



SUPERIOR COURT OF QUÉBEC

2010
2014
ACTIVITY REPORT

A COURT FOR CITIZENS



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The drawing on the cover is the red rosette found on the back of the collar of the judge's gown. It was originally used in England, where judges wore wigs: their black rosettes, which were applied vertically, prevented their wigs from rubbing against and wearing out the collars of their gowns.

Photo on page 18
Robert Levesque

Photos on pages 29 and 30
Guy Lacoursière

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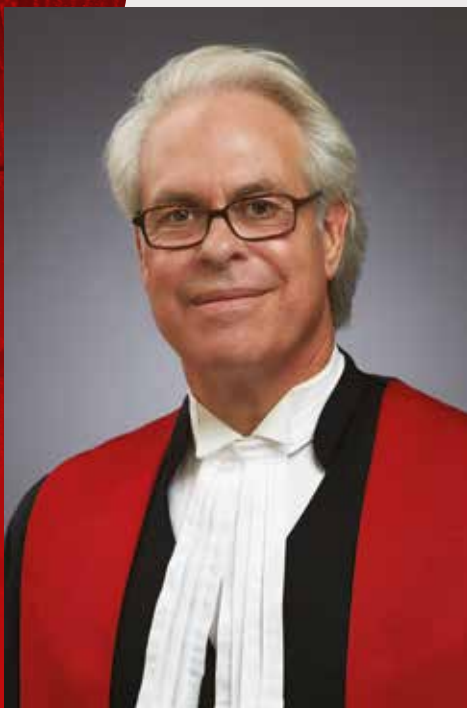
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November 24, 2014

A message from the Chief Justice



I am pleased to present the Four-Year Report of the Superior Court of Québec, covering the period 2010 to 2014.

Over the last four years, the Court has focused on best practices in order to achieve its mission: to be a court accessible to all citizens, made up of competent, empathetic and efficient judges who are aware of current concerns and proud to belong to the Court.

The Court has paid special attention to the design and implementation of practical methods to ensure that cases are dealt with diligently and effectively. The initiatives it has introduced centre on reducing formality and ensuring fluid communications and the availability of judges. The main emphasis has been on case preparation and the control of proceedings to ensure that, once a case is heard, judges' time and the amounts spent by citizens are used in the most efficient way possible.

In terms of numbers, the region of Montréal continues to experience a major shortage of judges. This increases the delays faced by citizens before their case, whether civil

or criminal, can be heard. For criminal cases, the exponential increase in the time needed to hear each case is a problem that requires immediate attention, and the authorities have been informed of the situation. In civil cases, the imminent implementation of the new *Code of Civil Procedure* will require judges to devote more time to case management. This will be another major challenge, given the existing shortage of judges.

This will be my last report as Chief Justice. Since I took up my duties in 2004, I have tried to ensure that all my fellow citizens have better access to the justice system and that they have equivalent access to all the Court's services, wherever they live in Québec. We have made great progress, but much remains to be done.

I would like to express my heartfelt gratitude to my colleagues at the Court for their support and cooperation. They form an outstanding and dedicated team, one that I was extremely proud to direct.

I would also like to thank Senior Associate Chief Justice Robert Pidgeon for his ongoing assistance, and Associate Chief Justice Jacques Fournier, who took up his duties in December 2013. I would like to address my special thanks to my colleague André Wery, who worked alongside me from 2005 to 2013 as Associate Chief Justice. His judgment and support were of invaluable assistance.

I also cannot fail to mention the staff members in the clerks' offices, who work in the shadows and whose numbers have continued to decrease in recent years. Their devotion is an essential element in the smooth operation of the Court.

Last, my thanks go to Judge Christiane Alary, Mtre. Gilles Tremblay and Mtre. Guillaume Bourgeois, who played an active role in the drafting of this report.

I hope you will enjoy reading it.

François Rolland

Chief Justice
of the Superior Court

The Superior Court



François Rolland
Chief Justice



Robert Pidgeon
Senior Associate
Chief Justice



Jacques R. Fournier
Associate Chief Justice



André Wery
Associate Chief Justice
(2005-2013)

As the court of original general jurisdiction in Québec, in other words the court that hears, in first instance, all cases that are not formally assigned by law to another court, the Superior Court plays a key role in our justice system.

The Superior Court has 149 *puisne* judges working full-time in the judicial districts to which they are assigned. It also has a number of supernumerary judges, 52 in 2014, who sit on a half-time basis. In all, 63 of the Court's judges are women.

The Superior Court is led by a Chief Justice, a Senior Associate Chief Justice and an Associate Chief Justice.

The Chief Justice has charge of the general policy of the court in judicial matters. The Chief Justice, the Senior Associate Chief Justice or the Associate Chief Justice, in the division where he resides, coordinates and apportions the work of the judges.

The Senior Associate Chief Justice exercises the powers of the Chief Justice under the latter's authority. When the Chief Justice of the Superior Court resides in the territory of Québec City, the Senior Associate Chief Justice performs his or her duties in division of Montréal. When the Chief Justice resides in the territory of Montréal, the Senior Associate Chief Justice performs his or her duties in the division of Québec.

The Associate Chief Justice assists the Chief Justice or the Senior Associate Chief Justice, as the case may be, residing in the territory of Montréal, in the performance of his or her duties and exercises his or her powers to the extent determined by the Chief Justice or Senior Associate Chief Justice.

Sectors of activity

The Superior Court has jurisdiction in civil, commercial, administrative, family and criminal matters.

In the more densely populated districts of Montréal and Québec, the Court's activities are divided between a number of internal administrative entities known as chambers, whose operations are described below. These are: the Civil Chamber, Commercial Chamber, Family Chamber, Criminal Chamber, Class Action Chamber and Settlement Conference Chamber.

CIVIL CHAMBER



■ Christiane Alary
Division of Montréal

■ Bernard Godbout
Division of Québec

■ Yves Alain
Division of Québec, long-duration cases

Jurisdiction

The Superior Court hears cases in which the amount in dispute is \$70,000 or more. ***The mission of the Civil Chamber is to rule on disputes between individuals, businesses or the State.*** More specifically, the Civil Chamber hears disputes about civil liability, claims for bodily injury, and cases involving unjust dismissal, hidden defects, defamation, or breach of contractual obligations.

The Civil Chamber has a practice division, which is where applications for an injunction and all other pre-trial motions are presented.

The Civil Chamber also deals with cases in which the Court is asked to exercise its superintending and reforming powers over decisions made by courts of provincial jurisdiction and other bodies, such as administrative tribunals, as well as cases to compel a body to fulfill its duties or to relieve an individual of his or her duties.

In Québec, from 2011 to 2014, the number of civil cases filed each year in the Superior Court has remained constant at around 18,400 cases.

Decisions

Some decisions that have attracted widespread media coverage illustrate the work of the Civil Chamber. They include the *Hinse* case, where the applicant sued the federal government for wrongful imprisonment, and the challenge to the abolition of the federal long gun registry. In addition, numerous motions were filed in the wake of the commission of inquiry into the granting and administration of government contracts in the construction industry, chaired by Judge France Charbonneau.

COMMERCIAL CHAMBER



1 Martin Castonguay
Division of Montréal

2 Daniel Dumais
Division of Québec

The creation of the Commercial Chamber reflects the Superior Court's aim to provide a modern approach to case management, as found in several major jurisdictions in North America.

The Commercial Chamber ensures that parties involved in commercial litigation have access to specialized judges, all of whom have relevant training or experience. Each year, specific periods of time are set aside to allow these judges to upgrade their skills and remain at the forefront of legal knowledge.

Jurisdiction

The matters under the jurisdiction of the Commercial Chamber arise mainly from three federal statutes, the *Bankruptcy and Insolvency Act*, the *Companies' Creditors Arrangement Act* and the *Canada Business Corporations Act*, the provincial *Business Corporations Act*, and the federal *Winding-up and Restructuring Act* and related provincial legislation.

