

The  
*Law Courts*  
of Newfoundland and Labrador



*Provincial Court*

# **Annual Report 2006-07**

email: [inquiries@provincial.court.nl.ca](mailto:inquiries@provincial.court.nl.ca)

**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**

*April 2008*

*The Honourable Jerome Kennedy*  
*Minister of Justice*  
*Department of Justice, 4th Floor East Block*  
*Confederation Building*  
*P.O. Box 8700, St. John's, NL*  
*A1B 4J6*

*Dear Minister:*

*It is my pleasure, as Chief Judge, to present to you the 2006/2007 Annual Report of the Provincial Court of Newfoundland and Labrador. As in previous years, this report provides comprehensive coverage of the past year's activities and achievements.*

*A few examples of these activities aimed at better preparing the court to service the public are worthy of note. Our three-year strategic plan has been finalized. That plan sets a number of goals and will serve as a blueprint for their accomplishment.*

*Our Mental Health Court, although still termed a pilot project, has proven to be a success and continues to provide a valuable service for a very vulnerable sector of society.*

*The education program in Court Administration conducted in conjunction with Memorial University's Centre for Life-Long Learning is providing dividends in professionalizing our court staff, virtually all of whom are women.*

*Continuing education for both judges and staff will be a concern into the future as the pace of change in the law and the demand for improved service increases.*

*At present our caseload remains relatively stable and should do so for the next fiscal year.*

*Yours sincerely,*

A handwritten signature in ink, appearing to read 'M. R. Reid'.

*M. R. Reid*  
*Chief Judge*

*MRR/amw*  
*Encl.*

**MESSAGE FROM THE CHIEF JUDGE**

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# 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 service 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.

# 2006/07: A YEAR IN REVIEW

by: Pamela Ryder Lahey



*"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 service to the public."*

2006-07 saw the successful continuation of the Provincial Court's mission. It is as accurate today as it was when it was developed in 1997. In addition to the regular work of the Court, a number of initiatives that began in previous years continued in 2006/07: Mental Health Court, Small Claims Mediation, Lunch with a Judge Program and ongoing staff committees working on specific projects. A number of Provincial Court judges continued to participate on committees of the Canadian Association of Provincial Court Judges.

## **Caseload**

In 2006/07 the Court processed 26,486 adult, youth, family, and civil cases. These cases generated 108,219 courtroom appearances. Every court appearance generated work for judges, registry and courtroom staff. On average it is taking 4.52 appearances to get a disposition in adult criminal matters. For youth matters there is an average of 3.59 appearances to disposition. In addition, 133,777 Summary Offence Tickets were processed with 1,293 of these proceeding to trial.

## **Family Justice Services Division**

The introduction of an expanded, province-wide Family Justice Services has improved the access to family-law related services required for disposition in family matters. The revised Provincial Court Rules (March 2007) have made referral to FJSD automatic on filing a family matter with the Court. FJSD is broken down into four regions and has staff with varied backgrounds such as social work, counselling and law.

## **E-Filing**

In 06/07 the Courts E-filing initiative began. By March 31, 2007, documentation of Small Claims business processes was nearly complete. It was decided that Small Claims would be the most appropriate business line of the court to benefit from e-filing. The design stage will follow in 2007/08, followed by testing and implementation, which will take up to 2008/09.

## **Website**

The Provincial Court's expanded website provides a section for staff and judges only, which is password protected. The Court is reviewing all its policies and procedures. As they are reviewed and approved, they are placed on the password-protected page of the website. This enables online and immediate access to P&P's by court staff. A significant milestone occurred in May 2007 when the court website became bilingual.

## **Testimonial Aids**

The introduction of closed circuit TV in both the St. John's and Stephenville courts have helped to improve the experience of vulnerable witnesses within these courts. A four-year plan exists to provide this functionality to other court centres

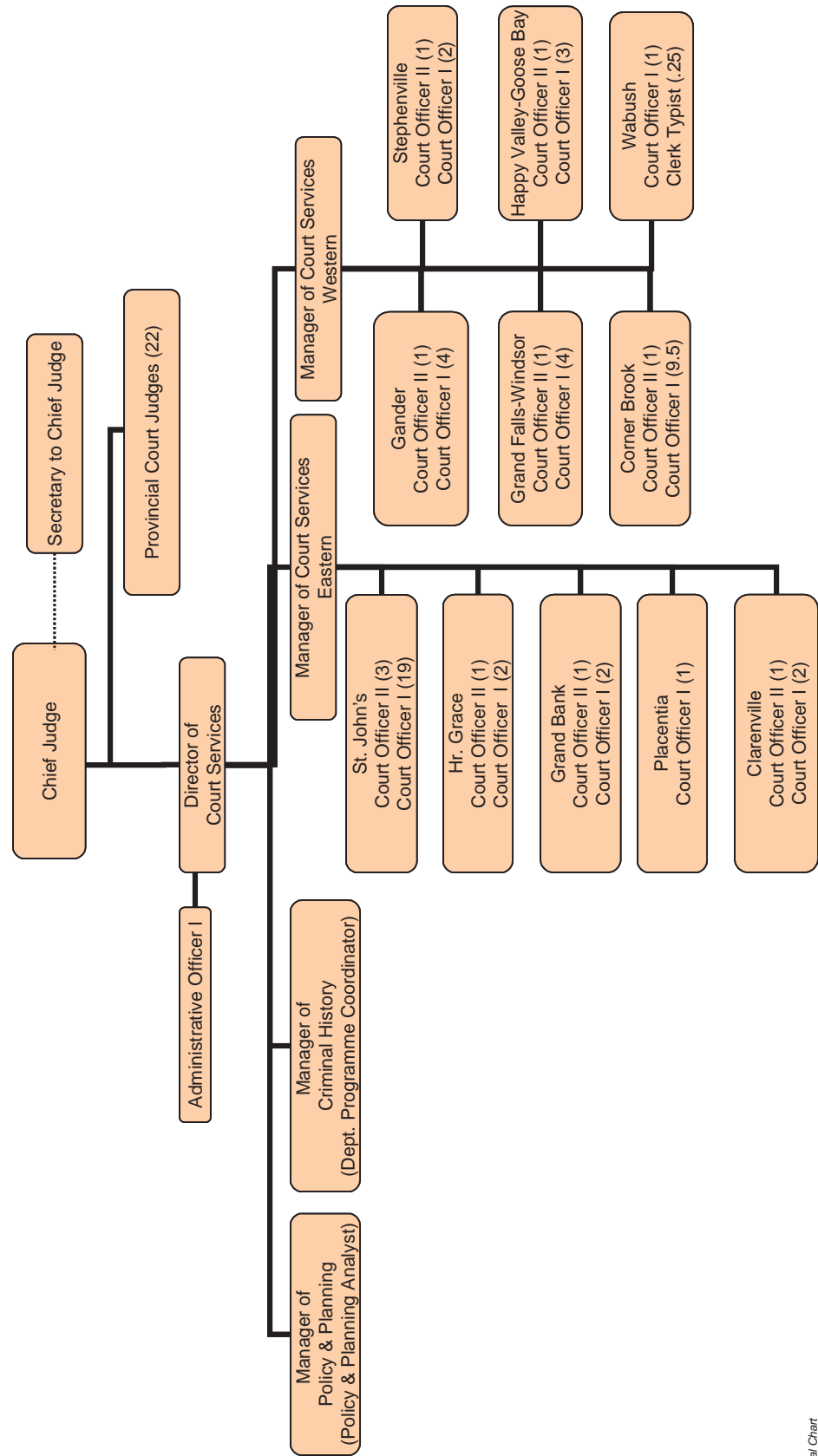
## **Staff Development and Training**

The Court was again committed to providing excellent service. The on-going partnership with Memorial University in the *Certificate in Court Administration Program* has been an impetus upon which to build on the professionalism of staff. In addition, a number of staff participated in other training opportunities offered by public and private institutions, government, and, attendance at court-specific conferences.

Staff and judges of the Provincial Court are dedicated and committed to the Court's mission and values. Through their collective work, they exemplify the Court's vision. And it is to them that we owe our gratitude and thanks.



# Provincial Court of Newfoundland and Labrador Organizational Chart



File: Power Point  
 P.C. Organizational Chart  
 March 2007

## ORGANIZATIONAL STRUCTURE



## ORGANIZATIONAL STRUCTURE AND STAFFING LEVELS

Presently, the Provincial Court of Newfoundland and Labrador consists of 23 judges (4 female and 19 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.

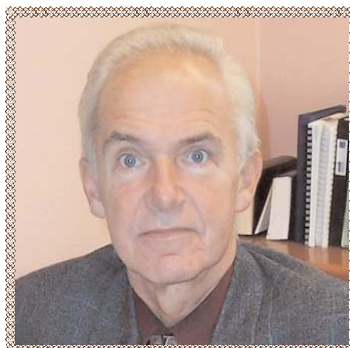
The Provincial Court has a complement of 61 permanent and several temporary staff. Of this number, 4 are management positions including the secretary to the Chief Judge. In judicial matters court staff are under the direction of the judges. But in all non-judicial matters they are directed by the Director of Court Services through the two Regional Managers. Each court center, with the exception of St. John's, which has Divisional Court Administrators, 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.

The Manager of Court Services, Eastern (a non-union position) is responsible for over seeing the operation of five court centres including St. John's. In St. John's the Manager also serves as head of administration of that 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 six court centres that comprise the Western Region (including both Labrador court centres).

Staffing in the Provincial Court of Newfoundland and Labrador is predominantly filled by females, as there is only one male employee. Staff positions include Court Officers, Court Administrators, Administrative Officer I, Secretary of the Chief Judge, Policy Analyst, Departmental Program Coordinator, two Managers and a Director.



Judges



Managers



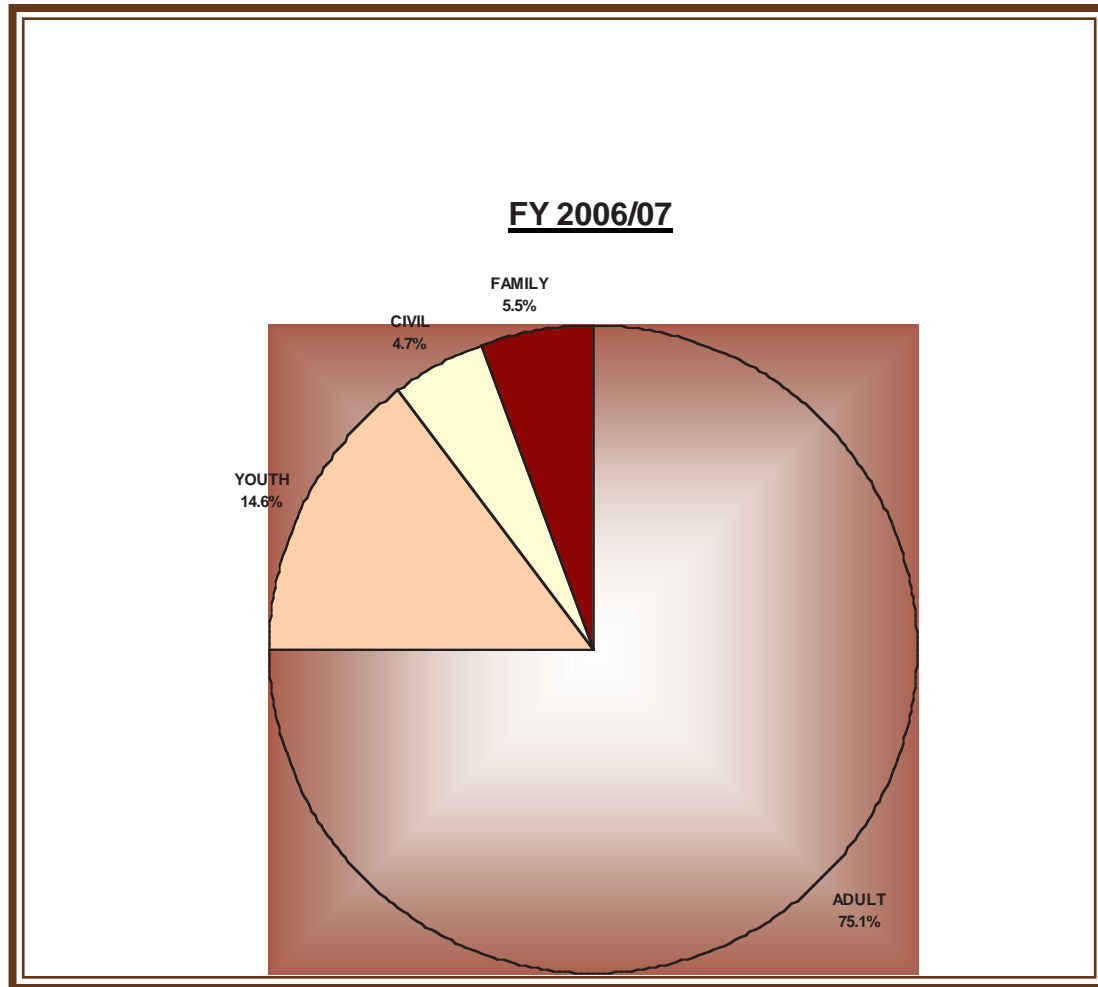
Court Administrators



Court Officers



## LINES OF BUSINESS



## LINES OF BUSINESS

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

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

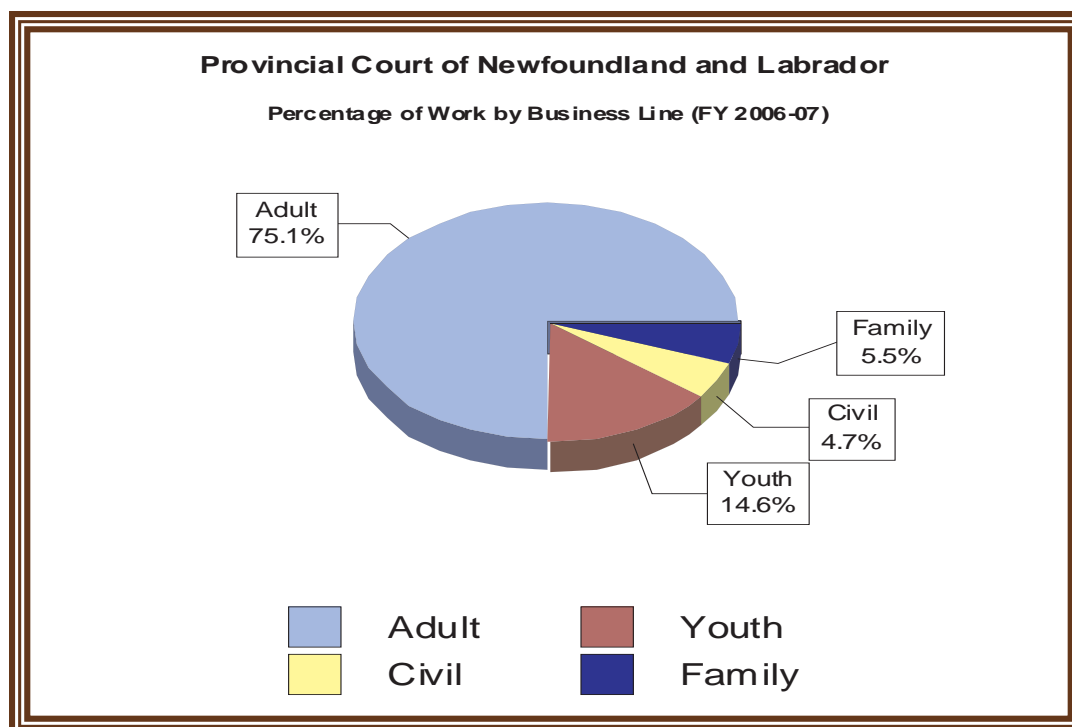
**YOUTH:** the Court hears all criminal matters involving young offenders.

