–Labelle

The Laval–Laurentides–Lanaudière–Labelle region comprises four judicial districts: Labelle (Mont-Laurier), Laval, Joliette and Terrebonne. This expansive and diversified territory includes urban, industrial and rural areas. Its population is growing constantly and totals approximately 1,400,000 inhabitants.

In addition to the region's four courthouses, located in Laval, Saint-Jérôme, Joliette and Mont-Laurier, the region has three points of service where cases falling within the jurisdiction of the Small Claims Division are heard. The points of service are located in Sainte-Agathe-des-Monts, Lachute and Repentigny.



## The Judges

The region is staffed with a team of 34 judges who sit in the four courthouses and the three points of service. Of that number, 19 judges are resident in the Saint-Jérôme courthouse, eight in Laval and seven in Joliette.

Many of the region's judges are versatile, that is, they sit in more than one division, thereby enabling the time-sensitive needs of the Youth Division to be addressed.

The team also includes four Presiding Justices of the Peace, who work in the four judicial districts in addition to assuming their share of province-wide duty.

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

The Mauricie–Bois-Francs region is made up of two judicial districts: Trois-Rivières and Saint-Maurice. It has three courthouses, located in Trois-Rivières, Shawinigan and La Tuque, and one point of service located in Nicolet.

The Centre-du-Québec region includes the judicial district of Arthabaska, where the Victoriaville courthouse is located.

## The Judges

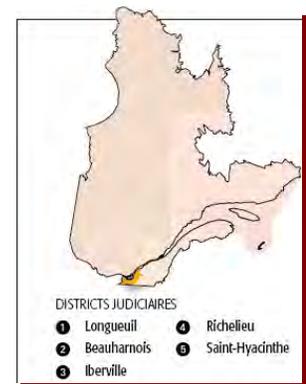
The Court is staffed regionally by 12 judges, of whom 10 are resident at the Trois-Rivières courthouse and one is resident each in Victoriaville and Shawinigan, as well as by two Presiding Justices of the Peace, whose offices are located in Trois-Rivières and Victoriaville.



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## Montérégie

The Montérégie region covers a large territory that includes the judicial districts of Longueuil, Beauharnois, Richelieu, Saint-Hyacinthe and Iberville. The population of the Montérégie region can rely on five courthouses and two points of service. 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 – a practice whose purpose is to make justice more accessible to the population.

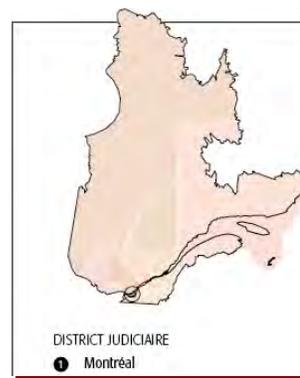
### **The Judges**

In the Montérégie region, the Court is staffed by 33 judges, who are called upon to sit in each of the courthouses and points of service. The judges have jurisdiction in civil, criminal and penal matters, as well as in youth-related matters. In addition, the region benefits from the services and authority of four Presiding Justices of the Peace. The coordinating team also relies on timely assistance from judges outside the region and from Per Diem Judges, depending on the extent of needs.

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### **Montréal**

In the Montréal region, judicial activity is carried out in three separate buildings. The courthouse located on Rue Notre-Dame is the largest in Québec and the second largest in North America, after Chicago. The courthouse located on Rue de Bellechasse is the third largest in Québec and is the only one in North America reserved exclusively for youth-related matters. The third building, called the “Centre de services judiciaires Gouin,” is dedicated primarily to large-scale criminal cases.



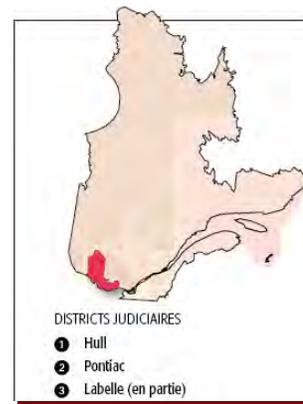
The volume of cases processed at each location is the largest in Québec. In addition, the Québec Court judges for the District of Montréal must deal with cultural diversity more than anywhere else across the territory of Québec. Considerable effort has gone into determining the difficulties presented by the cases of these special client groups and developing appropriate solutions.

### **The Judges**

The Montréal coordination unit has close to one-third of the Court's judges, or 85 judges for the period from July 1, 2009, to June 30, 2010. In addition, seven Presiding Justices of the Peace work for the Court of Québec in the Montréal region, including two who sit regularly outside the territory of Montréal. Their offices are located in the courthouse on Rue Notre-Dame.

## Outaouais

The Outaouais region has a population of more than 359,000 inhabitants. It is divided into two major areas: Gatineau, which is the fourth largest urban agglomeration in Québec with a population of more than 256,000 inhabitants; followed by four rural RCMs: Pontiac, Les Collines-de-l'Outaouais, La Vallée-de-la-Gatineau and Papineau; and two Aboriginal Algonquin municipalities: the Kitigan Zibi reserve, near Maniwaki, and the Lac-Rapide reserve, in the La Vérendrye wildlife reserve.



## The Judges

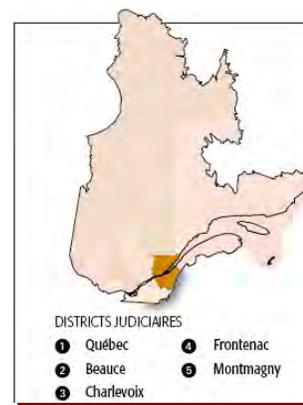
The region has 11 judges called upon to sit in each of the courthouses. All of the judges have authority in civil, criminal and penal matters as well as in youth-related matters, providing flexibility that greatly benefits the management of dockets. In addition, two Presiding Justices of the Peace work with the Court of Québec. All of the region's judges and justices of the peace are resident at the Gatineau courthouse, Hull sector.

