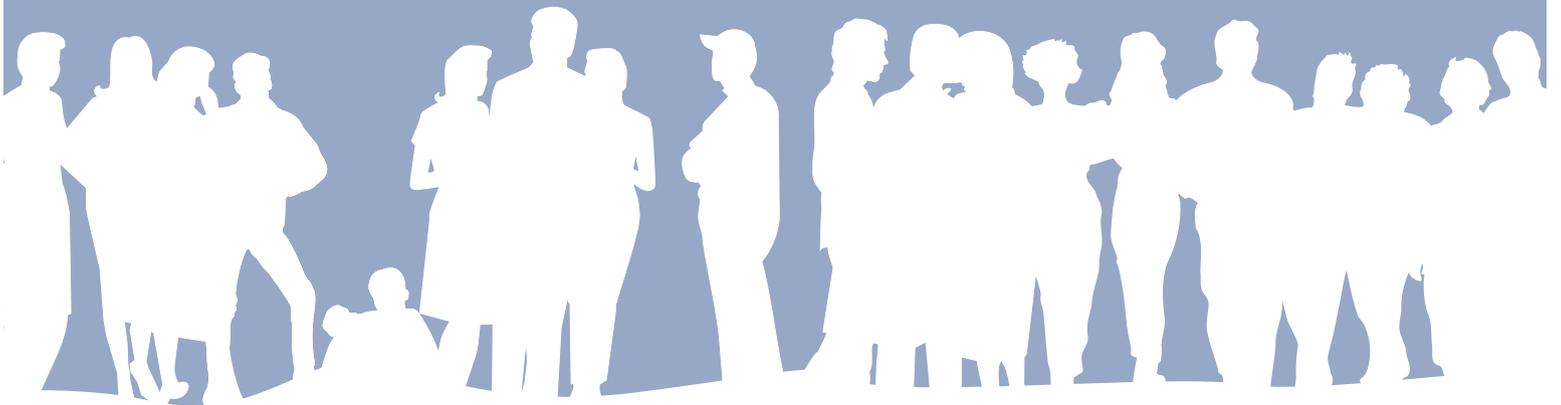


Justice Matters

2005-2006 Annual Report



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Why Does Justice Matter?



Canadians have a unique and highly valued concept of justice. Though we may not think about it often, our way of life depends on this concept.

Our expectations about how we will be treated by our government, our employers, our neighbours, our families, our friends, and our fellow citizens are based on our trust that we are protected by a powerful system designed to encourage and enforce right behaviour, which is defined in our Constitution and our law books.

When we enter a courtroom, we trust that the judge before us decides on the basis of two things only: the law and the facts.

We have the right to appeal such decisions to a higher court.

We expect the highest level of conduct from our judges—on and off the bench.

Justice matters, not just because it is fundamental to our way of life as Canadians, but because it underpins our trust in the value of that way of life.

1. Integrity

In Canada, our sense of fairness depends on more than judges' decisions—it depends on their behaviour and attitudes as well. Judges must ensure that their conduct, both inside and outside the courtroom, enhances Canadians' sense of fairness and trust in their judiciary. As a society that insists on judicial integrity, Canada provides a mechanism and a process for ensuring that Canadians have a means to challenge judicial conduct that falls short.



