



**Provincial Court of Newfoundland and
Labrador** *Annual Report FY 2003-04*



The Honourable M. R. Reid
Chief Judge



Box 68, Atlantic Place
215 Water Street
St. John's, NL
A1C 6C9

PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

July 2004

The Honourable Tom Marshall, Q.C.
Minister of Justice and Attorney General
Department of Justice, 4th Floor, East Block
P.O. Box 8700, St. John's, NL
A1B 4J6

Dear Minister:

It is my pleasure, as Chief Judge, to present to you the 2003/2004 Annual Report of the Provincial Court of Newfoundland and Labrador. Among other things the report provides comprehensive coverage of the past year's activities. It also identifies some particular initiatives of the Court such as continued development of a new computerized case management system, a case flow management protocol, and some early steps in the use of video-conferencing technology.

As the report indicates, our workload continues to increase as the adult and youth criminal portion of our work remains high. Transcript production is hampered by staff vacancies and shortages.

While the Court is pleased with its accomplishments in the administrative area during the past year, I am becoming increasingly concerned that the lack of sufficient resources to maintain the administrative expectations of the court system will impede our ability to continue to fulfill the mandate we have. This is reflected in the unacceptably high number of Time Off In Lieu (TOIL) hours accumulated by staff which we are unable to honour.

We hope the report reflects the high level of commitment we have to providing the best possible judicial service to the citizens of Newfoundland and Labrador.

Yours sincerely,

M.R. Reid
Chief Judge

MRR/mgw
Encl.

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Provincial Court Judges

2003-04



Row 1 L-R: Judge L. Spracklin, Chief Judge M. R. Reid, Judge C. Allen-Westby
Row 2 L-R: Judge G. Brown, Judge D. Power, Judge W. Gorman, Judge K. Howe
Row 3 L-R: Judge J. Rorke, Judge C. Flynn, Judge J. Igloliorte, Judge D. Luther
Row 4 L-R: Judge G. Harding, Judge R. Whiffen, Judge P. Kennedy
Row 5 L-R: Judge G. Barnable, Judge W. English, Judge H. Porter
Row 6 L-R: Judge J. Woodrow, Judge D. Peddle, Judge R. Hyslop, Judge T. Chalker
Row 7 L-R: Judge R. Smith, Judge B. Legrow, Judge D. Orr, Judge W. Baker
(Missing from photo: Judge B. Short)

PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

Our Governing Values

Governed by the Constitution of Canada and the rule of law, we are in an independent, impartial, and accessible judicial system.

We are committed to the provision of quality service through the effective management of available resources and the continuous professional development of the Judiciary and Court Staff.

We are committed to integrity, ethical conduct, and the timely performance of duties.

We are committed to providing all litigants with reasoned judicial decisions.

Our Mission

The Provincial Court of Newfoundland and Labrador exists to uphold and preserve the fundamental values of society by judging legal disputes, conducting inquiries, and providing quality services to the public.

Our Vision

To recognize the value of our Staff and Judiciary in achieving our mission.

To operate the Court with highly qualified personnel and judiciary.

To provide access to justice to everyone and be sensitive to social and cultural diversity.

To encourage the use of dispute resolution alternatives that respond to the changing needs of society.

To emphasize the effective use of technology and decentralized administrative decision making.

2003/04: A Year in Review

In 2003/04 the Provincial Court of Newfoundland and Labrador sought to focus on significant court-related issues, determine the “best practices” for addressing those issues, and disseminating those practices. The areas of attention range from delay reduction in the court system to development of caseflow management standards to improvement of the Court’s public outreach program to improved access to courts. Not many years ago, the courts—at all levels in our province—simply dealt with the law. But with the advent of the 21st century, their roles have expanded to encompass society’s most difficult issues.

The Provincial Court of Newfoundland and Labrador, in addition to being the first Canadian Court to engage in strategic planning, is emerging as a national leader as innovative strategies are being successfully employed in the delivery of court services. Through the annual publication of our strategic plans and the steps taken to implement them, the citizens of Newfoundland and Labrador can be

assured that the Court is effective, fair and user-friendly. The Court relies on strategic planning, caseflow management, and other tools to direct the future of the Court, to focus attention and effort on the most effective ways to address relevant social issues, and to encourage continuous improvement in all areas.

Preliminary discussions began with the RCMP, RNC, and SmartLabrador with respect to partnering on a video-conferencing initiative for the Labrador region.

While the Court has successfully moved forward, there were several instances during the year when Court Registries had to be closed due to staffing shortages. Services to citizens were, therefore, reduced and access to justice impacted.

Significant accomplishments are detailed in the following report.



Pamela Ryder Lahey - Director of Court Services

Organizational Structure and Staffing Levels

Presently, the Provincial Court of Newfoundland and Labrador consists of 25 judges (4 female and 21 male) directed by the Chief Judge. The Chief Judge also serves as an active judge on the bench. The organizational model is as depicted in Figure 1.0

The Provincial Court has a complement of 68 permanent and several temporary staff. In judicial matters court staff are under the direction of the judges. But in all non-judicial matters they are directed by the Director of Court Services through the two Regional Managers. Each court center, with the exception of St. John's, has a Court Administrator who acts as the centre's administrative head. These court administrator positions are classified as non-management positions and do not have human resource and budgetary responsibility.

In addition to overseeing the operation of the five court centres that fall within the Eastern Region, the Manager of Court Services, Eastern (a non-union position) serves as head of administration of the St. John's centre and directs the three Court Administrators who have supervisory responsibility for each division (Criminal, Small Claims/Traffic, and Courtrooms). The Manager of Court Services, Western, is responsible for the supervision of seven court centres that comprise the Western Region (including both Labrador court centres).



Judge L. Spracklin

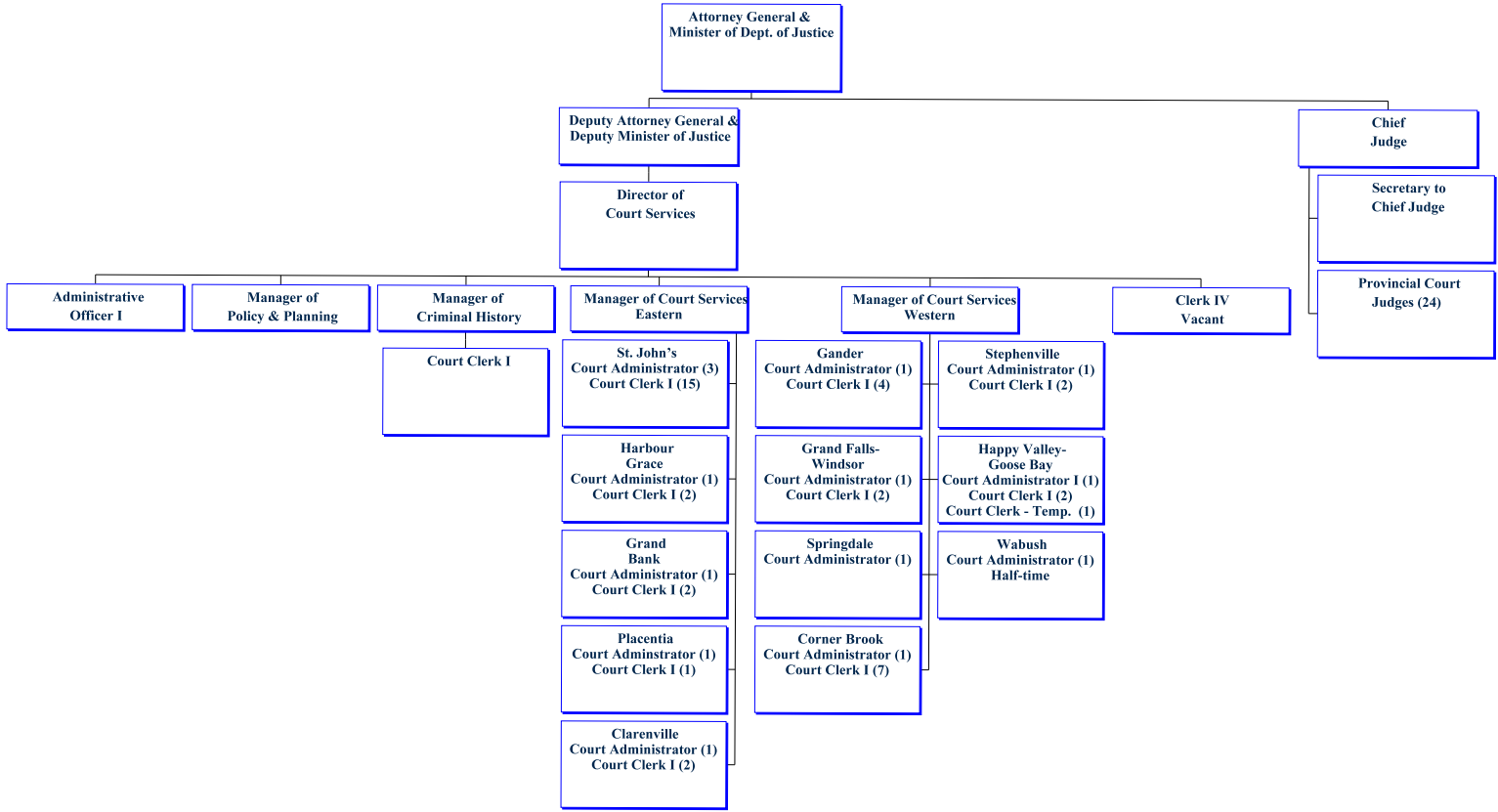


Patricia Ricketts - Court Clerk I



Anna Warford - Administrative Officer I

Figure 1.0: Provincial Court of Newfoundland and Labrador Organizational Chart



Lines of Business

The jurisdiction of the Provincial Court extends to criminal, civil, traffic, family and youth matters. More specifically:

Criminal: all summary conviction offences under federal and provincial statutes: indictable offences, except where excluded under the Criminal Code, e.g., murder.