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## Québec–Chaudière-Appalaches

The territory of 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 at La Malbaie, Montmagny, Québec City, Saint-Joseph-de-Beauce and Thetford Mines. In small claims matters, the judges of the Civil Division also sit at three points of service when warranted by demand and when adequate premises are available for that purpose at Cap-Santé, Sainte-Croix de Lotbinière and Lévis.



The Québec City courthouse is the headquarters of the Court of Québec and the chief centre of judicial activities for the region.

## The Judges

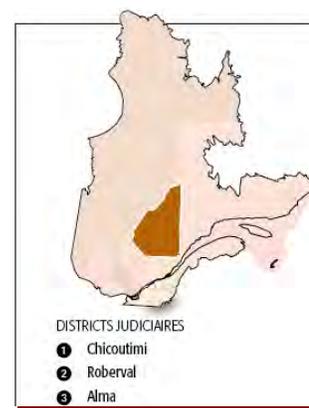
Taking into account the management and coordination positions held by the region's judges in 2009-2010, the Court was able to rely on the services of 36 resident judges to fulfill its mission among persons subject to the jurisdiction of the courts in civil, criminal and penal matters as well as youth-related matters. The region also benefited from the services of Per Diem Judges.

The team is rounded out by four Presiding Justices of the Peace sitting primarily in penal matters over the entire territory. Three of them have their home base at the Québec City courthouse, whereas the fourth has his at the courthouse in Saint-Joseph-de-Beauce.

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## Saguenay–Lac-Saint-Jean

Saguenay–Lac-Saint-Jean, which is the Court of Québec's third largest coordinating region, covers, from a judicial standpoint, the territory between Saguenay and Chibougamau. Approximately 280,000 individuals live in about 50 localities each with its own characteristics: urban areas, agricultural and forestry sectors, Aboriginal communities, etc.



## The Judges

The rich diversity of the region has repercussions on the work of the Court of Québec's team, which is made up of 10 judges and two Presiding Justices of the Peace carrying out their activities in the judicial districts of Alma, Chicoutimi and Roberval, not to mention the point of service at Chibougamau, which falls within the concurrent jurisdiction of the districts of Roberval and Abitibi. All of these judges hear civil, criminal and youth matters, and perform his duties and functions in all five courthouses, which requires extensive travel and adds a degree of complexity to the task. This justice close to the people ensures a regional judiciary that is perfectly familiar with the daily realities of the population, for example, the forestry crisis and its socio-economic impacts.

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## *Professions Tribunal*

The Professions Tribunal was created in 1973 with the adoption of the *Professional Code*. At the time, 38 professional associations were subject to the code. Over the years, their number has risen to 45.

Since 2000, the Tribunal has sat only at Montréal and Québec City. On an exception basis, and when specifically requested to do so, it will sit in another judicial district.

Like the Court of Appeal of Québec, three judges sit on the Tribunal for hearings on the merits and review. In other cases, the Tribunal is comprised of one judge, designated by the Chair. Judgments are final.

In 2009, the Tribunal handed down 149 judgments – comparable to the average of number of judgements rendered in previous years.

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## *Human Rights Tribunal*

The Human Rights Tribunal was created in 1990, at the time major amendments were made to the Québec *Charter of human rights and freedoms*. One of the objectives sought by the legislator was to ensure greater accessibility to justice and more efficient adjudication in areas relating to fundamental rights and freedoms.

As a specialized judicial body, the Tribunal is competent to dispose of disputes related to discrimination and harassment based on a variety of grounds set out in the Charter, such as race, sex, pregnancy, sexual orientation, religion, social condition, handicap or the use of any means to palliate a handicap. It can also hear matters related to the exploitation of seniors or handicapped persons, as well as matters related to affirmative action programs. The Tribunal has full authority to award material, moral and punitive damages, and to render all necessary orders in relation to its jurisdiction. More systemic remedies may be added to these individual ones to ensure that the interference identified truly does cease and to prevent its repetition in the future.

Appointed the Tribunal's President on September 1, 2010, Judge Michèle Pauzé had been a member of the Tribunal since 2003. The key objectives she hopes to achieve during her term of office are the following: that the institution remain a judicial body accessible to all citizens, that the procedure be efficient, and that the Tribunal continue opening up to civil society and the legal community.

## *Administration of the Court*

The Office of the Chief Judge, which will be referred to below simply as the Office, has been in operation since 2002, when it was set up following an administrative agreement signed between the Chief Judge and the Minister of Justice. Its responsibilities are administrative and financial in nature, then they are carried out by the Administration Director under the direction of the Chief Judge.

The Office is characterized by its primary mission, which is to act as an agent of administrative autonomy for the Court of Québec. Ever mindful of providing judges and Presiding Justices of the Peace with quality services, the staff is dedicated to driving the vitality of the Court, its autonomy and its efficient operation.

### **Responsibilities**

The Office is responsible for managing its staff (33 employees) and the budgets that are allocated to it annually. It ensures budget compliance intended for the compensation of judges and its employees, as well as judges' travel costs and official expenses.

It also administers an operating budget to provide judges with furnishings, personalized stationery and notebooks required for the duties and functions, and likewise expenses relating to the printing of guides, reports and other documentation.

### **Accomplishments**

The Office's staff is working to support judges, in both their judicial as well as their administrative functions, by collaborating on the design and development of work and management tools and participating in a number of work committees. Through their efforts, an intranet forum was made available to judges in the spring of 2010, where they are able to exchange information in full confidentiality.