In addition to litigation under these specific statutes, any case of a commercial nature may be assigned to the Commercial Chamber at the discretion of the Chief Justice or the coordinating judge.

EXAMPLES OF CASES HEARD BY THE COMMERCIAL CHAMBER		
BANKRUPTCY	ARRANGEMENTS WITH CREDITORS	CORPORATION LAW
Bankruptcy orders against an individual or corporation	Initial orders to allow a company to restructure	Litigation between shareholders
Discussions of bankruptcy proposals	Litigation about the restructuring process	Recourse for rectification of abuse
Disputes about preferential payments	Creation of priority charges	Liquidation and dissolution of a corporation
Questions concerning the distribution of monies following bankruptcy	Certification of plan of arrangement	Approval of arrangements and corporate restructuring

Judges sitting in the Commercial Chamber must be available to rule quickly on any specific questions submitted to them.

They must sometimes work closely with judges in other jurisdictions to coordinate the restructuring of a corporation.



National and international commercial realities are the primary focus of the Commercial Chamber. The importance of its role is recognized country-wide.

The number of insolvency cases involving major Canadian corporations has dropped slightly compared to previous years. On the other hand, the Commercial Chamber has dealt with an increasing number of disputes between shareholders.

Decisions

Between 2011 and 2014, several decisions by the Commercial Chamber have been mentioned in the media. They include:

- the restructuring of Whitebirch Paper Holding Company, a forest products company; the case raised the question of the prior ranking of deemed trusts in claims involving pension funds;
- the winding-up of Aveos Fleet Performance Inc., an aircraft maintenance company with facilities and employees across Canada; the Court had to rule on the prior ranking of the employees' pension fund;
- the major restructuring of paper company Abitibi Bowater, in which the Court rendered many different judgments.

Initiative and innovation

To increase efficiency and reduce costs, the Commercial Chamber intends to allow certain motions to be heard by telephone. The members of the Montréal bar association's liaison committee with the Commercial Chamber are currently discussing the options with the coordinating judge to determine which motions would be eligible for presentation by telephone.



Beginning in the 2015-2016 court year, the Commercial Chamber in Montréal will devote one afternoon every two weeks to settlement conferences for cases involving the oppression of a company's minority shareholders. The goal of this initiative is to encourage judicial mediation at an early stage in the court process and find a rapid solution to each dispute.

The Commercial Chamber requires lawyers to use "standard orders" prepared by the liaison committee with the bar association. This ensures that all lawyers and Superior Court judges use the same approach when certain applications for a court order are presented.

In recent years in the district of Québec, seminars for lawyers practising in the commercial sector have included a presentation of the activities of the Commercial Chamber.

FAMILY CHAMBER



1 Marie Gaudreau
Division of Montréal, training coordinator

2 Catherine La Rosa
Division of Québec

Jurisdiction

The Family Chamber hears cases involving applications for divorce, annulment of marriage, separation from bed and board and dissolution of civil union. It also hears cases where *de facto* spouses apply for an order to determine or amend child support payments. The exercise of parental authority (custody and access rights) and applications concerning civil status are also a part of the caseload.

The cases heard by the Family Chamber represent at least 50% of all the cases brought before the Superior Court in major urban centres, and an even greater proportion in outlying regions.

From 2011 to 2014, the number of family cases brought before the Superior Court has dropped slightly from around 28,900 to around 26,900 per year. Proceedings are heard behind closed doors, and the identity of the parties is not disclosed. Ideally, the hearing should come as soon as possible after the application is presented, to avoid further complexity in the case.

Most of the motions presented to the court are settled amicably before the hearing. In general only the most complex cases, where the possibility of settlement is more remote, are heard by the Court.

Cases involving international child abduction are always given priority. The judges who hear them have a pan-Canadian network of contacts, allowing them to apply the Hague Convention on the Civil Aspects of International Child Abduction.

Initiative and innovation

In recent years, several measures have been put in place to promote access to justice.

In the district of Montréal, every weekday, a courtroom under the responsibility of a Superior Court judge deals with family case management. The judge ensures that cases proceed diligently, and that the actions taken are proportionate to the actual issues between the parties.

Individuals who represent themselves before the court have access, every weekday morning, to a duty lawyer service (service d'avocats de garde, or SAGE) free of charge. The lawyers involved offer 30-minute sessions to provide basic information to individuals without lawyers.

One of the steps taken by the Court authorities to reduce costs and avoid delays is to make it possible for lawyers to obtain a judgment homologating a consent to judgment, by the deposit in an envelope of a consent duly signed by the parties, accompanied by the necessary documents and the sworn statements (affidavits) of the parties. Copy of the judgment is sent by fax within 24 hours of the deposit of said documents.

In another initiative, the Minister of Justice, the Québec bar association, youth centres and the Superior Court have formed a partnership to implement a 24-month pilot project to assist 10 families facing an unusually conflict-ridden situation. Each family was able to benefit from 40 hours of meetings with an experienced parental coordinator, at no cost. The results of the pilot project will be released in the fall of 2015.

In the district of Québec, an intervention protocol will be introduced shortly to deal with certain high-conflict cases, where there is a risk that the parent-child bond will be broken because of one parent's behaviour (parental alienation). A single judge will be given responsibility for the case from beginning to end, after receiving special training and indicating an interest in helping to establish the protocol. The lawyers involved will also have received special training, and the judge, lawyers and parents will be supported by psychosocial workers. The judge may refer the parents to an advanced training course on co-parenting skills, which comprises three, three-hour sessions given by two social workers. The approach focuses on the parents' ability to communicate, an essential element for protecting the children's best interests. A team of university researchers will monitor the whole process to ensure that the protocol meets the needs of both parents and children. This will give citizens direct access to justice, by ensuring that the judicial system is adapted to their specific needs.

The Homologation Assistance Service became available on October 10, 2013. It is offered to citizens who already have a court judgment concerning child custody, child support payments or spousal support payments, and who agree on the changes to be made to their custody arrangements, access rights or support payments for their children or ex-spouse. The service offers a quick way to have their agreement homologated. The parties must file a joint application for homologation directly with the special clerk by mail. A court hearing is not required, except in some circumstances. If the agreement does not comply with the provisions of the Regulation respecting the determination of child support payments, the clerk submits the case to a judge. Neither the parties, nor their lawyers, need to complete any further steps, and the service is provided free of charge for parents eligible for legal aid.



Parents who separate but cannot reach an agreement on child custody can have access, free of charge, to psychosocial counselling if ordered by a judge. This expert assistance generally focuses on the parenting abilities of each of the ex-spouses and their child custody arrangements. Recommendations are then made on custody arrangements, or one parent's access rights to the children, and the recommendations are generally followed by the parents. The judge is not bound by the expert recommendations, but they provide valuable guidance.

Several amicable approaches to dispute resolution have emerged in recent years: mediation, co-parenting sessions, collaborative law, settlement conferences, etc. However, there will always be situations in which citizens need a judge to find a solution to their specific problems. The challenge for the future is to identify a simple, quick and effective way to do this. The situation in Montréal is currently a concern, since the waiting time for presenting a motion in the practice division concerning child custody, support payments, etc. and requiring two to three days of hearings (a large part of the caseload) was between 39 and 44 weeks in December 2014.

CRIMINAL CHAMBER



■ Marc David
Division of Montréal

■ Raymond W. Pronovost
Division of Québec

Jurisdiction

In Québec, trials before judge and jury fall under the exclusive jurisdiction of the Superior Court.

The cases heard by the Criminal Chamber range from murder to all crimes punishable by over five years' detention, if the accused elects to be tried by judge and jury.

The Superior Court also hears appeals from certain decisions of the Court of Québec, and appeals from penal offences under provincial and federal laws.

The Court has the power to review a decision made by a justice of the peace to release a person accused of a crime. In the case of murder or conspiracy to commit murder, the Superior Court rules, exclusively, on the release of an alleged offender from custody.