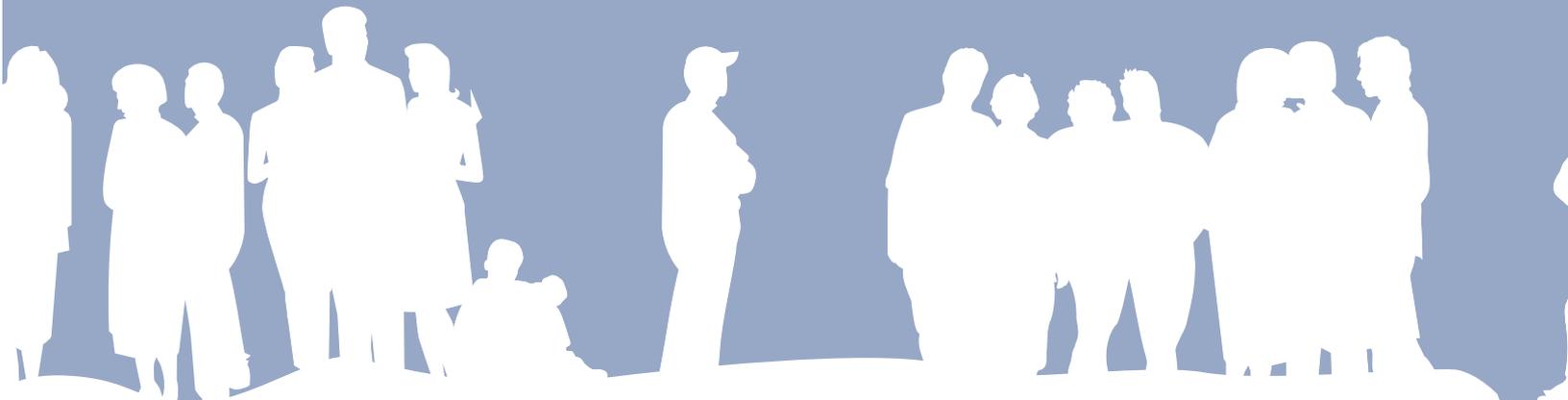
2. Independence

Judicial independence lies at the heart of Canada's justice system. Freedom from political, social, and financial influence ensure that judges make decisions based solely on fact and law.



3. Efficiency

The efficiency with which justice is delivered is central to our notion of justice in Canada. The matter of efficiency touches all aspects of the court and legal system. The effective administration of this system is a very practical concern that involves efficient operation of courts, prompt execution of justice, and an informed judiciary that can address issues of immediate concern to Canadians.



4. Access

Fair and equal access to justice is central to our way of life. The Constitution enshrines Canadians' right to equal protection and benefit of the law without discrimination: a commitment to the equal worth and dignity of all people and to preventing discrimination against groups with economic and social disadvantages. Access to justice also requires that legal disputes can be settled in a timely manner.



This has been a productive year of cultivating partnerships and putting into motion the plans we have developed for our own renewal over the last few years. While the Council's mission will not change—we are always working to improve the administration of justice in Canada's superior courts and to ensure that Canadians have recourse to a professional, dedicated, and independent judiciary—we continue to pursue relevant approaches to emerging issues affecting the Canadian justice system.

In 2005-06, the Council approved several important initiatives created by its committees to support judges in improving access to justice. These tools include principles for dealing with self-represented litigants, model policy on access to court records, research into alternate models of court administration, and jury instructions designed to minimize the risk associated with dismissed cases.

The Council also continues to carry out its important mandate of reviewing complaints against federally appointed judges. Canadians expect and deserve the highest standards of conduct from their judges, and the Council fulfills a key responsibility in this regard.

I hope you enjoy reading about the Council's work in 2005-06.

**The Right Honourable Beverley McLachlin
Chairperson**

Supporting and promoting the principles of Canadian justice— independence, integrity, efficiency, and access—is what informs the work of the Canadian Judicial Council (CJC). Our mission is to improve the administration of justice in Canada’s superior courts and to ensure that Canadians have recourse to a professional, dedicated, and independent judiciary.

HOW WE WORK

The CJC is chaired by the Chief Justice of the Supreme Court of Canada, The Right Honourable Beverley McLachlin, and consists of 39 chief justices and associate chief justices, who in 2005-2006 oversaw more than 1,050 federally appointed judges in Canada's superior courts.

The objectives of Council, as mandated by the *Judges Act*, are to promote efficiency and uniformity and to improve the quality of judicial service. The Council's work includes investigating complaints from the public and from government regarding the conduct (but not the decisions) of federally appointed judges; considering issues of principle; setting policy; and providing tools that help the judicial system remain efficient, uniform, and accountable.

The day-to-day administration of justice within their own jurisdictions across Canada is the primary occupation of the Chief Justices that comprise the Council; thus, full meetings of all members of the Council more than twice annually are virtually impossible. However, the Council's committee system allows members to work on a regular basis in smaller groups that focus on the

individual issues and themes that affect Canada's justice system.

THE COMMITTEES

The committees are the workhorses of the Canadian Judicial Council. Some are standing committees; others deal with specific issues or questions. One of the key functions of the Council is to review complaints from the public about the conduct of federally appointed judges. One committee in particular—the Judicial Conduct Committee—is unique in that its work focuses primarily on close assessment of individual conduct matters.