Youth: the Court hears all criminal matters involving young offenders.

Traffic: all highway traffic matters.

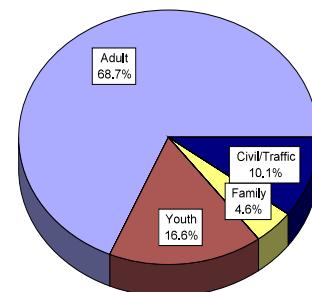
Civil: all civil actions where the amount does not exceed \$3,000. The court has no jurisdiction over cases in which title to land is brought into question or malicious prosecution, false imprisonment and defamation, or against a justice or other public official for anything done while executing the duties of office.

Family: outside the St. John's area, the Court has jurisdiction over custody, support maintenance, child welfare, legitimacy, paternity, adoption, and inter-spousal Criminal Code offences. It does not deal with divorce or division of property under the Family Law Act.

Business Breakdown FY 2003-04



Marilyn Warren
Secretary to the Chief Judge



Caseflow Management Committee

The Provincial Court of Newfoundland and Labrador's Strategic Plan: *Better Serving Justice and the Public, 2002-2005* has one of its primary strategic directions the development and implementation of a Caseflow Management system. There is recognition that litigation takes too long and costs too much. Delay devalues judgments, creates anxiety in litigants and may degrade evidence. Delay signals a failure of justice and subjects the court system to public criticism and loss of confidence in its fairness and utility as a public institution. *In the 2003/04 fiscal year the Provincial Court processed over 29,853 cases and over 109,940 adult and youth criminal court appearances.* Members of the public expect to have their matters heard in a timely and cost efficient manner. In order to more effectively and efficiently handle a growing volume of work, the senior leadership of the Court recognized the need to more fully develop and implement a Caseflow Management system.

By definition Caseflow Management is the management of the time frames and events involved in the movement of a case through the court system from the point of initiation to disposition. Timely disposition is the elapsed time a case needs for consideration by the court. Research has shown that a large majority of cases require little preparation for trial and that few cases require considerable preparation. Studies conducted worldwide have shown that less than 5% of cases go to trial.

Caseflow Management also serves as a broad, high-level management tool essential to respond to ongoing challenges facing the Court. While the Provincial Court has the

primary responsibility, and hence the leadership role in Caseflow Management, it acknowledges that its partners in justice have a direct impact upon case processing. Representatives of Legal Aid, Public Prosecutions, Law Society, RCMP, RNC, Adult Corrections, Youth Corrections, and Victim Services were invited to sit on the committee co-chaired by Senior Coordinating Judge, J.A. Woodrow and Director of Court Services, Pamela Ryder Lahey, together with representatives of the Provincial Court.

The terms of reference require Committee members to assist in building incremental support for the implementation of Caseflow Management throughout the province in their respective agencies. A two-staged approach is being followed with respect to the Caseflow Management development. The primary focus will be an outline of the broad Caseflow Management framework, with supporting operational policies and monitoring guidelines. The secondary phase will focus on local issues and how best to address them through the Caseflow Management Committee.

The Integrated Provincial Court Information System (IPCIS), which will be rolled out in September 2004, has been redesigned to enable the extrapolation of data with respect to case processing and pending caseloads to support active Caseflow Management and to provide the indicators necessary to track progress.

A written description of the Caseflow Management framework designed specifically for the Provincial Court that ensures effective and efficient case processing will be completed by January 1, 2005. To

compliment the framework will be a set of operational policies that will apply to the Provincial Court and other participating agencies to support the framework. Through IPCIS a set of monitoring and tracking guidelines will be available for case processing and pending caseloads. Coincidental to this will be a communications plan aimed at educating and building support for the implementation of the Caseflow Management system among partners in justice.



Shelley Organ
Manager of Court Services, Eastern

“A DAY IN THE PROVINCIAL COURT”

“Early Morning”

It is 8:30 a.m. in the St. John’s Provincial Court and Court Clerk Elaine Mayo is organizing her court schedule for the day’s proceedings. The docket consists of 12 first appearances, three trials and two facts and sentencing matters.

By 9:30 a.m., Elaine has the court prepared, Informations on the bench, water jugs filled, accused persons paged to the court, and both Crown and Defence counsel in place and ready for the day’s proceedings. Judge D. Orr is summoned to the court to tackle the day’s files.

Meanwhile, in the Criminal Registry, Court Clerk Jackie Power is preparing for another day of continuous paperwork from the seven criminal courtrooms followed by continuous telephone and counter inquiries from the general public. As it nears 9:30 a.m., the crowd begins to circulate around each of the courtrooms signifying the start of another busy and stressful day within the Court.

St. John’s is the largest Provincial Court in the province of Newfoundland and Labrador. In the year 2003/2004 it dealt with 55,067 Adult and Youth Criminal appearances.

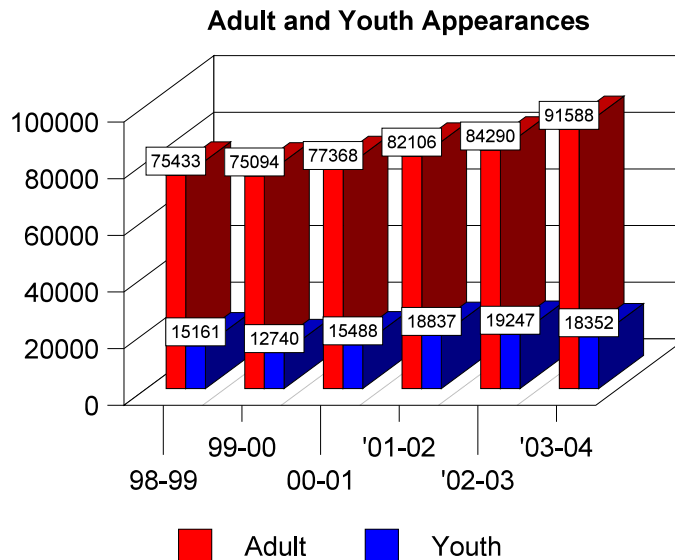
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Combined Statistics

FY 2003-04

| Court Centre | Total Adult | Total Youth | New* Civil | New* Family | Total Cases |
|----------------------|--------------|-------------|-------------|-------------|--------------|
| Clarenville | 747 | 99 | 182 | 45 | 1073 |
| Corner Brook | 2213 | 446 | 361 | 538 | 3558 |
| Gander | 1053 | 337 | 235 | 218 | 1843 |
| Grand Bank | 869 | 137 | 88 | 57 | 1151 |
| Grand Falls | 1096 | 254 | 29 | 169 | 1548 |
| H.V. Goose Bay | 1999 | 350 | 79 | 100 | 2528 |
| Hr. Grace | 883 | 290 | 187 | 91 | 1451 |
| Placentia | 526 | 200 | 52 | 9 | 787 |
| Springdale | 300 | 94 | 685 | 32 | 1111 |
| Stephenville | 1195 | 239 | 140 | 84 | 1658 |
| St. John's | 9319 | 2496 | 1545 | 0 | 13360 |
| Wabush | 295 | 25 | 80 | 41 | 441 |
| OVERALL TOTAL | 20495 | 4967 | 3663 | 1384 | 30509 |

* Note: Civil and Family cases only include new cases initiated. In previous years the Civil and Family included follow-up activity.



Mediation Pilot Project

The Small Claims Mediation Pilot Project started in May of 1999 which followed the release of the Provincial Court Strategic Plan “Into the Next Millennium.” Initiated by Judge David Orr and Court Administrator Christine Care, this project was designed to use articling clerks to function as mediators. The Articling Clerks are governed by the Law Society Act and, as a result, are Officers of the Court subject to the rules of the Law Society. The project has developed over the past five years and now each year a list of articling clerks is provided by the Law Society.

Most, if not all of these clerks, have heard about the program and are anxious to participate in it. The articling clerks themselves report that they have found the mediation experience very worthwhile, as it provides an opportunity to appear in Court before a Judge and a chance to interact with litigants. When a mediation is completed, the articling clerk appears before the Judge in Court and gives a report on the Mediation. This could be an agreement which both parties and the Judge will sign, or if not settled, the articling clerk will advise the Judge of the issues preventing settlement of the case. This allows the Judge to determine the length of time required for the trial. The mediation takes place in the settlement conference room where the parties in the matter meet with the articling clerk.

Each year Judge David Orr and Court Administrator Christine Care, in consultation with Mr. Francis O’Brien, Director of Legal Education, Law Society of Newfoundland and Labrador, arrange a meeting with the articling clerks and the Judges assigned to the Small Claims Court. At this meeting the

program is described, materials are provided, mediation process is outlined, and articling clerks given dates from the Court docket for mediation of Settlement Conferences.