**TRAFFIC:** all highway traffic matters

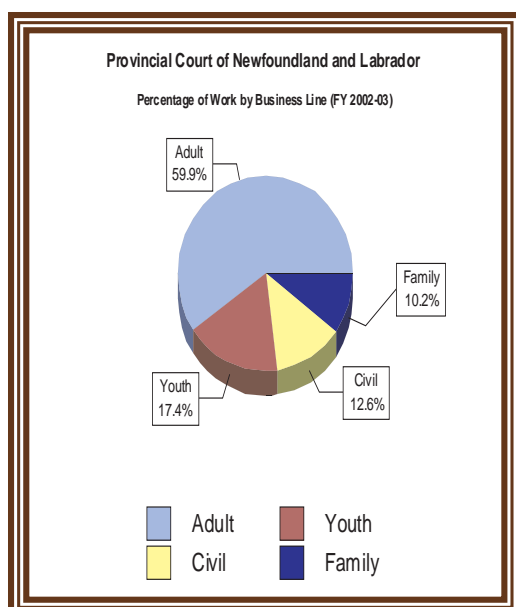
**CIVIL:** all civil actions where the amount does not exceed \$5,000. The court has no jurisdiction over cases in which title to land is brought into question or malicious prosecution, false imprisonment and defamation, or against a justice or other public official for anything done while executing 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. Family Justice Services Division, a division of both Provincial and Supreme Courts, provides parent education sessions, mediation and counselling, to all family applications filed in either level of court.

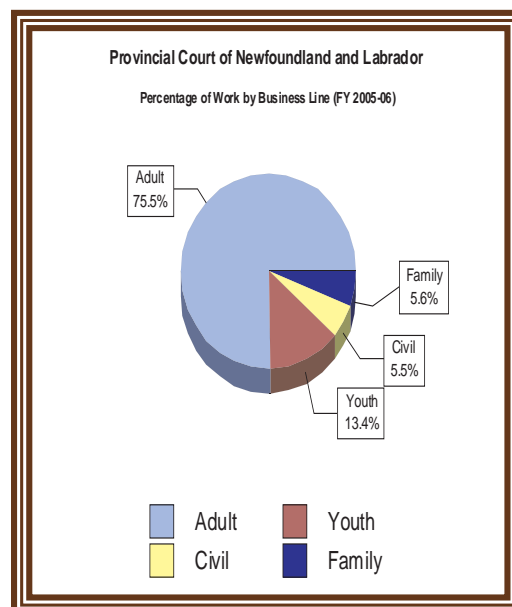
FY 2006-07



FY 2002-03



FY 2005-06



# COMBINED CASELOAD STATISTICS

FY 2006-07

Court Centre	Total Adult	Total Youth	New Civil	New Family	Total Cases
Clareville	783	105	84	32	1004
Corner Brook	2239	553	118	388	3298
Gander	1102	185	78	162	1527
Grand Bank	767	93	54	65	979
Grand Falls-Windsor	992	207	96	218	1513
H. V. Goose Bay	2311	473	43	298	3125
Hr. Grace	787	182	52	94	1115
Placentia	238	19	5	15	277
Stephenville	1265	370	45	35	1715
St. John's	9089	1603	659	0	11351
Wabush	316	82	22	162	582
<b>OVERALL TOTAL</b>	<b>19,889</b>	<b>3,872</b>	<b>1,256</b>	<b>1,469</b>	<b>26,486</b>

Statistical data is extracted from the Provincial Court Information System, Civil Case Management System, Family Case Management System, and monthly reports submitted by the Courts to Court Services.

In terms of total caseload numbers there were 26,486 cases initiated in 2006/07 compared to 27,076 during the previous year. An overall decline of 2.2%, i.e. a difference of 590 fewer cases.

## CHANGES FROM THE PREVIOUS YEAR:

The above Table provides the detailed case numbers for each of the individual court centres. If one examines the 2006/2007 figures in contrast to 2005/2006, a decline of 2.2% has occurred with respect to total caseload. The decrease in total caseload is largely the result of a decrease in Civil (-15.6%), Family (-3.7%) and Adult Criminal (-2.7%) cases. Surprisingly, youth caseload showed a significant increase (+7.1%) over the previous year. This is the first time since 2001/2002 that youth caseload has increased. The introduction of the Youth Criminal Justice Act (2002-03), which offered police alternatives to the laying of charges, coincided with significantly fewer youth appearing in Provincial Court. This makes the increase in youth caseload for 2006/2007 somewhat perplexing.

In terms of total caseload for individual court centres compared to the previous year (2005/2006) the following three court centres experienced an increase in caseload: Wabush (+55.2%); Happy Valley-Goose Bay (+26.5%); and Harbour Grace (+3.0%). The significant increases experienced by the Labrador courts when examined in more detail reveal that Happy Valley-Goose Bay's Adult Criminal caseload increased by 448 cases or 24.0%, Family caseload increased by 92 cases or 44.7%, and Youth caseload increased by 121 cases or 34.4%. Only civil cases in Happy Valley-Goose Bay declined by 6 cases or 12.2%. With respect to Wabush, caseload increased by 207 cases or 55.5%. The increase was largely due to increases in Adult Criminal, 92 cases or 41.1%, Family cases increased by 90.6% or 77, cases and Youth cases increased by 90.7% or 39 cases. Meanwhile Wabush's civil caseload decreased by just one case, 4.5%. Harbour Grace's increase in caseload occurred for Youth 21 cases 12.3%; Adult Criminal 21 cases or 2.7%, and Family 11 cases 13.2%.

The remainder of the court centres experienced a decline. The decreases varied from (-6.3%) for Placentia, to a drop of just (-0.99%) for St. John's. For all the court centres that experienced a decline from the previous year, the decreases were the result of reductions in the Adult Criminal caseload. Grand

*\*Note: Additional statistical data is found in the Appendix.*

# STATISTICS

*cont'd*

Falls-Windsor was the only exception to this trend; it experienced a slight increase in Adult Criminal cases 37 cases or 3.8%. In terms of Youth caseload there was greater variation among these centres: half of the centres reported increases—St. John's, Corner Brook, Happy Valley-Goose Bay, Stephenville, Wabush, and Clarenville; while Gander, Grand Bank, Grand Falls-Windsor, and Placentia experienced decreases in Youth caseload. Civil cases also declined for most of these centres with the exception of Clarenville 17 cases or 25.4%, Grand Bank 2 cases (3.8%) and Stephenville 2 cases 4.7%. Family caseload showed a decline, with the exception of Gander which increased by 24 cases 17.4% and Placentia 2 cases or 15.4%.

## **FIVE YEAR TRENDS:**

The following graphs show general trends over a five-year period for the Provincial Court's business lines: adult, youth, civil, and family.

Over a five year period (2002/2003-2006/2007) the Provincial Court experienced a decline of 16.8% in its total caseload. In contrast, the Court's Adult Criminal caseload increased by 6.9% over this same period. The five-year decline in total caseload is primarily the result of a decrease in Family (-53.6%), Civil (-67.9%) and Youth (-28.2%) cases. The primary focus of the Provincial Court's work has changed significantly since 2002/2003, with greater focus on Adult Criminal and Youth cases. For example, in 2002/2003 Adult Criminal and Youth Cases combined accounted for 75.4% of the Court's total caseload. In 2006/2007 Adult Criminal and Youth Cases represented 90.0% of the Court's total caseload.

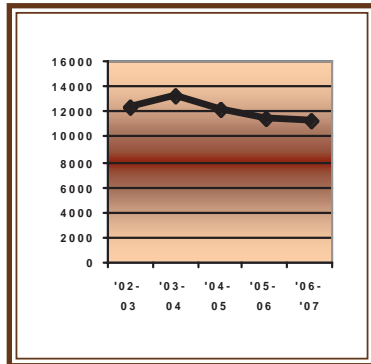
In general, adult, youth, and civil showed significant decreases, respectively). Family increased +7.8% and Summary Offence Ticket Trials were up +11%.

Total caseload in 2005/06 for Stephenville (+25.7), Corner Brook (+14.4%), Gander (+6.6%), and Harbour Grace (+0.7%) increased compared to the previous year. While Placentia (-41.0%), Wabush (-38%), Clarenville (-19.3%), Grand Falls-Windsor (-17.5%), Happy Valley-Goose Bay (-14.4%), Grand Bank (-10.6%) and St. John's (-5.8%) experienced a decline in caseload.

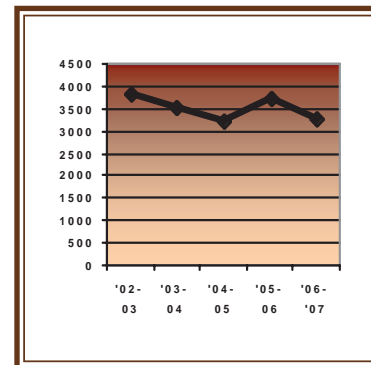


# TOTAL (CASES) for Last Five Years (2002-2007)

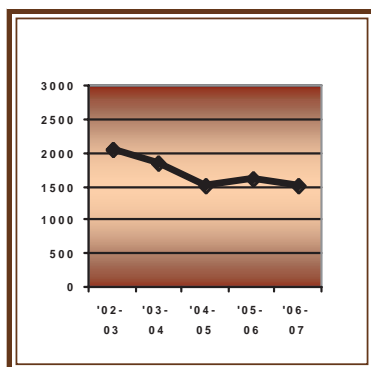
**ST. JOHN'S**



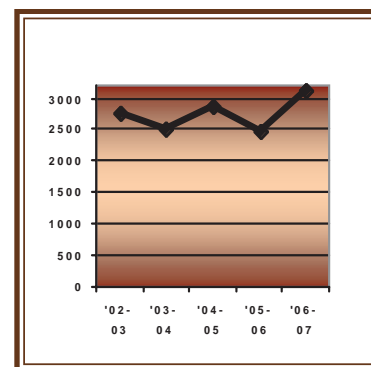
**CORNER BROOK**



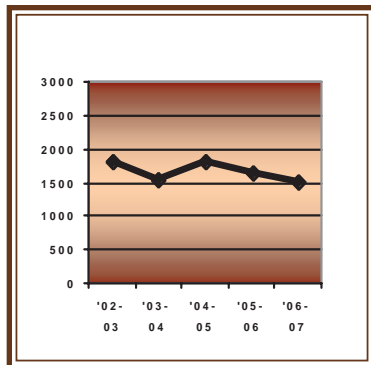
**GANDER**



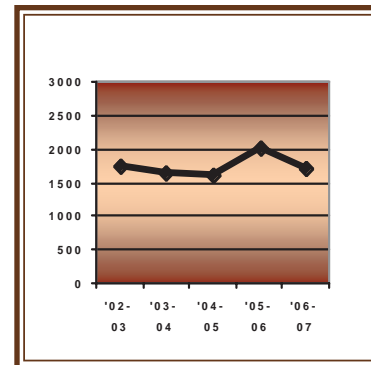
**HAPPY VALLEY-GOOSE BAY**



**GRAND FALLS-WINDSOR**



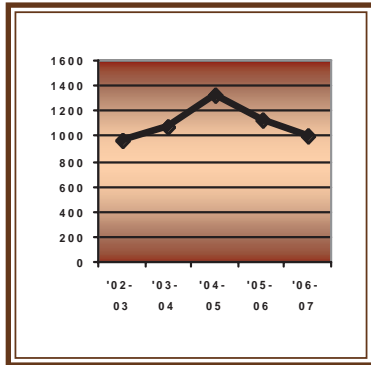
**STEPHENVILLE**



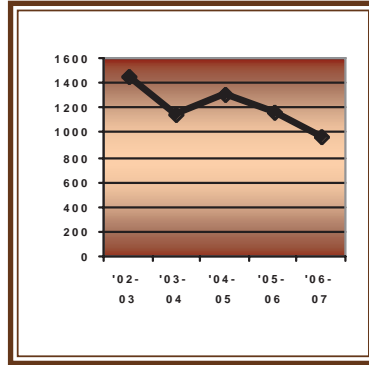
**STATISTICS**

# TOTAL (CASES) for Last Five Years (2002-2007)

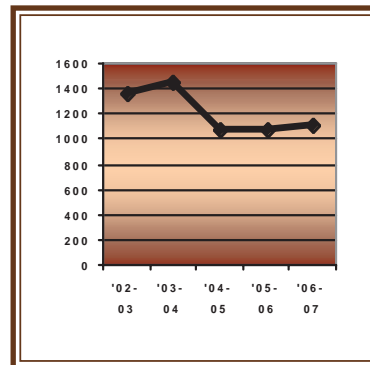
CLARENVILLE



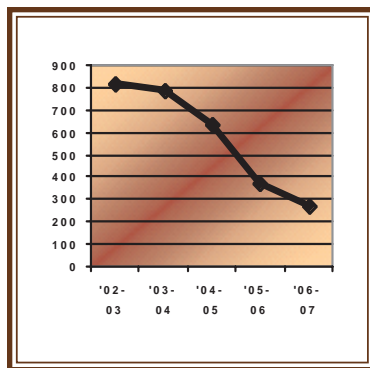
GRAND BANK



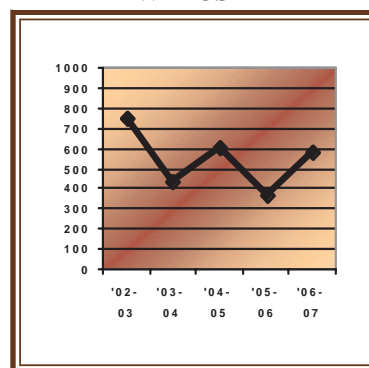
HARBOUR GRACE



PLACENTIA



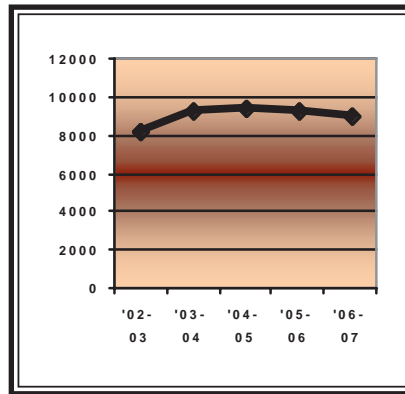
WABUSH



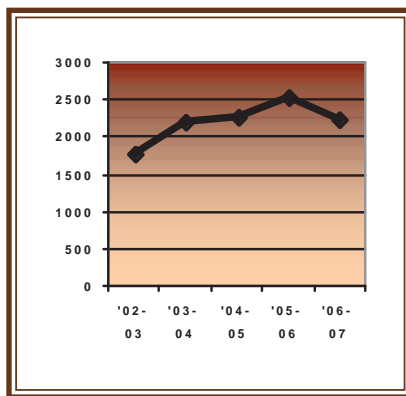


# TOTAL (ADULT CASES) for Last Five Years (2002-2007)

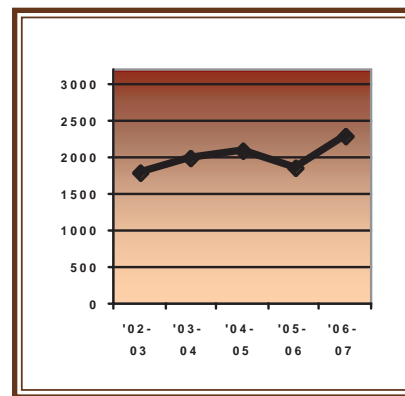
ST. JOHN'S



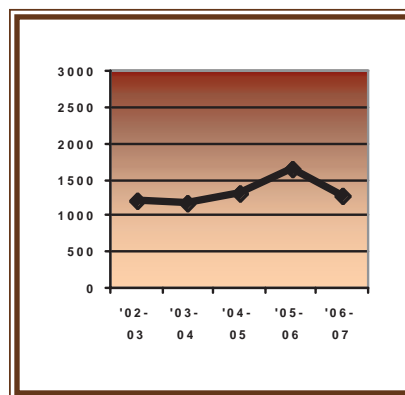
CORNER BROOK



H. V. GOOSE BAY



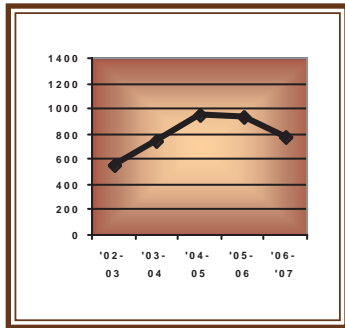
STEPHENVILLE



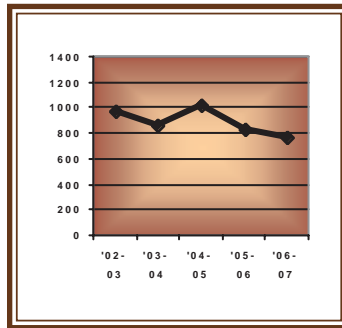
*\* NOTE: Vertical Scales vary for individual court centres*