Most committees conduct research and deliver tools for enhancing the quality, uniformity, and efficiency of the Canadian judiciary. They often work in consultation with experts and partners in the legal, private, and media sectors. The result of their research is presented to the Council at its two annual meetings for consideration and approval, and often takes the form of studies, guidelines, model policy, and other key documentation that is distributed to the wider justice community and, in most cases, to the general public.

Executive Committee

The Executive Committee exercises effective authority on behalf of the Council. With a membership of eleven, including the chairs of most standing committees as well as three members elected from the Council, the Executive Committee acts for the Council on urgent matters. It reviews and discusses committee reports and, when necessary, acts on findings. The Executive Committee can also set up ad hoc committees to address specific needs. In a period of continuing change, the Executive Committee plays a central role in setting priorities and apportioning office resources.

Chairperson's Advisory Group

To foster an independent and relevant Canadian judiciary, the Council not only supports judges but also seeks broader sources of input and perspective on issues affecting judicial governance. The Advisory Group acts as a forum for high-level debate and consultation in these matters. The group consists of the Chairperson, senior judges, and a range of Canadians, legal scholars, and experts in such areas as conflict resolution, non-profit business management, and aboriginal affairs. It meets as required to discuss issues such as the changing role of the judiciary in Canadian society and the public's understanding of that role.

This year, the Council built on the important research conducted over the last few years into its own role and relevance. It was a year of cultivating partnerships and relationships; reaching out to stakeholders in the judicial, legal, and non-government sectors; and getting down to the challenging work that will drive real, relevant results for Canadians. This section explores this important work for 2005-2006.



Integrity: Reviewing Judicial Conduct

One of the Council's most important functions is to review complaints about the conduct of judges. The Council's area of concern in these reviews is the conduct—not the decisions—of federally appointed judges.

JUDICIAL CONDUCT COMMITTEE

The Judicial Conduct Committee is responsible for reviewing judicial conduct in a way that is fair, objective, and effective. Its review process acknowledges the public's right to voice concerns about judges, while giving judges accused of misconduct an opportunity to respond. In all cases, the process is designed to sustain public confidence in the Canadian justice system.

This year, the number of complaints has remained fairly constant. Many were received from self-represented litigants involved in proceedings involving divorce and the custody of children. The cases summarized here provide a snapshot of the types of complaints reviewed in the course of the year.

ALLEGATION OF INTERFERENCE

Complaint: After a hearing as part of an ongoing criminal proceeding, the complainant alleged that the judge counselled him to plead guilty and that the judge admitted evidence into the proceedings which he knew to be fabricated.

Review: The complaint was reviewed by the Chairperson of the Judicial Conduct Committee. This review showed that the Crown attorney in the case had offered the complainant "time served" if he pleaded guilty. The complainant was self-represented in Court and, for this reason, the judge explained to the complainant the options before him, including the possibility of pleading guilty and accepting "time served" as his sentence.

The Chairperson of the Conduct Committee found that the judge's remarks were not a direction to the complainant, but an explanation. It is part of the responsibility of judges to ensure that accused persons understand the nature and consequences of the proceedings, especially when they do not have legal representation.

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As to the admission of evidence in such a jury trial, the Chairperson noted that the issues are ultimately determined by the jury. The judge in the case had indicated that the evidence would be decided by the jury. In any case, a decision regarding evidence is a judicial decision (as distinct from judicial conduct). The complainant was advised accordingly and the complaint was dismissed.

ALLEGATION OF JUDICIAL INCAPACITY

Complaint: The complainant alleged that the judge in question had been prevented from carrying out judicial duties as a result of a health condition. In particular, the complainant alleged that the judge was chronically late in issuing reasons for decisions in a number of cases. This, according to the complainant, was unfair to him and other litigants who were waiting for the Court's decision.

Review: The judge in question explained that he suffered from a serious medical condition and he acknowledged that he had difficulty coping with the amount and pace of work resulting from his judicial duties. The judge's attending physician

believed that the judge's condition could improve. The judge agreed, in consultation with the judge's Chief Justice, that remedial measures should be pursued to assist in improving timeliness of issuing written decisions. This included coaching by colleagues and the setting of time lines by the Chief Justice. Concurrently, the judge's physician would monitor the judge's progress.

