

KEY DEVELOPMENTS ■ 2018 2019

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MESSAGE FROM THE CHIEF JUDGE



A number of projects were continued or initiated at the Court of Québec in 2018 and 2019 to promote access to justice and maintain the quality of services provided to Québec citizens.

The Court of Québec undertook these projects as an institution that provides judicial services across Québec, including in Indigenous communities, and whose 345 judges and presiding justices of the peace hear thousands of Quebecers each year.

The passion, pride, and sense of commitment the judges feel in fully assuming the broad authority of the Court are powerful motivators to continue fulfilling our primary mission of delivering independent, impartial, objective, humane, and efficient justice to the citizens of Québec.

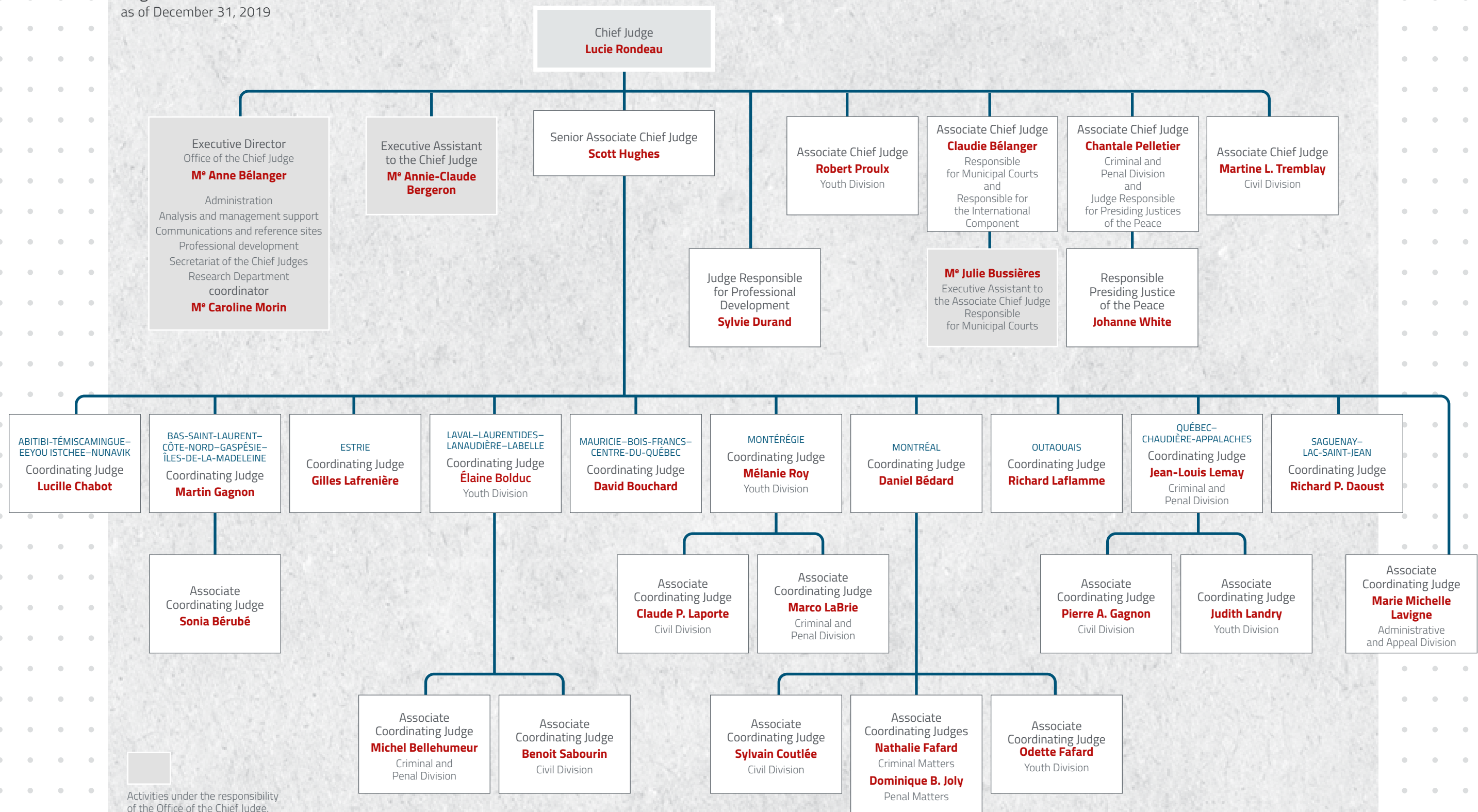
Below you will find the highlights of the past two years, which show the extent of some of the concrete actions we have taken to achieve that goal. You can also go to our [website](#) for more information on the Court of Québec's role in our justice system.