# TOTAL (ADULT CASES) for Last Five Years (2002-2007)

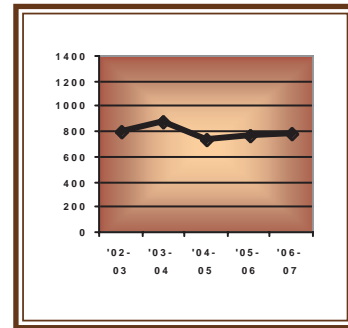
**CLARENVILLE**



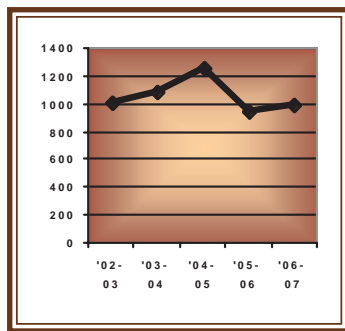
**GRAND BANK**



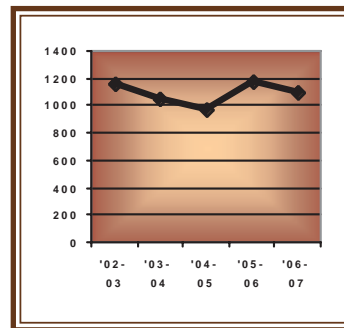
**HARBOUR GRACE**



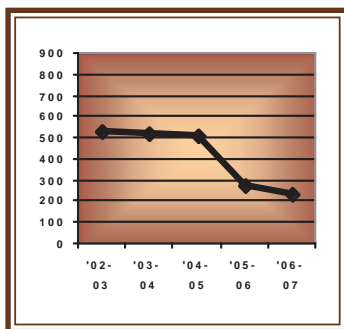
**GRAND FALLS-WINDSOR**



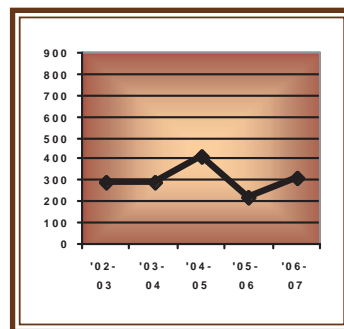
**GANDER**



**PLACENTIA**



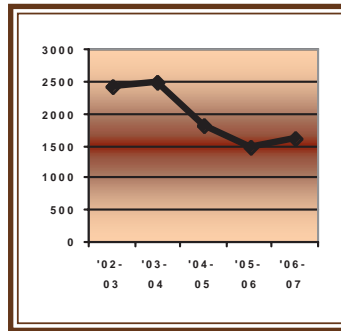
**WABUSH**



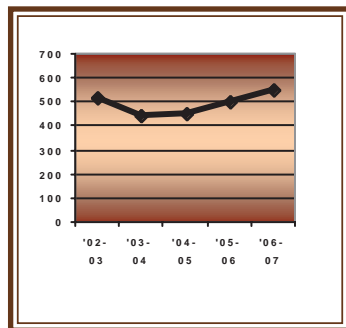
*\* NOTE: Vertical Scales vary for individual court centres.*

# TOTAL (YOUTH CASES) for Last Five Years (2002-2007)

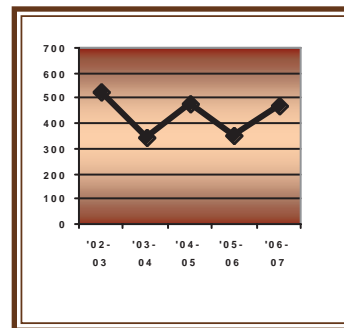
**ST. JOHN'S**



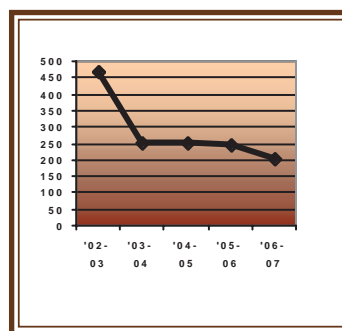
**CORNER BROOK**



**H.V. GOOSE BAY**



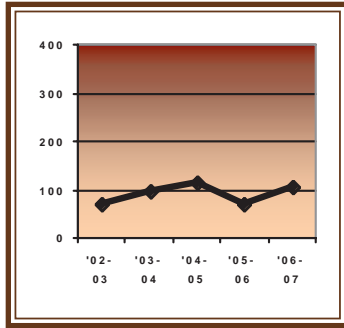
**GRAND FALLS-WINDSOR**



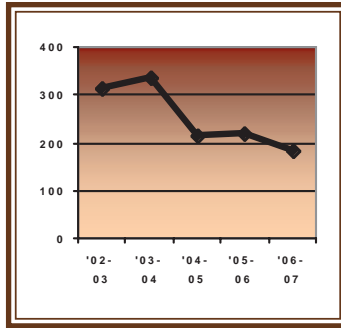
*\* NOTE: Vertical Scales vary for individual court centres.*

# TOTAL (YOUTH CASES) for Last Five Years (2002-2007)

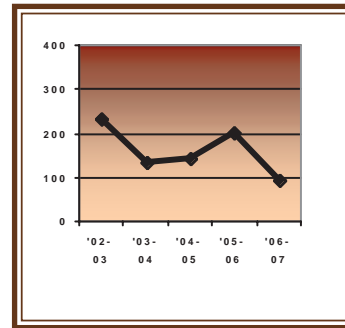
**CLARENVILLE**



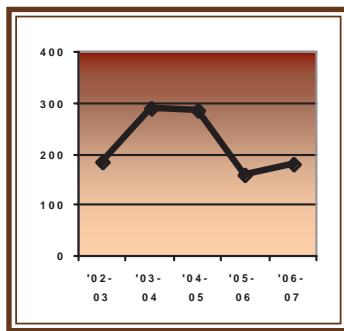
**GANDER**



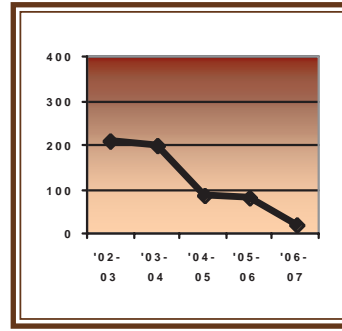
**GRAND BANK**



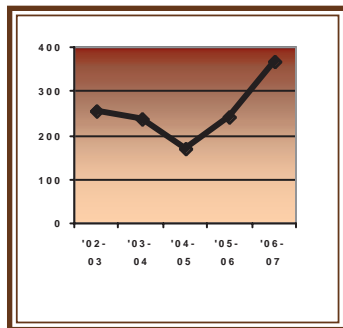
**HARBOUR GRACE**



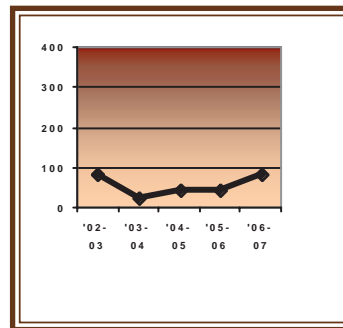
**PLACENTIA**



**STEPHENVILLE**



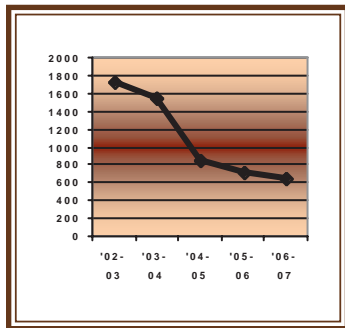
**WABUSH**



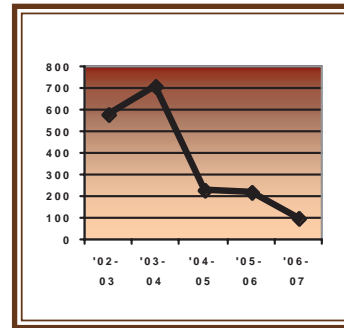
\* NOTE: Vertical Scales vary for individual court centres.

# TOTAL (CIVIL CASES) for Last Five Years (2002-2007)

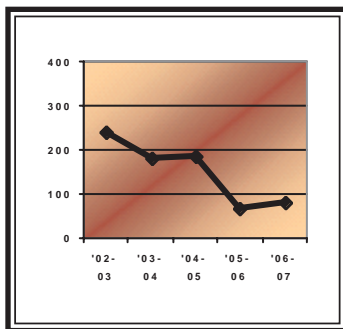
**ST. JOHN'S**



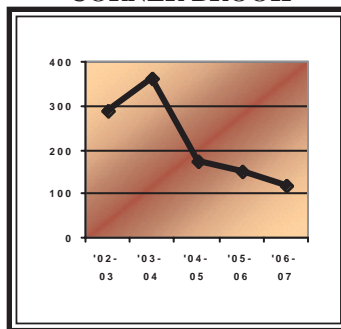
**GRAND FALLS-WINDSOR\***



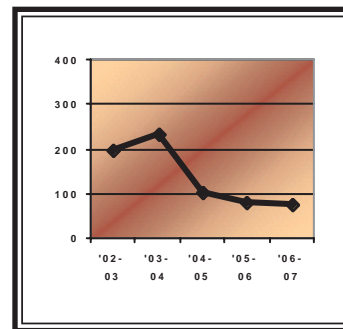
**CLARENVILLE**



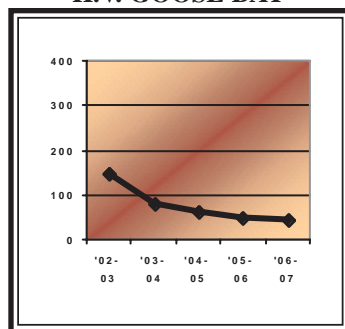
**CORNER BROOK**



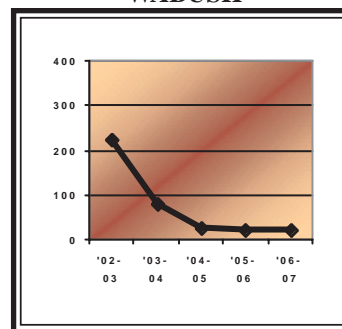
**GANDER**



**H.V. GOOSE BAY**



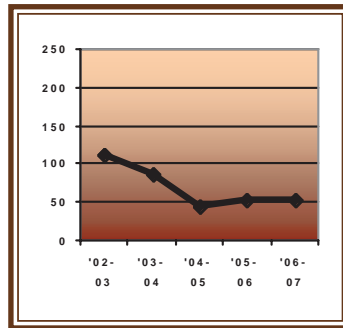
**WABUSH**



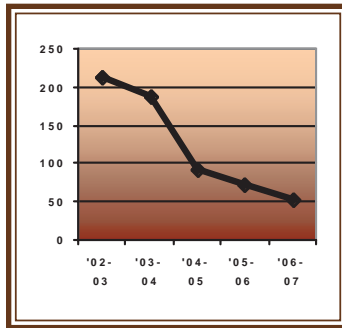
*\* Note: Springdale Court closed in August 2004, prior to this Small Claims for Grand Falls-Windsor were done by Springdale Court.*