The complaint was put in abeyance while this course of action was pursued. However, after a number of weeks, a review of the case showed that there was little progress being made in terms of timeliness and that, indeed, the medical condition was not improving. After consultation with the physician and Chief Justice, the judge advised that he was resigning by reason of his medical condition.

The complainant was advised accordingly. With the judge's resignation, the file was closed.

ALLEGATION OF BIAS AND DISCOURTEOUS REMARKS

Complaint: The complainant alleged that the judge, during a child custody hearing, ignored certain evidence in his decisions, refused to

listen, spoke discourteously, demonstrated a bias against men and held pre-conceived ideas about the case before the hearing began.

Review: The Chairperson of the Judicial Conduct Committee asked the judge to comment and provide court transcripts and related documents. Upon completing his review, the Chairperson found that there was no basis to support the allegations that the judge refused to listen or spoke discourteously.

Indeed, the transcript showed that the complainant was given ample opportunity to be heard, and that the judge listened patiently throughout the proceedings. In the opinion of the Chairperson, the judge was sensitive and polite at all times during the proceedings.

As for the allegation of “pre-conceived ideas,” it was found to be completely without support. The complainant was advised that his allegations were, in essence, nothing other than dissatisfaction with the decisions reached by the Court. He was advised that the Council has no mandate to review the correctness of judicial decisions and that his complaint was unfounded.

ALLEGATION OF FAILURE TO EXERCISE JUDICIAL RESTRAINT

Complaint: Two Members of Parliament alleged that remarks by the Chief Justice of Québec about the judicial appointments process, made during radio interviews, had “tainted judicial independence in Canada” and “discredited the entire judiciary.” The remarks involved the allegiance of candidates for the Bench.

Review: The Vice-chairperson of the Judicial Conduct Committee reviewed the recordings and transcripts from the actual media interviews given by the judge. He found that the judge’s interventions formed part of public discussions on matters regarding the administration of justice; that the judge had made specific efforts to clarify his views on the issue of political beliefs during subsequent interviews, and that he had publicly stated his deep regret for the controversy his remarks created. The Vice-chairperson also noted that Chief Justices have a responsibility to speak publicly about matters relating to the administration of justice and that this was clearly such a matter.

Given the entire context, the Vice-chairperson concluded that the conduct in question was not

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inappropriate and determined that the complaint against the Chief Justice of Québec did not need to be considered further.

When a complaint is made against a member of the Judicial Council, the case must be reviewed by an outside lawyer. In this case, a well-known and respected Montreal lawyer was asked to review the complaint; he indicated his complete agreement with the decision.

ALLEGATION OF BIAS AND ARROGANCE

Complaint: The complainant alleged that during proceedings the judge appeared to favour one of the parties and spoke in an arrogant manner. The judge in the case had said that legal costs should not be a problem, since the complainant was a “developer” in a real estate matter and the amount in question was “minor.”

Review: The Chairperson of the Judicial Conduct Committee asked for comments from the judge, as well as a transcript of the proceedings. After reviewing the case, he concluded there was no evidence of bias or otherwise any suggestion that one party was favoured over another.

With regard to the allegation of arrogance, the Chair noted that the judge regretted that the remarks may have communicated a degree of frustration. The judge also expressed regret if the remarks were perceived as arrogant. In light of the overall context, and the judge’s explanation, the Chairperson decided that the complaint did not need to be considered further. The judge’s comments were included in a letter to the complainant and the file was closed.

COMPLAINT AGAINST THE CHAIRPERSON OF THE JUDICIAL CONDUCT COMMITTEE

Complaint: The complainant had made a complaint against 10 judges of the same Court, who had presided at various proceedings involving the complainant. The complaint was dismissed by the Chairperson of the Judicial Conduct Committee. The complainant then made a new complaint against the Chairperson, alleging that the initial complaint was dismissed for “reasons of convenience” and that the complaints process was designed to protect judges.

Review: The new complaint was referred to the Vice-chairperson of the Judicial Conduct Committee. He found that there was nothing to

support the complainant's allegation that the initial complaint was dismissed for reasons of convenience. Indeed, he found that the initial complaint had been thoroughly reviewed.