(S) LUCIE RONDEAU

CHIEF JUDGE OF THE COURT OF QUÉBEC

COMPOSITION AND ORGANIZATION

Organization Chart of the Court of Québec
as of December 31, 2019



In office as of December 31, 2018

In office as of December 31, 2019

301
judges

39
presiding justices
of the peace

166 women (49%)
174 men (51%)

301
judges

39
presiding justices
of the peace

168 women (49%)
172 men (51%)

Between January 1, 2018, and December 31, 2019, 39 judges and presiding justices of the peace were appointed to the Court of Québec, generally to replace those who had retired.

1 chief judge

1 senior associate chief judge

4 associate chief judges

- Appointed by the government, after consultation with the chief judge
- **7-year** non-renewable term

10 coordinating judges

12 associate coordinating judges

- Designated by the chief judge from among the Court's judges
- Renewable term of not more than 3 years
- 1 coordinating judge or 1 team for each of Québec's 10 regions

1 presiding justice of the peace responsible for assigning presiding justices of the peace across the province

- Designated by the chief judge from among the Court's presiding justices of the peace
- Renewable term of not more than 3 years

Distribution of Québec's 306 judges and 39 presiding justices of the peace

	Judge	Presiding justice of the peace
Abitibi-Témiscamingue-Eeyou Istchee-Nunavik	10	2
Bas-Saint-Laurent-Côte-Nord-Gaspésie-Îles-de-la-Madeleine	17	4
Estrie	18	2
Laval-Laurentides-Lanaudière-Labelle	45	5
Mauricie-Bois-Francs-Centre-du-Québec	13	2
Montréal	41	6
Montréal	96	10
Outaouais	15	2
Québec-Chaudière-Appalaches	41	4
Saguenay-Lac-Saint-Jean	10	2
TOTAL	306*	39

* Including **vacant** positions. The regional distribution corresponds to the number of positions **allotted** per region, but not necessarily the number of judges who hear cases, because some judges have been designated to occupy management positions (e.g., associate chief judge) and continue to be counted in the region where they were appointed judges.

Publication of a new edition of the *Three-Year Vision*

The Court of Québec released its *Vision* for 2019, 2020, and 2021. The vision was drawn up based on the priorities identified by the judges in all divisions. One of the Court's priorities is to support the comprehensive reform of criminal law with a view to modernizing it and streamlining its application for the benefit of Quebecers.

Our objectives are based on five key values: independence, impartiality, honesty, humanity, and efficiency.

Modernizing the justice system

In spring 2018, the Québec government announced a plan to modernize and transform the justice system. The Court of Québec is playing an active role in the project alongside the Ministère de la Justice. One of its objectives is to ensure that the results of this major undertaking will enable the Court to better meet the needs of Québec's citizens.

Challenge to the jurisdiction of the Court of Québec in civil and administrative matters

In 2017, the Chief Justices of the Superior Court contested, by means of a motion for declaratory judgment, part of the Court of Québec's jurisdiction conferred on it by the legislature in civil and administrative matters.

The Québec government then directed the Attorney General to refer the matter to the Court of Appeal for an opinion on the constitutionality of this decision by the Québec legislature.

Reminder – The Québec legislature amended the Code of Civil Procedure on January 1, 2016, to change the monetary jurisdiction of the Regular Division of the Court of Québec's Civil Division from less than \$70,000 to less than \$85,000.