In addition, and out of concern about hearing delays with respect to its judicial cases, the work of a joint committee with the Superior Court and the *Ministère de la Justice* resulted in the development of the principal parameters, in civil matters, that need to be known to promote better case management. These recommendations are expected to be implemented in the coming year.

The Office also participates actively in the work of the Integrated Justice Information System (IJIS). In conjunction with the Chief Judges, staff are called upon to contribute to the orientations of that system. At the same time, staff continue to collaborate on the development of the dockets and assignments system (IRAS), which provides Chief Judges and Coordinating Judges with a state-of-the-art assignment tool.

Staff are also called upon to support the activity of judges in management positions in the performance of their day-to-day duties and functions, by making high-quality information available in the area of judicial activity.

As regards judges' professional development, the Secretariat, under the direction of the judge responsible for training, plans, organizes and coordinates all of the training seminars designed especially for judges and Presiding Justices of the Peace, thereby contributing to the effective operation of the judges' training program.

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## **Research Department**

Under the direction of the Office of the Chief Judge, members of the Research Department provide the dedicated full-time services of jurists and researchers to the Court's judges and Presiding Justices of the Peace. They provide legal opinions on cases that have been referred to the judges. Furthermore, they develop thematic files and collaborate on the judges' training and development. Finally, they assist the Associate Chief Judges in developing monthly bulletins on jurisprudence, provide timely research support to the Office of the Chief Judge and also ensure management of the libraries located in Québec City and Montréal.

The Research Department team is present in two courthouses: Québec City and Montréal. As of December 31, 2010, the team was made up of nine jurists and researchers.

Up until December 2010, coordination of the Québec City office was under the responsibility of M<sup>e</sup> Renée Gingras. Since her departure, M<sup>e</sup> Caroline Morin has acted as Coordinator. M<sup>e</sup> Renée Desrosiers de Lanauze acts as the Coordinator at the Montréal office.

## **Annual Activities**

In the course of their mandate, the researchers have responded to more than 1,737 requests of every nature, including 860 that necessitated the preparation of a legal opinion. In total, close to 13,374 hours of research have been spent on the effective operation of the Court.

## *A Dynamic Court*

Ever mindful of accomplishing its mission, all the while in keeping with its values, the Court maintained quality services throughout 2010. In addition, the Court has contributed to the advancement and improvement of justice in a number of ways.

A summary of the work it has performed is grouped around five areas of focus, as follows:

### **Greater accessibility to justice**

#### **Professional development, to constantly deliver the best justice possible**

#### **Relations with partners, stakeholders and the community**

#### **Openness to the world**

#### **Sustainable development**

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### *Greater Accessibility to Justice*

Even today, access to justice is a concern for all judicial stakeholders. Decades of concerted effort have not yet resulted in attainment of the ideal that is access to justice.

Our judicial system is changing constantly and must continue moving forward. It cannot do so without a real and meaningful exchange with the entire society it is called upon to serve.

Greater accessibility to justice is an ambitious challenge that speaks to the Court of Québec, in terms of both the enforcement of law as well as the treatment of clients and improvement of the justice administration system.

All judges take part in the effort by promoting case management, settlement conferences and application of the principles of participatory justice. Special attention is given to the recovery of small claims and the *Code of Civil Procedure* reform project.

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### **Enforcement of Law and Practices**

#### **Case Management**

Case management from the very start of judicial proceedings, is an innovation brought to the civil justice system when the *Code of Civil Procedure* was revised in 2002. The judge's role is no longer limited to hearing a debate between adversaries. The judge actively takes part in seeing the process moves forward by means of case management and management of the dockets for hearing. The ultimate goal is for justice to be rendered as expeditiously as possible.

With that in mind, the Court of Québec initiated a case management pilot project in 2009 in the Judicial District of Longueuil, with the support and collaboration of the local bar association and its members. The objective of the pilot project was to make case management an introductory stage in the everyday context of judicial activities, with the introduction of a “conciliation and judicial management conference” (CJMC). By promoting a meeting of the lawyers and the parties at an appropriate juncture, i.e., upon the commencement of proceedings, a conference enabled disputes to be resolved early in the judicial process or, in some cases, it served to reduce the hearing time needed by better identifying the judicial debates and thereby reducing the use of resources in terms of judges / clerks / secretariat necessary for holding of trials.

Of the 376 cases “with appearance” open in the Court of Québec at October 19, 2009 (and administered prior to December 31, 2009), 191 were the subject of a case management intervention. Furthermore, 44 cases out of 191 were settled at the case management stage and 56 in a settlement conference, as at December 31, 2009, representing a 52% settlement rate. Over the entire course of the pilot project, the managing judge rendered 50 judgements over the telephone on a variety of motions (motions for particulars, third-party complaints, and even motions for dismissal), thus avoiding for legal counsel and the parties travel to courthouses.

An evaluation of the pilot project was conducted by the *Observatoire du droit à la justice*<sup>1</sup> demonstrating that the time needed to prepare a case was three times shorter for a conference than under the customary procedure. Introduced within the framework of a pilot project, the conciliation and judicial management conference is now an integral part of case management in the district of Longueuil.

On September 8, 2010, an agreement was reached between the Court of Québec and the *Barreau de l’Outaouais* to carry out another case management pilot project, similar to the one conducted in the district of Longueuil. The project, whose ultimate purpose is to promote greater access to justice, seeks to have a judge intervene as quickly as possible in the judicial trajectory. As a result, and in keeping with the principle of proportionality, the focus is to limit the number of proceedings as well as the corresponding costs and delays. The one-year pilot project began on November 1, 2010. After a few weeks of operation, 13 cases were selected under the project. Two cases were settled following an initial telephone conference. Another case is set for trial in January 2011. Management of the other cases is moving forward.