With respect to the suggestion that the process of review of complaints was unfair, the Vice-chairperson advised the complainant that the practice, by the Judicial Council, of peer review of allegations of misconduct is similar to the practice followed by most professional bodies. Where the Council is concerned, a complaint against a judge from one region of the country is reviewed by a Chief Justice or Associate Chief Justice from another region, so that complaints are not reviewed by members of the same Court, or even the same jurisdiction. The Vice-chairperson referred to the 2002 decision of the Supreme Court of Canada in the Moreau-Bérubé matter, where the Court held:

To have disciplinary proceedings conducted by a judge's peers offers the guarantees of expertise and fairness that judicial officers are sensitive to, while avoiding the potential perception of bias or conflict that could arise if judges were to sit in court regularly

in judgment of each other. As Gonthier J. made clear in Therrien, other judges may be the only people in a position to consider and weigh effectively all the applicable principles, and evaluation by any other group would threaten the perception of an independent judiciary.

As the complaint was against a member of Council, it was referred to an outside lawyer who indicated his agreement that the complaint be dismissed.

ALLEGATION OF JUDICIAL INCAPACITY

Complaint: A complainant questioned a judge's mental capacity during court proceedings. During a hearing, the judge had said that he was having a "senior's moment."

Review: The Chairperson of the Judicial Conduct Committee sought comments from the judge (and his Chief Justice) regarding the remarks in question. The Chair accepted the written comments from the judge in question, who said that he had immediately regretted using the expression at the time, and that he recognized that it was not an appropriate expression to use.

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He also explained that it was intended as light-hearted humour and that he never intended to offend anyone. The judge expressed regret for using the expression.

The Chairperson accepted the judge's explanations and, in light of the expression of regret, decided that the complaint did not need to be considered further. The judge's comments were shared with the complainant and the file was closed.

Second Complaint: The complainant wrote again to say that his complaint was not adequately reviewed and that he was not given an opportunity to make representations after the judge commented on the matter. The complainant was of the view that a closer investigation would have shown that the judge was not competent to preside at the initial hearings. The complainant alleged that the judge had made several erroneous decisions, which showed he was incompetent.

Second Review: The Chairperson of the Judicial Conduct Committee reviewed the new comments and found that they were simply repetitive. He indicated that the initial review of the complaint

had been thorough. He also pointed out that the complaints process is not an adversarial one between judge and complainant, but a process of inquiry that allows the Council to assess judicial conduct in the public interest. As for the opportunity to make representations, the Chairperson advised that the complainant had, in fact, two opportunities to make such representations. The conclusions of the Chairperson were that the allegations of incompetence were completely unfounded. The complainant was advised accordingly and the file was closed.

ALLEGATION OF DISCOURTEOUS CONDUCT

Complaint: The complainant alleged that the judge, during a child custody proceeding, refused to allow the complainant's fiancée to sit at the case conference table. The complainant alleged that the judge said "if you don't shut up, I'm going to throw you out." He also said that the judge made sarcastic comments about the fiancée after ordering that she leave the courtroom.

Review: The Chairperson of the Judicial Conduct Committee requested court transcripts and written comments from the judge and the judge's Chief

Justice. The judge explained that the complainant's fiancée had disrupted the proceedings by speaking without being addressed. The woman was sitting at the Case Conference table although she was not a party to the proceedings. The judge's exact words of warning had been, "This isn't a time for you to chat. You're not a party here, so I'm going to ask you to sit in the back and I will not ask you to leave if you can sit in the back." Later in the course of the proceedings, the woman was again speaking without being addressed and, at one point, interrupted the proceedings by laughing out loud. At that point, the judge said, "Ma'am, are you laughing? Wait outside. You, out." The judge acknowledged that she spoke very directly, but that this was necessary to maintain control of the proceedings. She also offered her apologies to the complainant and his fiancée if they were offended.

After reviewing all the relevant information, the Chairperson found that the judge's remarks, given the overall context, did not constitute misconduct. He indicated that judges have a responsibility to maintain firm control of proceedings. A review of all transcript of proceedings did not support the allegation that the judge was unprofessional

or sarcastic. The Chairperson also advised that it was normal for non-parties to be excluded from the case conference table.

The judge's comments, and the Chairperson's conclusions, were shared with the complainant and the file was closed.

ALLEGATION OF DISRESPECT TOWARD ANOTHER JUDGE

Complaint: The complainant alleged that the judge of a superior court, during criminal proceedings, made disparaging remarks about the competence of judges of the provincial court. In particular, that the judge had said that some of the decisions of the provincial court were "out in left field" and that one particular judge did not understand the law.