During FY03/04 approximately 22 students took part in the Mediation Program, with approximately 40 mediation sessions taking place. The comments received about the sessions have been positive, both from articling clerks and litigants. In the near future, the film “A Successful Day in Court” will be shown to litigants prior to the Mediation.

From the Provincial Court’s perspective, the program is a success. There is no cost associated with it; and the Mediation helps to settle a number of cases, which otherwise might have gone to trial. Even in the instances where the mediation does not produce a settlement agreement, it helps narrow the issues, and simplifies the trial for the Judge and the litigants.

Despite all these positive features, one problem for the Court has been the lack of space to provide rooms for the mediators to use. Five Settlement Conferences are set in the morning and afternoon on Mondays only. At present, one room has been allocated for use as a Settlement Conference room. When more than one case proceeds to mediation, the parties must wait for the room to become available or, as has been done on a few occasions, the Court Administrator’s office has been made available.

During this past year Judge David Power, Small Claims Judge, has welcomed the use of the law clerks to the Small Claims Court Process. He found their participation

has greatly facilitated the work of the Court, which sees a great portion of unrepresented litigants. Judge Power hopes that both the Law Society and individual law firms will encourage continued participation in this process. It would be beneficial if the project was expanded beyond the present period, which begins at the start of the articling year (September) and finishes one week prior to the bar exam course (November).



Christine Care - Court Administrator

“A DAY IN THE PROVINCIAL COURT cont’d” "Where it All Begins"

"Please be seated," says Court Clerk Lucy Dominaux. This signals the start of the proceedings in Courtroom #1 in the Grand Bank Provincial Court. Today there are 15 first appearances and the continuation of a preliminary inquiry on the docket for Judge H. Porter to deal with. Two of these matters are what is commonly referred to as 'bootlegging'. Two enter pleas of Not Guilty, electing trial by Provincial Court Judge. Judge Porter asks Lucy for the next available Court date, which date is in six weeks time. The remaining accused enter pleas of Guilty and these are dealt with forthwith. Through a protocol with Victim Services, the Victim Impact Statements (VIS) are filed with the Court prior to first appearance in non-violent offences. Having the VIS available at first appearance eliminates a further delay as the Judge can immediately proceed to sentence.

One of the guilty pleas is from a gentleman charged with domestic violence and through his tears he apologizes to his family for what he has done. Judge Porter, knowing that his offence had been alcohol related, advises the individual that in addition to the fine and probation orders, an order would be put in place for him to avail of an alcohol treatment program that would help both him and his family. After these first appearances, the preliminary inquiry is continued.

The Grand Bank Court holds the distinction of being the Court offering the fastest trial time. Typically, in this court centre, which in 2003/04 had 2,664 adult and youth criminal appearances, a case from first appearance to final disposition generally takes eight weeks.

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Public Outreach Program

Taking the Courthouse to the Schoolroom is an outreach program that was initiated by the Provincial Court of Newfoundland and Labrador and developed in cooperation with two schools under the Avalon East School Board.

During FY 2003/04, two additional schools were added to the program for a total of four. The purpose of this program is to increase public knowledge of and confidence in the court system by educating children of their rights, responsibilities and accountabilities, thereby, reducing instances of illegal behavior.

Two judges, Judge G. Brown and Judge D. Power, along with three Court Administrators—Christine Care, Dolores Hutton, and Dayna Wicks, have given many hours to this very worthwhile project. Students and teachers from Frank Roberts Intermediate, Holy Cross Junior High, Holy Cross Elementary, and Bishop Abraham are involved.

Taking the Courthouse to the Schoolroom is designed primarily to promote awareness of the court's role in society and to address school issues that are related to the justice system. This program has been developed for students between the ages of 11 and 15 (Grade 6 to Grade 9), and consists of five program components:

- Lunch with a Judge
- Improvs
- Panel Discussions
- Mock Trials
- Careers in Justice

Lunch with a Judge targets the grade levels previously identified and targets students who may be “at risk” for becoming involved in the youth criminal justice system.

However, participation is offered to all students; therefore, eliminating the possibility of “singling out” students who may already feel alienated from their peers. Four students at a time, along with their teacher/guidance counselor, come to the court to eat lunch with a judge and court administrator, tour the youth court and visit the holding cells. This visit involves the judge talking to the students interactively about their reputation, what it means to have a criminal record, and answers the many questions students have. Lunches are prepared by the Whitbourne Correctional Facility for Youth and is the same lunch that a youth in custody would receive if they were in custody at the Provincial Court holding cells.

Approximately 140 students from Grades 6-9 participated in the Lunch with a Judge module of the program during 2003/04. Lunches were held every Thursday during the school year. On December 18, 2003, the students attending the Lunch with a Judge component were asked to judge the Door Decorating Contest; thus, demonstrating to the students a lighter side of the Court.

Improvs target Grade 6 students and address specific school issues, such as bullying. High school students act out situations. The children see how certain behaviors aggravate a situation while other behaviors diffuse it. A judge and/or court administrator visit the participants' classrooms to discuss what the children observed and learned during the improvs. Discussion focuses on reducing illegal behavior that could lead to involvement of youth in the criminal justice system. During 2003/04 no requests for this service was received.

Panel Discussions target Grade 7 students and consist of three representatives of the justice system—a judge, court administrator and lawyer or youth care counsellor. They discuss the role of the Court in Society, in particular individual rights and responsibilities under Canadian law, as well as the independence of the court and the role of the judge as the neutral face of justice. Discussion also focuses on the impact a criminal record has on an individual. **On November 24 and 25, 2003, panel discussions were held with approximately 200 Grade 7 students at Frank Roberts Intermediate.**

Mock Trials target Grade 6 and 8 students. Christine Care and Dolores Hutton, with assistance from Judge G. Brown, wrote a script for a Mock Trial for Grade 6 students. The offence concerns a youth arrested for fighting with another student and uttering threats. The script was written to reflect the concerns around bullying in schools and the legal ramifications of this type of behavior. At the Grade 8 level a Mock Trial script was written by Grade 8 students, based on a set of facts presented to them by the court. A judge and court administrator reviewed the script for legal correctness after the students had finished it. A judge and/or court administrator observe the performance of the mock trial and subsequently respond to questions about the process and outcome. The public service strike interfered with the school's ability to perform the mock trial at the scheduled time.

Career Discussions target Grade 9 students. It involves a representative from each of six professions in the justice system,

who visit a school and speak about the educational requirements of their positions, their personal experience in obtaining their positions, and what their positions entail on a daily basis. Each presentation is 30 minutes in duration, with the students divided into six groups; each group rotates through each of the six sessions over three hours. Justice professionals who have participated to date include the following: Judge, Lawyer, Court Administrator, Probation Officer, Deputy Sheriff, Victim Services Manager, Correctional Officer, Police Officer, Youth Court Worker, and Director of Court Services. Each profession chooses how best to present their information and usually involves a combination of role plays, simulations, lectures and discussions. **One Career Day was completed in 2003/04 and involved approximately 175 Grade 9 students at Frank Roberts Intermediate.**

"I think that this type of discussion may keep more young people out of court. Before they hear what could happen to them, they might think the wrong things they are doing are not serious and they wouldn't be punished for doing them. That is why I think it is a good idea to talk to younger people about the justice system".

*Grade Seven Student
Frank Roberts*

The design of the program ensures that the components do not become repetitive for students moving through the targeted grades. It aims to make the first experience a young person has with the justice system a positive one and to deter these students from behaviors that will bring them into contact with the criminal justice system. It fosters partnerships between the courts and schools, as well as between schools—as high schools partner with elementary and junior high schools in the delivery of program components.

As evidenced above, the development of this program has taken a tremendous amount of work, dedication and creativity, especially in the absence of a budget. It has

received positive feedback from teachers, guidance counsellors and students.

This program is directly tied to the Strategic Plan of the Provincial Court of Newfoundland and Labrador, which identified as one of its strategic directions the need “to strengthen the identity of the Court in the justice system and in society in general”. This strategic direction was identified in response to a lack of public confidence in the justice system¹. Many people view Canadian courts as a replica of the fiction portrayed on television, which is frequently inaccurate and primarily describes the American system. By targeting students and teachers this program aims to provide a holistic view of the Provincial Court of Newfoundland and Labrador. The court plays an essential role in society and the general public must believe in and have confidence in the court and the justice system as a whole.

The Taking the Courthouse to the Schoolroom Program would not be successful without the support of other professionals within the justice and education systems.

“As a guidance counsellor, I believe this program to be very worthwhile, informative and engaging. The children have only great things to say and have come away with a new experience and a new appreciation for law and the role of the court.”

*Guidance Counsellor
Holy Cross Elementary*

“Lunch with a Judge Program”



Judge D. Power and students from Bishop Abraham School



Judge G. Brown and students from Holy Cross Elementary



Judge Brown speaking to a group of students

¹ 1997 National Angus Reid Poll showed a lack of public confidence in the justice system.