In addition, the Superior Court exercises a superintending power over decisions by courts of provincial jurisdiction, whether because the court has lost or exceeded its jurisdiction (*certiorari*), to prevent the court from exercising jurisdiction (prohibition), to compel the court to exercise jurisdiction

(*mandamus*), or to rule on the oldest recourse under common law (1679), *habeas corpus* (literally, “you have the body”), which prevents arbitrary detention by ensuring that the person held is brought before a court within a short time to hear and answer the charges against him or her.

When the Superior Court acts as a court of appeal, the judge sits alone, without a jury. In general, no evidence is presented and the judge renders a decision on the basis of the record as established and presented by the parties. The range of laws the judge must apply has increased considerably over the years.

Initiative and innovation

Given the current scarcity of judicial resources, the Court highlights the importance for all players (lawyers, parties, experts, courthouse staff, etc.) of acting responsibly. Measures have been introduced to promote effective case management. The designation of judges responsible for case management in major cases ensures that deadlines are met and reduces complexity and delay. The managing judge can demand a simplification of the charges and the appropriate use of evidence and expert opinions, and can ensure that the parties are aware of the deadlines they have to meet.



Many important cases are settled thanks to the contribution made by judges during facilitation conferences (a form of mediation), avoiding the need for long and costly trials. The Criminal Chamber is currently working on the introduction of rules of practice in this area.

In the region of Québec, because of the area covered and the distances involved, the judges of the Criminal Chamber often rely on videolink and telephone conferences. All preliminary exceptions and incidental proceedings in appeals and cases instituted by motion are generally dealt with in this way. In appeal cases, motions for the suspension of the decision rendered in first instance are generally settled by telephone, E-mail or letter, meaning that the attorneys in the case do not need to travel. This avoids additional costs for both citizens and the State.

Current situation and challenges

In the Montréal region, the number of major criminal cases has continued to grow. The increasingly frequent choice by the Attorney General to proceed by way of a direct indictment requires the holding of a trial by jury, often with a group of accused and multiple charges. We have come a long way from the time when a trial for murder took between one and two weeks, including the verdict!

In addition, in recent years the judges of the Criminal Chamber in the district of Montréal have had to meet needs in neighbouring districts such as Estrie and Outaouais, generating a large additional workload.

Positions that become vacant when judges retire are not filled immediately. The Court has had to wait for several months before two additional judges were appointed to help it meet the demand for services. In fact, this is at best a palliative measure, since for many years the Court has been calling for the creation of five new positions. In this difficult context, the Court makes every effort to maximize its efficiency using the means at its disposal.



To respond to applications promptly, and to set a date quickly for trials and appeals, is the major challenge facing the Court in the coming months, given the number of judges available. Despite the unprecedented number of the Superior Court judges working on criminal trials, the time required to obtain a hearing continues to increase. This leads, in some cases, to the presentation of a motion for a stay of proceedings because the time needed to obtain a hearing is unreasonable. As at December 31st, 2014, there is a 24 months delay between an accused's appearance before the Superior Court and his or her jury trial.

Decisions

Between 2011 and 2014, several jury trials presided over by judges of the Superior Court attracted widespread attention. These include the cases *Turcotte* (verdict rendered by the Superior Court on July 5, 2011) and *Delisle* (verdict rendered on June 14, 2012), *Dufour* (Cabotin group, verdict rendered on October 3, 2011), and the management of the *SharQc* case, a mega-trial with over a hundred persons accused.

CLASS ACTION CHAMBER



1



2

■ Chantal Corriveau
Division of Montréal

■ Claude Bouchard
Division of Québec

Jurisdiction

A class action is a legal proceeding involving a large number of plaintiffs with similar claims arising from a single event, who are represented as a group. In particular, a class action can be based on claims that, individually, are for small amounts but that taken together constitute a large sum.

Most class action suits are publicly funded and come under the exclusive jurisdiction of the Superior Court. They have become a preferred means of access to justice.

In 1978, Québec was the first Canadian province to allow class action suits, followed by Ontario 15 years later and several other provinces between 1995 and 2008.

A class action suit has two main stages. First, the court must authorize the use of a class action suit as a way to present the claims. Second, once the court has given authorization, it hears the parties on the merits of the claims.

Current situation and challenges

Because of the growing number of class action suits and as a result of the reform of civil procedure in 2003, the Superior Court created a specialized chamber in September 2005 to ensure the effective management of class actions suits from the time they are filed at the court clerk's office. The role of the Class Action Chamber is also to organize continuing education for the judges involved. Given the large number of judges required to manage class action suits, regular training sessions covering a range of topics are provided.

To ensure that the Class Action Chamber can deal quickly with the proceedings filed, each case is systematically assigned to a single judge. This special management can extend over a period of several months.



In the last few years, a growing number of cases have had a national or international dimension, since they involve individuals in other provinces or countries but still require the intervention of the Superior Court of Québec.

There are currently 391 ongoing class action cases, 295 in the division of Montréal and 96 in the division of Québec. The years 2011 to 2014 saw an increase in the number of environmental cases, and also a growing number of national cases instituted in Québec. The Court is currently managing 87 national class action suits in the division of Montréal alone.

A considerable effort is made to ensure that, wherever possible, applications for authorization to institute a class action suit are heard less than one year after they are filed and served on all the parties. To attain this goal, the Court ensures that all preliminary exceptions are reported from the outset and heard as the case proceeds. In the district of Montréal, precise statistics are kept in this connection, which has led to a clear improvement in the management of motions.

Given the large numbers of cases, the level of case management required and the Court's limited staff availability, one of the challenges for the future will be to ensure that all cases are dealt with promptly. Judges must continue to be proactive in moving cases forward so that they can be heard within a reasonable time.

Decisions

Several important cases were decided by the Court between 2001 and 2014. They include *Spieser c. Canada (Procureur général)* concerning contamination of the water table in the municipality of Shannon, *Jacques c. Ultramar Ltée* concerning the gasoline cartel, *Conseil québécois sur le tabac et la santé c. JTI-MacDonald Corp.* against cigarette manufacturers, and *Gagné c. Rail World inc.* concerning the Lac-Mégantic rail tragedy. In addition, settlement conferences have been held in many other cases, 80% of which have led to a successful conclusion.



SETTLEMENT CONFERENCE CHAMBER



■ Yves Poirier
Division of Montréal

■ Alain Michaud
Division of Québec

The Settlement Conference Chamber makes a mediation process available to all citizens. Mediation sessions are chaired by a judge of the Superior Court, who helps the parties find a mutually satisfactory solution to the dispute. This approach meets the need expressed by citizens to cooperate in the management of the disputes in which they are involved and to help choose the tools needed to resolve them.

An application for a settlement conference can be made in cases of all types, whether civil, family or commercial in nature. There is one condition: all the parties to the case must agree to take part in the process.

The parties themselves must attend the conference, but are generally accompanied by their lawyer. The sessions are held behind closed doors, without fees or formalities, and the process is entirely confidential. The judge, the parties and their lawyers all agree to abide by a confidentiality agreement and not to reveal anything about their discussions. If negotiations fail, the case simply follows its normal course before the court, although the judge who presides at the settlement conference cannot then preside over the trial.



In 2003, the year in which the Settlement Conference Chamber was created, an application for a settlement conference was made in 398 cases. In 2013-2014, roughly 1,200 applications were made in Montréal and the surrounding region, reflecting a growing interest in this approach, which leads to an agreement in roughly 80% of cases.

To limit costs and delays, the Court encourages parties to apply for a settlement conference as soon as possible after judicial proceedings have commenced. Citizens and lawyers are increasingly aware of the advantages and mechanisms of the settlement conference process, which has a positive effect on their willingness to compromise.

Two initiatives taken between 2012 and 2014 in the district of Montréal should be highlighted.

First, between April 15, 2012 and February 28, 2014, all settlement conference participants were asked to complete a survey, intended to improve the service provided for citizens. The survey showed that parties and lawyers are extremely satisfied with the service.