Review: Comments were sought from the judge in question, who indicated that he was "mortified" by his remarks and that, immediately after making them, he had offered his sincere apologies to the provincial court judge in question. He indicated that, at the time, he was experiencing some serious personal difficulties and that he was under considerable stress. He said he was profoundly sorry

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and that he would be mindful of never repeating such an error. The judge's Chief Justice expressed his confidence in the judge's abilities.

The Vice-chairperson agreed that the judge's remarks were inappropriate and expressed his concerns about the judge's conduct. In light of the judge's sincere expression of regret, however,

he deemed that there was no necessity of further review. The judge's comments and apology were shared with the complainant and the file was closed.

COMPLAINTS CASELOAD – 10-Year Overview

	New files created	Carried over from previous year	Total caseload	Closed Closed	Carried into new year
1996-97	186	47	233	187	46
1997-98	202	46	248	195	53
1998-99	145	53	198	162	36
1999-00	169	36	205	171	34
2000-01	150	34	184	155	29
2001-02	180	29	209	174	35
2002-03	170	35	205	173	32
2003-04	138	32	170	122	45
2004-05	149	45	194	145	49
2005-06	176	49	225	155	70



Independence: Helping Federally Appointed Judges Keep the Courtroom Fair and Equal

ADMINISTRATION OF JUSTICE COMMITTEE

The Administration of Justice Committee seeks to ensure equal access to justice for all Canadians and to promote a judicial system that is strongly founded in law and efficient in its structures and processes. To this end, the committee consults on changes to court structure and provides information and tools that judges can use to respond to new issues and requirements.

REPORT ON ALTERNATIVE MODELS OF COURT ADMINISTRATION

This year, the Administration of Justice Committee received Council approval for its *Report on Alternative Models of Court Administration*. Most courts are administered according to the executive model, in which policy and operational decision-making for court administration is the responsibility of an executive department headed by a cabinet minister, usually the Attorney General

or Minister of Justice. The *Report* identifies the standards of administrative control that courts should exercise in order to ensure judicial independence, and also explores and develops alternative models of court administration.

The overall objectives of the *Report* are to identify ways to better preserve judicial independence, to maintain the status of the judiciary as a separate branch of government, to enhance public confidence in the judicial system, and to improve the quality and delivery of judicial services.

The committee also developed and received approval on a number of important documents related to the issue of access to justice:

STATEMENT OF PRINCIPLES ON SELF- REPRESENTED LITIGANTS AND ACCUSED PERSONS

Promoting judicial fairness is an important and far-reaching task. The issue goes beyond how people are treated in court or how court information is shared. Judges must also consider the social realities *outside* the courtroom that drive issues inside the courtroom.

Self-represented litigants are appearing before the courts in unprecedented numbers. There has been

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no comprehensive study of this increase in self-representation; most research is localized and difficult to correlate. But what is clear from these studies and from reports from courts at all levels is that there is a marked increase in the number of cases that proceed in Canadian courts in which one or more parties are not represented by counsel.

The Council's concern in this matter is that judges and court administrators know how to deal positively and proactively with the challenges that self-represented litigants present. As part of the Council's larger concern with equal access in the judicial system, this committee has been working to develop key principles for judges dealing with litigants who choose to represent themselves in court. The aim is to provide guidance on court procedures to litigants, lawyers, judges, and court administrators.

This year, Council approved the committee's *Statement of Principles on Self-Represented Litigants and Accused Persons*. The *Statement of Principles* is founded on the idea that maintaining equal access to justice means ensuring that everyone involved in a legal proceeding understands and is aware of the laws and procedures that affect that proceeding.

The *Statement* outlines key guiding principles for judges, the courts, and other participants in the justice system, and details the actions that these groups should undertake to support the principle of equal access to justice for all.

RESOURCES FOR JUDGES

The committee also consulted with the judiciary to develop resources such as a *Self-Represented Litigants Bench Book*. The Bench Book contains the *Statement of Principles on Self-Represented Litigants and Accused Persons*, as well as sections devoted to relevant jurisprudence set out by topic; general advice and suggested language for all proceedings; specific advice and suggested language for family, civil, and criminal proceedings; and advice for Courts of Appeal. The *Bench Book* also includes a comprehensive list of resources tailored to each of the jurisdictions.