Summary Offence Tickets

| Court Centre | Summary Offence Tickets Processed | Summary Offence Tickets Trials |
|-----------------|-----------------------------------|--------------------------------|
| Clareville | 2107 | 47 |
| Corner Brook | 6856 | 164 |
| Gander | 2991 | 38 |
| Grand Bank | 787 | 5 |
| Grand Falls | 3361 | 81 |
| H.V.- Goose Bay | 739 | 0 |
| Hr. Grace | 672 | 22 |
| Placentia | 449 | 18 |
| Springdale | 590 | 54 |
| Stephenville | 1739 | 34 |
| St. John's | 131783 | 1021 |
| Wabush | 601 | 4 |
| TOTAL | 152675 | 1488 |



Anastasia Dunn - Court Clerk I
Traffic Court

Ignition Interlock Program

Effective August 1, 2003, all residents of Newfoundland and Labrador convicted of an Impaired Driving offence and subsequently suspended may be eligible for early reinstatement by having an Ignition Interlock device installed on their vehicle with a restricted driver's licence issued. The device is an in-car alcohol breath screening system that prevents a vehicle from starting if it detects a blood alcohol concentration over a pre-set limit.

The order for participation in the Ignition Interlock Program must be granted at sentencing. There is a minimum mandatory prohibition period that must be served and all outstanding fines must be paid before the device can be installed on the vehicle. This three-year pilot project is currently used in St. John's only, and is designed to encourage individuals to address any alcohol-related problems.

Provincial statistics for the period between August 1, 2003, to March 31, 2004, indicate that 53 out of 195 people convicted of impaired driving were authorized to take part in the Ignition Interlock Program.



Dayna Wicks - Court Administrator

The Judicial Council of the Provincial Court of Newfoundland and Labrador

The Judicial Council of the Provincial Court of Newfoundland and Labrador is a six-member body, empowered by the *Provincial Court Act, 1991*, to make recommendations to the Minister regarding judicial appointments, and to receive and investigate complaints against a judge and to make recommendations to the Minister or Chief Judge as appropriate. In addition to their review of complaints of judicial conduct, the Council members have a mandate to approve or disapprove non-consensual transfers of judges among districts, develop and revise a code of ethics, report to the Minister on proposals for improving court services, and review and report on a matter referred to it by the Minister.

Non-lay council members serve without pay but receive reimbursement for expenses incurred in attending to Council business. Lay council members receive a daily honorarium. During 2003/04 the Council convened one meeting, requiring one day of business.

Applications for Judicial Appointment

Applications for appointment may be made directly to the Office of the Chief Judge, who makes a referral to the Judicial Council for assessment and interview. The Judicial Council recommend candidates to the Minister of Justice on a ranking of highly recommended, recommended, and not recommended at this time.

Complaints

Complaints may be made directly to the Chairperson of the Judicial Council in writing. A person who has made a complaint may withdraw that complaint, but notwithstanding that withdrawal the Judicial Council may proceed as if that complaint had not been withdrawn.

2003/04 Activity

No interviews for appointment were conducted during 2003/04. There were no complaints pending as of April 1, 2003. During 2003/04 the Judicial Council received three complaints against judges. These complaints came from litigants and two were found to be without merit. As of March 31, 2004, the third complaint, which was filed in July 2003, has been referred for investigation.



Courtroom

Integrated Provincial Court Information System

During 2003/04, \$302,000 was spent on the development of IPCIS (Integrated Provincial Court Information System). This system will be ready for implementation and roll out in 2004/05. The purpose of this project is to develop and implement an Integrated Provincial Court Information System, which will replace the current Provincial Court Information System (PCIS) developed in 1991/92. PCIS used Powerhouse and was deployed at the local office level using the SCO Unix operating system, which is no longer supported. The standalone systems in the 12 Provincial Court locations will be replaced with a province-wide system. The new system will meet the needs of the Adult and Youth Courts and consist of several modules including Case Management, Fines Management, Offence History and Automated Forms. In addition, the new case and fines system (IPCIS) has been redesigned so that the necessary data, needed to support active caseload management, can be extrapolated.

Testing on IPCIS by two staff members began in January 2003 for a three month period. The Case Management side has been completed and with the enhancements suggested by the staff will be retested in the near future. The Fines Management component will be ready for testing soon. There are regular monthly meetings of the IPCIS Steering Committee which consists of the Chief Judge, a Judge, Director of Court Services, Director Information Management, Director of Information Technology, Manager of Criminal History, IT personnel and the

IPCIS developer. Data entry from the manual McBee system is ongoing, with most courts completed. This data conversion is necessary before the installation of IPCIS can occur.

Completion of IPCIS will also mean that all core program areas within the Department of Justice will have access to a centralized database containing province-wide operational data. This will place the Department in an excellent position to begin the development of electronic interfaces between the various program applications which will further improve efficiencies. Rollout is expected to commence early 2005.



Dolores Hutton - Manager of
Criminal History

Court Facilities

Ten of the 12 Provincial Court Centres are housed in provincially-owned buildings. *St. John's and Happy Valley-Goose Bay are the two exceptions for a total lease cost of \$658,940 in 2003/04. Twenty-nine of the 38 circuits are held in rental facilities at a total circuit rental cost of \$41,000.*

As per the Strategic Plan of the Provincial Court biennial security audits are conducted at each court centre by the Office of the High Sheriff. Both Regional Managers of Court Services have made it a priority to respond to the concerns and issues raised in the audit. They have worked with local offices of the Department of Works, Services and Transportation to enhance and improve the safety and security of the facilities for both the staff and general public. These include at least quarterly communications between each Regional Manager of Court Services and the WST Building Managers responsible for a particular building. In addition, each Court Administrator has been requested to provide updates. Some of the improvements that have been made during 2003/04 are combination locks installed on doors, holding cell renovations, server moved to more secure area, and wicket and lexon glass installed. Though improvements have been made to facilities over the past year, there are outstanding items which still need to be addressed.

During 2002/03 major renovations began in the HVGB court. These renovations were completed during 2003/04, with the official ribbon cutting by the then Minister of Justice Kelvin Parsons and the Honourable Chief Judge M.R. Reid on September 8, 2003. Dignitaries and guests from the Happy Valley-Goose Bay area were invited to the opening and reception.

Springdale Court facility underwent significant renovations in 2003/04. This included the construction of an exhibit locker and safe installation to secure exhibits and cash. Shelving units were installed to enable the retention of files in the registry.

There were some changes in circuit facilities during 2003/04. The basement of the Anglican Church in Baie Verte had been used to hold court; however, this facility was not handicapped accessible, nor did it provide space for interview rooms or a waiting area for witnesses. A decision was made to move to the Knights of Columbus Hall in Baie Verte. For similar reasons a decision was made to move from the hotel to the senior's club in Rocky Harbour.

The challenge of finding suitable space to hold circuit court in Natuashish has been solved. During July 2003 the Director of Court Services toured potential facilities in the community, met with the Chief of the Band Council, RCMP, and others about the needs of the court in order to serve that community. As a follow up to that visit, a discussion was held with representatives of the Labrador School Board and the Principal of the school in *Natuashish*. It was *subsequently determined that the court would sit in the school from 3 p.m. to 9 p.m., which enables the court to sit in a modern, spacious facility while at the same time taking into account the wishes of the school—that the court not sit while school is in session. Judges and staff were willing to change their scheduled workday to accommodate this.*

Human Resource Management and Development

The following staffing related issues continue to cause concern for Court Managers: accumulated overtime, weekend court and temporary closure of court offices. *The root cause of these problems relate to lack of sufficient staff numbers and an inability to replace vacant positions.* In addition to one vacant position in each of Clarendville, Corner Brook and St. John's Courts, vacancies also exists throughout the province when staff are on extended sick leave. Considering that the staff complement in many centres is barely sufficient to operate the courtroom and office, they are frequently left without a choice but to close the Court Office to the public and operate only the courtroom.

As of March 31, 2003, the Court's staff collectively earned and are owed 3430 hours of Time Off In Lieu (TOIL) which is approximately 2.3 person years. Management has made every effort to reduce the number of TOIL hours accumulated; however, with staffing shortages, it remains a challenge. Since some staff are owed significant TOIL, which cannot always be given when staff request it, paid overtime is the solution.

Staff training and professional development continues to be a priority under the human resource direction of the 2002 - 2005 Provincial Court Strategic Plan. Staff training days were tracked during 2003/2004 fiscal year and as a result, the Court was able to determine the type of training that had occurred, what staff participated, the total number of training days and costs

associated with training. *There was a total of 95.5 training days for all staff during the 2003/2004 fiscal year. By comparison, this number is down from 162 training days recorded in 2002/2003 fiscal year.* Due to government's fiscal restraint program, many staff training initiatives were cancelled.

Staff Time Off In Lieu of Overtime

| | |
|---|------|
| Carried Forward TOIL from previous years as of April 1/03 | 3469 |
| TOIL Hours Worked for FY 03-04 | 2111 |
| TOIL Hours Taken Off for FY 03-04 | 2150 |
| TOIL Hours Owed as of March 31/04 | 3430 |

Retirements/ Judicial Appointments/Transfers

Judge B. Legrow, Stephenville retired on August 31, 2003, after 26 years of service.

Judge C. Allen-Westby was transferred to the Judicial District of Stephenville, October 2003.

Judge B. Short was appointed to the Provincial Court Bench, November 2003.