# TOTAL (CIVIL CASES) for Last Five Years (2002-2007)

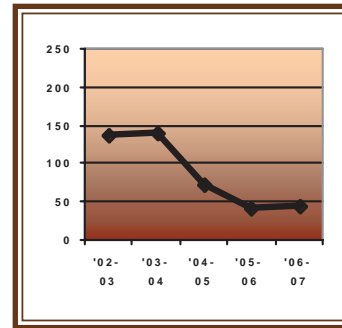
## GRAND BANK



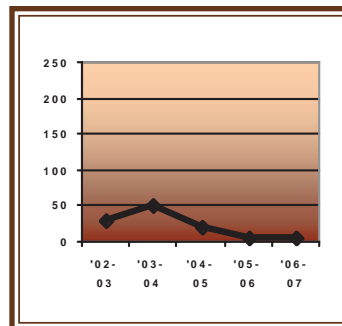
## HARBOUR GRACE



## STEPHENVILLE



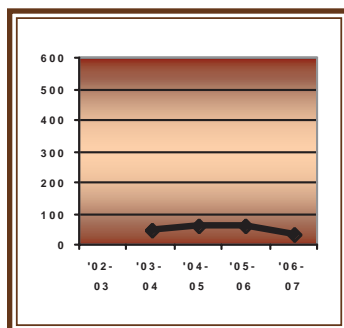
## PLACENTIA



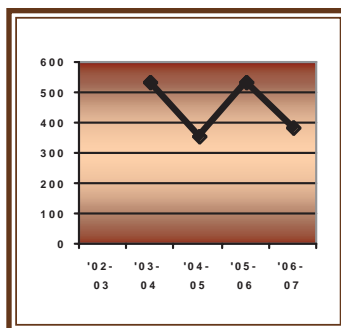


# TOTAL (FAMILY) CASES\* for Last Four Years (2003-07)

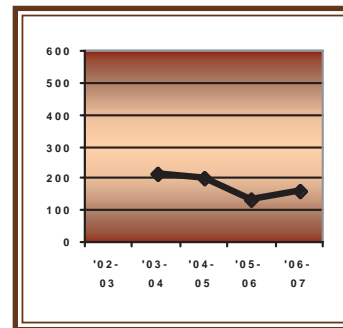
CLARENVILLE



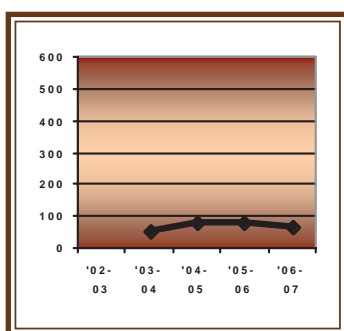
CORNER BROOK



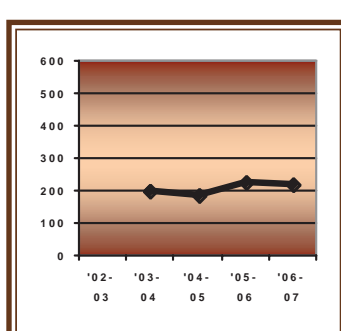
GANDER



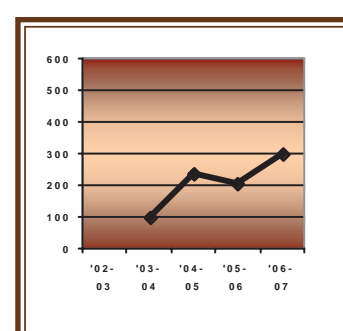
GRAND BANK



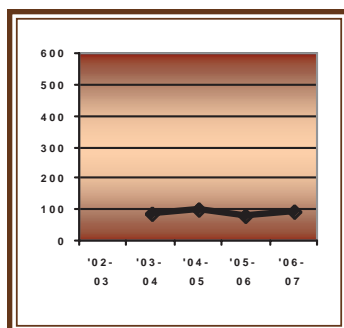
GRAND FALLS-WINDSOR



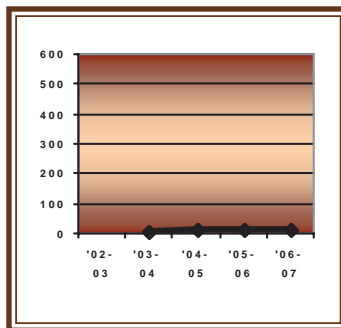
H.V. GOOSE BAY



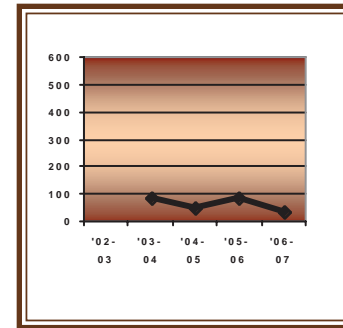
HARBOUR GRACE



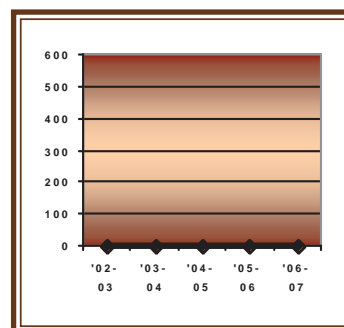
PLACENTIA



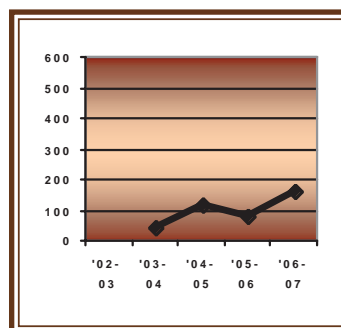
STEPHENVILLE



ST. JOHN'S



WABUSH

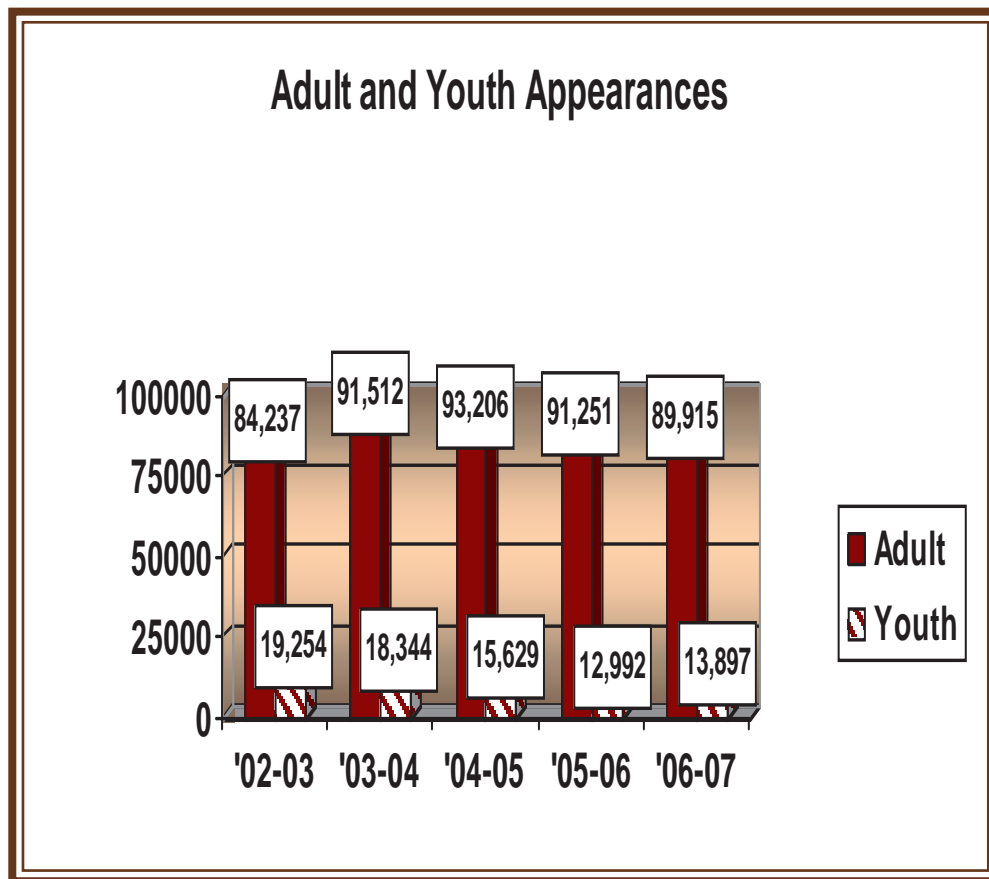


*\*Note: Prior to 2003, new and concluded were added together. From 2003-04 onward just new cases will be added to the total.*

## APPEARANCES FY 2006-07

In 2006/07 there were a total of 103,812 appearances involving adult criminal and youth cases. Additionally, there were 3,390 appearances associated with family matters and 1,495 appearances related to civil matters, adding to a total of 108,697 appearances for the Provincial Court in 2006/2007. This represents a slight decrease -1% from the previous year's total of 109,355. Youth matters had 905 (+7.0%) more appearances, compared to 2005/06. There were 1336(-1.5%) fewer adult criminal appearances in 2006/07, compared to the previous year. Appearances related to civil and family matters also experienced a decline by 120(-7.0%), and 107 (-3.0%), respectively, compared to the previous year.

In terms of the five-year trend, appearances related to adult criminal matters have increased by 5,679 or +6.7%. For youth matters appearances have decreased by 5,357 appearances or -27.8% in just five years. The decline in youth appearances is very significant and coincides with the introduction of the Youth Criminal Justice Act in 2003. While Adult caseload has been decreasing since 2002/03, the number of appearances has not mirrored this decline. Instead the number of appearances have increased compared to 2002/2003. This is a trend that is occurring right across the country.



# COURTROOM APPEARANCES FY 2006-07

COURT	ADULT*	YOUTH*	CIVIL	FAMILY
Clareville	2,546	329	44	107
Corner Brook**	8,536	1,942	174	820
Gander	4,462	566	86	195
Grand Bank	2,639	229	79	80
Grand Falls-Windsor**	3,528	832	70	537
H.V. Goose Bay**	114,09	1,944	26	827
Harbour Grace	3,247	440	21	85
Placentia**	694	76	1	24
St. John's**	48,126	5,931	893	0
Stephenville	3,663	1133	81	42
Wabush**	1,065	475	27	188
<b>TOTAL</b>	<b>89,915</b>	<b>13,897</b>	<b>1,502</b>	<b>2,905</b>

*\*Note: A court hearing on two charges is counted as two appearances as per the methodology of the Canadian Centre for Justice Statistics.*

*\*\*Note: Statistics for these Court Centres are taken from new IPCIS and do not include appearances on applications. Applications are requests before the Court that do not flow directly from a statute of law. Applications flow from statutes of application or from the formal rules of court.*

## PENDING, INITIATED, AND CONCLUDED CASES ADULT COURT

COURT	Pending Cases as of April. 1/06	Initiated Cases During the Year	Concluded Cases During the Year	Pending Cases March 31/07	Clearance Rates
Clarenville	619	615	624	610	101.5%
Corner Brook	1721	1755	1866	1610	106.3%
Gander	696	1071	984	783	91.9%
Grand Bank	421	556	619	358	111.3%
Grand Falls-Windsor	630	772	825	577	106.9%
H. V. Goose Bay	1280	1993	2083	1190	104.5%
Harbour Grace	577	579	673	483	116.2%
Placentia	179	127	212	94	166.9%
Stephenville	837	1008	944	901	93.7%
St. John's	6524	8995	8113	7406	90.2%
Wabush	283	265	287	261	108.3%
<b>TOTAL</b>	<b>13,767</b>	<b>17,736</b>	<b>17,230</b>	<b>14,273</b>	<b>97.1%</b>

## PENDING, INITIATED, AND CONCLUDED CASES YOUTH COURT

COURT	Pending Cases as of April. 1/06	Initiated Cases During the Year	Concluded Cases During the Year	Pending Cases March 31/07	Clearance Rates
Clarenville	60	85	101	44	118.8%
Corner Brook	188	526	525	189	99.8%
Gander	99	158	178	79	112.7%
Grand Bank	57	79	87	49	110.1%
Grand Falls-Windsor	107	137	198	46	144.5%
H. V. Goose Bay	149	428	468	109	109.3%
Harbour Grace	70	153	180	43	117.6%
Placentia	3	26	18	11	69.2%
Stephenville	117	365	354	128	97.0%
St. John's	456	1731	1531	656	88.4%
Wabush	35	90	82	43	91.1%
<b>TOTAL</b>	<b>1,341</b>	<b>3,778</b>	<b>3,722</b>	<b>1,397</b>	<b>98.5%</b>

*Clearance Rate: is the number of concluded cases as a percentage of the initiated cases i.e. the number of outgoing cases as a percentage of the number of incoming cases.*

## REQUESTS FOR CRIMINAL HISTORY RECORDS—(Five Year Period)

COURT	'02-03	'03-04	'04-05	'05-06	'06-07
Clareville	915	1092	1150	1376	1112
Corner Brook	2261	2710	2969	3496	3533
Gander	1474	2081	2081	2449	2678
Grand Bank	989	837	1104	1040	1053
Grand Falls-Windsor	2783	2423	2300	2590	2647
H. V. Goose Bay	1724	1806	1888	1627	1586
Harbour Grace	906	1156	1132	1347	1366
Placentia	642	647	584	674	533
St. John's	7708	7790	7694	8027	6950
Stephenville	1945	1443	1353	1563	1736
Wabush	364	448	438	443	491
<b>TOTAL</b>	<b>22,373</b>	<b>23,401</b>	<b>22,946</b>	<b>24,632</b>	<b>23,685</b>

*Note: Requests for criminal history records has increased ( 6 %) over the last 5 years. In addition to police, crown, and defence requests for such records, civic groups, post-secondary institutions and employers make up a significant portion of the number requested.*

## VIDEO CONFERENCING Breakdown of Video Conferencing Activity by Site

Videoconference Site	Total # hours of Videoconferencing for each site from Apr. 1/06-Mar. 31/07	Total # of Videoconferencing Sessions from Apr. 1/06 - Mar. 31/07
Outside Court Network	34.17	21
Clareville	2.67	1
Corner Brook	26.5	18
Stephenville	3	3
H.V. Goose Bay	41.5	28
St. John's	66.5	41
Grand Bank	4.67	3
<b>TOTAL</b>	<b>179.01</b>	<b>115</b>

## STATISTICS

### SUMMARY OFFENCE TICKETS FY 2006-07

Court Centre	Tickets Processed	Tickets to Trial
Clarenville	1867	26
Corner Brook	6975	161
Gander	3441	87
Grand Bank	1176	207
Grand Falls	2672	79
H.V. Goose Bay	892	15
Harbour Grace	953	32
Placentia	371	14
Stephenville	1641	31
St. John's	113331	624
Wabush	458	17
<b>TOTAL</b>	<b>133,777</b>	<b>1,293</b>

### NUMBER OF TRANSCRIBED PAGES FY 2006-07

COURT CENTRE	# OF PAGES
Clarenville	710
Corner Brook	1252
Gander	4578
H.V. Goose Bay	958
Grand Bank	228
Grand Falls-Windsor	1087
Hr. Grace	1291
Placentia	622
Stephenville	646
St. John's	11096
Wabush	218
<b>TOTAL</b>	<b>22,686</b>

### TEN MOST COMMON OFFENCES (Charges—Adult & Youth) FY 2006-07

TYPE	CHARGES
Breach of Court Orders	7121
Assault	2021
Theft	1542
Impaired Driving	1539
Fraud	1152
Uttering Threats	962
Break and Enter	909
Mischief Offences	862
Drug Offences	491
Sexual Offences	349



**BUDGET EXPENDITURES**

**Actual vs. Revised  
FY 2006-07**

CATEGORY	BUDGET	REVISED	VARIANCE
Salaries	6,839,900	6,994,873	-154,973
Employee Benefits	53,300	59,495	-6,195
Transportation & Communication	335,800	389,683	-53,883
Supplies	54,800	48,297	+6,503
Professional Services	25,200	67,884	-42,684
Purchased Services	829,400	804,866	+24,534
Property, Furniture & Equipment	5,200	24,263	-19,063
Grants & Subsidies	3,000	3,000	0
<b>TOTAL</b>	<b>8,146,600</b>	<b>8,392,361</b>	<b>-245,761</b>

**STAFF OVERTIME  
Time Off In Lieu (TOIL)**

Carried Forward TOIL from  
previous years as of March 31/06 **868 hrs.**

Total Hrs. Worked 05/06 **788 hrs.**

Total Hrs. Taken Off 05-06 **746 hrs.**

Total Hrs. Owed as of  
March 31/07 **910 hrs.**

**COSTS OF  
JUDICIAL EXCHANGE\***  
**FY 2006-07**

**\$ 24,752.50**

*\*Judicial Exchange occurs when a judge has a conflict at his or her court centre; subsequently, another judge is brought in from a centre nearby to hear the matter.*

## FINANCIAL

**REVENUE  
COLLECTED AND DISTRIBUTED  
FY 2006-07**

Distribution	Amount	Percent
CCC & Provincial Statutes	377,843	12.8
Federal Statutes	617,041	20.9
Liquor Control Act	6,275	.2
Municipal Acts	1,550	.1
Highway Traffic Act	884,397	30.0
Fees and Costs	350,678	11.9
Victim Fine Surcharge	71,674	2.4
Prov. Victim Fine Surcharge	1,191	.1
Maintenance Compensation	151,453	5.1
Civils (Third Party)	62,354	2.1
Bail/Bonds Sureties	98,830	3.4
Cross Court Payments	83,120	2.8
Bank Interest	3,613	.1
HST	0	0
Other (Third Party)*	238,461	8.1
<b>TOTAL</b>	<b>2,948,480</b>	<b>100</b>

*\*Note: Includes JEA Fees of \$ 11,745 and other amounts.*



**FINES  
IMPOSED SUMMARY  
FY 2006-07**

Distribution	Amount	Percent
CCC/PROV	551,624	27
FED	896,025	44
LCA	10,430	.5
VFS	148,349	7
PVFS	6,488	.3
TMS	420,710	21
3RD PARTY	4,890	.2
<b>TOTAL</b>	<b>2,038,516</b>	<b>100.0</b>

CCC - Criminal Code Canada  
 PROV - Provincial Statutes  
 FED - Federal Statutes  
 LCA - Liquor Control Act  
 VFS - Victim Fine Surcharge  
 PVFS - Prov. Victim Fine Surcharge  
 TMS - Ticket Management System



**COST OF CIRCUIT COURTS**  
(OPERATIONAL COSTS)  
FY 2006-07

Court Centre	Circuit	Total
Clareville	Bonavista	1,053.48
	<b>TOTAL CLARENVILLE</b>	<b>1,053.48</b>
Corner Brook	Roddickton/St. Anthony	5,780.23
	Port aux Choix/Plum Point	7,795.31
	Woody Point/Rocky Harbour	2,138.73
	<b>TOTAL CORNER BROOK</b>	<b>15,714.27</b>
Happy Valley-Goose Bay	Judge sent to help with Circuit Court	11,586.57
	Nain	20,728.91
	Makkovik/Postville/Rigolet/Hopedale	30,905.97
	Port Hope Simpson/Forteau	14,006.25
	Cartwright/Black Tickle	4,052.19
	Natuashish	18,148.86
	<b>TOTAL HAPPY VALLEY-GOOSE BAY</b>	<b>99,428.75</b>
Grand Falls-Windsor	Bay D'Espoir/Hr. Breton/Conne River	6,344.70
	Baie Verte	7,113.67
	Springdale	14,563.99
	<b>TOTAL GRAND FALLS-WINDSOR</b>	<b>28,022.36</b>
Placentia*	Placentia	5,515.97
	<b>TOTAL PLACENTIA</b>	<b>5,515.97</b>
Stephenville	Port aux Basques	5,263.12
	Burgeo	908.20
	<b>TOTAL STEPHENVILLE</b>	<b>6,171.32</b>
Wabush*	Wabush	15,587.76
	<b>TOTAL WABUSH</b>	<b>15,587.76</b>
	<b>OVERALL TOTAL</b>	<b>171,493.91</b>

\* Note: Placentia and Wabush have no resident Judge.

**FREQUENCY OF CIRCUIT COURTS**

<b><u>Clareville</u></b>		<b><u>Happy Valley-Goose Bay</u></b>		<b><u>Grand Falls-Windsor</u></b>	
Bonavista	8 days/year	Hopedale	32 days/year	Harbour Breton	6 days/year
		Nain	41 days/year	Head Bay D'Espoir	6 days/year
<b><u>Corner Brook</u></b>		Makkovik	4 days/year	Conne River	6 days/year
Roddickton	5 days/year	Postville	2 days/year	Springdale	36 days/year
Port aux Choix	15 days/year	Rigolet	3 days/year		
Rocky Harbour	9 days/year	Natuashish	36 days/year	<b><u>Stephenville</u></b>	
St. Anthony	9 days/year	P. H. Simpson	7 days/year	Port aux Basques	33 days/year
Plum Point	1 days/year	Cartwright	17 days/year	Burgeo	6 days/year
Baie Verte	15 days/year	Lanse Au Clair	3 days/year		

## TRAINING

by: Louise Daley

In 2006/07 the Provincial Court of Newfoundland and Labrador remained very committed to continued human resource development. Collectively, court staff logged 223 training days for 2006/07. The main focus of the Court's training efforts consisted of staff completing the requisite courses for the *Certificate in the Court Administration Program*, offered through Memorial University in concert with the Division of Lifelong Learning and Development. During the fall of 2006 and winter of 2007, Customer Service Essentials, Stepping up to Supervisor, and Time Management courses were offered. In addition, many of the court's employees participated in Family Violence Prevention Legislation training and attended Respectful Workplace Training. The Provincial Court also sent representatives to a number of court-related conferences in both Canada and the United States.