BRIEFING BOOK FOR CHIEF JUSTICES

The committee is also developing a related *Briefing Book for Chief Justices* that will include an outline of the approaches taken by different courts in handling cases with self-represented litigants, along with resources to assist both the judiciary and self-represented litigants themselves.

JUDICIAL INDEPENDENCE COMMITTEE

The Judicial Independence Committee is concerned with enriching, protecting, and promoting independence in the judiciary. Through the Judicial Independence Committee, the Council is continuously working to address emerging challenges, identify areas of possible conflict and promote ethical standards for Canadian judges.

STATEMENT OF PRINCIPLES ON INTERNATIONAL JUDICIAL ACTIVITIES

The Judicial Independence Committee continued its development of the *Statement of Principles on International Judicial Activities*. This *Statement of Principles* will offer guidelines to help judges make balanced contributions to justice reform abroad. This complex and sensitive topic demands vigorous examination of the precise role that Canadian judges should play in fostering justice reform abroad while retaining complete judicial independence on projects that often include competitive bidding processes through private industry. The committee will continue this important work in 2006-2007.

ETHICAL PRINCIPLES FOR JUDGES

The committee also regularly reviews the Council's *Ethical Principles for Judges* publication to ensure it continues to be current and relevant. In 2005-2006, the Committee prepared a questionnaire that examines judicial use of and response to the publication. The questionnaire will be used to assess what changes, if any, should be made to this important document.



Efficiency: Helping the Judiciary Remain Relevant and Diligent

NATIONAL COMMITTEE ON JURY INSTRUCTIONS

The National Committee on Jury Instructions was established by the Council in 1999 to prepare jury instructions for use in criminal cases across Canada. A working group of judges, lawyers, and academics, the committee meets regularly to review and revise model charges to jury members.

MODEL JURY INSTRUCTIONS

This year, the National Committee on Jury Instructions created and received Council approval for a unique series of *Model Jury Instructions*. The documents provide judges with scripts for informing juries about the nature of particular types of cases and the issues specific to those cases. There is a strong argument to be made that these models will help reduce the overall cost of access to justice by making the court system more efficient and reducing case

dismissals resulting from errors in instructing the jury. This project also represents an excellent example of judges working together to educate themselves and uphold their commitment to independence and efficiency in the court system.

The committee has completed instructions in a number of areas, including homicide and related offences, criminal negligence, and sexual offences. The information is available on the Council Web site in both French and English. Feedback from members of the judiciary who are using the instructions has been highly positive.

PUBLIC INFORMATION COMMITTEE

The Public Information Committee provides advice and assistance to members of the Council, and to their respective courts on request, about initiatives courts might undertake to help the public better understand how the judicial system works. The committee also plays a key role in the exchange of information with Council stakeholders.

This year, the committee continued its work in support of a regular series of “Courts and the Media” seminars across Canada, at which a

number of judges and members of the media participate. The most recent (and the first exclusively in French) was held in November in Moncton, NB. These seminars will continue in the upcoming year.

The Council has recently deepened its commitment to explaining the role of the judiciary to Canadians. One way in which it did so this year was to expand the role of the Public Information Committee to include responsibility for all public interventions on behalf of the Council with the media.

The committee has also been granted approval for an ambitious upgrade of the Council's Web site. The upgrade includes plans for greatly increased publicly available information on a range of issues relevant to the judiciary.

JUDICIAL EDUCATION COMMITTEE

Ongoing education is an essential part of the judicial role at every stage of a judge's career. From essential learning for newly appointed judges to specialist courses, conferences, and seminars, the Judicial Education Committee helps to identify educational tools that will enhance the knowledge, skills, and attitudes necessary for judicial diligence.

The Judicial Education Committee works in partnership with the National Judicial Institute to regularly review existing policies, guidelines and curriculum to ensure that the courses, seminars and conferences it recommends continue to benefit the professional development of judges.

In the last year, the Committee set aside some time to discuss key issues such as a model education policy. The policy is intended to give courts guidelines for the professional development of judges in each jurisdiction. The committee has also worked on proposed criteria for course, conference and seminar providers to ensure that judicial programs continue to be as relevant as possible to all judges.