Judge J. Igloliorte returned to the Provincial Court on July 1, 2003 after serving one year as Commissioner on the task force "*Royal Commission on Renewing and Strengthening Our Place in Canada*"

Criminal History

The Criminal History Repository Project began in 1997. Its goal was to have a province-wide criminal history repository up and running by April 2004. This would allow each court centre the ability to produce a province-wide certified record of criminal convictions dating back to 1980. Certified records of criminal convictions prior to 1980 will be done on an “as needed” basis.

When the project began, there were approximately 378,000 McBee cards which had to be examined to determine what cards would be entered into PCIS to produce a computerized record. Dismissals, withdrawals, stays of proceedings, and Provincial offences were not required to be entered. Staff have worked diligently on this project for the past number of years, without any additional support. The entering of these cards has been in addition to their regular daily functions and for the most part has been done when they can get to it. *At present, there are approximately 15,750 cards province-wide left to be entered into the system. The following courts are completed: Clarenville, Gander, Happy Valley-Goose Bay, Placentia, Springdale, Stephenville and Wabush.*

The deadline of April 2004 for completion of this project was not met. This will delay the implementation of the new Criminal History Repository. The new target is for June 2004. All cards must be entered before data conversion to the new IPCIS can take place. The system will only be rolled out to those courts that have completely finished entering these cards. Staff at several court centres have been assisting their colleagues in courts with remaining boxes of cards to be entered. This has been and is extremely beneficial to the Court system as a

whole, as the province-wide Repository cannot be rolled out until all data has been converted. It is noted and appreciated that staff at other court centres have helped their colleagues.

Requests for Criminal History Records

| COURT | '99-00 | '00-01 | '01-02 | '02-03 | '03-04 |
|-----------------|--------------|--------------|--------------|--------------|--------------|
| Clarenville | 783 | 823 | 749 | 915 | 1092 |
| Corner Brook | 1817 | 1849 | 1945 | 2261 | 2710 |
| Gander | 844 | 1082 | 1146 | 1474 | 2081 |
| Grand Bank | 665 | 688 | 844 | 989 | 837 |
| Grand Falls | 1125 | 1425 | 1992 | 2783 | 2423 |
| H.V.- Goose Bay | 1207 | 1630 | 1638 | 1724 | 1806 |
| Hr. Grace | 935 | 876 | 860 | 906 | 1156 |
| Placentia | 595 | 614 | 551 | 642 | 647 |
| St. John's | 1922 | 4274 | 8152* | 7708 | 7790 |
| Springdale | 305 | 327 | 640 | 662 | 968 |
| Stephenville | 1243 | 1918 | 1679 | 1945 | 1443 |
| Wabush | 221 | 226 | 144 | 364 | 448 |
| TOTAL | 11662 | 15732 | 20340 | 22373 | 23401 |

* St. John's - RNC employee began work at Provincial Court bringing workload with them.

Note: A request involves the preparation of a search and record.

Digital Recording

Digital recording has now been implemented in all Court centres. Because of the technical difficulties still being experienced, digital recording has not been rolled out to circuit locations. Initially the problems dealt mainly with the CD writer, whereas in recent months the problems seem to be more the system freezing or panel buttons not illuminating. In 2003/04 eleven units were replaced—three in Gander alone. Fortunately, these units were still under warranty.

Nonetheless, digital recording has enabled faster and easier copying of audio for interested parties; and the quality of audio is

superior to the previous four-track analog system. The use of digital recording has decreased the number of transcripts prepared on request. The Court is now able to provide a CD of the audio to lawyers, judges or other parties who request transcripts; and unlike the analog cassettes, these CD's can be conveniently played back on their own computers. The Court continues to prepare transcripts of preliminary inquiries that have been committed, appeals and Correctional Services of Canada sentencing requests.

Transcript Report

During the 2003/2004 fiscal year a total of *289 transcripts were completed by staff of the Provincial Court, amounting to 17,750 pages.*

Out of this total 52 were of preliminary inquiries; 71 were appeals; 59 were federal sentence decisions for Corrections Canada; and 106 various other matters. Civil matters and public requests are no longer prepared by the Court since the implementation of the digital recording equipment which enables the staff to provide CD's, that can be played on any up-to-date computer, to requesting parties.

As of March 31, 2004, there were 310 recorded hours pending transcription. The Court must respond to new methods of producing transcripts in order to reduce the number and length of time outstanding.



Court Clerks

L-R: Joanne Walsh, Pam Penton, Anne Power
and Michelle Cook

Pending, Initiated and Concluded Cases - Adult Court

FY 2003-04

| Court | Pending Cases as of Apr. 1/03 | Initiated Cases During theYear | Concluded Cases During the Year | Pending Cases on Mar. 31/04 |
|----------------|-------------------------------|--------------------------------|---------------------------------|-----------------------------|
| Clarenville | 436 | 848 | 862 | 404 |
| Corner Brook | 881 | 2240 | 2316 | 742 |
| Gander | 593 | 1143 | 1221 | 474 |
| Grand Bank | 254 | 778 | 882 | 135 |
| Grand Falls | 504 | 948 | 1166 | 221 |
| H.V.-Goose Bay | 957 | 1933 | 2082 | 760 |
| Hr. Grace | 330 | 1224 | 911 | 613 |
| Placentia | 215 | 547 | 559 | 189 |
| Springdale | 171 | 385 | 367 | 157 |
| Stephenville | 579 | 1341 | 1307 | 523 |
| St. John's | 3832 | 9382 | 9543 | 3215 |
| Wabush | 148 | 263 | 311 | 77 |
| TOTAL | 8900 | 21032 | 21527 | 7510 |

Pending, Initiated and Concluded Cases - Youth Court

FY 2003-04

| Court | Pending Cases as of Apr. 1/03 | Initiated Cases During theYear | Concluded Cases During the Year | Pending Cases on Mar. 31/04 |
|----------------|-------------------------------|--------------------------------|---------------------------------|-----------------------------|
| Clarenville | 52 | 96 | 88 | 43 |
| Corner Brook | 141 | 474 | 460 | 150 |
| Gander | 93 | 315 | 294 | 114 |
| Grand Bank | 20 | 140 | 138 | 22 |
| Grand Falls | 94 | 257 | 277 | 71 |
| H.V.-Goose Bay | 148 | 335 | 370 | 104 |
| Hr. Grace | 42 | 452 | 293 | 194 |
| Placentia | 25 | 230 | 224 | 31 |
| Springdale | 84 | 73 | 139 | 18 |
| Stephenville | 117 | 227 | 272 | 64 |
| St. John's | 602 | 2578 | 2547 | 599 |
| Wabush | 11 | 24 | 26 | 9 |
| TOTAL | 1429 | 5201 | 5128 | 1419 |

Note: Variances in the year end pending number are from stays of proceedings and warrants.

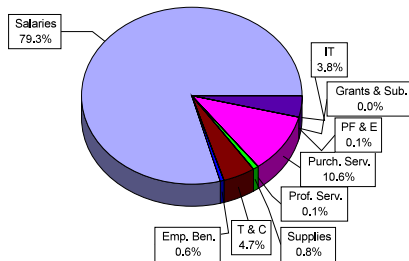
Fiscal Overview 2003/04

The Provincial Court relies upon funds appropriated by the legislature for the operations of courts. For FY 03/04 the provincial legislature appropriated \$7,096,900. However, total expenditures for FY 03/04 were \$9,477,600. \$2.2M of this variance is attributed to unanticipated salary adjustments.

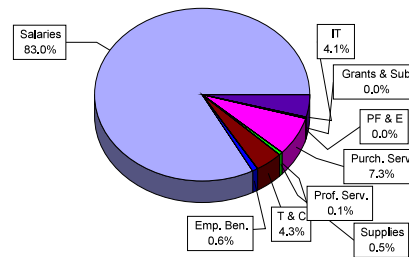
Most of the revenue generated by the court system is returned to the general revenue fund or designated to help finance other provincial programs, such as Victim Services.

Budget

Provincial Court of Newfoundland and Labrador
Budget 2003/04



Provincial Court of Newfoundland and Labrador
Budget 2003/04-Revised



Expenditure Summary FY 2003-04

| Category | Budget | Percent | Revised | Percent | Variance |
|--------------------------|---------------------|-------------|---------------------|-------------|--------------|
| Salaries* | 5,630,100 | 79.33 | 7,898,200 | 82.99 | (40%) |
| Employee Benefits | 41,800 | 0.59 | 61,500 | 0.65 | (47%) |
| Trans. & Comm. | 332,200 | 4.68 | 405,800 | 4.26 | (22%) |
| Supplies | 54,800 | 0.77 | 45,400 | 0.48 | 17% |
| Professional Serv. | 10,000 | 0.14 | 7,700 | 0.08 | 23% |
| Purchased Services | 752,900 | 10.61 | 699,500 | 7.35 | 7% |
| Property, Furn. & Equip. | 5,200 | 0.07 | 4,400 | 0.05 | 15% |
| Grants & Subsidies | 3,000 | 0.04 | 3,000 | 0.03 | 0% |
| Information Technology | 266,900 | 3.77 | 392,000 | 4.11 | (47%) |
| TOTAL | \$ 7,096,900 | 100% | \$ 9,517,500 | 100% | (34%) |

* Note: \$2.2 M of the Budget variance is for unanticipated salary adjustments.