There is an interest in case management in several other judicial regions across Québec, particularly the Estrie and Laval–Laurentides–Lanaudière–Labelle regions. The generous involvement of several judges who have undergone training and acquired experience in the area of modern dispute resolution tools, such as case management or even settlement conferences, augurs well for the future.

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<sup>1</sup> Pierre Noreau, *Les conférences de conciliation et de gestion judiciaire*, Longueuil 2009 pilot project, presented on June 3, 2010.

## **Participatory Justice**

Participatory justice is a different way of asserting one's rights and facilitating access to justice. With the assistance of a lawyer, a person chooses the method of conflict resolution and prevention on the basis of his needs, interests and means.

Introduced by The Montréal Bar in 2008, the roundtable on participatory justice met again a couple of times in 2009. The roundtable is a forum of 30 or so participants from a variety of settings, including law faculties, bar associations, federal and provincial justice departments, and the judiciary. Open discussions are held on the challenges that must be met to increase lawyers' skills in the area of participatory justice. The Court of Québec is an interested participant and has delegated one of its judges to the roundtable.

Participatory justice encompasses conflict resolution and prevention methods such as settlement conferences.

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### **Settlement Conference and Facilitation Conferences**

Since amendments to the *Code of Civil Procedure* came into effect in 2003, the judges of the Court of Québec may, with the agreement of the parties, preside over settlement conferences. This judicial conciliation process promotes out-of-court settlements, and consequently parties are able to avoid a trial that may be costly in terms of both time and money, not to mention the emotional stress that comes with a trial before the court.

During the current period, 64 judges presided over 442 settlement conferences, which necessitated some 400 days and resulted in savings of more than 1,000 days of hearings.

Facilitation conferences in criminal and penal matters are also available to litigants. Judges contribute to an agreement between the parties, thereby reducing time and cost.

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### **Reform of the *Code of Civil Procedure***

In the fall of 2009, the *Ministère de la Justice* embarked upon a vast consultative process among key judicial stakeholders on a proposal to institute a new *Code of Civil Procedure*. The Court participated actively in that process. A number of the Court's judges met on numerous occasions to present their comments and recommendations concerning the proposed new code to the Court's leaders. The Court formulated its final comments in the summer of 2010.

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## **Recovery of Small Claims**

Since 1971, the Small Claims Division of the Court of Québec, better known as “small claims court,” has been the judicial forum that rules on claims totalling \$7,000 or less.

The goals and objectives that motivated its creation are the same today: provide citizens with access to justice; strip away all formalities; make available a conciliatory procedure to help ensure social peace; safeguard the authority of the law; make justice available at low cost; and ensure speedy justice.

Since the 2002 reform, a certain trend has appeared with regard to small claims cases: they are more challenged and witnesses are more numerous, particularly experts, this has the effect of increasing the coefficient of difficulty in cases and lengthening the hearing time in many disputes.

Although wait times to obtain a trial are still reasonable in many judicial districts, they may be as much as two years in others.

The Court is sparing no effort to bring wait times down to the desired target of six months. The following measures have been taken in an attempt to correct the situation: increase hearing days with regard to small claims cases presided over by the judges or Per Diem Judges; perform special management of multiple cases for events of the same nature (for example, co-ownership); and participate in public information sessions with the collaboration of the local bar association to help parties present their case better in the Small Claims Division.

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## **Specific Approaches**

To promote justice accessible to all litigants, the Court gives special attention to certain client groups.

### **Justice in Aboriginal Communities**

As mentioned in the previous public report, a report titled “*Justice in Aboriginal Communities: Working to Increase Synergy*” was submitted to government authorities in January 2008.

The report examined the difficulties encountered in the administration of justice in Aboriginal communities and, more specifically, the various measures that might be considered to meet the challenges they raised.

Among other things, the report underscored the importance of greater cohesion among the key judicial stakeholders and identified the chief problems that come up, for example, air and ground travel, the availability of courtrooms, interpreter services, courtroom security and insufficient correctional or victim services.

In response to the report, an advisory committee on the administration of justice in Aboriginal communities was created in the spring of 2010 and has already met twice since then.

The committee is comprised of representatives from the Court of Québec, the *Ministère de la Justice*, the *Ministère de la Sécurité publique*, the Office of the Director of Criminal and Penal Prosecutions and a representative from the *Commission des services juridiques*.

The committee is currently working on developing its mandate and determining short, medium and long-term objectives.

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### **In Matters of Drug Addiction**

A seminar with The Bar of Montréal was held in early February 2010. The topic of discussion was the issue of alcoholism and drug addiction among the parents of children and the upcoming establishment of a “Family Drug Treatment Court.”

In the aftermath of that seminar, the *Toxi-Cour(t)* pilot project was introduced on February 15, 2010, with the support of Batshaw Youth and Family Centres and the Foster Pavillon Addiction Rehabilitation Centre. A similar project titled *Jeunes-Parents* was introduced in Québec City in 2009 with the support of the director of youth protection and the Centre de réadaptation Ubald-Villeneuve.

These projects target parents whose drug, alcohol or gambling addiction is a source of compromising their children’s safety and development.

Thanks to the presence of the Foster Pavillon Addiction Rehabilitation Centre at the Youth Division in Montréal and the Centre de réadaptation Ubald-Villeneuve at the Youth Division in Québec City, an evaluation of a parent’s drug addiction can be conducted at the first Court appearance, followed by a treatment plan and prompt intake at the addiction rehabilitation resource.

Judicial follow-up by the judge in charge of the case will serve to evaluate the parent’s progress once every three months and issue any orders that may be necessary.