## PERFORMANCE COACHING

by: Pamela Ryder Lahey

Performance Coaching is one of the tools available to both supervisors and employees. It causes both to reflect upon the work performance, strengths and weaknesses of the employee, what is working well, what needs to be changed or even stopped. In addition, goals and objectives that support the vision of the court and the employee's role in the Court are developed at the end of the annual session. Training needs are specifically identified to target and improve the employee's weaknesses. This annual formal review is also used periodically throughout the year for informal discussions between supervisor and employee.

Performance Coaching has been implemented in all the court centres in the Eastern Region and is only partially implemented in the Western Region. This delay in the Western Region had to do with some long-term sick leaves by key personnel but should be well underway for all employees in 07/08.



# INFORMATION MANAGEMENT STRATEGY

by: Louise Daley

The Provincial Court recognizes that it must have definitive information management strategy that addresses both its paper and electronic records. The strategy must also address the method by which the court communicates with the public, its partners in justice, and those who appear before the Court. One key component of the above strategy is the development of retention schedules for the Court's criminal, civil, traffic, and family records. As criminal cases account for approximately 90% of the court's work, compiling the inventory and devising a retention schedule for these records is the first step towards the development of an information strategy. In 2006/07 all the criminal records in the St. John's Provincial Court were inventoried and a proposed retention schedule was prepared for submission to the Government's Record Committee for official approval. In addition, great progress was made in the centralizing of the St. John's Court's Criminal Records into a new central file registry. This was made possible

with the acquisition of a lateral mobile file system that had been previously used by the Lamer Inquiry, the assistance of information management expertise from the Office of the Chief Information Office, and a student assistant. The Criminal Records that had previously been distributed in at least six different locations within the St. John's Court were organized and transferred into the new Central File Registry. This means that Criminal Division staff can now quickly and easily retrieve adult criminal records.

Once the criminal records retention schedule is approved, the schedule will apply to all Provincial Court locations and assistance and direction will be provided to enable all centres to comply with the retention schedule. This will mean centralizing the active criminal records in one location and transferring older semi-active records to the Provincial Record Centre.



UPDATES

# E-FILING

BY KEITH COOK

The Province of Newfoundland and Labrador is committed to implementing an electronic filing system in the law courts. This pilot project will introduce electronic document management, large scale integration between various court case management systems, and web-based public interaction. Under this joint project the Law Courts and the Office of the Chief Information Officer will work together to build a shared, secure infrastructure upon which to build further initiatives for e-Filing and electronic disclosure. It is important that it is generally known amongst stakeholders, sponsors, and onlookers alike that this project is considered to be a ground-breaker for continued, more broad e-Filing initiatives in each court. Success is critical for further buy-in.

Work began on this project in April, 2006. To date the initial research, precedents in other jurisdictions, and consultations with the law courts have helped to narrow the scope of the project to include one area from each of the province's two law courts:

- Small Claims in the Provincial Court
- Probate and Administration in the Supreme Court

These two areas have been selected as lower risk areas of the court, which would provide positive impact to the public, and which have finite, structured and well-defined processes as Parties involved in these matters can be self-represented, a helpful, informative electronic filing initiative will serve to ease and streamline the process for the public and increase the accessibility of services offered by the law courts. An equally important goal is to ensure that a positive impact is felt by the administration of the two courts. An electronic filing system should reduce operational costs and staff workloads in the courts.

The most basic definition of e-Filing is the electronic submission of documents. Implementing e-Filing at this basic level of functionality would only partially achieve the objectives and benefits intended by the initiative. Therefore, the Project Sponsors and Business Issues Committees have agreed that the following functionality should be included within the scope of the e-Filing initiative:

- Electronic Submission of Selected Court Documents
- Most Small Claims and Probate and Administration case documents
- Electronic Payment of Court Fees
- Integration with Case Management Systems
- Electronic Document Management

- Electronic Access to Status of E-Filed Documents
- Automated Electronic (email) Notification of Process Status

Specifically excluded from the scope of the initial e-Filing initiative are the following:

- Paperless Flow of e-Filed Documents through Court Processes
- Electronic Service of Court Documents
- Electronic Payment of Enforcement Payments (Small Claims)

The first stage undertaken in the project was the Requirements Analysis stage. The scope of work for this stage involved the gathering of business requirements for e-Filing for Small Claims cases in the Provincial Court and Probate and Administration cases of the Supreme Court. This was accomplished through a series of interviews and/or workshops with court staff, administration, and judiciary to fully document current business processes and workflows and to develop the business and functional requirements of a mutually agreeable solution for e-Filing. These requirements also encompass changes to existing internal case management systems. Requirements also address functionality for document and records management of e-Filed documents in accordance with Information Management practices and guidelines.

Another essential component of this work, elicited from the consultation process, is the identification and documentation of areas of required modifications to the Rules and administrative policies at the affected courts, and the identification and resolution of related business issues.

## Current View:

Work began on the Requirements Analysis stage in September, 2006, and was completed in mid-May, 2007. The design stage is currently in progress and is expected to be completed by the end of November, 2007. The Implementation stage, which will involve the development and deployment of the pilot system, is expected to be completed by mid-September, 2009.

## View as of March 31st:

Work began on the Requirements Analysis stage in Sept. 2006, and as of March 31st is substantially complete, with expected completion by mid-May, 2007. The Design stage will follow, and is expected to be completed by the end of November, 2007. The Implementation stage, which will involve the development and deployment of the pilot system, is expected to be completed by mid-September, 2009.



# DEPUTY SHERIFF EXPANSION

by Tony Cuomo

In addition to the 25 Deputy Sheriffs that are in the centers of St. John's (21), Corner Brook (3), and Stephenville (1), FY06/07 provided 3 additional permanent Deputy Sheriff positions for the court centers outside of St. John's.

The 2006/07 budget approved Phase II of the Court Security expansion. It approved positions in Grand Falls - Windsor (1 permanent, 1 casual), Happy Valley - Goose Bay (2 permanent, 1 casual) and Wabush (1 casual).

A Deputy Sheriff from St. John's was appointed in December 2006 to Central Newfoundland, specifically to Grand Falls-Windsor. Recruitment of the Labrador positions began in September 2006 of which two Deputy Sheriffs for Happy Valley-Goose Bay were hired. Unfortunately, there was no interest expressed in the position in Wabush.

## WATER DAMAGE AT STEPHENVILLE COURT

by Bernice Brown

The Stephenville Provincial Court is undergoing major remediation as a result of water damage caused when water penetrated the windows and exterior walls. Department of Transportation and Works began performing an investigation of the Stephenville Public building envelope on Thursday, December 14, 2006, to try to determine the source of some water penetration of the building envelope. There was an exterior flood test of the second Judge's Chambers off Courtroom No.2, as well as a wall panel section removed for Courtroom No.2. They uncovered areas (around windows) in Courtroom No.2, which had suffered moisture penetration and contained rotted wall members and blackened batt insulation. These rooms were sealed off from the rest of the building until air testing could be performed and a structural Engineer could inspect the building.

On December 18, 2006, the building was visited by All-Tech and OHS officers, subsequently, the following was provided by Cyril McCarthy, Regional Director of Transportation Works.

### Mold

No visible signs of mold were found in the building. There is extensive rotted and wet wood surrounding the areas that had destructive testing. These areas of destructive testing are sealed and will remain sealed until the deteriorated wood can be repaired. Samples were taken for testing from the exposed deteriorated areas.

### Air Quality

Air quality samples have been taken in select areas throughout the building. The results from these tests will be available in about three weeks.

### Repairs to Building/Alternative Accommodations

Department of Transportation and Works staff continue to assess the full extent of repairs required. These repairs will need to be implemented in the near future and will likely result in significant costs to the province and disruption to services offered by the province through the Stephenville Public Building.

The Department of Transportation and Works will continue to examine the space requirements for your operations and will be examining possible alternative arrangements in the event that this building will have to be vacated for repairs or if the province decides that repairing the building is not economically feasible.

### Status of Building

The building will remain open for normal use. Courtroom No. 2 and Justin House's office will remain closed until repairs can be completed. It is likely that this work will take well into the new year.

Up to the end of the fiscal year, March 31, 2007, the following steps had been taken. There has been a remediation project plan put in place, as well as an agreement by Department of Transportation and Works to complete some minor renovations to our existing space; i.e., subdividing Courtroom No. 2 into two storage rooms, creating an exhibit vault off the General Office, and renovations to the Library to create a holding cell area as required by Deputy Sheriffs. This work will be carried out in four phases. It is expected that each phase will take about 4 weeks to complete, since mold testing results take approximately three weeks, and the actual work will take about a week. During this remediation project, there will be a lot of moving and disruption to the Provincial Court office. Provincial Court staff will

## WATER DAMAGE AT STEPHENVILLE COURT cont'd.

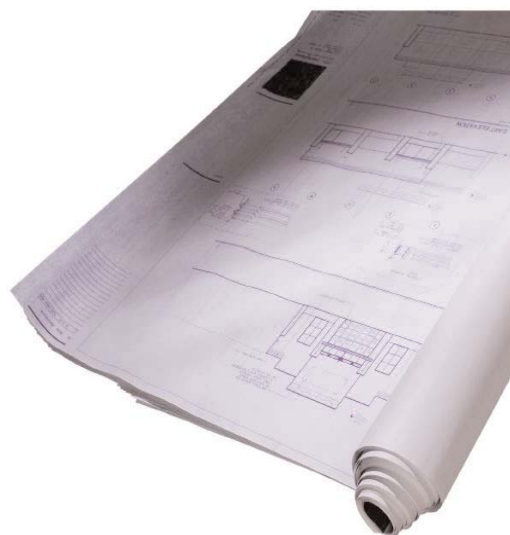
*by Bernice Brown*

remain in the building and Court will proceed as usual while the construction is ongoing. It was felt that the project could proceed without relocating staff to another location. The construction will take place from the outside in. The rooms being concentrated on will be sealed and not accessible to staff. This will necessitate relocation of office equipment, files, computers, staff, etc. within the existing offices while work is being carried out. It is expected that this work will begin in July or August 2007 and be completed in January 2008.



## CORNER BROOK COURTHOUSE PLANNING UPDATE

In 2006/07 planning for the combined Law Courts facility in Corner Brook was well underway. Blueprints were finalized and by the end of the fiscal year (March 31, 2007) the tender was called. It is hoped that occupancy will occur in early 2009.





# FAMILY JUSTICE SERVICES DIVISION

by Judge Kymil Howe



With the implementation of the Provincial Court Family Rules, 2007 (NLR 28/07) on March 1, 2007, the Provincial Court of Newfoundland and Labrador ushered in a new era in family law. More specifically, Rule 19 created a new division of the Court to be known as the Family Justice Services Division (FJSD). While there had been family justice services pilot projects in the Western and Central regions for a number of years, the Family Justice Services Division (FJSD) will now serve the entire Province. To facilitate the delivery of services, the Province has been broken down into four regions and staff with backgrounds such as social work, counselling, and law have been placed in a number of communities in each of those regions. At present, the Avalon region has offices at St. John's and Carbonear. The Central region has staff located at Grand Falls-Windsor, Lewisporte, Gander, Clarenville and Marystown. The Western region is staffed at Corner Brook and Stephenville and the Labrador region, at Wabush and Happy Valley-Goose Bay. These same offices also provide family justice services to the Supreme Court (Trial Division) and the Unified Family Court.

Traditionally, disputes with respect to custody of or access to children, child support and spousal/partner support have proceeded through the adversarial court process in much the same fashion as any other civil dispute. In a marked departure from that process, the current mandate of the Family Justice Services Division is to offer parent information sessions and alternative dispute resolution services to the parties and as well, counselling to the parties and their children, at the initial stages of a family law dispute. The formal Court process will only be utilized where the parties, after having availed of these services, are unable to arrive at a resolution of their issues.

There are a number of ways in which parties to a family law dispute may access the services offered by the Family Justice Services Division. Where an Application or a Response seeking an order in relation to custody, access or support is filed with the Court, the Provincial Court Family Rules, 2007 require that the matter be forwarded to the Family Justice Services Division so that services may be offered to the parties. If the parties are successful in resolving some or all of their issues, a consent order can then be filed with the Court without the

necessity of a court appearance. Where there are issues outstanding, the Family Justice Services Division will send a "Note to Court" back to the Court and the matter will proceed to a Case Conference.

Alternatively, where both parties complete a Request for Service form and file it with the Family Justice Services Division, they may avail of the services and if successful in resolving their issues, simply file an application to file a consent order with the Court. If they are unsuccessful in resolving some or all of their issues, they will be given a "Note to Court" which they must file when they make an application to the Court. If parties have availed of the services at the Family Justice Services Division prior to making an application to the Court, their application will not be automatically sent back there again but rather, will continue through the Court process.

As well, a Judge may refer a matter back to the Family Justice Services Division where for example, one or both parties failed to attend an information or mediation session or where there is a need to ascertain the views of a child with respect to custody and access matters. This might also occur in situations where a significant period of time has elapsed since the parties last availed of services.

There are some matters with respect to custody and access which are not currently within the mandate of the Family Justice Services Division. Most notably, the Division does not do home studies or parenting assessments or provide services to supervise access visits. As well, applications in relation to child protection proceedings under the Child, Youth and Family Services Act are not referred for services although that option and other new initiatives are continually being considered in an effort to provide more and better support to families and children who are dealing with family law issues.

## UPDATE OF MENTAL HEALTH COURT AT ST. JOHN'S

by: Judge David Orr



The mental health court pilot project has continued to operate in St. John's throughout 2006 and 2007. The court has firmly established itself and is operating on regular sitting days in courtroom eight every second Wednesday afternoon. Since its beginning in 2004 the court's client base has expanded as more practitioners and other professionals became aware of its operation. By and large the initial contacts were made by counsel working in the court identifying persons who would benefit from the court programs. However, in the past year referrals have come from other trial courts, crown and defence counsel, and health professionals. The result has been that in this past year there were 711 appearances in the court made by more than 128 accused persons. There were 149 matters that were able to be finally concluded during the year. Typically, matters in the court are resolved with either a withdrawal of the charge or a community-based disposition. Usually, the time to reach a resolution of an individual case takes a little longer and requires more appearances before the Court as the accused must work with court support services staff to ensure that there are community supports in place to enable him or her to avoid further conflict with the law. In addition, in many instances there needs to be

liaison with mental health professionals to ensure that the accused has access to treatment and is able to keep appointments that he or she may need to maintain a healthy life style.

Ms. Ruth Wakeham has finished her tenure as crown counsel in the Court to take a new position with the Department of Justice. Ms. Wakeham acted as crown counsel with the Court from its inception and helped design its structure. She was instrumental in establishing it and ensuring its success. Mr. Robin Fowler has taken over from Ms. Wakeham as crown counsel in the Court. Mr. Fowler is a very experienced prosecutor and brings a considerable level of expertise to the particular challenges that the Court presents. Mr. Peter Ralph and the court support services team continue to work with all of the persons appearing before the Court. The increased use of the court services is a real testament to how well and effectively they have come to the aid of individuals who have a particular need not met by the regular criminal courts.

I am looking forward to another year sitting as the judge in the Mental Health Court and while this Court continues to be categorized as a pilot project it seems very likely that it will become a permanent part of the Provincial Court System.

## EMERGENCY PROTECTION ORDERS

On July 1, 2006 new legislation was introduced under the Provincial Court Family Violence Protection Rules which would allow applicants to apply for an emergency protection order through the courts (in person) during the regular workweek or through police assistance by way of the on-call duty judge by facsimile telecommunications after regular court hours, Saturday and Sundays and statutory holidays.