Revenue*
Collected and Distributed
FY 2003-04

| Distribution | Amount | Percent |
|-----------------------|--------------------|----------------|
| CCC & Prov. Statutes | 315,312 | 15.04% |
| Federal Statutes | 554,869 | 26.47% |
| Liquor Control Act | 8,581 | .40% |
| Municipal Acts | 10,190 | .48% |
| Highway Traffic Act | 525,504 | 25.07% |
| Fees and Costs | 234,998 | 11.21% |
| Victim Fine Surcharge | 76,620 | 3.66% |
| Maint. Compensation | 166,100 | 7.93% |
| Small Claims Fees | 65,652 | 3.13% |
| Bail/Bonds Sureties | 79,794 | 3.81% |
| Cross Court Payments | 24,212 | 1.16% |
| Bank Interest | 778 | .04% |
| HST | 334 | .02% |
| Other | 33,002 | 1.58% |
| TOTAL | \$2,095,946 | 100.00% |

**Cost of Judicial Exchange
of Duties
FY 2003-04**

\$41,248.05

**Fines
Imposed Summary
FY 2003-04**

| Distribution | Amount | Percent |
|--------------|--------------------|----------------|
| APA/LGA | 31,115 | 1.56% |
| CCC/PROV | 470,248 | 23.51% |
| FED | 841,607 | 42.07% |
| LCA | 17,641 | .88% |
| VFS | 217,946 | 10.90% |
| TMS | 421,815 | 21.08% |
| TOTAL | \$2,000,372 | 100.00% |

* Includes Fines, Fees, Bail, and Bank Interest



Bob Mavin
Manager of Court Services, Western

- APA - Animal Protection Act
- LGA - Municipal Acts
- CCC - Criminal Code Canada
- PROV- Provincial Statutes
- FED - Federal Statutes
- LCA - Liquor Control Act
- VFS - Victim Fine Surcharge
- TMS - Ticket Management System

Comparison of Budget Versus Actual Funds Spent

| FY | Budget | Actual | Difference |
|------------|-----------|-----------|-------------|
| 2003/2004* | 7,096,900 | 9,517,500 | (2,420,600) |
| 2002/2003 | 6,875,600 | 7,035,100 | (159,500) |
| 2001/2002* | 6,040,500 | 8,285,278 | (2,244,778) |
| 2000/2001* | 5,876,300 | 9,432,927 | (3,556,627) |
| 1999/2000 | 5,637,100 | 5,686,664 | (49,564) |
| 1998/1999 | 5,690,200 | 5,679,383 | 10,817 |
| 1997/1998 | 5,098,400 | 5,458,200 | (359,800) |

* Note: Large variances for 2003-04, 2001-02, and 2000-01 were for unanticipated salary adjustments.

Weekend Court

The Criminal Code of Canada requires that arrested persons be brought before a Justice of the Peace or Judge within 24 hours of their arrest. Weekend Court, as it is commonly called, is a name for court that is held on Saturdays, Sundays, and holidays. Court sits on Christmas Day only for emergencies. Judges and Court Clerks rotate through a schedule for weekend duty. If there are arrests, court begins at 10:00 a.m. A Crown Prosecutor, Legal Aid Lawyer, and Deputy Sheriff are also scheduled on a rotating basis. The Court Clerk contacts the RNC and RCMP at 8:00 a.m. to determine if there are any overnight arrests. If there are, the Court Clerk contacts the judge and begins the process of arranging court for the day. Hearings usually last from

30 minutes to 1 ½ hours, depending on the number in custody.

During 2003/04, 358 detainees were dealt with during weekend court, at a calculated cost of \$70,406 for judge time and \$9,760 for court clerk time.



Cost of Circuits

FY 2003-04

| Court Centre | Circuit | Total |
|-----------------------|---|---------------------|
| Clareville | Bonavista | 6479.60 |
| | <i>TOTAL BONAVIDA</i> | <i>\$6,479.60</i> |
| Corner Brook | Roddickton/St. Anthony | 13963.17 |
| | Port aux Choix/Plum Point | 9140.46 |
| | Woody Point/Rocky Harbour | 4280.30 |
| | <i>TOTAL CORNER BROOK</i> | <i>\$27,383.93</i> |
| Gander | Badger's Quay | 896.98 |
| | Twillingate | 1236.99 |
| | Fogo | 310.47 |
| | <i>TOTAL GANDER</i> | <i>\$2,444.44</i> |
| H.V.-Goose Bay | Sheshatshiu | 6991.38 |
| | Hopedale | 6046.13 |
| | Nain | 22971.46 |
| | Makkovik/Postville/Rigolet | 18959.78 |
| | Port Hope Simpson/Forteau/Lanse Au Clair | 15666.28 |
| | Cartwright/Black Tickle | 4816.45 |
| | Natuashish | 27744.86 |
| | <i>TOTAL GOOSE BAY</i> | <i>\$103,196.34</i> |
| Grand Falls | Bay D'Espoir/Belleoram/Hr. Breton/Conne River | 10976.66 |
| | Botwood | 3809.31 |
| | St. Albans | 291.57 |
| | <i>TOTAL GRAND FALLS</i> | <i>\$15,077.54</i> |
| Springdale* | Baie Verte | 3818.30 |
| | Buchans | 2536.95 |
| | Springdale | 4809.68 |
| | <i>TOTAL SPRINGDALE + CIRCUITS</i> | <i>\$11,164.93</i> |
| Placentia | Markland | 9339.61 |
| | St. Mary's | 1423.80 |
| | <i>TOTAL PLACENTIA</i> | <i>\$10,763.41</i> |
| Wabush* | Wabush | 13654.04 |
| | <i>TOTAL WABUSH</i> | <i>\$13,654.04</i> |
| Stephenville | Port aux Basques | 4036.36 |
| | Burgeo | 831.55 |
| | <i>TOTAL STEPHENVILLE</i> | <i>\$4,867.91</i> |
| | <i>OVERALL TOTAL</i> | <i>\$195,032.14</i> |

*Springdale and Wabush have no Judge.



Staff of Provincial Court Happy Valley-Goose Bay enjoying ice fishing!

L-R: Debbie Fillier, Judy Blake, Judge W. English, Judge J. Igloliorte, Lisa Winters, Seated: Cora Hamel

“A DAY IN THE PROVINCIAL COURT cont’d” “Court Services in Remote Labrador Communities”

At 10 a.m. on a crisp Monday morning in late January Court Clerk Cora Hamel and Judge Wm. English board an 18-passenger commercial flight on their way to Nain to hold the monthly circuit. The small plane finally makes its way onto the Nain runway at 1:15 p.m. where they are met by the manager of the local 18-room hotel with skidoo and komatic. Once the komatic is loaded with court equipment, briefcases and their belongings, they climb into the back of the komatic for the ride to the hotel. They quickly check into their rooms, grab a quick lunch, and change for court.

Since court is held in the hotel, Cora is able to have the recording equipment set up and ready to proceed with the day’s matters by 2:30 p.m. The formal opening of the Court is declared and Judge English begins the day with whatever counsel have agreed to put forward first. Even though the docket contains a sexual assault trial, three sentencings, and an application for child support, in that order, the availability of witnesses determines the order of cases called.

The docket as scheduled is rarely followed on a typical circuit day in northern Labrador. Accused, victim and witness availability determine when a matter is called and how speedily it is dealt with. Typically, during a one-week circuit to Nain approximately 60 matters are dealt with, including criminal adult and youth, and family. Very rarely on these circuits are small claims matters or traffic matters heard.

Continued on Page 30

Keeping the Courthouse Safe

The Court Security Division of the Sheriff's Office has been in operation for 11 years and has been successful in meeting its mandate within the St. John's Provincial Court. The mandate is to provide court security, prisoner escort and prisoner guard services. While this program currently operates only in the St. John's area court, it is the wish of the Court that these services be offered to all courts and, indeed, circuit locations within the province.

During 2003/04, the Court Security Division successfully and safely handled 4,647 prisoner escorts between secure custody facilities and the Provincial Courts in St. John's.

On a daily basis there are seven Deputy Sheriffs and one Deputy Sheriff Supervisor assigned to the Holding Cells, which are equipped with eight cells monitored by CCTV. There are two segregated interview rooms for lawyers and clients. There is a two-officer unit, which is responsible for the transportation of youth between NLYC and the Provincial Court. When this unit is not doing transports, they assume security roles in the Provincial Court as needed. Two Deputy Sheriffs sit on the Provincial Court Security Committee and participate in reviewing security procedures and protocols, as well as making recommendations on security improvements.



Deputy Sheriffs

Canadian Council of Chief Judges Semi-Annual Meeting

During the FY 03/04 the province of Newfoundland and Labrador and Chief Judge M. R. Reid hosted the semi-annual meeting of the Canadian Council of Chief Judges (CCCJ) which took place in St. John's from September 13-17, 2003.

The CCCJ is comprised of all Chief Judges and Associate Chief Judges of the Provincial and Territorial Courts in Canada. It meets twice a year on a rotating basis and has as part of its mandate establishment and promotion of uniform court standards and administration policy particularly as it affects access to justice in the administration of national laws.

More than 20 Chief Judges and Associate Chief Judges from all parts of Canada gathered at a local St. John's hotel where a hectic four-day agenda occupied their deliberations on those very topics.