In its ruling of September 12, 2019, the Court of Appeal concluded that the provisions of the *Code of Civil Procedure* setting the upper threshold of the Court of Québec's exclusive monetary jurisdiction at \$85,000 are not valid under section 96 of the *Constitution Act, 1867* (paragraphs 186-187).

For the moment, the Court of Québec retains its jurisdiction to hear all disputes of a value of less than \$85,000.

The Court's decision is currently under appeal before the Supreme Court of Canada.

Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec (Viens Commission)

Three Court of Québec judges testified before the Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec (Viens Commission) to present some of the issues around Indigenous justice. They also reported on the Court's activities and projects in Indigenous communities.

Indigenous communities in the northern and eastern parts of the province are mainly served by judges in the Abitibi-Témiscamingue–Eeyou Istchee–Nunavik (10) and Est-du-Québec (17) regions.

Professional development and training of new judges

All new judges participate in the orientation and mentoring programs set up by the Court of Québec and the Conseil de la magistrature du Québec to facilitate the transition from their career as a lawyer to that of a judge.

Judges also have access to the Court of Québec's professional development program, which includes a wide range of seminars. The program addresses legal matters as well as a number of social phenomena that underlie cases brought before the courts, e.g., mental health, homelessness, addiction, unemployment and poverty, spousal and family violence, the history of Indigenous peoples and its impact on their current reality, child development and the evolution of parenthood, limited access to justice, myths and prejudices related to sexual offences, characteristics of different cultural communities, the challenges of immigration, pitfalls to be avoided to prevent wrongful convictions, etc.

Training on writing judgments is also one of the priorities of the Court of Québec, since it is a concrete means of improving access to justice by making judgments clearer.

Exercising judicial leadership to improve the effectiveness of the justice system

By bringing together partners to better coordinate youth justice practice

The Court of Québec has taken the initiative of setting up a working group to ensure that judicial practice in the area of youth protection is in line with the principles of fundamental justice, in particular the right to life, liberty and security of the person.

The main objective of this work is to develop procedural rules that will provide those working in the justice system with the tools they need to properly fulfill their role in applying the *Youth Protection Act*.

The committee is headed up by the associate chief judge of the Youth Division. Representatives of different groups, including the Ministère de Justice, the Direction de la protection de la jeunesse, CIUSSS, the Commission des services juridiques, and

private-practice lawyers are involved in the initiative. This varied expertise is essential in order to make judicial practice in youth matters more consistent, harmonious, and efficient.

A pilot project on an effective “socio-legal trajectory” to handle serious conflict during separations has also been set up.

The Barreau de l’Outaouais and the Court of Québec have signed a youth protection case management protocol to promote this tool to lawyers.

Lastly, the judges of the Court of Québec completed a “regional tour” to train judges and lawyers on the draft agreements provided for in the *Youth Protection Act* and on facilitation conferences in youth criminal justice.

Through projects that meet the special needs of certain citizens

Promoting mediation in the Small Claims Division

The Barreau de Québec and the Court of Québec have finalized a protocol for a pilot project offering parties in the Small Claims Division the opportunity to settle their disputes with the help of lawyers accredited as mediators.

This service enables parties to meet with a mediator on the morning of the trial to try to settle the dispute in complete confidentiality. If no agreement is reached, the parties still have the right to be heard on the same day by a judge who will rule on the dispute.

A similar service exists in Montréal, Laval, Saint-Jérôme, Joliette, Longueuil, Cowansville, Granby, Gatineau, Chicoutimi, Alma, Roberval, Dolbeau, Chibougamau, and the judicial districts of Beauharnois, Iberville, Richelieu, and Saint-Hyacinthe.

Law student support for parties in the Small Claims Division

The Small Claims Division support service set up by the Outaouais Community Justice Center, in partnership with the Court of Québec, the Association du Jeune Barreau de l’Outaouais, the Ministère de la Justice, and the Civil Law Section of the University of Ottawa was offered again in 2018–2019.

Under this project, law students help citizens organize their cases and obtain the information they need to prepare themselves for court.