For the period of July 1, 2006 to the end of this fiscal year, there were 76 applications received provincially; 51 were granted; 12 denied; 8 were still pending; and 5 matters dealt with by "other" means, i.e., withdrawn, peace bond ordered, etc.

# THE CRIMINAL CODE MENTAL DISORDER REVIEW BOARD

The Criminal Code Mental Disorder Review Board is chaired by the Chief Judge of the Provincial Court, Judge M. R. Reid. Members of the Board are appointed by the province's Lieutenant Governor-in-Council and presently include:

- Judge M. R. Reid, Chief Judge
- Dr. Martin W. Hogan, M.D., F.R.C.P.C., Psychiatrist
- Dr. Michael C. Nurse, M. D., F.R.C.P.C., Psychiatrist
- Dr. Kevin P. Hogan, M.D., F.R.C.P.C., Psychiatrist
- Ms. Peggy Hatcher, EAP Coordinator, Public Service Commission, Government of Newfoundland and Labrador

The Board is provided administrative assistance by Marilyn Warren, Secretary to the Chief Judge. The Board meets on a monthly basis at the Waterford Hospital in St. John's.

The mandate of the Criminal Code Mental Disorder Review Board is contained Part XX.1 Mental Disorder of the Criminal Code of Canada, R.S., 1985, c. C-46. The Board is responsible for issuing dispositions related to the management of those individuals who have been found unfit to stand trial or those individuals who have been found not criminally responsible by reason of mental disorder. Each individual is entitled to an annual review and may be reviewed more often at the request of the individual, the crown, or the defence.

For those who are found not criminally responsible, the Board may choose one of three dispositions: an absolute discharge, a conditional discharge, or detention with, or without, conditions.

For those who are found not fit to stand trial, the Board may impose a conditional discharge or hospital detention. The individual is reviewed annually; and if found, at a later review, to be fit to stand trial, the Board must order return of the individual to Court.

At time of writing, there are 34 individuals who fall under the jurisdiction of the Criminal Code Mental Disorder Review Board. Of these, four are individuals who were found not fit to stand trial and the remainder were found not criminally responsible by reason of mental disorder. On an annual basis the Board will become responsible for an average of four new individuals and will reduce its caseload by a similar amount through various dispositions.

# MEDIATION CONTINUES IN SMALL CLAIMS COURT

by: Judge David Orr

In May of 1999 a “pilot” project was started in the Small Claims Court to incorporate interest-based mediation into the small claims process. The hope was that by using mediation fewer cases would go to trial and issues could be resolved at the settlement conference stage. Prior to introducing mediation the procedure was to hold a settlement conference pursuant to Section 10 of the *Small Claims Act* S.N.L. 1990. The settlement conference was chaired by the Judge and was essentially a first appearance to ensure that the parties were ready for trial. At the settlement conference, the Judge would explore the possibility of settlement with the litigants or make other orders such as default judgments in the event of a non-appearance but there was little opportunity for mediation.

After some deliberation, the Small Claims Rules Committee decided to use third-year law students who were completing their articling as the mediators in the proposed mediation process. This would obviate the need for any financing for the project as the mediation could be done on a volunteer basis; and as the law clerks were all members of the Law Society, there was already a regulatory body in place to maintain professional standards. At the time it was hoped that the law students would welcome a chance to be directly involved in the litigation process and that obtaining volunteers would not be a problem. This hope has come to fruition and the number of volunteers has, on some occasions, outstripped the number of cases to mediate. To date all of the law clerks in the bar admission course from 1999 to 2005 have participated in the process and all of them have reported they found the experience to be very useful. We anticipate the same response from the 2006 class.

On the litigation itself the success rate in terms of settling cases via mediation has not been high but it has been significant. On average, over the years, mediators have settled between 30 and 40 percent of the cases. Despite this, however, the majority of litigants have been positive about the process-finding that even if a full settlement of their case was not achieved, at least some of the issues were resolved and they were more prepared for trial. We had initially referred all cases to the medication process. Experience over the past six years has shown us that some cases are not amenable to mediation and will not settle. This has proved to be the case in motor vehicle accident cases. Generally speaking, before starting the court process these cases have already been through a form of mediation in that insurance adjusters have negotiated with the parties and further mediation or discussion between them at court is pointless. Most vehicle accident

cases involve a determination of fault and turn on the findings of fact and parties are interested in having a trial and a determination being made by a Judge. As a result, the Small Claims Rules Committee has decided that this year, motor vehicle accident cases will no longer be mediated and instead will proceed directly to trial. All the remainder of the cases will still go through the mediation process.

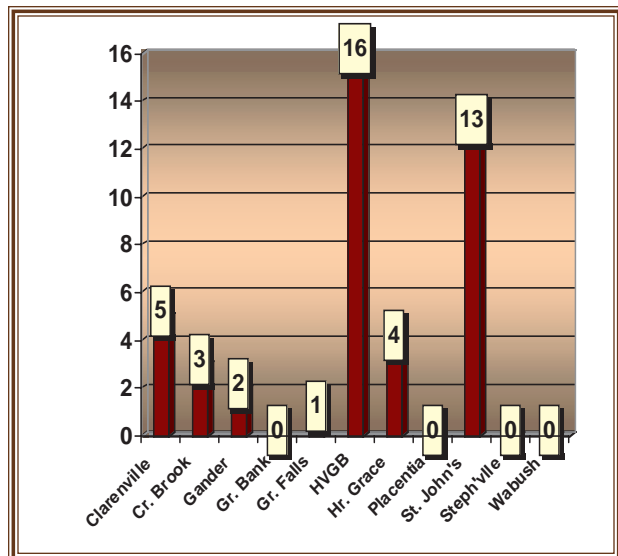
In July 2004, the monetary limit in Small Claims Court was increased from \$3,000 to \$5,000. At the same time, the cost to issue a statement of claim increased; as a result, there has been no increase in number of cases. The increase in the limit has meant that there are a greater number of complex matters before the court; and as a result, the availability of mediation has become more important.

Overall, the mediation project has been very successful for the Court. It has provided an opportunity for education for new lawyers allowing actual court experience at a very early time in their careers. In addition, a considerable number of cases have been resolved without the necessity of a trial, and litigants have been provided with support and education in the process. Finally, the mediation project has also helped to foster the growth of alternative dispute resolution in the province by providing a forum where it can take place on a regular basis.

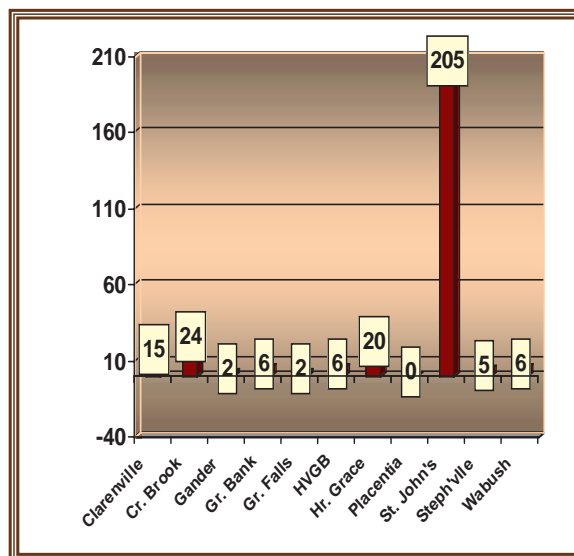


Small Claims Court  
St. John's

## NATIONAL SEX OFFENDER REGISTRY FY 2006-07



## IGNITION INTERLOCK APPLICATIONS FY 2006-07



## CRIMINAL HISTORY AND INTEGRATED PROVINCIAL COURT INFORMATION SYSTEM (IPCIS)

By November 2006, the Integrated Provincial Court Information System (IPCIS) was completed and implemented in all court centres. A two-day training session and a step-by-step user manual was provided to all employees. These sessions took place in Happy Valley-Goose Bay in April 06; Corner Brook in June 06; Harbour Grace in September 06; Grand Bank in October 06; Clarenville, Gander and Stephenville in November 06.

Look-up access was also provided to the Court's criminal justice partners and user manuals provided. Dockets are provided daily via automated e-mail to private law firms, Federal Prosecutions, Correctional Service Canada and Customs and Immigration.

Feedback has been very positive from the Court's stakeholders as it has proven to be very effective and provides round the clock access.

Through the Integrated Offence History System (IOHS), provide province-wide criminal records can be provided, giving the public and other stakeholders one-stop shopping and reduces the duplication of records.

## Canadian Association of Provincial Court Judges



Newfoundland and Labrador Judges are all members of the Canadian Association of Provincial Court Judges (CAPCJ). This Association represents all provincially-appointed judges; as well as Territorial Judges and Military Judges. Its primary function is to provide a continuing legal education format for judges. It sponsors the intensive programme for newly-appointed judges held each year in Lac Carling, Quebec. The largest portion of its budget is directed towards education.

This year, with the aid of a CAPCJ grant, Newfoundland and Labrador hosted the Atlantic Judges Educational Conference held at the Humber Valley Resort near Corner Brook. Judge William English was Chair of the Atlantic programme and the conference was attended by judges from all the Atlantic Provinces. By all accounts it was a successful program which focused on improving judicial forensic skills.

**Judge David Orr** is now Chair of the Committee on the Law. As Chair, it is his responsibility to keep the judiciary across the country abreast of all Parliamentary initiatives to amend the law. Additionally, he represents CAPCJ at Uniform Law Conferences.

**Judge Timothy Chalker** is now the Newfoundland and Labrador Director on the CAPCJ National Board. It is his responsibility to cast this province's vote at all Board and Annual Meetings. He keeps the membership abreast of all CAPCJ activities including the results of Executive Committee Meetings and Committee reports and activities.

**Judge Greg Brown** is the National Webmaster. He has undertaken the task of updating and keeping current the National website, which can be visited at:

[www.judges-juges.ca](http://www.judges-juges.ca)

CAPCJ is a volunteer organization of judges working for the betterment of other judges and ensuring that the Provincial Courts across Canada are courts of excellence and that judges are equipped to properly discharge their duties.





# STRATEGIC PLAN

by Louise Daley



The Provincial Court's Strategic Management Planning Committee meets on a quarterly basis, and is tasked with developing and overseeing the Court's three-year Strategic Plan. Membership on the committee includes: Chief Judge Reid (Co-chair), Judges Colin Flynn and Harold Porter, Ms. Pamela Ryder Lahey, Director of Court

Services (Co-chair), Mr. Robert Mavin, Manager of Court Services, Western, Ms. Shelley Organ, Manager of Court Services, Eastern, Louise Daley, Manager of Policy and Strategic Planning, and Mr. Vince Withers (Public Representative).

The Provincial Court's Strategic Management Planning Committee spent most of 2006/2007 drafting the Provincial Court's next Strategic Plan entitled: *Committed to Continuous Improvement, 2007-2009*. Once the plan is publicly released it will be made available electronically through the Provincial Court's website.

In addition to its work on the new Plan, the Committee was busy reviewing the progress on the goals and objective outstanding from the last Strategic Plan: "*Better Serving Justice and the Public*." The Committee has been very pleased with the progress achieved during the life of the last Strategic Plan and is indebted to all staff and judges who helped play a role in achieving the plan's goals and objectives.

The new plan will be based on the model of continuous improvement, which the Provincial Court adopted in its last strategic plan. By choosing to actively pursue modest and practical goals and objectives that contribute to improving court services to the public, the Provincial Court believes it can make significant progress. The plan will also include target dates and measures to continuously track progress on each of the objectives identified in the plan. It is hoped that with the continued dedication and teamwork that the Provincial Court has demonstrated in the past that the new plan's implementation will be just as successful and rewarding for the Provincial Court.

PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

COMMITTED TO CONTINUOUS IMPROVEMENT



Strategic Plan  
2007-2009

UPDATES

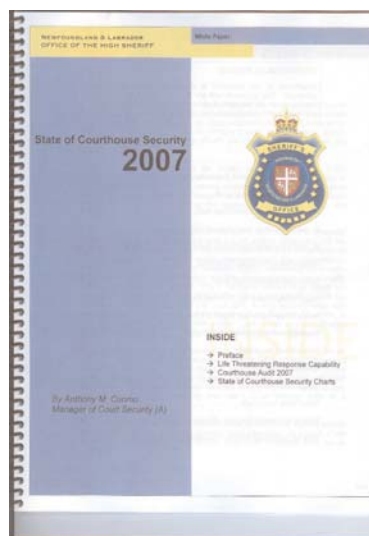
## NEW EMPLOYEE ORIENTATION COMMITTEE

The Provincial Court of Newfoundland and Labrador had been providing new employees with a *New Employee Orientation Handbook* for several years. However, it was recognized that new employee orientation is one of the most important stages in a court employee's career and more emphasis should be placed on it. In January 2006, a new committee was formed with the objective to develop and maintain an orientation package and program for new employees, as well as to provide guidelines for supervisors on their role in the orientation of new employees. The Committee consists of the following employees: Corrine Avery (Chair) and Tonya Bishop from Clarenville, Bernice Brown from Stephenville, Christine Jenkins (Consultant) from Gander, and Shelley Organ (Management Advisor) from St. John's. The Committee has been working hard since it's inception.

A survey was developed and sent out to all areas of the Court seeking feedback on items to be included in a new package, whether current employees felt the orientation was sufficient, and ways to improve the overall process. The response was excellent with many new ideas and suggestions being proposed. The scope of the Committee has broadened somewhat from the beginning and the package and program will be more comprehensive. The Committee is now focusing on information gathering in the form of pamphlets and other items to be included in the new package. The current manual was also reviewed and updated and will be included in the new package being developed. Much progress has been made with regard to the development of a new package and what should be included in same. The Committee has a sunset date for the completion and distribution of these comprehensive packages of January 2008.

## COURT SECURITY COMMITTEE

The primary focus of the Committee work for 2006/2007 was developing a plan to provide court security for the staff of the Provincial Court and Fines and Administration Divisions. In addition, the committee requested that the Bi-annual Court Security Audits performed by the Sheriff's Office include prior notice consultation with the relevant Court Administrator to ensure there was input from the front line with respect to security issues and concerns. The Committee was also very supportive of the extension of Sheriff's Officers to court locations beyond St. John's. Incident reports received from the Provincial Court were reviewed by the Committee. Additionally, the Sheriff's Office developed an electronic version of the Incident Report Form, the Court has requested that these forms be linked to the Court's website to enable real-time reporting of security incidents. The Committee is chaired by Louise Daley and Chris O'Neil of the Sheriff's Office. Members include Judy Blake (HVGB), Deborah Lemoine (Corner Brook), Anne Donnelly (Fines Admin.), Dayna Wicks (St. John's), Shelley Organ (Court Services), and Gerard Tilley (Sheriff's Office).





# OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

Occupational Health and Safety Committee has the primary objective of protecting employees from workplace injury and illness. While the Department of Justice is responsible for ensuring compliance with the provisions of Occupational Health and Safety Legislation, it is incumbent upon local managers and supervisory staff to accept responsibility to ensure that workers are not placed at risk of injury or illness due to workplace requirements or conditions. Every employee is required to protect his/her own health and safety and to respect other worker's rights to enjoy a safe and healthful workplace. The Provincial Court participates on these committees through individual staff members, who are trained to recognize the risks that exist in our everyday working environments.

The Occupational Health and Safety Committee at Atlantic Place, St. John's, is made up of management and employee representatives as well as a representative from Martek, the company that manages Atlantic Place. Provincial Court representatives are Joanne Spurrell, Anne Donnelly, and Shelley Organ.

In addition, Court Officers Kathy Oake, Grand Falls-Windsor, Carolyn Hobbs—Corner Brook, Jennifer Dawson-Hobbs—Stephenville, Marilyn McGrath—Harbour Grace, Tonya Bishop—Clareville, and Rita Pritchett—Gander, each represent their Centre on the local area or building Occupational Health and Safety Committees.