Application of national laws such as the *Criminal Code*, *Controlled Drugs and Substances Act*, and *The Migratory Birds Convention Act, 1994*, to name only a few, accounts for more than 85% of the workload of Provincial Courts.

Apart from the business of considering court policy the occasion afforded a convenient opportunity for the Council to interface with other senior officers involved in the administration of justice in the province.



Staff of Gander Provincial Court
L-R: Mary Rose, Paula Brown, Cindy Oldford, Rita Pritchett, Judge G. Harding, Phoebe Broomfield and Judge D. Peddle

“Judging in the New Millennium” CAPCJ Annual Conference

Newfoundland and Labrador hosted the 30th annual conference of the Canadian Association of Provincial Court Judges from September 17 - 21, 2003, in St. John's. Coincidentally *the Association was founded in 1973 in St. John's and its first President was a Newfoundlander, Judge Lloyd W. Wicks, now retired.* Judge Wicks, who is now Chief Child and Youth Advocate for the Province of Newfoundland and Labrador, was guest speaker at the closing banquet.

The conference theme “Judging in the New Millennium” presented itself as a balance of serious issues and fun. The post “9/11” world was put into perspective by Gwynn Dyer, a Newfoundlander and renown columnist. The Anti-Terrorism Act was also discussed. In that context, the Honourable Ross Reid addressed the congress on the development of the rule of Law and Judicial Independence in Third World countries and emerging democracies.

Other topics included the enhancement of judicial skills in cases involving domestic violence and improving compliance with court orders. Other sessions included identifying and coping with stressors in the judicial environment.

Newfoundland and Labrador was delighted to entertain the 165 judges and 100 companions who attended Conference 2003. Social highlights included a reception at Government House, hosted by Chief Justice Clyde Wells, on behalf of The Honourable Edward Roberts, Lieutenant Governor; a trip aboard the Scademia, the President's Reception held at the Majestic Theatre, followed by a dinner and cabaret presented by Spirit of Newfoundland Production; a tour of the Geo Centre, Newfoundland Hospitality Night, with entertainment by “Buddy Wassisname and the Other Fellows”, and a closing dinner with entertainment by the Newfoundland and Labrador Youth Symphony Choir.

“A DAY IN THE PROVINCIAL COURT cont'd” “Multi-tasking - a Must in All Court Centres”

At 3 p.m. Court Administrator Geraldine Smith of the Placentia Court is preparing the month end reports. A witness comes to the counter with receipts in hand looking for reimbursement of expenses. As Court Clerk, Glenys Walters is still in Court with Judge G. Barnable, who has several impaired charges on his docket, Ms. Smith prepares the cheque. Just as the witness is leaving, paperwork comes out of the court requiring a fine order, probation, prohibition order and warrant of committal to be done. She sees to these orders right away as an RCMP officer is waiting on them to escort a man to Her Majesty's Penitentiary in St. John's.

Geraldine then completes the updating into the automated court system, PCIS. She then checks the concluded docket. After the docket is checked, verified and created, she attempts to prepare the bank deposit when a lady appears at the counter requesting Small Claims information. The procedure and costs are explained to her and once satisfied with the information received, the lady leaves with a Statement of Claim form in hand.

Just before 4:30 P.M., court concludes for the day and Glenys is able to help Geraldine finish up the paperwork. The bank deposit is completed and the month end PCIS, CCMS and Quatro Pro reports are printed. These reports are put aside, where they will be checked for completeness and accuracy the next day.

During 2003/04 Placentia conducted 50 circuits to Whitbourne and 13 to St. Mary's for a total circuit expenditure of \$10,800.

Continued on Page 33

Local Judge Becomes National President

At 7:55 a.m. each weekday morning, the **Honourable Judge Robert Hyslop** is seated before his computer checking e-mails. He gets up at 5:30 a.m., runs seven miles preparing for his next marathon and shares coffee with his YM/YWCA running partners. Some time before his first in-court appearance, he scans one local and two national newspapers, carefully reading any article remotely related to his work as a judge or as a national officer of Canadian Association of Provincial Court Judges (CAPCJ). His days predictably begin in the same disciplined pattern.

The CAPCJ's rotating presidency begins with the annual National Education Seminar and Conference in the incoming president's home province. This opening presidential event often suggests much about the style, approach and management skills of the new CAPCJ President. This year's conference and Judge Hyslop's term as National President of the Canadian Association of Provincial Court Judges began in September 2003 during the annual meeting hosted in St. John's.

Bob Hyslop is issue-oriented, but also action-based. Since assuming office, he has already participated in the successful restoration of the \$100,000 federal grant which he describes as "the bone marrow" of the CAPCJ. He successfully brought forward a one-time surcharge to the Alberta Judges Meetings to fund ongoing litigation that threatens the Judicial Tribunal Process. In addition, he has instituted a "Presidential Commendation Certificate" to recognize the

national contribution of members. Judge Hyslop reports that he has had a very busy year visiting all Provincial Judges Associations and keeping everyone up to date on new initiatives, current legislative amendments, and just doing the daily business of the Association. One of the main preoccupations of the Association has been Judicial Independence and the Intervention by CAPCJ in significant litigation on this critical point before the Supreme Court of Canada.

Of major national significance is the study done under the auspices of Professor Peter McCormick of Lethbridge University on the relations of Provincial Governments to Provincial Courts, the development of the Office of Chief Judge and its interface with both governments and puisne judges. This paper is now being translated and will soon be published.

Robert Hyslop was born in New Brunswick and received his early and secondary education there. He won and kept a four year renewable scholarship to King's College. Upon graduation, he pursued a Master of Arts in history at Dalhousie University. While at King's College, he enrolled in the University Reserve Training Program. He was commissioned as a pilot officer in the RCAF and served as lieutenant at CFB Halifax during 1969-70. He entered Dalhousie Law School in 1970 and graduated in 1973. He articulated with Peter Green, Q.C. and was admitted to the Bar of Nova Scotia in 1973.

In 1974, Robert Hyslop married Marie Kavanagh of Newfoundland, and began



his career in Newfoundland and Labrador in 1975 where he articulated with the Deputy Minister of Justice, Vincent McCarthy, Q.C.

By 1981, he was the Assistant Director of Public Prosecutions and then in 1985, he was appointed Director of Public Prosecutions and Associate Deputy Attorney General. In 1988 he received his Q.C.

Appointed Judge of the Provincial Court in 1989, Honourable Judge Robert Hyslop served as judge both in Gander and St. Johns. He also continued his military involvement and was appointed Lieutenant Commander in the Navy in 1986, and Commander in 1994 when he accepted a concurrent appointment with his provincial court duties as a Military Trial Judge.

Judge Hyslop's careful decisions are reported with frequency in Quick Law and have been cited nationally by other judges. His work as a generalist has included assignments to youth court, small claims and criminal trials where he is regarded as a careful, fair, considerate, informed judge.

The CAPCJ has a distinguished, focused leader at the helm. Disciplined and careful action will surely characterize the term of Honourable Judge Robert Hyslop as president.



Presentation by Chief Judge M. R. Reid, Pamela Ryder Lahey and Louise Daley to Judges and Staff of Clarenville and Grand Bank Courts

Opportunities and Challenges Facing the Court

The Provincial Court of Newfoundland and Labrador will maintain as the number one priority the planning and implementation of caseflow objectives. Data extrapolation from the new IPCIS will provide timely statistics so the Court can better manage its active caseload. The adoption of Rules to govern the conduct of criminal cases will also strengthen active caseflow management.

The Provincial Court recognizes the need for additional resources particularly at the front line service levels. Continued effort will be expended at actively obtaining these resources.

The issue of providing security to all courts outside St. John's is a significant one and remains a priority of the Court.

Dialogue with the office of the High Sheriff will continue with a view to determining how security provision to all courts can be accomplished.

The Court will undertake a comprehensive analysis and review of circuits with a view to responding to ongoing significant demographic changes. However, the Court remains committed to access to justice for citizens of Newfoundland and Labrador.

The Court will further exploit the value and application of video conferencing with a view to expanded use for remote locations.

“A DAY IN THE PROVINCIAL COURT cont'd” “A Day on the Northern Peninsula”

It's Sunday morning. Court Clerk Madonna Vaters, Corner Brook, has been watching the weather in anticipation of the seven hour drive to St. Anthony for the monthly circuit. The morning is clear so far, but the forecast for the Peninsula is calling for light winds and snow flurries. The trip is safely completed by 5:30 p.m. and she checks into her hotel room, goes to supper and settles down for the evening with snow flurries turning into a blizzard.

The next morning she digs out her vehicle at 8:30 a.m. and makes her way to the Courthouse where she takes the recording equipment, forms, and Court Informations from her car to the building and begins setting up. At 9:15 a.m. Judge Luther arrives and it is time to begin calling each case.

One person is given a conditional sentence and another case begins. As a new case proceeds, Madonna seizes the opportunity to prepare the orders from the previous case so she can serve the order on the person now waiting to sign them. On these circuits, the Court Clerk is the sole staff member and does not have the convenience of a computer, fax machine, and sometimes even a telephone. Therefore, these orders and other related documentation must be prepared manually as the Judge proceeds to hear another case or a recess is declared. Oftentimes, court continues through lunch and even into the evening to complete the necessary work that must be done. After an exhausting day the judge, court clerk and other members of the traveling court circuit crash in the hotel or in some instances gather their things and continue to the next circuit location, hoping to beat any weather and make it to the next location where the same process begins. This is all in a day on the Northern Peninsula.