At the Criminal Division in Montréal, work to set up a pilot project for the judicial treatment of drug addiction has resumed under the direction of the Court of Québec.

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## **In Matters of Conjugal Violence**

The Court of Québec committee tasked with follow-up in matters of conjugal violence has concluded that a practice division for cases of conjugal and domestic violence would improve the quality of follow-up and the effectiveness of the process. A pilot project was initiated in September 2009 in Montréal.

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## **Improving the Justice System**

The Court of Québec also participates on various committees set up by the *Ministère de la Justice* or the *Ministère de la Sécurité publique*, with the objective of improving the justice system.

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## **Table Justice – Québec**

The Court participates in meetings of the Table Justice – Québec striving to build greater synergy among stakeholders and improving services to the population. Minister of Justice Kathleen Weil, and now Minister Jean-Marc Fournier, invites representatives of the judiciary, bar associations and the *Chambre des notaires* to meet with key department representatives twice a year.

The topics on the agenda have been the reform of the *Code of Civil Procedure*, proximity justice centres, the treatment of conjugal violence cases, the image of justice, and public trust and confidence.

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## **Administrative Forum**

On the initiative of the Associate Deputy Minister of the *Direction générale des services de justice et des registres*, M<sup>e</sup> Denis Marsolais, administrative forums were introduced by the Deputy Minister of Justice, M<sup>e</sup> Michel Bouchard, to bring together the Chief Judges and Associate Chief Judges of the Court of Appeal, the Superior Court and the Court of Québec, along with the Deputy Minister of Justice.

In consideration of our front-line function and the Court's deployment across the entire territory, our participation is important for sharing a proper understanding of the impact that certain decisions of an administrative nature may have. The main focus is issues that deal with the operation of the courts. Thus far, we have agreed on the usefulness of working sessions and, in the future, we will be meeting on a twice yearly basis.

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## **Système intégré d'information de justice (SIJ)**

The *Ministère de la Justice* has invested in an IT project to improve the public's perception of justice and make justice more effective and more accessible. Several committees have been created to support completion of the project, and the Court is particularly involved in the performance of three mandates.

The first mandate concerns the judiciary – MJQ joint committee, which meets two or three times each year. The committee supervises the work carried out in six sub-groups, two of which directly involve the activities of the judiciary. *Mandate 3*, on access to judicial archives, met six times in 2010. *Mandate 6*, which is beginning its work, met for the first time in December 2010 and is tasked to look at management indicators.

All of this work demands considerable energy, but the Court is hopeful that the outcome of its participation will contribute to improving the justice system.

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## **Système intégré des rôles et des assignments (SIRA)**

To discharge the responsibility of reserving courtrooms and assigning cases to judges on a day-to-day basis over the entire Québec territory, the Québec judiciary asked the *Direction des ressources informationnelles* at the *Ministère de la Justice* to create an innovative software program designed specifically for that purpose, and it did so.

The work begun in 2007 is ongoing, and an important application was delivered in 2009, namely, "*programme de confection des assignments*", to help in the preparation of judicial assignment schedules.

The Court is participating on several committees towards completion of this tool designed to improve our service delivery and, consequently, access to justice.

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## **Provincial Roundtable on Security**

The Court participates on a provincial roundtable on security and regional roundtables on health and safety initiated in all of the regions. The central roundtable on security did not meet in 2009, and the sole meeting held in 2010 came up with precious few solutions.

For many reasons, security-related issues delay judges' action at the Court and cause unwarranted adjournments. In 2010, in Montréal alone, between the months of September and December, there were more than 100 hearing days for which conduct was disrupted or that were postponed due to lack of adequate security.

The Québec judiciary deplors the situation it is forced to deal with and has denounced the situation to the authorities concerned; nonetheless, it continues to participate actively in search of solutions that might lead to greater security for courthouse users.

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*Professional Development, to Constantly  
Deliver the Best Justice Possible*

**Professional Development Program**

The *Courts of Justice Act* and the *Code of Ethics for Judges* require that judges and Presiding Justices of the Peace maintain their knowledge and professional credentials up-to-date.

The professional development program for judges consists in mandatory training provided to each newly appointed judge. Thereafter, judges are provided with a continuous training program in their fields of practice.

Training can be either specific or general. Specific training is provided in criminal and penal matters, in civil matters and in youth-related matters. General training may be taken in the areas of computers, case management, settlement conferences or facilitation conferences. In addition, two-day training seminars are organized for judges in each of the regions on selected topics.

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**Professional Development for Judges**

**Advisory Committee**

This committee, whose members are designated by the Chief Judge, is comprised of three Associate Chief Judges and the judge responsible for training, as well as the administration specialist, who is tasked with planning and logistics for seminars and acts as the committee secretary.

The Chief Judge designates an Associate Chief Judge to act as chairperson.

The committee advises the Chief Judge on matters relating to continuous training and supports the judge responsible for training in the performance of his duties and functions.

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## Organizing Committees

Each professional development activity, or seminar, is planned and supervised by a committee whose members are appointed by the Chief Judge, who also designates a chairperson. Each of the committees is under the authority of an Associate Chief Judge. A list of seminars and the committees tasked with organizing them can be found below.

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## Budget Allocated to Professional Development Activities for Judges

The *Conseil de la magistrature du Québec* allocated a budget of \$334,457 to the Court of Québec for use towards professional development activities for judges in 2009-2010.

This amount was distributed as follows:

General training	\$242,957
Regional training	\$51,500
External seminars	\$40,000

The total amount used for carrying out training activities was \$334,123.