## WORKPLACE IMPROVEMENT COMMITTEE

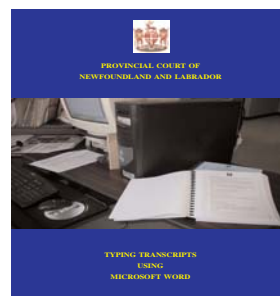
The Employer and Union recognize the value of open and effective communications in maintaining a constructive labour management relationship. To this end, this Committee provides a regular opportunity to discuss ongoing issues and problems and a chance to resolve these problems to the benefit of both parties. The employer and the union hope that their effort in this initiative will help to build trust between

them and create a more harmonious workplace for everyone. Provincial Court St. John's has an active Workplace Improvement Committee which is made up of employer and employee representatives. The committee also organizes staff socials. Committee members include: Cynthia Thorne and Theresa Dyke as employee representatives and Anne Donnelly and Shelley Organ, employer representatives.

## TRANSCRIPT AND COURT REPORTING STANDARDS COMMITTEE

This committee was formed to address changes and improvements to the current Transcript Standards Manual utilized by Provincial Court staff, who are responsible for preparing transcripts. However, the scope of the Committee has since broadened as the need for uniformity not only in preparing transcripts was discovered, but also the way court reporting duties/procedures are being carried out throughout the province. Therefore, the Committee is working on developing a comprehensive Court Reporter's Manual which will include proper courtroom procedures, exhibit handling, equipment trouble shooting, on-line resources and much more. The Committee consists of: Gwen Halliday (Chair), Dayna Wicks, Andrea Butt, and Shelley Organ (Advisor) from St. John's; Glenys Walters, Placentia;

Cora Hamel, Happy Valley-Goose Bay; Marilyn McGrath, Harbour Grace; and Lucy Dominaux, Grand Bank. It is expected that the manual will be completed by October 2007.



## PROVINCIAL COURT WEBPAGE COMMITTEE

The 2006-07 fiscal year saw the complete redesign of the Provincial Court's website. A wealth of information, interactive forms, and helpful links are now available to stakeholders and the public. In addition, the website is available in both French and English. The webpage has been made easier for users to navigate and find information of interest regarding the Provincial Court. There is now a common opening page shared by the Provincial and Supreme Courts, which will then provide access into separate websites for each Court.

Special thanks to the Web Support Division of the Office of the Chief Information Office and Linda Leloche and Natalie Matthews for the translation of our website into french language.

Please feel free to visit our website at:

[www.court.nl.ca/provincial/](http://www.court.nl.ca/provincial/)

The Webpage Committee consists of Chief Judge Reid, Judge Greg Brown, Pamela Ryder Lahey, Louise Daley, Anna Warford, and Marilyn Warren.

## SOCIAL COMMITTEE

The St. John's Provincial Court, Social Committee is responsible for organizing socials and team-building exercises throughout the year. Committee members are: Tamara Church, Anna Warford, Wendy Penney, Jody Healey, Melanie Hamlyn, Anne Donnelly, Darlene Yetman and Shelley Organ. Some of the activities organized by the committee, and enjoyed by Judges and staff for 2006-07 fiscal year were:

- Public Service Week Activities
- Christmas Luncheon
- Kid's Christmas Party
- Jesse Tree (Hamper and Gifts for a Single Mom and her son)
- St. Patrick's Day Luncheon
- Luncheon



# CUSTOMER SERVICE BEST PRACTICE COMMITTEE

This Committee was organized to research and develop guidelines for best practices for dealing with internal and external stakeholders of the Provincial Court. The Committee has been meeting regularly and working diligently on gathering information from staff and internal and external stakeholders. The following resources have been referred to by the Committee and most of them have been recommended or distributed to all court centres for reading and discussion:

- Halifax Court Quality Service Manual
- Justice and Provincial Court Strategic Plans
- Report of Robert Thompson (on Intranet)
- Model Code of Conduct for court employees—Michigan Judicial Institute
- Internet Resources on Customer Service—Best Practices
- Fundamentals of Customer Service

In July 2006, a questionnaire was distributed and completed by staff concerning customer service. The Committee then compiled a very extensive report from the information received, which has become of great assistance in drafting the Manual.

In October, the Committee Chair attended a seminar at Memorial University—The WOW Factor in Customer Service. The information learned and gathered gave the

Committee more insight into “Customer Service”—what it is, and how to accomplish it.

In November 2006, the Committee sent out correspondence to all court centres asking them to discuss E-Plus Factors (process of exceeding expectations) with their staff during staff meetings.

The Committee also suggested that “Customer Service” be added to the monthly staff meeting Agenda at court centres. This will give everyone an opportunity to discuss any issues that may arise and possible solutions. New information and ideas are also shared with the Committee and throughout the centres.

Along with promoting quality Customer Service throughout the province, the Committee is working on drafting the Provincial Court Customer Service Best Practice Handbook which will be distributed to all court centres in 07/08.

Members of the Committee are:

*Christine Care (Chair), Shelley Organ (Advisor) and Jody Healey of St. John’s, Greta Miller of Grand Bank, Marilyn McGrath of Harbour Grace and Judy Blake of Happy Valley-Goose Bay.*



## JUDGE ROBERT HYSLOP

### CANADIAN LAW SOCIETY

ANNUAL GUEST SPEAKER IN LEICESTER, UK



The title of his talk was *Expectations of Litigators from a Judicial Vantage Point- A Reality Check*. Judge Hyslop has been on the bench since 1989 and combined his trip to the Canadian Law Society in Leicester with his much deserved LLM convocation from the

University of London. Judge Hyslop is a Former Crown Counsel, Director of Public Prosecutions for Newfoundland and Labrador and Associate Deputy Attorney General. He has a long and distinguished career as a lawyer appearing as Counsel at every level of Court in Newfoundland and Labrador, as well as before the Supreme Court of Canada. He has also been President of the Canadian Association of Provincial Court Judges 2003-04. With this background, he was an invaluable speaker to those wishing to pursue a career in litigation, particularly criminal law. Judge Hyslop told several stories about cases he had tried as counsel and those he had experienced from the judge's point of view. His recommendations to the students were to be complete on the law, and always remain ethically sound for obvious reasons but also because judges discuss lawyers

in general. He stated that lawyers have the right to expect reasoned opinions from judges and that judges strive to meet this goal. He recommended that the students should do a masters degree while they can instead of waiting until later when the demands of working life become overbearing and spoke in favour of the value of a British law degree. The Canadian Law Society thanked Judge Hyslop for taking time out of his schedule for such a valuable talk to the students at Leicester.

The Canadian Law Society was established in 2005 and has since more than doubled in size. The Society runs a wide range of activities from social events and academic workshops to personal support and career development.

Specific activities this year have included a trip to a House of Lords hearing, a mooted master class and lea-guer, civil claims workshops with emphasis on Canadian practical skills, and various social activities. Other guest speakers to the Society include lawyer Jack Lavers, who gave a detailed presentation on planning your legal career in practice and how to apply for articles with Canadian firms. Dr. Chris Waters, an academic in inter-national law from Reading Law School, gave an interest-ing presentation from his new book "UK and Canadian Perspectives of International Law".





## JUDGES ENROLL IN THE LLM MASTERS OF LAW'S PROGRAM



**Judge Colin Flynn**



**Judge Robert Hyslop**



**Judge Patrick Kennedy**

**I**n 2004, three judges of the Provincial Court commenced the LLM programme offered to external students by the University of London.

Congratulations are extended to Judges Robert Hyslop LLM (Merit) and Patrick Kennedy LLM who completed the programme and received their degrees in November 2006. Judge Hyslop travelled to the United Kingdom for Convocation ceremonies in March 2007. At that time there were 41 LLM degrees granted to students who attended from all over the world. The degrees were in the subject areas of Criminology and Criminal Justice, and are directly related to the work performed on a daily basis in this Court. Both judges described the programme as a rich learning experience and noted that it gave them the benefit of the most up-to-date research in Criminal Justice and Youth Justice issues.

Judge Colin Flynn has opted to switch to the newly revised LLM programme as the new programme offered a wider choice of course materials. This has required a further year of study for him which is now nearly complete. Judge Flynn will write his final set of examinations

in October 2007 and, if successful, will graduate in London in March 2008 and be a participant in the 150th year anniversary celebrations of the University External Programme.

The University of London's degrees are prestigious and are recognized all over the world. There are now over 41,000 students from over 70 countries enrolled in the External Programme which allows students to remain in their home countries and complete the course syllabus at their own pace. Examinations are written at designated examination centres. In the case of Newfoundland and Labrador students, the examinations are written at Memorial University of Newfoundland. The Chancellor of the University of London is H.R.H The Princess Anne, the Princess Royal.

All three judges undertook their studies in addition to their daily caseloads.



## LUNCH WITH A JUDGE PROGRAM

This year's "Lunch with a Judge Program" in St. John's was another success. There were 68 students from both Bishop Abraham and Holy Cross Elementary who attended. Lunch with a Judge Program 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 have 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, the meaning of a criminal record, and answering the many questions students have. Lunches are prepared by the HMP Correctional Facility (Avalon Catering) and is the same lunch that a youth in custody would receive if they were in custody at the Provincial Court holding cells.

*The St. John's Court is indebted to Judge G. Brown, Judge D. Orr, Judge R. Hyslop, Judge R. Smith, Judge*

*L. Spracklin, Judge G. Harding, Christine Care, Dolores Hutton, Shelley Organ, Dayna Wicks, Anna Warford and Deputy Sheriffs of St. John's for their continuing involvement and being the "face" of the Court in this volunteer program.*



## TAKING THE COURTHOUSE TO THE SCHOOLROOM

The Clarenville Provincial Court has completed its second year of participating in "Taking the Courthouse to the Schoolroom Program". This very worthwhile project has been both rewarding and challenging for all staff and students who have participated. Grade Six students from Southwest Arm Academy attended the courthouse in fall of 2006 to have lunch with Judge P. Kennedy, Court Administrator, Corrine Avery and Court Officers, Marilyn McGrath and Tonya Bishop. During this time, Judge Kennedy and staff discussed three different scenarios with the students and how each one of these could potentially cause a young person to be charged and ultimately end up with a criminal record. The students questioned such things as seriousness of the crime, how a criminal record could/would affect them and whether the record would be with them for life. This lunch went very well with feedback from the school being very positive. Lunch was provided by the Women's Correctional Facility in Clarenville, Mr. Wayne Harris, Assistant Superintendent, of the Correctional

facility, also attended and spoke to the students.

Another aspect of the program will be completed by Southwest Arm drama group, consisting of students from Grades 8-12, in June 2007. A play entitled: "The Case of the Missing Consumables" has been written and is being worked on by the group to be performed in front of the school and community. Preliminary discussions with the group revealed that the project was both interesting and worthwhile. Students are learning about accountability, acceptable social behaviour, and the dynamics of the court setting. The Centre hopes to expand the program to other local schools in the fall of 2007.

Clarenville is the first centre outside of St. John's to participate in the *Taking the Courthouse to the Schoolroom Program*.



## STUDENTS



Travis Gibbons commenced summer employment at the St. John's Provincial Court during the summer of 2006. He is currently attending the three-year Electronic Engineering (Instrumentation) Technology course at the College of the North Atlantic on Ridge Road.

Travis was asked to put, in his own words, what he thought of his work term and the following are some of his comments.

"The fast moving, quick thinking, unpredictable setting of St. John's Provincial Court was realized on my first day at work. It was the end of the Annual Public Service Week and an outing was scheduled for the afternoon for the entire Court Staff which now included me. Ironically I did not see mounds of files thrown in my direction; rather it was myself heaving bowling balls down the lane looking for that perfect strike. It was a great greet and meet on the first eye-opening day of work."

Travis' main project for the summer was to organize, collate, record, and file search warrants that dated back as early as 1980. He created an Excel Spreadsheet where each search warrant was recorded by year, file number, agency, as well the physical location of each warrant. The process was slow, yet very interesting and educational, as it allowed him to gain knowledge about the judicial system of Canada on a daily basis.

As an Engineering student, this may seem an unrelated work experience in his field. However, the organizational knowledge and skills, as well as the confidentiality factor of dealing with very private warrants, will not only aid him in his management ability.

As the summer ended, so did his time at Provincial Court. It was back to school with a better prospective and confidence of his organizational skills, as well as a heightened knowledge for task management.

Travis would like to thank all the staff of St. John's Provincial Court for the opportunity and guidance he received. And, we would like to thank him for all his hard work.

Good luck, Travis, in your studies and in your future endeavours.



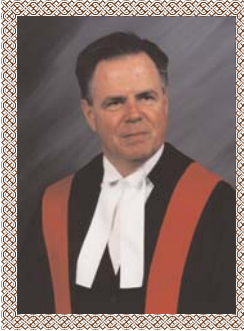
Jillian Ping, a graduate of Computer College's Executive Office Assistant Program, served a work-term placement from November 10 to December 8, 2006, with the St. John's Provincial Court. Jill was supervised by Louise Daley. She was instrumental in assisting with the transfer, organizing and filing of existing criminal court records into the new central registry file system. Jill proved to be a very diligent and trustworthy employee. She very efficiently completed all tasks assigned to her. Following her work placement with the Provincial Court, Jill was successful in gaining employment with the Supreme Court. We are indebted to Jill for her work and wish her well with her future career.



Selina Whitten is currently enrolled in the Office Administration Program at the College of the North Atlantic. Previous to this, Selina had spent a number of terms as a Co-op Student from Gonzaga High School at the St. John's Provincial Court, where she worked in all divisions. Her experience as a student with the Provincial Court had a great influence in her decision to pursue a career in Office Administration (Legal). She hopes to one day be part of the Court team.

Good luck, Selina, in your studies and future endeavours.

## Judge Donald S. Luther RETIRES



The Honourable Judge Donald S. Luther retired April 30, 2006. Judge Luther was appointed to the bench in November 1974. On September 30, 1988, he was appointed Chief Judge of the Provincial Court and stepped down from that position on May 12, 2001. Judge Luther then returned as a puisne judge in the

Corner Brook Provincial Court until his retirement in 2006.

islative and executive branches of government, and still the court moved forward, albeit with very limited resources. He was the first Chief Provincial Court judge in the country to support the development and implementation of Strategic Planning. Since then, other jurisdictions have followed with respect to the development and implementation of Strategic Plans. Chief Judge Luther, as he then was, was instrumental in opening up the Strategic Management Steering Committee to including a member of the public.

We wish Chief Judge Luther and his wife good health and happiness in this new chapter of their lives.

Judge Luther left his mark on the Provincial Court of Newfoundland and Labrador. He led the Court during some of the most severe financial restraints that we had to endure, through some of the most turbulent times with respect to the relationship between the court and the leg-

## Judge William Baker RETIRES

*by: Judge Robert Hyslop*



The Honourable Judge William J. Baker retired as a Judge of the Provincial Court of Newfoundland and Labrador on July 30, 2006.

Judge Baker had a long career of public service in Municipal Government and subsequently on the Provincial Bench. He left his

position as the Town Clerk of Bishops Falls in 1972 to attend Memorial University where he obtained his Bachelor of Arts degree. He then moved to Kingston, Ontario, with his wife Pamela and two daughters, Lisa and Laurie, to attend Queen's University Law School. He received his Bachelor of Laws degree in 1979 and was subsequently called to the Bar of Newfoundland and Labrador after completing his articles with the Department of Justice.

Judge Baker was appointed to the Bench on January 2, 1980, and served throughout the Province during his 26 year judicial career. His first two years were spent in St. John's. He subsequently served for two years in Corner Brook, five years in Grand Bank, two years in Holyrood,

and fifteen years back in St. John's before he retired on his 65th birthday. Judge Baker was a "generalist" judge having served in Youth Court, Small Claims Court and Adult Criminal Court. He was regarded by his colleagues as collegial, enthusiastic about his work, and attentive to the needs and problems of the thousands of litigants who appeared before him. He earned the respect and affection of both the Bench and Bar and Court Staff for his thoroughness, consideration, common sense, compassion, and thoughtful and prompt judgments.

Judge Baker was one of the first judges of this Court to recognize the potential usefulness of information technology in aiding the research and writing capacity of the judiciary. In fact, he was one of the first members of this Bench to become fluently computer literate and was eager to share his expertise and advice with those of his Luddite colleagues who lagged behind.

We thank Judge Baker for his many years of Public Service. His presence on the Court is greatly missed. We wish both Judge Baker and his wife Pamela many years of a happy retirement.



## Anastasia Dunn, Court Officer I (St. John's-Traffic Court) RETIRES



retirement home which they have built in the country.