During FY 03/04 there were 63 circuit days spent on the Northern Peninsula.

Successful Strategic Planning

Objectives Completed - FY 2003-04

Strengthen Internal and External Communication

- ✓ Enhanced communication with the Dept. of Justice by preparing and presenting an Annual Report to the Minister on activities and priorities of the Provincial Court; and preparing and presenting a Mid-year Progress Report including priorities for the next fiscal year.
- ✓ Produced a quarterly Newsletter
- ✓ Developed a Public Education Program by continuing the “Taking the Courthouse to the Schoolroom Program”.
- ✓ Improved our Internal Communication Program by annual Court visits by the Director.
- ✓ Monthly staff meetings were held at each court centre and minutes forwarded to the Director.
- ✓ Developed and implemented a bi-annual employee opinion survey; prepared analysis and reported on actions required.
- ✓ Developed and implemented an annual opinion survey for relevant external stakeholders.
- ✓ Developed an Employee Information Guide.

Technology/Facilities Requirements

- ✓ Digital Recording Equipment Implemented
- ✓ Redesigned the Case Management Tracking System to support active Caseflow Management throughout the Provincial Court system.
- ✓ Completed province-wide access requirement to PCIS to partners in Justice.
- ✓ Happy Valley-Goose Bay renovated existing building to provide a second courtroom and judge’s chambers, and improved staff and public space by introducing court security components.
- ✓ Renovations completed in Clarenville.

Judge D. S. Luther



Administrative Improvements

- ✓ Continued the introduction throughout the Provincial Court of a full Caseload Management System, including the processes and procedures to actively manage our caseload.
- ✓ Completed the updating phase of the Criminal History Database.
- ✓ Developed a flow chart and timelines for transcript management and include in the P&P Manual.
- ✓ Developed and prioritized a three year Capital Improvement Budget for the Provincial Court.
- ✓ Aligned budget process with Strategic Plan priorities with a view to being able to achieve reasonable continuous improvement.
- ✓ Developed a dress code for staff who are assigned to the courtroom.
- ✓ Conducted an annual review of circuit court system to determine its overall effectiveness.



Presentation at Grand Falls-Windsor Court

Human Resource Development

- ✓ Review the organizational model with a view to strengthening the administration and equitable distribution of responsibility for Human Resource issues.
- ✓ Develop a staff recognition program based on service, performance, and volunteerism.

Court Performance Standards

- ✓ Collected and reviewed Caseload Information to establish past and current performance levels
- ✓ Revised Case Management database format to ensure it captures essential case statistics.



Toni Byrne
Co-op Student - Gonzaga High School

Recognizing Contribution and Commitment

Dozens of people, working together, have made the accomplishments of 2003/04 possible. They are court staff, judges and partners in justice. Their efforts have been invaluable to the progress of the Provincial Court of Newfoundland and Labrador and of justice in the province.

Strategic Management Steering Committee (SMSC)

Chief Judge M. R. Reid
Judge C. Flynn
Judge H. Porter
Pamela Ryder Lahey
Louise Daley
Vince Withers (Private Citizen)
Bob Mavin
Shelley Organ

Workplace Improvement Committee

Shelley Organ Anne Donnelly
Christine Care Cynthia Thorne
Joanne Spurrell

Mediation Committee

Judge D. Orr Christine Care
Frank O'Brien (Law Society)

Small Claims Rules Committee

Chief Judge M. R. Reid
Judge D. Orr
Mary Mandville (Dept. of Justice)
Toby McDonald (Law Society)

Family Rules Committee

Chief Judge M. R. Reid
Judge Kymil Howe
Justice R. Leblanc
Judge K. Allen-Westby
Robert Mavin
Donald Gallant (private bar)
Lynn Cole (Legal Aid)
Susan Gallant (private bar)
Riley Adams (private bar)
Suzan Hartley
Erica Perry

Employee Recognition

The Public Service Awards of Excellence were given out on April 9, 2003. Employees of the Provincial Court, Supreme Court and Office of the High Sheriff, St. John's, received nominations for the following:

“Russian Study Tour Organizing Committee”

Members: Christine Care, Anna Warford, Marilyn Warren, Berkley Reynolds (Supreme Court) and Gerard Tilley (Deputy Sheriff).

“Taking the Courthouse to the Schoolroom”

Members: Pamela Ryder Lahey, Chantal Walsh, Dolores Hutton, Christine Care, and Dayna Wicks.

Caseflow Management Committee

Judge J. Woodrow
Pamela Ryder Lahey
Chief Judge M. R. Reid
Shelley Organ
Judge T. Chalker (Grand Falls)
Judge H. Porter (Grand Bank)
Randy Piercey (Law Society)
Dennis McKay (Legal Aid)
Tom Mills (Crown)
Staff Sgt. Broaders (RCMP)
Chief Supt. W. A. Smith (RCMP)
Chief Supt. Wayne Smith (RNC)
Pam Thomas (Victim Services)
Wayne Payne (Adult Corrections)
Mike Madden (Federal Crown)
Herb Maddox (Youth Corrections)
Marilyn Warren
Louise Daley

IPCIS

Chief Judge M. R. Reid
Judge G. Brown
Pamela Ryder Lahey
Colin Tibbo (Dept. of Justice)
Dolores Hutton
Jim Quilty (Developer)
Sean Dawe (Dept. of Justice)
Natalie Templeman (Dept. of Justice)
Louise Daley

Webpage Committee

Chief Judge M. R. Reid
Judge G. Brown
Pamela Ryder Lahey
Sean Dawe (Dept. of Justice)

Court Security Committee

Louise Daley Chris O'Neil
Anne Donnelly Keith Frost
Dayna Wicks Judy Blake
Deborah Lemoine

Taking the Courthouse to the Schoolroom Committee

Judge G. Brown Sam Martin (Teacher)
Judge D. Power Scott Learning (Teacher)
Christine Care Connie Winter (Teacher)
Dolores Hutton Mike Hipditch (Teacher)
Dayna Wicks Anna Warford
Chantal Walsh Pamela Ryder Lahey

Policy and Procedure Committee

Pamela Ryder Lahey
Louise Daley
Shelley Organ
Bob Mavin
Christine Care
Anna Warford

Social Club Committee (St. John's)

Shelley Organ
Anne Donnelly
Susie Fewer
Dayna Wicks
Christine Care
Pam Penton



Judge J. Woodrow
Senior Coordinating Judge



Denise Wade and Maureen Quinn
Court Clerks



Judge J. Igloliorte

Court Service Milestones

as of March 31 2004

35+ Years

Mary Butt 36 years

30+ Years

Judge J. Woodrow 31 years

25+ Years

Judge G. Barnable 29 years
 Judge D. Luther 29 years
 Judge D. Peddle 29 years
 Phoebe Broomfield 29 years
 Geraldine Smith 29 years
 Chief Judge Reid 28 years
 Judge R. Smith 28 years
 Florence Tucker 28 years
 Marilyn McGrath 28 years
 Gwen Halliday 27 years
 Judge R. Whiffen 26 years
 Lynn Ruth 26 years
 Sandra Wheeler 26 years
 Mary Rose 25 years
 Denise Wade 25 years

20+ Years

Judge W. Baker 24 years
 Judge J. Igloliorte 23 years
 Pamela Ryder Lahey 23 years
 Rita Pritchett 23 years
 Lucy Dominaux 22 years
 Dolores Hutton 22 years
 Michelle Cook 22 years
 Bernice Brown 21 years
 Judy Blake 20 years
 Elaine Mayo 20 years



Small Claims/Traffic Staff
St. John's



Gwen Halliday - Court Administrator
St. John's



Criminal Division Staff
St. John's

Contacts with the Courts



For more information about the Provincial Court of Newfoundland and Labrador, visit our website at www.gov.nl.ca/just/Provincial_court. You will find detailed information to help answer some of your questions.

Office of the Chief Judge

Box 68, 215 Water Street
St. John's, NL A1C 6C9
(709)729-7399

Court Services Division

Box 68, 215 Water Street
St. John's, NL A1C 6C9
(709)729-1004, Opt. 5

Clarenville

47 Marine Drive
Clarenville, NL A5A 1M5
(709)466-2635

Corner Brook

P.O. Box 2006
Corner Brook, NL
A2H 6J8
(709)637-2414

Gander

P.O. Box 2222
Gander, NL A1V 2N9
(709)256-1100

Grand Bank

P.O. Box 339
Grand Bank, NL A0E 1W0
(709)832-1450

Grand Falls

Law Courts Building
Grand Falls, NL A2A 1W9
(709)292-4212

Harbour Grace

P.O. Box 519
Harbour Grace, NL
A0A 2M0
(709)596-6141

Placentia

P.O. Box 369
Placentia, NL A0B 2Y0
(709)227-2002

Springdale

P.O. Box 700
Springdale, NL A0J 1T0
(709)673-5050

Stephenville

35 Alabama Drive
Stephenville, NL A2N 3K9
(709)643-2966

Wabush

P.O. Box 1060
Wabush, NL
A0R 1B0
(709)282-6617