Expanded eligibility for the Court of Québec Addiction Treatment Program in Montréal

The Court of Québec has extended its Addiction Treatment Program to include people who are accused of committing criminal offences due to a drug or alcohol use problem but are not in custody. Since the program’s inception in Montréal in 2012, only detainees have been eligible. By offering all drug-addicted offenders the opportunity to undergo treatment adapted to their situation and supervised by the Court, the program provides comprehensive care for these individuals, during and after therapy, to help them make a lasting change in their lifestyle.

Of the 285 people who have been admitted to the program since 2012, 63 have completed every step of the program and achieved all of its objectives.

Addiction Treatment Program in Puvirnituq

An Addiction Treatment Program was set up for adult offenders living in the northern village of Puvirnituq.

The local Saqijuk coordinator sets up a multidisciplinary team to develop an action plan tailored to each offender. The multidisciplinary Saqijuk team assesses, guides, and supports the offender throughout the program, which can last up to 24 months.

The offender is regularly summoned to appear before the Court to discuss their progress and other steps they have taken to reintegrate into society.

Created in 2014, Saqijuk (meaning “a change in the wind’s direction” in Inuktitut) is an innovative project that brings together provincial and regional stakeholders to improve relations between community services and Indigenous residents to reduce behaviours that all too frequently lead to crime and suicide.

Success of the justice and mental health support programs in many regions

Support programs for adults who have committed certain crimes related to mental health problems and drug addiction, homelessness, and violence are in place in Chicoutimi, Drummondville, Joliette, Laval, Longueuil, New Carlisle, the Outaouais region, Québec, Salaberry-de-Valleyfield, Shawinigan, Sherbrooke, Trois-Rivières, and Val-d’Or. Work is underway to extend these measures to other regions and judicial districts.

The general goal of these support programs is to adapt how cases are handled to the person concerned through shared, holistic management by the justice system, health and social services, and community networks.

By offering offenders with mental health problems the opportunity to become actively involved in plans tailored to their legal and medical situation, the support program aims to prevent or reduce the likelihood of their reoffending while ensuring that the public is protected. This initiative focuses primarily on empowering people through a combination of close supervision and lifestyle changes, rather than on punishment.

The results to date are very encouraging.

Since the program was initiated in Chicoutimi in 2017, 87 people have been admitted and 28 are currently benefiting from personalized action and monitoring plans put together by a multidisciplinary team under the supervision of a Court of Québec judge.

In Trois-Rivières, 80 court sessions have been held since the program was set up in 2016. To date, 138 people have taken the program and 51 have successfully completed it, i.e., they have met the objectives of the action plan developed by all the stakeholders involved. There have been a number of positive outcomes in terms of the offenders’ physical and mental health, social integration, and control of their alcohol and drug addictions.

Smoother communications to better educate the public about the Court of Québec's role in the justice system

The Court of Québec is committed to informing and educating Quebecers about the justice system within the confines of its mission and means. These efforts are crucial to maintaining public confidence in the administration of justice and ensuring the public has realistic expectations of the justice system.

All partners in the justice system must get involved in educating the public at a time when citizens increasingly want to have a hand in their own cases and are seeking information on how to do so.

Until a more modern, user-friendly website is available, the Court of Québec is working hard to regularly add content to the current site. The Office of the chief judge also posts tweets on the latest developments, as well as news from other partners in the justice system, especially those whose main mission is to educate the public.

Court of Québec judges also enthusiastically agreed to participate in a communications exercise to explain their work. They took part in a documentary series filmed at the Québec City courthouse and broadcast in fall 2018. This unique project was made possible through the cooperation of a number of judges, lawyers, and justice system personnel. By presenting the day-to-day work of all these legal professionals, the series helps put a human face on justice and deconstruct a number of myths.

The Court of Québec also published a short document explaining the broad jurisdictions exercised by judges and presiding justices of the peace across Québec.

Practical tools for parties in the Small Claims Division

Reference guides for plaintiffs and defendants in the Small Claims Division are available on the Court of Québec website. These helpful guides were developed by members of the Small Claims Issue Table, specifically Éducaloi, the Greater Montréal Community Justice Centre, and the Court of Québec.