STUDY LEAVE ADVISORY COMMITTEE

The role of the Study Leave Advisory Committee is to review applications made under the Study Leave Program jointly administered by the Canadian Judicial Council and the Council of Canadian Law Deans. This program enables judges to undertake courses of study or engage in research, teaching, or related activities at a Canadian

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law school, legal institute, or cognate institution, so that they can return to the Bench better equipped to carry out their judicial duties.

The Program is open to any judge who has served as a federally appointed judge for seven years before beginning the proposed leave period, except a judge who will be within four years of mandatory retirement from the date of the completion of the proposed leave term.

The committee considers all applications for the Study Leave Program, and makes recommendations for leaves of absence, through the Executive Committee, to the Minister of Justice. It also provides advice and comments, when invited to do so by a chief justice, about the leave programs of judges taking leaves of absence at academic institutions of between three and six months.

This year, eight judges participated in the Study Leave Program, and the committee reviewed the applications of eleven judges for future study leave periods.



Access: Maintaining a Fair and Open Judiciary in the Twenty-First Century

JUDGES TECHNOLOGY ADVISORY COMMITTEE

The Judges Technology Advisory Committee advises the Council on matters relating to the effective use of technology by the courts, consistent with the Council's overall mandate to promote uniformity and efficiency and to improve the quality of judicial service in courts across the country.

The Judges Technology Advisory Committee spent much of 2005 looking at issues of access and privacy in relation to court documents, legal documents, and their translation to the electronic realm.

CANADIAN CENTRE FOR COURT TECHNOLOGY FORUM

The committee organized a Forum on Court Technology, the first of its kind in Canada, held in August 2005. The event brought together many

participants in the justice system, to discuss technology issues and explore the feasibility of creating a Canadian Centre for Court Technology. Such a centre would allow for the development and sharing of best practices, encourage the use of technology, enhance efficiency in the justice system, and foster access to justice across Canada. Work continues for the possible creation of such a centre.

POLICIES AND GUIDELINES

The committee worked on a *Model Policy on Access to Court Records*, which was adopted by Council. This policy offers guidelines and recommendations for Canadian courts that aim to assist courts in deciding what kinds of information to make widely available, and which information to make available only by application.

Another guideline was adopted by Council, namely the *Protocol for the Use of Personal Information in Judgments*. The purpose of the Protocol is to assist judges when drafting reasons for judgment in striking a balance between protecting the privacy of litigants in appropriate cases and fostering an open judicial system.

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The *Protocol* also encourages consistency in the way judgments are drafted when publication bans apply or when the privacy interests of the parties and others involved in proceedings should be protected.

The Committee also made a number of recommendations to Council for addressing concerns about safeguarding judicial information stored on government computers and shared networks. Work in this important area continues, to ensure adequate protection for sensitive information used by judges in their day-to-day work.

OTHER COMMITTEES

APPEAL COURTS COMMITTEE

The role of the Appeal Courts Committee is to exchange information among all Council members on Appeal Courts and to identify, consider, and recommend solutions to problems unique to appellate court jurisdiction and procedures. The committee also considers and makes recommendations to the Council about ways to increase efficiency, promote uniformity, and improve the quality of judicial service in the administration of the courts.

This year, the committee approved the *Best Practices in Appellate Courts* report, which will be made public in 2006. The committee also reviewed practices across appeal courts in the matter of supernumerary judges and continued to monitor time lines in all appellate jurisdictions, to identify best practices as well as shortcomings. The committee is exploring the possibility of getting key and important decisions of appeal courts made available in both official languages.

The Council's core mandate is to promote Efficiency, Uniformity and Quality in Canada's justice system. Through committees of judges and experts in a variety of fields, discussions with partners, review of complaints against judges and studies on best practices, the Council is instrumental in fostering a strong judiciary in which everyone can have confidence.

CANADIAN JUDICIAL COUNCIL STATEMENT OF EXPENDITURES FISCAL YEAR 2005-2006

Salaries and Benefits	\$ 722,382
Transportation and Communications	\$ 106,623
Information	\$ 34,282
Professional and Special Services	\$ 604,794
Rentals	\$ 102,394
Purchased Repair and Upkeep	\$ 18,676
Utilities, Materials and Supplies	\$ 29,359
Construction and Acquisition of Machinery and Equipment	\$ 38,215
TOTAL	\$ 1,656,725