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## Professional Development for Presiding Justices of the Peace

### Committee Responsible

The committee is comprised of Presiding Justice of the Peace Louise Gallant, who acts as chairperson, and Suzanne Bousquet, Presiding Justice of the Peace, Mario Tremblay, Senior Associate Chief Judge and Maurice Galarneau, Associate Chief Judge for the Criminal and Penal Division.

The committee's primary mandate is to organize and monitor all development activities intended for Presiding Justices of the Peace.

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## **Nature of Professional Development Activities**

The Presiding Justices of the Peace benefit from seminars and presentations designed for judges of the Court. In 2010, one newly appointed Presiding Justice of the Peace took part in the seminar on formulating written and oral judgment. The Presiding Justices of the Peace also organize seminars on specific topics such as recent developments in penal and regulatory law, the powers of authorizing judges and constraints in relation to night-time work.

In addition, the Presiding Justices of the Peace each year organize and attend one seminar whose topic varies. In 2010, the seminar was on social realities.

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## **Budget Allocated to Professional Development Activities for Presiding Justices of the Peace**

The *Conseil de la magistrature du Québec* allocated a budget of \$41,966 for professional development activities intended for Presiding Justices of the Peace.

The total amount used for carrying out these activities intended for Presiding Justices of the Peace was \$41,407.

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## **National and International Professional Development Component**

Below is a list of the external seminars in which Court of Québec judges took part:

- Courtroom communication skills
- “*L’enfant: sujet ou objet de droit qu’en est-il ?*” seminar
- Civil Law Seminar: Contract Law – National Judicial Institute
- 2009 National Criminal Law Program – “Evidence”
- Seminar to celebrate the 20<sup>th</sup> anniversary of the NJI (National Judicial Institute)
- Aboriginal Law Seminar
- Newly Appointed Provincial and Territorial Judges Skills Seminar
- Conference of the Canadian Association of Provincial Court Judges
- *Journées Charles-Coderre*
- *Journées de l’Association des Centres jeunesse du Québec*
- Neuroscience in the Courtroom: What Judges Need to Know
- *Code civil du Québec 15 ans après : constats, perspectives et influences*
- *Les journées Maximilien-Caron 2009 « Révolutionner la justice »*

- Harvard Mediation Workshop: Judicial Conciliation
- Mini-seminar on *St. Lawrence Cement Inc. v. Barrette*
- Computer skills training program – National Judicial Institute
- *Race – femme – enfant – handicap : les conventions internationales...*
- A World Class View of Dispute Resolution

### **Budget Allocated to National and International Professional Development Component**

The budget allocated to external seminars for 2009-2010 totalled \$40,000. Of that amount, a total of \$33,045 was used to carry out all external activities.

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## *Relations with Partners and Community Stakeholders*

To successfully attain the objective of more accessible justice for all litigants, the Court of Québec works towards creating and maintaining significant ties with all stakeholders in the justice system, and particularly with bar associations and other associations that group and represent lawyers.

In that spirit, judges in all regions across Québec took part in the following activities in large numbers:

### **Fall opening of the courts activities and Swearing-In Ceremonies for New Lawyers**

The Court of Québec was present at all opening of the courts activities across the province. The Chief Judge delivered several speeches, including one at the reopening for the Bar of Québec on behalf of the entire judiciary.

At both the Bar of Québec and The Bar of Montréal, the Court of Québec participates in swearing-in ceremonies for new lawyers and is regularly asked to deliver speeches.

### **General Council of the Québec Bar Association**

Again this year, Court of Québec Chief Judges were invited to participate in a workshop on the occasion of the General Council of the Québec Bar Association. In the presence of Minister Kathleen Weil and the Chief Judges of the Court of Québec and the Superior Court, the bar association presidents from each and every region spoke about their relations with the courts and discussed case management.

## **Bipartite Committee**

The Bâtonnier du Québec, the Vice-President of the *Barreau du Québec*, and the director of that organization's research and legislation department, organize a meeting each year with the Court's Chief Judges. During these meetings, various topics of common interest to both institutions are discussed, along with the directions or actions that need to be targeted. This year, two meetings were held. In addition to current topics, the following were discussed as well: the image of justice, the bar association's role, the judge appointment process, and the proposed reform of the *Code of Civil Procedure*.

## **Bar Association Committees and Roundtables**

At all times, the judges participate enthusiastically on bar association liaison committees – too numerous to name here – and different roundtables, both provincial and regional, particularly in youth-related matters and matters of mental health and conjugal and domestic violence.

## **Bar Association Conventions**

It is common for Court of Québec judges to be invited to participate as conference attendees at the convention held by the *Barreau du Québec*. It is an invitation that the Court is grateful to receive and one that it always enthusiastically accepts.

In this regard, at the convention held by the *Barreau du Québec* in June 2010, the Chief Judge was invited to participate in a workshop on case management around the following theme: "New tools are available to courts of law to promote access to justice and improve its image. Chief judges of the courts, who participate in the implementation of those tools, share their observations and perspectives as regards the merits of those measures and their adoption. A seasoned practitioner accompanies them to reflect on the concerns and perspectives of litigants."

## **Bar Association School**

The *École de formation professionnelle* of the *Barreau du Québec* regularly invites judges to address students through conferences on themes such as judges' expectations with regard to litigants or judicial conciliation. This year, a workshop focused on settlement conferences at the Court of Québec.

As part of a writing workshop at the *École de formation professionnelle* of the *Barreau du Québec*, several Court judges welcomed students to hear small claims cases.

## **Canadian Bar Association**

Once again this year, two judges participated on the legal education program developed by the Canadian Bar Association for Secondary IV students. This activity raises young people's awareness of the judicial process.