Next, teams of judges with specific expertise have been established in the main fields of law. When these judges have presided a settlement conference, the results obtained have often been conclusive.

Settlement conferences are successful because the parties taking part trust the process. Their trust is based, among other things, on the judge's knowledge of the case.

In general, the judges presiding at settlement conferences hold a telephone conference with the lawyers involved 10 to 15 days before the conference. This prior discussion is intended to assess whether the parties are willing to come to an agreement, or if they are too far apart to resolve their dispute. In the latter case, the process still spares the judge and the parties a wasted trip.

Over the years, the settlement conference has become an important tool for citizens to obtain justice. The Court has attempted to reduce, as far as possible, the time between the filing of an application and the holding of the conference. From 2012 to 2014, this time was between four and six months. The main challenge is to continue to reduce this wait, especially given the fact that the new *Code of Civil Procedure*, which will provide further encouragement for the parties to engage in the process, will soon come into force.



Although the settlement conference is increasingly used, some people remain unaware of it or underestimate its value. Conferences can help avoid an escalation in the dispute, especially in matrimonial cases where potential hearings can be short but highly emotional.

The Superior Court has participated in recent years in a training session organized by the Québec bar association. The objective is to train lawyers to understand and play their role as the main support for their client during settlement conferences. Simulated conferences, with Superior Court judges acting as mediators, provide an opportunity for lawyers to put their knowledge into practice.



Coordinating judges for the Chambers, 2010 to 2014

Civil Chamber

Jean-François de Grandpré, 2008-2010 – Montréal
 Julien Lanctôt, 2010-2013 – Montréal
 Christiane Alary, 2013 to present – Montréal
 Bernard Godbout, 2005 to present – Québec
 Yves Alain (cases of long duration),
 2006 to present – Québec

Commercial Chamber

Clément Gascon, 2008-2011 – Montréal
 Jean-Yves Lalonde, 2011-2012 – Montréal
 Mark Schrager, 2012-2014 – Montréal
 Martin Castonguay, 2014 to present – Montréal
 Étienne Parent, 2009-2010 – Québec
 Jean-François Émond, 2011-2013 – Québec
 Daniel Dumais, 2014 to present – Québec

Family Chamber

Jean-François de Grandpré, 2008-2010 – Montréal
 Julien Lanctôt, 2010-2013 – Montréal
 Christiane Alary, 2013 to present – Montréal
 Michel Caron, 2009-2010 – Québec
 Catherine la Rosa, 2010 to present – Québec

Criminal Chamber

André Vincent, 2009-2013 – Montréal
 Marc David, 2013 to present – Montréal
 Claude C. Gagnon, 2009-2013 – Québec
 Raymond W. Pronovost, 2013 to present – Québec

Class Action Chamber

Louis Lacoursière, 2009-2012 – Montréal
 Chantal Corriveau, 2012 to present – Montréal
 Dominique Bélanger, 2009-2011 – Québec
 Claude Bouchard, 2011 to present – Québec

Settlement Conference Chamber

Marc de Wever, 2008-2011 – Montréal
 André Roy, 2011-2014 – Montréal
 Yves Poirier, 2014 to present – Montréal
 Jacques Blanchard, 2009-2011 – Québec
 Alain Michaud, 2011 to present – Québec

Districts

The Superior Court is present throughout Québec.

It sits in all the regions, which are grouped into two main administrative entities, the **division of Montréal** and the **division of Québec**.

DIVISION OF MONTRÉAL

Montréal
Estrie
Laval-Laurentides-Lanaudière
Montérégie
Outaouais

DIVISION OF QUÉBEC

Québec
Abitibi-Témiscamingue-Nord-du-Québec
Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine
Côte-Nord
Mauricie-Bois-Francis-Centre-du-Québec
Chaudière-Appalaches
Saguenay-Lac-Saint-Jean
Charlevoix

DIVISION OF MONTRÉAL

Coordinating judges for the districts of the division of Montréal



Claude Auclair
Joliette



Michel A. Caron
Terrebonne
(Saint-Jérôme)



Louis-Paul Cullen
Richelieu (Sorel-Tracy)
Saint-Hyacinthe



Gaétan Dumas
Saint-François (Sherbrooke)
Bedford (Cowansville, Granby)
Mégantic (Lac-Mégantic)



Nicole-M. Gibeau
Beauharnois
(Valleyfield)



Dominique Goulet
Gatineau, Labelle
(Maniwaki, Mont-Laurier)
Pontiac (Campbell's Bay)



Carole Julien
Iberville
(Saint-Jean-sur-Richelieu)



Julien Lanctôt
Laval – interim appointment



Lise Matteau
Drummond
(Drummondville)



Sophie Picard
Longueuil

Over 75% of civil and family cases at the Superior Court are filed in the division of Montréal. This statistic does not take into account the duration of each case which, in addition to their number, considerably increases the workload of the division of Montréal. The Court authorities have, for many years, decried the significant shortage of judges, which has an impact on the time needed to obtain a hearing and on the service provided to citizens.

In regions other than Montréal in the division of Montréal, cases in which a hearing on the merits of three days or less is scheduled (four days in Longueuil, five days in Outaouais) are heard by the staff of judges assigned to each region. The time needed to obtain a hearing varies widely from one district to another (between 20 and 55 weeks) because of the lack of judges and, often, the lack of courtrooms.

Cases where the hearing on the merits requires more than three days (or four or five days, depending on the region), are taken on by judges in Montréal, which increases the pressure on hearing times in Montréal and contributes to the fact that the Court must give priority to certain cases.

In practice chamber, especially for motions in family cases to settle support payments and child custody arrangements, the time needed to obtain a hearing varies from 14 to 44 weeks, depending on the location, for cases requiring two to three days of hearing.

The Court makes every possible effort to ensure that the time needed to obtain a hearing is the same in all regions. To achieve this, it has from time to time redirected judges between regions in the division of Montréal in recent years. However, the Court's actions always take place against a background of scarce resources and a precarious balance, since there is a shortage not only of judges, but also of courtrooms. In some instances, transfers cannot be made due to a lack of courtrooms.

In this context, the implementation of the new *Code of Civil Procedure*, which requires judges to devote more time to case management in addition to court hearings, may constitute a significant challenge.

Estrie

The Estrie region includes the judicial districts of Saint-François, Bedford and Mégantic, with courthouses in Sherbrooke, Granby and Cowansville, and Lac-Mégantic respectively. A coordinating judge, with an office in Sherbrooke, supervises the Court's activities. The region has over a hundred municipalities, home to both French-speaking and English-speaking populations.

Over the last four years, the judicial districts in the Estrie region have experienced endemic delays in the setting of hearing dates. The addition of a judge has helped to correct the problem.

The tragic rail accident in Lac-Mégantic in the summer of 2013 forced the authorities to take innovative action to ensure that the Superior Court could continue to hear cases from the district, despite the closure of the city hall where the Court sat. Immediately after the accident, hearings were held in Sherbrooke. The Court then moved to the sports centre in Lac-Mégantic.

Hearing the numerous cases arising from the accident will obviously create a considerable challenge for judges in the Estrie region in the coming years, at the same time as they focus on increasing general access to justice and reducing waiting times.



Laval-Laurentides-Lanaudière

The Laval-Laurentides-Lanaudière region covers the judicial districts of Terrebonne, Laval and Joliette, with courthouses in Saint-Jérôme, Laval and Joliette. A coordinating judge schedules court activities in each district.

The region has also seen a considerable increase in its population in recent years, and the Court will face many challenges if it is to continue providing citizens with adequate services.

In the district of **Terrebonne**, the lack of courtrooms is a problem. Since September 2013, as part of a pilot project, cases normally heard in the courthouse in Saint-Jérôme have been transferred to courtrooms in Lachute and Sainte-Agathe. The pilot project was set up with assistance from the bar association and Québec's Ministère de la Justice. It has helped reduce waiting times for long-duration cases (four days or more).