CHECK OUT REGULARLY – the list of small claims initiatives to learn about ongoing and future projects around Québec. A great illustration of the legal community's energy and sense of initiative.

Among the other initiatives of interest to parties in the Small Claims Division, it is important to note the colossal work accomplished by the Young Bar of Montréal to develop a small claims guide that is both useful and user-friendly.

In addition, many Court of Québec judges regularly participate in free information sessions offered by bar associations, young bar associations, and community justice centres in Gatineau, Joliette, Laval, Longueuil, Québec City, and Saint-Jérôme, among others.

Technology use in courtrooms (by parties, lawyers, and journalists)

Since June 1, 2016, lawyers, parties, and recognized journalists have been permitted to send short text messages, observations, information, notes, and tweets from Court of Québec courtrooms, unless the law, an order, or a judge forbids it (*Guidelines on Technology Use in Courtrooms*).

A concrete measure to make it easier for journalists to collect and communicate information on what is happening at the Court.

Since February 1, 2019, journalists have also been allowed to make sound recordings of trials at the Court of Québec. However, they are prohibited from distributing such recordings.

Changing how services are offered in criminal and penal matters

In 2016, the *Supreme Court of Canada* issued a number of principles to encourage all participants in the criminal justice system to work together to change courtroom culture and make the justice system more efficient.

At the Court of Québec, *the addition of 16 new judges' positions* made it possible to quickly increase the number of hearing days and introduce case management to reduce delays.

These efforts have been very effective. In Montréal for example, the average time to set a trial date for a released offender requiring two hearing days went from 24 to 9 months (between December 2018 and December 2019).

In addition to the benefits of having more judges, the measures the Court put in place to reduce wait times in cooperation with attorneys are also paying off. These measures include facilitation conferences, case management, and out-of-court examinations, which replace preliminary inquiries when committal for trial is conceded.

This avoids having to call a judge in to preside over a preliminary inquiry when committal for trial is not contested. It speeds the case processing time without depriving the parties of the benefits of a preliminary inquiry. This initiative is in place in a number of regions.

More generally, judges ensure that each assignment of additional resources at the Court is relevant for the case in question.

Recent experience in Montréal, Montérégie, and Laval–Laurentides–Lanaudière–Labelle attests to the effectiveness of case management, which encourages dialogue between the parties and often leads to a settlement.

Important partnerships to develop and maintain

Institut québécois de réforme du droit et de la justice

The Institut québécois de réforme du droit et de la justice (IQRDJ) was created in 2018. Its mission is to conduct independent research in the field of law and justice. The institute's board members come from all segments of the legal and university communities. It is supported by a scientific committee of experts from a number of disciplines and universities.

A Court of Québec judge was appointed as an observer at the institute's annual and extraordinary meetings.

Accessing Law and Justice (ADAJ) research projects

The Court actively contributes to a number of research studies on the theme of equal access to the law and justice. This major initiative grew out of work by the Observatoire du droit à la justice.

The Court of Québec participates in various pilot projects with ADAJ, including working with citizens not represented by an attorney (self-representation and the citizen litigant), communications that help improve understanding of the courts' work, child custody in youth protection matters, private methods for preventing and settling disputes, and paperless justice.

Long-term cooperation across Québec

In every region of Québec, judges look for ways to interest local bars and youth bars, law firms, community justice centres, Éducaloi, and Justice Pro Bono in setting up projects and trying new approaches. The reverse is true as well, as these partners regularly reach out to the Court with their own original ideas.

Judges also regularly agree to give talks on various topics. Many colleagues lead workshops and participate in moot court competitions or lunch talks with bar and young bar members or with students from colleges, universities, or the École du Barreau.

In addition, every year about a dozen judges take part in an educational program on human rights set up by the Citizenship and Charters Committee of the Canadian Bar Association. This program was created in 1997 to introduce groups of secondary-school students to human rights through mock trials.

Our activities are regularly reported on the Court of Québec website and on our Twitter account (cour_du_quebec), which has nearly 2,400 followers.

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COUR DU QUÉBEC



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