## **Cooperation Protocols with Universities, Moot Courts and Other Teaching Activities**

The Court of Québec and law faculties at the Université Laval, McGill University, Université de Montréal, University of Ottawa, Université du Québec à Montréal and Université de Sherbrooke cooperate towards sharing certain experiences and expertise under protocols introduced in 2003, and renewed in 2006 and 2009.

On November 3, 2010, during the Annual Judge's Conference, the university deans and Chief Judge signed improved protocols in the presence of judges.

Through these agreements, the Court agrees to support student training, for example, by hosting a number of students and allowing them to assist judges in different cases and files. For the 2009-2010 period, 20 or so students were hosted by judges in the three divisions. The judges and students were extremely appreciative of this experience.

Under the protocols, the Court also participates in moot courts and student selection, training and education sessions in view of their participation in various inter-faculty competitions. They are also invited, as conference attendees, commentators or guests, to collaborate in the instruction provided in matters that fall more specifically within the jurisdiction of the Court.

Furthermore, judges can benefit from access to faculty resources in the areas of teaching and research, particularly, by participating in seminars, symposiums or training or development courses.

More particularly in the Estrie region, several area judges hosted and supervised law students acting for them as legal assistants under the clinical activities program offered by the law faculty to second and third-year undergraduate students. In addition, throughout the school year, judges preside over mock hearings at the law faculty, where they have the opportunity to guide students as they practise making oral submissions, both in mock courts and in inter-faculty competitions, such as the Pierre-Basile-Mignault competition. The Court participates as well in selecting students who are awarded each year with the Université de Sherbrooke judiciary award and study grant.

In the Québec region, four lunch conferences were held in collaboration with professors from the Université Laval law faculty and colleagues from other courts. The dean's cup was in the spotlight again this year, with two judges participating in that competition. They had to hear trials, render judgment, evaluate student performance and present them with comments.

In the Laval–Laurentides–Lanaudière–Labelle region, some of the judges were asked to give talks. For example, at the Université de Montréal, a Court of Québec judge delivered a lecture before undergraduate students and participated as well in a seminar on equity in consumer services organized by the Fondation Claude-Masse and the Jean-Louis-Baudouin chair in civil law at the Université de Montréal. Judges from the region also participated in a mock court for a variety of training sessions.

In addition, judges participated in the *Journées d'échanges pluridisciplinaires Charles-Coderre* and the *Programme d'enseignement des droits de la personne* by the Citizenship and Charters Committee of the Canadian Bar Association, Québec Branch, in high schools. They were also asked to deliver training to police officers, traffic controllers and special constables.

### **Seminars**

The Chief Judge participated in a workshop titled “*Débat sur le langage clair dans la rédaction des jugements*,” held during the Éducaloi seminar. Journalist Yves Boisvert and the Honourable André Wery, J.S.C., also participated in the workshop.

At the Council of Canadian Administrative Tribunals' 5<sup>th</sup> International Conference, the Chief Judge took part in a workshop alongside Chief Justices Michel Robert and François Rolland and Mr. Justice Marshall Rothstein of the Supreme Court of Canada.

The Chief Judge also presided over a study session held in April 2010 by the *Association des avocates et avocats de la défense de Montréal*.

### ***Rendez-vous avec la justice***

From March 30 to April 5, 2010, Québec *Rendez-vous avec la justice* week was held under the theme *La Justice au service du citoyen*. On that occasion, the Court of Québec spared no effort to collaborate with judicial stakeholders to better serve and inform the public in the area of justice. For the first time ever, a number of activities were organized simultaneously in all of the regions to help the public gain a better understanding of the judicial system. The list of activities included courthouse visits, mock trials, school activities and the *Visez droit* event in Montréal.

## Tributes

Honours were bestowed on a number of judges for their contribution to legal, social and humanitarian activities in their communities:

### ***Judge Danielle Côté***



On the occasion of the 2010 fall opening of the courts activities, M<sup>e</sup> Alain Heyne, on behalf of his section's bar association, awarded Judge Danielle Côté with the Pierre-Basile-Mignault medal. Awarded by the *Barreau de Saint-François*, the medal is attributed upon the recommendation of a committee comprised of the last five bar association presidents, the current president and the senior advisor.

Recipients must have left an indelible mark on the community through their law-related work, exerted an influence, distinguished themselves among colleagues, collaborated in various activities in the legal community, be recognized for their intellectual integrity and intelligence, conducted themselves irreproachably both professionally and personally, be recognized and appreciated by the majority of their colleagues or the people with whom they work, have organizational and leadership skills and be consensus-builders.

Judge Côté was also acknowledged for her commitment both nationally and internationally in the area of training. She has been a Court of Québec judge since November 1994.

### ***Judge Dominique Larochelle***

Judge Dominique Larochelle was one of nine recipients of the UQUÀM recognition award to underscore the outstanding career path of some of that university's graduates. She was also one of the 35 individuals to be appointed ambassador for the 40<sup>th</sup> anniversary of the Université du Québec à Montréal. Judge Larochelle has been a Court of Québec judge since June 19, 2009.



### ***Judge Micheline Sasseville***



Still on the occasion of the 2010 fall opening of the courts activities, Bâtonnier de Laval M<sup>e</sup> Thierry Usclat bestowed the *Barreau de Laval 2010* recognition award on Judge Micheline Sasseville to underscore her commitment and success in the performance of her functions and duties, which have surely been a significant boon to litigants, while contributing to the outreach of the

*Barreau de Laval* and the Court of Québec. Judge Sasseville was appointed Court of Québec judge for the Civil Division in December 1994.

### ***Judge Michael Sheehan***



On May 26, 2010, the Université du Québec adopted a resolution to “bestow the title of Doctor Honoris Causa under the auspices of the Université du Québec en Outaouais upon Michael Sheehan, in recognition of his remarkable contribution to society through his involvement in suicide prevention.”