An effort has also been made by the local authorities to maximize the use of existing courtrooms. However, the number of offices available to accommodate Superior Court judges is still, in many cases, insufficient.

The districts of **Joliette** and **Laval** are facing similar problems with courtroom availability. The lack of support staff, and staff training, are also significant problems.

In **Laval**, it is hoped that a proper conference room for settlement conferences will be created to meet the growing demand for this approach to dispute resolution.

DISTRICT	NATURE	HEARING TIME	TIME NEEDED TO OBTAIN A HEARING (WEEKS)
Terrebonne	Practice (family)	2 to 3 days	44
Terrebonne	Merits	3 days and less	52
Laval	Practice (family)	2 to 3 days	40
Laval	Merits	3 days and less	60

Montérégie

The Montérégie region covers the judicial districts of Longueuil, Iberville, Beauharnois, Drummond, Richelieu and Saint-Hyacinthe. Each district has a courthouse, located in the cities of Longueuil, Saint-Jean, Valleyfield, Drummondville, Sorel and Saint-Hyacinthe.

The district of **Longueuil** has 17 municipalities and a population of around 600,000 people. Given the large number of cases, many judges sit, or preside at settlement conferences, every day. There is a significant lack of space in the courthouse.

For over one year now, parties have been able to file a management notice or add their name to a list in order to take part in a case management session for their case in the afternoon. For example, if a party is responsible for repeated delays or fails to comply with an agreement on the progress of the case, the other party can summon the first party to attend a case management session. The cases requiring most time are assigned to the coordinating judge for the district.



In the district of **Iberville**, the Court authorities have intervened in various areas to improve operations. The remarkable degree of cooperation between judges and managers at the Saint-Jean courthouse has led to some promising results. The Court can now rely on reliable statistics. Clerks are better trained, and special clerks are used in an optimal way.

The Court has adopted a clear policy on postponements, leading to a considerable reduction in the pointless handling of records and an improvement in its general performance. The process used to enter cases on the court roll for a hearing on the merits has been completely reviewed. Management notices are now used more regularly. The district has also set up co-parenting sessions on a monthly basis using videolink facilities.

One of the challenges for the coming months will be to consolidate these new achievements and continue to use more efficient practices. The completion of Autoroute 35 will probably increase the population in the area even more, leading to greater demand for services.

With respect to infrastructures, the courthouse in Saint-Jean will require maintenance work to consolidate its structure. The last major renovation took place in 1994.

Since June 2013, the district of **Beauharnois** has had a brand-new courthouse with two additional courtrooms, a multi-function room, and a sector reserved exclusively for settlement conferences.

Keeping waiting times at their present level while dealing with the expected increase in demand will be the main challenge in coming months. Another goal is to decrease the time needed for each hearing, and eventually to reduce the time needed to obtain a hearing.

In the district of **Drummond**, access to justice has been a key focus for the Court. The need to reduce the time required to obtain a hearing, the growing number of citizens representing themselves, and the management of applications for postponements, have been under constant review. A number of possible solutions have been defined and are regularly revised. The same applies to settlement conferences: the goal is to ensure that the process is as efficient as possible, and takes place in a suitable environment.

The courthouse in Drummondville, as in other districts, has limited space. It has no dedicated room for holding settlement conferences, and the number of offices for visiting judges is insufficient. Steps have been taken to obtain extra space and multimedia equipment adapted to the needs of the Court and of citizens.

In the districts of **Saint-Hyacinthe** and **Richelieu**, the courthouses were built respectively in the 1960s and 1970s and are poorly adapted to current needs.

The staff continues to make an outstanding contribution, despite the number of people who have retired or been transferred, and a total freeze on new hiring.

In the district of **Richelieu**, a large percentage of cases are in the hands a small number of advocates, a situation that makes it difficult to schedule court time. To deal with this problem, the Court emphasizes the importance of communication between attorneys before proceedings are presented.

The coming years will bring major new challenges, such as the need to enter cases on the roll more efficiently and to optimize the resources available by applying better practices, relying more on telephone conferences and, in some areas of the law, introducing limits on the length of hearings.



Outaouais

The Outaouais region includes the districts of Gatineau, Labelle and Pontiac. Services to citizens are provided in four courthouses located at Gatineau, Mont-Laurier, Maniwaki and Campbell's Bay.

The proximity of the city of Ottawa has an economic and demographic influence on the demand for services in the district of Gatineau.

The time needed to obtain a hearing, between the date when a case is found to be ready for a hearing on the merits and the date set for trial, is around 32 weeks and has remained stable over the last three years.

In terms of infrastructures, a courtroom was added to the Gatineau courthouse in 2013 in order to meet the needs of the Superior Court and Court of Québec. In 2014, the layout of the two courtrooms used for jury trials will be changed, in particular in response to the new reality of mega-trials. The equipment needed for the disclosure of evidence will be installed and the space set aside for jury members will be modified to provide for 14, rather than 12, jurors.

Many challenges remain, especially in connection with the number of judges assigned to the Criminal Chamber.



DIVISION OF QUÉBEC

Coordinating judges for the districts of the division of Québec



Johanne April
Montmagny



Daniel Beaulieu
Rimouski



Alain Bolduc
Trois-Rivières



Claude Bouchard
Charlevoix (La Malbaie)



Sandra Bouchard
Alma, Roberval



Robert Dufresne
Abitibi (Chibougamau, Val d'Or)
Rouyn-Noranda – interim appointment
Témiscamingue (Ville-Marie) – interim appointment



Serge Francoeur
Baie-Comeau, Mingan



Jocelyn Geoffroy
Abitibi (Amos, Kuujuaq
and other locations)



Carl Lachance
Chicoutimi (Saguenay)



Alain Michaud
Beauce (Saint-Joseph)



Benoît Moulin
Bonaventure (New-Carlisle)
Gaspé (Percé,
Sainte-Anne-des-Monts
and Îles-de-la-Madeleine)



Suzanne Ouellet
Kamouraska (Rivière-du-Loup)



Étienne Parent
Arthabaska (Victoriaville)



Raymond W. Pronovost
Saint-Maurice
(Shawinigan, La Tuque)



Alicia Soldevila
Frontenac (Thetford-Mines)

Overall, in the division of Québec, the Superior Court will face several challenges as it strives to provide justice services that are both accessible and adapted to citizens' needs.



The versatility of judges, their availability to settle unexpected situations, regional and cultural particularities, the places where proceedings are instituted, and the training and retention of competent staff, aware of recent legislative changes, are all matters of concern for the Court.

The time needed to obtain a hearing are similar to those experienced in certain outlying districts in the Montréal area.

Abitibi-Témiscamingue-Nord-du-Québec

The Abitibi-Témiscamingue-Nord-du-Québec region is the largest covered by the Court. Services are provided for citizens in the courthouses in Amos, Chibougamau, Rouyn-Noranda, Val-d'Or (recently renovated) and Ville-Marie. The Superior Court is also represented at nine service points built by the Cree community in Baie-James, Baie d'Ungava, Chisasibi, Kuujuarapik, Kuujuaq, Mistissini, Oujé-Bougoumou, Puvirnituq and Waswanipi. A Québec government order dated 16 July 2014 allows the Superior Court to sit in the justice centres in the communities of Eastmain and Nemaska.

Two judges coordinate judicial activities in this vast area. Hearings are presided over by judges residing in the region or by judges residing elsewhere in the division of Québec.

In this region, in recent years, the criminal case known as "Projet Écrevisse" has been a centre of attention. Two judges are assigned to the case. The first dealt with all case management issues over a period of almost one year. The case was then heard in assize court over a further one-year period. After the case was referred to the court for the district of Québec, the trial was broadcast simultaneously in a courtroom in Val-d'Or.

The challenge for this region is directly linked to its size. Technological means such as videolink and telephone conferences now allow the court to act more quickly. The Court intends to maintain this approach in order to improve access to justice.

Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine

The Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine region includes the judicial districts of Gaspé, Bonaventure, Kamouraska and Rimouski. It has courthouses in Percé, New Carlisle, Sainte-Anne-des-Monts, Havre-Aubert, Rimouski and Rivière-du-Loup.

The Bas-Saint-Laurent region includes the judicial districts of Rimouski and Kamouraska.

The district of **Rimouski** centres on the courthouse in the city of the same name, where there is a resident coordinating judge. The courthouse is obsolete and urgently needs renovating. Courtroom availability is a frequent problem as well as the security of judges, since the courthouse has no restricted zones. The building will need major repairs over the coming years, in keeping with the wishes of all the judicial players. Many jury trials are held in the district.



The courthouse of **Kamouraska** is located in the city of Rivière-du-Loup. It was renovated several years ago and meets the needs of judges, court staff and citizens.

A judge residing in the district of Québec manages judicial activities in the district. This is a difficult task, since problems must be dealt with from a distance. However, new technology and the introduction of innovative measures have helped ease the load.

The Gaspésie-Îles-de-la-Madeleine region includes two judicial districts, **Bonaventure** and **Gaspé**. The Superior Court sits in New Carlisle, in the district of Bonaventure, and also at Percé, Sainte-Anne-des-Monts and Havre-Aubert in the district of Gaspé.

The Gaspésie-Îles-de-la-Madeleine region is facing challenges linked to the number of court sessions. The nature of the cases dealt with requires an ongoing presence over a vast area, but the volume of cases does not justify sittings more than once every month or once every two months, as in Sainte-Anne-des-Monts, or once every three months, as in Îles-de-la-Madeleine. Several cases that should be heard in this region are instituted in other districts, reducing the level of judicial activity with the usual consequences in terms of staff and facilities. An effort has been made to correct the situation, which will also ensure better access to justice.

A judge residing in the district of Québec is responsible for managing the district. Starting in judicial year 2015-2016, two judges residing in the district of Québec will have responsibility for the district. Urgent applications are dealt with by the judge responsible and, in some instances, by the judge sitting in chambers in the district of Québec using a videolink or telephone conference.

The bar association for the Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine region has, for several years, called for a legislative amendment to ensure that the coordinating judge resides in the area.

Côte-Nord

The Côte-Nord region includes the judicial districts of Mingan and Baie-Comeau and the courthouses of Sept-Îles and Baie-Comeau. A Québec government order dated 16 July 2014 allows the Court to sit in justice centres in the district of Mingan, more specifically in the municipalities of Fermont, Havre-Saint-Pierre, Natashquan and Schefferville. A judge residing in Baie-Comeau manages the two districts, with assistance from a supernumerary judge.

In recent years, the development of mining on the North Shore has led to the presentation of several commercial cases.

Some cases concerning Aboriginal communities on the North Shore have been introduced in other districts, in effect preventing members of the communities concerned from attending important trials that affect them directly.

In the district of Baie-Comeau, the time needed to obtain a hearing in a family case is becoming longer, requiring the addition of more court sessions.



Mauricie-Bois-Francis-Centre-du-Québec

This region includes the judicial districts of Arthabaska, Saint-Maurice and Trois-Rivières and the courthouses of Victoriaville, Shawinigan and La Tuque, and Trois-Rivières, respectively.

One judge coordinates activities in the district of **Trois-Rivières**, the second largest district in the division of Québec. In recent years, judicial activities have been marked by the hearing of cases concerning pyrrhotite. In November 2012, one judge heard 70 cases relating to this problem. After more than 90 days of hearings over a period of two years, a judgment was rendered on June 12, 2014. Several hundred individual cases and a class action suit are still at the stage of the filing of the application instituting proceedings. Case management has begun and numerous days of hearing will need to be scheduled.

A judge residing in Shawinigan coordinates activities in the district of **Saint-Maurice** and at the service point at La Tuque. The same judge also coordinates activities in the Criminal Chamber for the division of Québec.

The time required to obtain a hearing in the district is short, and cases are managed quickly.

A judge residing in the district of Québec coordinates activities for the district of **Arthabaska**, assisted by a supernumerary judge residing in Victoriaville and, on occasion, by a second supernumerary judge for the division of Montréal, also residing in Victoriaville.

The bar association for the district has called for an amendment to the *Courts of Justice Act* to ensure that a judge residing in Victoriaville coordinates activities in the district.

In both the district of Saint-Maurice and the district of Arthabaska, cooperation between the Superior Court, the bar association and the court administration ensures that citizens have good access to justice and promotes the settlement of many occasional problems.

Chaudière-Appalaches

The Chaudière-Appalaches region includes the judicial districts of Beauce, Frontenac and Montmagny, with courthouses in the cities of Saint-Joseph-de-Beauce, Thetford Mines and Montmagny, respectively.

The courthouse in **Montmagny** was renovated recently and now has up-do-date technological facilities for hearings held via videolink. It is hoped that the addition of a courtroom will reduce the need to hear cases in the courthouse of Québec, as was the case in previous years. A judge residing in the district of Québec manages the district.

The same applies in the district of **Beauce** where, in recent years, several cases connected with the maple syrup industry have been instituted. Litigation concerning the sale of quotas and the powers of the Fédération des producteurs acéricoles du Québec (FPAQ) required several days of hearings. Judges assigned to the district of Québec lent their assistance and days of hearings were added to the district's regular sessions to hear the applications promptly, given their urgency.

The district of **Frontenac** was extremely busy during the period when asbestos was mined in the area. Since mining has ceased, most of the cases heard are family cases, with a few civil and commercial cases. A judge residing in the district of Québec manages the district.

In all three districts, the time needed to obtain a hearing is similar to the time in certain outlying districts in the Montréal area.



Saguenay-Lac-Saint-Jean

The Saguenay-Lac-Saint-Jean region includes the judicial districts of Alma, Roberval and Chicoutimi, with courthouses in Alma, Roberval and Saguenay.

In the district of **Chicoutimi**, the Court has dealt with several cases of contempt of court following the lockout declared by several automobile concession holders in February 2013. Because of a lack of judges, it was unable to hear all the cases. So far, 13 cases have been heard, while in 31 further cases the parties have withdrawn. Over 30 cases remain to be heard, each of which will require more than 60 days of hearings.

In addition, a judge has been assigned to hear 17 cases in which citizens, on the basis of alleged Aboriginal rights, are fighting attempts to evict them from hunting and fishing camps established without permits on public land. Over 35 days were needed to hear the cases on the merits, in addition to several days of case management hearings.

Several problems have occurred due to a delay in the replacement of a judge who chose to work as a supernumerary. Two weeks of hearings had to be cancelled. The recent appointment of a judge to this position will avoid the need to cancel further weeks of hearings. In recent years, several major cases that should have been heard in the district were heard elsewhere, reducing the judicial workload. One coordinating judge manages activities in the district of Chicoutimi.

Another judge coordinates the activities of the Superior Court in the districts of **Alma** and **Roberval**. In the latter district, there is an urgent need for a refit of the courthouse and the addition of courtrooms to meet the increase in judicial activities and the needs of citizens.

Charlevoix

The courthouse in La Malbaie provides services for the district of Charlevoix. It was renovated a few years ago.

The Court has to work with a shortage of available courtrooms when setting dates for long cases. In addition, the courthouse has no restricted areas. A judge residing in the district of Québec manages the district.