This honour was conferred on him at the graduation ceremony on October 31, 2010. It is the first honorary doctorate at the Saint-Jérôme campus.

### **Court of Québec Medal**

In November 2008, on the occasion of the commemoration of the 20<sup>th</sup> anniversary of its creation, the Court of Québec unveiled its Court Medal.

Upon completion of their term of office, the gold Medal is conferred on judges who have performed the function of Chief Judge, Senior Associate Chief Judge or Associate Chief Judge. Exceptionally, it may also be conferred on an individual who has made a special contribution to the development of law or to honour the significant contribution by an individual to the development of society in the area of justice.

At the Annual Judge’s Conference, held in November 2009, the Court Medal was bestowed on Beverley McLachlin, Chief Justice of the Supreme Court of Canada, as well as Mr. Justice Guy Gagnon, the exiting Chief Judge of the Court of Québec. The medal was also bestowed on Mr. Justice René de la Sablonnière, Senior Associate Chief Judge, and Madam Justice Paule Gaumont, Associate Chief Judge for the Youth Division.



At the judiciary seminar in November 2010, Associate Chief Judge for the Civil Division, Michel Simard, and the Associate Chief Judge responsible for municipal courts, Gilles Charest, received the Court Medal as well.

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## *Openness to the World*

In an age when information travels at lightning speed and communication methods have never been more high-tech, citizens of the world are being drawn closer and closer together. The same is true for judges and justice systems.

The Court promotes openness to the world. Each legal system has its own characteristics and we can learn from other justice systems, just as we can help others discover best practices. Openness to the world is another means to deliver justice better and ensure judges’ professional competence.

To that end, the Court has constantly taken part in national and international activities. Over the year, judges have interacted with magistrates from a variety of countries around the world. More specifically, in

September 2010, some 50 provincially appointed judges from Brazil visited the Montréal Youth Division. This exchange between Québec and Brazilian colleagues provided an opportunity to compare practices in the area of youth protection and the handling of cases in the penal justice system for adolescents and in adoption matters.

The Criminal and Penal Division and the Youth Division, both in Québec City and in Montréal, hosted French magistrates for internships, and judges for the Montréal Civil Division held exchanges with French colleagues on case management and the single expert.

The Chief Judge also presented the Court to the Bavarian Minister of Justice during a meeting that dealt with issues such as cyber criminality, mega-trials and the penal justice system for adolescents.

The Senior Associate Chief Judge and Associate Chief Judge for the Youth Division also met with a delegation of French senators who were seeking Québec expertise on the treatment of youth protection cases.

These are just a few examples of the exchanges that have been held. It is interesting to note that several delegations of foreign magistrates have wished to familiarize themselves with the Court's competence in civil, criminal and youth-related matters. They sought to explore how the Court operated in terms of assignments, organization of work, computer systems and legal documentation, not to mention ethics.

Several French magistrates completed an internship with either the Criminal and Penal Division or the Youth Division. In addition, French magistrates and Québec judges held exchanges on best practices with regard to the single expert and case management.

The Court would like to acknowledge the special contribution made by the Québec *Ministère des Relations internationales*, especially as regards the successful completion of projects arising from the 62<sup>nd</sup> *Commission permanente de coopération franco-québécoise*.

The implementation of projects such as the therapeutic court in youth-related matters, the approach in the area of conjugal violence, settlement and facilitation conferences and the implementation of a case management project arouse curiosity and are better avenues towards accessible justice.

## **Haïti**

In collaboration with other Canadian and Québec courts of law, the various bar associations, the Office of the Commissioner for Federal Judicial Affairs and the federal and Québec justice departments, the Court took a close look at the type of aid that might be given to the Haitian judiciary and the justice system in Haiti following the catastrophe that struck the country on January 12, 2010. Work hypotheses are being examined and the Court hopes that developments will be forthcoming.

## ***École nationale de la magistrature***

Exchanges and collaboration with the French *École nationale de la magistrature* and the Consulate General of France at Québec City have been extremely successful. On the occasion of its 2010 annual conference, a protocol for collaboration with the school opened the door to even more exchanges.

### **Nation-wide**

Québec judges continue to strengthen their involvement on a nation-wide basis, particularly in the area of training activities. Several Alberta judges completed stays in Québec and were paired with their Québec counterparts so they could gain a better understanding of French-language terminology in the trial process.

The training session for newly appointed provincial judges was held at Bromont this year. Organized by Québec judges under the sponsorship of the Canadian Association of Provincial Court Judges, this training session has been held in Québec for more than 30 years.

The Canadian Council of Chief Judges groups chief judges from all Canadian provinces and provides a forum for discussion and exchange that promotes cooperation and joint action. The Chief Judge, accompanied by one or two members of the management team, attends meetings that are held twice yearly.

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## ***Sustainable Development***

In the past year, the Court has made several decisions that are inspired by a definite concern for sustainable development.

The 11 working sessions of Chief Judges are now paperless. The four working sessions of Chief Judges and Coordinating Judges are also conducted without the use of paper. The countless workbooks and binders that used to contain the information needed for the proper conduct of those working sessions have ceased to be printed.

The Court promotes greater use of video conferencing for work committee meetings. The use of that technology has generated a substantial reduction in the travel costs associated with committee operations and a rationalization of travel, which enables regional judges not to needlessly deprive litigants of their presence. The majority of these meetings is also conducted without paper.

Finally, the Court has chosen to fall in line with a procedure initiated by the *Direction des ressources informationnelles* of the *Ministère de la Justice*, namely, to secure and optimize paper printing. This important reform will translate into a greater awareness of best environmental practices.