Coordinating judges for the districts, 2010 to 2014

Abitibi-Amos

Jacques Viens, 1998-2010
Jocelyn Geoffroy, 2010 to present

Abitibi-Chibougamau

Robert Dufresne, 2009 to present

Abitibi-Kuujuak-Kuujuarapik-Chisasibi

Jacques Viens, 1998-2010
Jocelyn Geoffroy, 2010 to present

Abitibi-Val-D'Or

Ivan St-Julien, 1998-2010
Robert Dufresne, 2010 to present

Alma

Gratien Duchesne, 1998-2014
Sandra Bouchard, 2014 to present

Arthabaska-Victoriaville

Claude Bouchard, 2009-2011
Étienne Parent, 2011 to present

Baie-Comeau

Paul Corriveau, 1998-2010
Serge Francoeur, 2010 to present

Beauce-Saint-Joseph

Dominique Bélanger, 2009-2013
Alain Michaud, 2013 to present

Beauharnois-Salaberry-de-Valleyfield

Hélène Langlois, 2009-2014
Nicole-M. Gibeau, 2014 to present

Bedford-Cowansville

Martin Bureau, 2008-2013
Gaétan Dumas, 2013 to present

Bedford-Granby

Martin Bureau, 2008-2013
Gaétan Dumas, 2013 to present

Bonaventure-New-Carlisle

Benoît Moulin, 2009 to present

Charlevoix-La Malbaie

Danielle Blondin, 2008-2010
Michel Caron, 2010-2013
Claude Bouchard, 2013 to present

Chicoutimi-Saguenay

Jacques Babin, 2007-2013
Carl Lachance, 2013 to present

Drummond-Drummondville

Jean-Guy Dubois, 2005-2012
Lise Matteau, 2012 to present

Frontenac-Thetford-Mines

Denis Jacques, 2009-2011
Alicia Soldevila, 2011 to present

Gaspé-Percé, Sainte-Anne-des-Monts and Îles-de-la-Madeleine

Benoît Moulin, 2009 to present

Gatineau (Hull)

Pierre Isabelle, 2007-2012
Dominique Goulet, 2012 to present

Iberville-Saint-Jean-sur-Richelieu

Richard Nadeau, 2004-2010
Carole Julien, 2010 to present

Joliette

Julien Lanctôt, 2008-2010
Michel A. Caron, 2010-2012
Claude Auclair, 2012 to present

Kamouraska-Rivière-du-Loup

Gilles Blanchet, 2009-2012
Suzanne Ouellet, 2012 to present

Labelle-Maniwaki

Pierre Isabelle, 2007-2012
Dominique Goulet, 2012 to present

Labelle-Mont-Laurier

Pierre Isabelle, 2007-2012
Dominique Goulet, 2012 to present

Laval

Jacques R. Fournier, 2007-2011
Michel Déziel, 2011-2013
Julien Lanctôt, 2013 to present

Longueuil

Carole Julien, 2008-2013
Sophie Picard, 2013 to present



Mégantic-Lac-Mégantic

Martin Bureau, 2008-2013
Gaétan Dumas, 2013 to present

Mingan

Paul Corriveau, 1998-2010
Serge Francoeur, 2010 to present

Montmagny

Suzanne Ouellet, 2009-2011
Claudette Tessier-Couture, 2011-2013
Johanne April, 2013 to present

Pontiac-Campbell's Bay

Pierre Isabelle, 2007-2012
Dominique Goulet, 2012 to present

Richelieu-Sorel-Tracy

Jocelyn Verrier, 2001-2012
Louis-Paul Cullen, 2013 to present

Rimouski

Claude-Henri Gendreau, 2009-2013
Daniel Beaulieu, 2013 to present

Roberval

Gratien Duchesne, 2009-2014
Sandra Bouchard, 2014 to present

Rouyn-Noranda

Laurent Guertin, 1998-2011
Michel Girouard, 2011-2013
Robert Dufresne, 2013 to present

Saint-François-Sherbrooke

Martin Bureau, 2008-2013
Gaétan Dumas, 2013 to present

Saint-Hyacinthe

Jocelyn Verrier, 2007-2012
Louis-Paul Cullen, 2013 to present

Saint-Maurice-Shawinigan and La Tuque

Raymond W. Pronovost, 1998 to present

Témiscamingue-Ville-Marie

Laurent Guertin, 1998-2011
Michel Girouard, 2011-2013
Robert Dufresne, 2013 to present

Terrebonne-Saint-Jérôme

Carole Hallée, 2008-2011
Marie St-Pierre, 2011-2012
Michel A. Caron, 2012 to present

Trois-Rivières

Michel Richard, 2007-2012
Marc St-Pierre, 2011
Alain Bolduc, 2012 to present



TROIS-RIVIÈRES COURTHOUSES

The time needed to obtain a hearing is a constant concern for the Court administration.

To promote better access to justice the Court, in the **district of Montréal**, reserves dates on the roll of hearings to ensure that cases involving natural persons as plaintiffs can be heard on a priority basis, 12 to 18 months after their case is declared ready to proceed before the Court. Often, these cases involve hidden defects, bodily injury resulting from an accident, or claims with a direct impact on the quality of life of the person concerned.

Even earlier hearing dates are offered for cases where the parties present their defence orally rather than in writing.

Cases in which legal persons (companies, associations, etc.) wish to submit litigation to the Court are heard 12 months later than cases involving natural persons as plaintiffs, in other words within 24 months from the date on which they are found ready to proceed. This is already a considerable wait.

Cases requiring hearings lasting more than five weeks are closely managed but incur even more delay, around 48 months or four years. The Court is aware that this is unacceptable, but the lack of judges has created a situation that we have reported on many occasions to the authorities.

To simplify the preparation of some more complex cases and manage obstacles to hearing them as soon as possible, the Court generally assigns judges to supervise them on a full-time basis.

At all times during the court year, a judge is available in the case management courtroom in the district of Montréal to settle any difficulty encountered in preparing a case, after one of the parties files a notice. In addition to settling the matter submitted, the judge is required to manage the case and ensure that the stages and time limits set in the agreement as to the conduct of the proceedings are respected, and that the case moves forward swiftly.

In addition, each month the equivalent of five full-time judges preside at settlement conferences to help parties achieve an out-of-court solution to their dispute. To encourage them to begin this process as soon as possible, the Court has ruled that no application for a settlement conference will be accepted once a date has been set for a hearing, except in exceptional circumstances.




For many years, demand in Montréal has exceeded the Court's ability to provide the services needed. As a result, the coming into force of the new *Code of Civil Procedure*, which requires judges to devote more time to case management, represents a major challenge.

In the **district of Québec**, steps have been taken to improve the way in which cases are handled. The case management process for civil cases has three well-defined stages. Provided the parties and their attorneys show a minimum degree of cooperation, these steps greatly improve access to justice and reduce the costs and delays of the judicial process.

The initial case management conference is the first stage in the process, and is used for most cases. During the conference, which replaces the presentation of the motion instituting proceedings, the attorneys for the parties are convened before a judge to define, with the judge, a realistic schedule and agree, for example, on preliminary exceptions, examination on discovery, joint expert reports, if necessary, and other steps in the case.

The second stage is the occasional case management conference, which is designed to be simple, expedited and efficient. After a summary notice has been filed, the conference provides an opportunity to remove obstacles, encourage progress or settle any question that a party considers it appropriate to submit to the court, after notifying the other party.

The third and last stage is the preparatory conference, or hearing management conference. A conference is organized for all cases entered on the civil roll that are expected to last three or more days. The attorneys for all the parties must attend. The hearing of the case is planned, in particular to ensure that the evidence presented and the duration of the hearing are reasonable in light of the object of the dispute.



The case management process is intended to be both coherent and user-friendly for attorneys and the parties they represent. It promotes the principle of proportionality between the object of the dispute and the proceedings filed. It focuses in particular on the presentation of proceedings orally, the number and duration of the examination on discovery, and the expert opinions that it is hoped will be sought from a joint expert.

The Court remains aware that access to justice is not simply about case management and that mechanisms must still be provided to settle disputes during the judicial process, with the consent of the parties.

Challenges and future prospects

Access to justice remains the chief priority, while the Court will face several other challenges in the coming years.

The constant increase in the cost of judicial proceedings and the delays caused by the lack of judges and the growing complexity of each case mean that a large number of citizens do not have access to the judicial system.

Many can no longer afford the cost of an attorney and represent themselves before the court: 31% in civil cases and 42% in family cases.

The Court also notes a noticeable increase in the number of quarrelsome litigants, or litigants who need authorization to proceed. These difficult clients monopolize considerable court resources.

In January 2016, a new *Code of Civil Procedure* will come into force in Québec.

For several months, the Court has been working to prepare for this change. A team of judges with special training in case management will be responsible for the implementation of the new measures.

The new Code requires the parties to consider a private dispute prevention and resolution process before going to court. In addition, many of the new provisions in the Code give the courts a clearer responsibility to ensure that proceedings are proportionate to the outcome sought in terms of time and money, whether for the parties or for the justice system.

To give concrete effect to the reform, the Court's judges will have to spend time putting effective mechanisms in place in order to achieve the goals set and allow all citizens to have access to a judge at a reasonable and foreseeable cost, within a short time.



Court committees

The Court has over 50 committees that oversee court operations, skills development for its members, and relations with bar associations and other players in the world of justice. Judges take turns participating actively in the work of the committees.

Training

The Court ensures that its members remain aware of and attentive to developments in the law. To achieve this objective, the training committee, which includes a representative from each chamber, draws up an annual training schedule for each field in which the Court has jurisdiction. Training sessions take place regularly at midday or in the late afternoon. The Court invites legal and other experts in a range of fields to discuss legal or social questions that may have implications for the daily work of judges.

At the start of the judicial year an annual meeting brings together all the Court's judges, while at the end of the year the divisions of Montréal and Québec hold divisional meetings. These meetings provide an opportunity to organize more in-depth training in certain areas of the law. The most recent training sessions were devoted to the reform of the *Code of Civil Procedure* and its effect on the conduct of proceedings.

The National Judicial Institute (NJI) and Canadian Institute for the Administration of Justice (CIAJ) work regularly with the judges of the Superior Court to develop training programs adapted to the Court's practices. The drafting of judgments, the training of newly appointed judges, mediation and case management are some of the topics addressed by these programs, attended by many of the Court's members.

Liaison committees with bar associations

The Court takes part in many different liaison committees with the bar associations in each judicial district of Québec, and with the Barreau du Québec. In Montréal, liaison committees with the Montréal bar association exist in the fields of civil, family, commercial and criminal law.

The involvement of the Court's judges in liaison committees with bar associations helps maintain the dialogue between judges and attorneys and improve services for citizens. Practical questions concerning organization are often raised, such as the conduct of hearings in high-volume courtrooms, the preparation of hearing rolls, and practice rules.

Collaboration with schools and universities

Internship program for university students

Each year, the Court offers internships to law students in the 3rd or 4th year of the program offered by each faculty of law in Québec. The internships begin in September and end in April. For the duration of a judicial year, each student is paired with a judge. The student accompanies the judge to Court, acts as a researcher, and discusses legal and procedural questions. ***In addition to individual mentoring, the students who take part in the program benefit from a unique, internal viewpoint to study the justice system and its organization.***

Program to introduce secondary school students to the charters of rights

For almost 20 years, judges at the Superior Court in Montréal have worked with the citizenship and charter committee of the Québec division of the Canadian Bar Association to offer students in their 3rd or 4th year of secondary school an introductory program to the Canadian and Québec charters of rights.

Teachers at the secondary schools participating in the program start by giving students a basic introduction to fundamental rights and the tests established by the Supreme Court to validate the limits on fundamental rights.

Next, a lawyer goes to the school to help the students prepare for a simulated trial using a factual situation involving a key Supreme Court ruling on a charter right.

Last, the simulated trial takes place, presided by a judge. Each year, several judges from the Superior Court give up their time to participate in the activity, which leads to a discussion of the role played by judges and the notion of judicial independence.

Bar School

For several years, the judges of the Superior Court have taught at Bar School. ***The judges provide training to future lawyers in the area of case management, ethics and professional courtesy and settlement conferences.***

International cooperation

Judges' school in Haiti

After the earthquake in Haiti in January 2010, judges from the Superior Court and the Court du Québec began to think about ways to help judges in Haiti.

In the fall of 2013, a delegation of two judges and one representative from the United Nations Stabilization Mission in Haiti were invited to come to Québec. The delegation's goal was to become more familiar with the idea of settlement conferences presided by judges.

In January 2014, two judges from the Superior Court and two judges from the Court du Québec travelled to Haiti to give students at Haiti's École de la magistrature in Port-au-Prince a one-week course on mediation and judicial ethics.



The Superior Court over the Years

Formally created in 1849,
today's Superior Court reflects the evolution
of Québec's courts of justice.

After the Conquest, more specifically from 1760 to 1764, Québec was placed under a military regime that applied French law and custom.

The regime was short-lived, since Governor Murray introduced the laws of Britain into the colony following the Treaty of Paris in 1763. This is when the Court of King's Bench, presided over by a judge with the title of Chief Justice of the Province, was created, along with the Court of Common Pleas, a tribunal of lower civil jurisdiction.

The *Quebec Act* of 1774 ushered in a new judicial era, re-establishing French civil law and definitively imposing British law in criminal matters. A court of civil jurisdiction known as the "superior court" was established but, despite its name, it was an appeal court comprised of the governor and his council, who reviewed the procedure and decisions of the lower courts.

The *Judicature Act* of 1793 instituted the Court of King's Bench as the court of first instance in civil and criminal matters. It is the most direct ancestor of today's Superior Court.

This era ended in 1843 when the judicial system was again considerably modified. The Court of King's Bench became the Court of Queen's Bench during the reign of Queen Victoria. It was given a jurisdiction of second instance in addition to its dual jurisdiction in first instance over civil and criminal matters, but only for six years.

When the workload of the judges of the Court of Queen's Bench became excessive, Louis-Hyppolyte Lafontaine transferred part of the Court's civil jurisdiction to a new tribunal, the Superior Court, created in 1849.

Initially, the Superior Court's jurisdiction was limited to civil matters. Serving a population of 900,000 inhabitants, the Court was comprised of 10 judges sitting in seven districts from the 1st to the 20th days of April, September, and December. Hearings were presided over by two or three judges, two being a quorum.

In 1867, the *Constitution Act, 1867* gave the provinces the power to establish civil and criminal courts. Québec retained its existing courts and began to increase the number of judges to meet growing needs.

It was not until 1920 that the Superior Court was given first-instance jurisdiction in criminal matters, with second-instance jurisdiction being exclusively reserved to the Court of Queen's Bench, the predecessor of today's Court of Appeal. At this point, the Superior Court had 42 judges serving a population of 2,400,000 inhabitants.



In 1869, the province instituted the Magistrate's Court. Despite opposition from the federal authorities over Québec's power to create a court, it survived to become the Provincial Court and, finally, the Court of Québec in 1988.

In 1875, the Federal Government created the Supreme Court of Canada, whose decisions could still be appealed to the Judicial Committee of the Privy Council of Great Britain. This came to an end in 1949 when the Supreme Court became Canada's highest court of appeal.

The Québec Superior Court is a genuine "superior court", in the same way as other courts of its kind. In general terms, the Canadian judicial system comprises two types of courts: superior courts and provincial courts. In Québec the "superior" courts are the Superior Court, the Québec Court of Appeal, and the Supreme Court of Canada. The first two fall under the authority of the provincial legislature, in accordance with the *Constitution Act, 1867* which also states that their judges are appointed by the federal government. The Supreme Court of Canada was created under federal legislation and its judges are appointed by the federal government.

The difference between superior courts and provincial courts lies in the dual jurisdiction of the superior courts which, first, have the power to hear all cases not specifically assigned to a provincial court. Second, they have a superintending and reforming power over the provincial courts and the public administration. The dual jurisdiction of the Superior Court of Québec is recognized in the *Code of Civil Procedure*. It also derives from the common law, since the Superior Court, established in 1849, is a modern-day descendant of the Court of King's Bench, the court of common law that came into existence in England in the 17th century.





THE JUDGES OF THE SUPERIOR COURT OF QUÉBEC

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