Anastasia's retirement has left big shoes to fill in Traffic Court. Anastasia epitomized the vital role public servants play in our society. She was a consummate professional committed to providing sensitive, respectful, and knowledgeable service to everyone—client and co-worker alike.

The Institute of *Public Administration Canada* in its document "A Public Servant's Commitments" writes "*the*

*public servant is committed to making the experience of dealing with government as congenial, satisfying and constructive as possible.*" Anastasia did this every day for 19 years. Anastasia's high ethical standards, common sense, and kindness were present in all her actions as a Court Officer.

The retirement social was a testament to the high regard in which Anastasia was held. Attended by co-workers, lawyers and peers from other government divisions, as well as friends and family, all wished her the best in her future endeavours. A slide show comprised of pictures sent by family and pictures taken over the years at various court functions were shown.

Judge R. Smith read a poem written by Judge L. Spracklin, which so vividly described Anastasia and the role she played as a Court Officer of the Provincial Court of Newfoundland and Labrador.

One month after Anastasia's retirement, her husband, Art, retired. We wish them both good health and happiness and hope they have many, many years of relaxation in the years ahead.



*Anastasia with her husband and some members of her family.*

# MARY BUTT, COURT ADMINISTRATOR—HARBOUR GRACE RETIRES

## YESTERDAY



is when it all began  
to work here this long wasn't really the plan  
almost 40 years later, I'm still here today  
it won't be long now and I'll be on my way

came into the job all green and naive  
how timid I was you would never believe  
if someone said, "Jump!: I'd ask them "How high?"  
Well...after all...you know... Who was I?

Met a lot of nice people, people like you  
I can say with sincerity you're a pretty good crew  
The Judges were good, I've worked with a few  
and fondly called one of them, "judge-e-poo"

## TODAY



I'm ready to pack it all in  
Got my grass skirt on order—let the good times begin!  
With my pension, severance, and CPP to come  
I'll tell you all now, I'm gonna have some fun!

I've gotten right cocky—there's no flies on me  
I'm no longer timid like I used to be  
I question direction and sometimes refuse  
On most every issue, I've got my own views

After thinking it over, can't make up my mind  
As to who gets the "stuff" I'll be leaving behind  
I've juggled and juggled and still I'm in doubt  
So, after I leave, they can just fight it out

## TOMORROW



sounds like a plan to me  
for tomorrow is where I am going to be  
won't have to worry, at-all, at-all  
if I do, tomorrow'll take care of it all

Can't think about it without a smile on my face  
Doing just what I please and at my own pace  
There's sleepin-in, relaxin' and "open-line"  
Sure, how could a body not have a good time?

I tell you my retirement's gonna be some trip  
I'll finally be able to run my own ship  
Free as the birds, as free as can be  
Keep in touch, old friends...  
Don't you wish you were me!

*Mary Butt*



# PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

## JUDGES AND STAFF

### FY 2006/07

#### Chief Judge's Office

Chief Judge M. R. Reid  
Marilyn Warren

#### Court Services

Pamela Ryder Lahey  
Shelley Organ  
Bob Mavin (Cr. Brook)  
Louise Daley  
Anna Warford

#### St. John's

Judge J. A. Woodrow  
*Judge W. Baker(Retired)*  
Judge G. Brown  
Judge G. Harding  
Judge R. Hyslop  
Judge D. Orr  
Judge D. Power  
Judge J. Rorke  
Judge L. Spracklin  
Judge R. Smith

Andrea Butt  
Christine Care  
Tamara Church  
Michelle Cook  
*Anastasia Dunn(Retired)*  
Susie Fewer  
Gwen Halliday  
Darlene Haring  
Dolores Hutton  
Marlene Kenney  
Melanie Hamlyn  
Elaine Mayo  
Wendy Penney

Pamela Penton  
Anne Power  
Jackie Power  
Maureen Quinn  
Patricia Ricketts  
Jody Healey  
Patricia Sheehan  
Joanne Spurrell  
Cynthia Thorne  
Denise Wade  
Joanne Walsh  
Dayna Wicks

#### Harbour Grace

Judge C. Flynn  
*Mary Butt (Retired)*  
Shirley Hogan  
Marilyn McGrath  
Philomena Parsons

#### Placentia

Glenys Walters

#### Clareville

Judge P. Kennedy  
Corrine Avery  
Marilyn Avery  
Tonya Bishop

#### Grand Bank

Judge H. Porter  
Mildred Bennett  
Lucy Dominaux  
Greta Miller

#### Corner Brook

Judge C. Allen-Westby  
Judge W. Gorman  
Judge K. Howe  
*Judge D. Luther(Retired)*  
Brenda Eldridge  
Catherine Halbot  
Suzan Hartley  
Carolyn Hobbs  
Mary Hynes  
Deborah Lemoine  
Erika Perry  
Lynn Ruth  
Madonna Vaters

#### Gander

Judge D. Peddle  
Judge B. Short  
Phoebe Broomfield  
Christine Jenkins  
Cindy Oldford  
Rita Pritchett  
Mary Rose

#### Stephenville

Judge M. Monaghan  
Bernice Brown  
Jennifer Dawson  
Agnes Kendall

#### Grand Falls-Windsor

Judge T. Chalker  
Judge R. Whiffen  
Donna Antle  
Vicki Caravan  
Terry Harvey  
Katherine Oake  
Mary Ann Rowsell  
*Sandra Wheeler(Retired)*

#### H.V. -Goose Bay

Judge Wm. English  
Judge J. Joy  
Judy Blake  
Debbie Fillier  
Cora Hamel  
Lisa Winters

#### Wabush

Joan Davis  
Paige Blake (P/T)

JUDGES AND STAFF

# APPENDICES

## APPENDIX “A”

**Total Appearances - Adult Court  
Five Year Period  
FY 2002-2007**

<b>Court</b>	<b>'02-03</b>	<b>'03-04</b>	<b>'04-05</b>	<b>'05-06</b>	<b>'06-07</b>
Clareville	2871	3596	3997	3942	2546
Corner Brook	7445	10476	9967	10034	8536
Gander	4801	4589	3838	4432	4462
Grand Bank	2569	2296	2802	2883	2639
Grand Falls-Windsor	4644	4511	3998	3929	3528
Happy Valley-Goose Bay	7049	7462	7358	7463	11409
Harbour Grace	4159	4342	4338	3372	3247
Placentia	1971	1866	1760	1148	694
Springdale*	981	1335	583	0	0
St. John's	42607	45397	48800	47693	48126
Stephenville	4210	4622	4240	5142	3663
Wabush	930	1020	1525	1213	1065
<b>TOTAL</b>	<b>84,237</b>	<b>91,512</b>	<b>93,206</b>	<b>91,251</b>	<b>89,915</b>

**Total Appearances - Youth Court  
Five Year Period  
FY 2002-2007**

<b>Court</b>	<b>02-03</b>	<b>'03-04</b>	<b>'04-05</b>	<b>'05-06</b>	<b>'06-07</b>
Clareville	412	299	427	326	329
Corner Brook	2171	1872	1856	1855	1942
Gander	1055	1016	1122	684	566
Grand Bank	449	367	349	511	229
Grand Falls-Windsor	1762	809	738	1202	832
Happy Valley-Goose Bay	2067	1178	1480	1522	1944
Harbour Grace	650	1250	1033	509	440
Placentia	554	623	322	171	76
Springdale*	529	340	43	0	0
St. John's	8620	9646	7655	5353	5931
Stephenville	760	860	486	722	1133
Wabush	225	84	118	137	475
<b>TOTAL</b>	<b>19,254</b>	<b>18,344</b>	<b>15,629</b>	<b>12,992</b>	<b>13,897</b>

*\*Note: Springdale Court closed August 2005*

## APPENDIX “B”

**Provincial Court of Newfoundland and Labrador  
Ten Year Statistics**

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Clarenville	1997-98	885	131	247	1081	342	0	1605
	1998-99	920	191	195	402	142	0	1448
	1999-00	985	189	212	399	130	0	1516
	2000-01	826	88	297	340	127	0	1338
	2001-02	672	119	266	437	84	0	1141
	2002-03	557	73	241	387	92	0	963
	2003-04	747	99	182	451	45	30	1073
	2004-05	962	115	187	389	62	8	1326
	2005-06	935	73	67	214	62	15	1137
	2006-07	783	105	84	122	32	7	1004

SOTs Procs'd	SOTs Trials
2127	N/A
1567	N/A
1939	N/A
1759	N/A
2016	N/A
3609	N/A
2107	47
1418	96
1815	20
1867	26

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Corner	1997-98	2238	708	1103	776	910	0	4959
Brook	1998-99	2442	646	644	1053	1570	0	5302
	1999-00	1844	405	506	616	1466	0	4221
	2000-01	2138	437	488	735	1490	0	4553
	2001-02	1941	479	358	1296	1421	0	4199
	2002-03	1780	520	290	936	1237	0	3827
	2003-04	2213	446	361	1215	538	517	3558
	2004-05	2271	452	176	860	358	460	3257
	2005-06	2533	505	150	534	539	709	3727
	2006-07	2239	553	118	617	388	543	3298

SOTs Procs'd	SOTs Trials
10869	N/A
10458	N/A
9894	N/A
8615	N/A
8615	N/A
9228	N/A
6856	164
7164	183
8165	209
6975	161

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Gander	1997-98	1152	275	395	734	234	0	2056
	1998-99	1199	235	390	698	273	0	2097
	1999-00	1242	238	222	374	225	0	1927
	2000-01	1119	185	252	574	226	0	1782
	2001-02	1022	297	218	851	238	0	1775
	2002-03	1160	314	197	824	381	0	2052
	2003-04	1053	337	235	879	218	149	1843
	2004-05	973	231	104	393	202	120	1510
	2005-06	1172	218	81	226	138	161	1609
	2006-07	1102	185	78	280	162	125	1527

SOTs Procs'd	SOTs Trials
3885	N/A
3962	N/A
3277	N/A
2859	N/A
2904	N/A
2888	N/A
2991	38
2513	43
3319	208
3441	87

*Note: Prior to 2003-04 Family Statistics were combined.*



**Provincial Court of Newfoundland and Labrador  
Ten Year Statistics**

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Grand	1997-98	764	151	134	229	250	0	1299
Bank	1998-99	778	146	123	228	186	0	1233
	1999-00	699	192	141	225	73	0	1105
	2000-01	680	155	75	173	111	0	1021
	2001-02	657	232	83	232	126	0	1098
	2002-03	979	235	111	289	129	0	1454
	2003-04	869	137	88	197	57	72	1151
	2004-05	1023	164	45	167	84	38	1316
	2005-06	839	204	52	115	82	24	1177
	2006-07	767	93	54	262	65	55	979

SOTs Procs'd	SOTs Trials
1100	N/A
773	N/A
1210	N/A
753	N/A
618	N/A
875	N/A
787	5
767	6
1524	26
1176	207

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Grand	1997-98	957	279	0	79	362	0	1598
Falls-	1998-99	739	313	0	132	365	0	1417
Windsor	1999-00	874	361	0	116	339	0	1574
	2000-01	745	266	0	184	366	0	1377
	2001-02	1108	573	7	92	359	0	2047
	2002-03	1011	467	0	73	357	0	1835
	2003-04	1096	254	29	59	169	51	1548
	2004-05	1256	252	147	492	172	114	1827
	2005-06	955	247	218	646	230	182	1650
	2006-07	992	207	96	358	218	166	1513

SOTs Procs'd	SOTs Trials
3914	N/A
4203	N/A
4638	N/A
4187	N/A
3987	N/A
3145	N/A
3361	81
3721	76
3331	68
2672	79

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Harbour	1997-98	931	263	268	237	242	0	1704
Grace	1998-99	913	224	262	167	192	0	1591
	1999-00	1012	253	245	130	151	0	1661
	2000-01	814	164	193	233	129	0	1300
	2001-02	680	196	203	277	115	0	1194
	2002-03	797	185	213	321	174	0	1369
	2003-04	883	290	187	319	91	43	1451
	2004-05	746	139	92	213	99	58	1076
	2005-06	766	162	72	176	83	75	1083
	2006-07	787	182	52	125	94	77	1115

SOTs Procs'd	SOTs Trials
842	N/A
787	N/A
1353	N/A
1927	N/A
1970	N/A
892	N/A
672	22
791	33
713	26
953	32

**Provincial Court of Newfoundland and Labrador  
Ten Year Statistics**

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
H.Valley-	1997-98	1432	624	112	183	191	0	2359
Goose	1998-99	1624	488	148	190	194	0	2454
Bay	1999-00	1503	408	103	172	187	0	2201
	2000-01	1512	451	107	180	214	0	2284
	2001-02	1954	368	305	143	316	0	2943
	2002-03	1811	529	150	312	286	0	2776
	2003-04	1999	350	79	188	100	69	2528
	2004-05	1835	467	62	145	237	112	2575
	2005-06	1863	352	49	135	206	71	2470
	2006-07	2311	473	43	150	298	191	3125

SOTs Procs'd	SOTs Trials
1461	N/A
1003	N/A
1201	N/A
1239	N/A
669	N/A
706	N/A
739	0
435	5
625	15
892	15

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Placentia	1997-98	735	165	27	26	124	0	1051
	1998-99	709	198	31	42	70	0	1008
	1999-00	726	196	32	43	57	0	1011
	2000-01	790	202	45	58	77	0	1114
	2001-02	614	234	33	91	59	0	940
	2002-03	532	210	31	63	48	0	821
	2003-04	526	200	52	114	9	26	787
	2004-05	511	88	22	36	16	9	637
	2005-06	275	82	6	52	13	13	376
	2006-07	238	19	5	12	15	16	277

SOTs Procs'd	SOTs Trials
1214	N/A
887	N/A
1168	N/A
852	N/A
752	N/A
467	N/A
449	18
553	10
228	6
371	14

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Springdale**	1997-98	407	131	694	1588	241	0	1473
	1998-99	363	142	739	1968	185	0	1429
	1999-00	325	75	379	1409	179	0	958
	2000-01	315	28	690	1640	148	0	1181
	2001-02	342	79	656	1992	215	0	1292
	2002-03	203	92	581	2172	178	0	1054
	2003-04	300	94	685	2264	32	42	1111
	2004-05	68	5	83	255	18	12	174
	2005-06	0	0	0	0	0	0	0
	2006-07	0	0	0	0	0	0	0

SOTs Procs'd	SOTs Trials
665	N/A
913	N/A
1073	N/A
1361	N/A
1147	N/A
768	N/A
590	54
285	0
0	0
0	0

**\*\*NOTE:** As of August 2004, Springdale Court became a Circuit Court. of Grand Falls-Windsor Prov. Court

# Provincial Court of Newfoundland and Labrador Ten Year Statistics

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Stephenville	1997-98	1350	393	230	816	616	0	2589
	1998-99	1290	288	235	809	159	0	1972
	1999-00	1486	392	143	560	176	0	2197
	2000-01	1620	356	249	625	198	0	2423
	2001-02	1478	298	185	621	177	0	2138
	2002-03	1208	258	137	381	134	0	1737
	2003-04	1195	239	140	437	84	71	1658
	2004-05	1310	172	73	265	50	23	1640
	2005-06	1643	244	43	198	88	11	2018
	2006-07	1265	370	45	217	35	13	1715

SOTs Procs'd	SOTs Trials
2741	N/A
2093	N/A
3343	N/A
2120	N/A
2219	N/A
2373	N/A
1739	34
1593	35
1681	26
1641	31

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
St. John's	1997-98	8925	1868	3205	4056	0	0	13998
	1998-99	10078	2231	2571	3759	7	0	14887
	1999-00	7906	1574	2209	3025	2	0	11691
	2000-01	7885	1869	1927	3050	0	0	11681
	2001-02	8532	2254	1605	4403	0	0	12391
	2002-03	8278	2427	1741	4904	0	0	12446
	2003-04	9319	2496	1545	4616	0	0	13360
	2004-05	9467	1833	865	3003	0	0	12165
	2005-06	9239	1487	728	2301	0	0	11454
	2006-07	9089	1603	659	3053	0	0	11351

SOTs Procs'd	SOTs Trials
0	N/A
2914	N/A
2001	N/A
103479	N/A
133726	N/A
142722	N/A
131783	1021
120316	792
130136	814
113331	624

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Wabush	1997-98	326	130	175	42	52	0	683
	1998-99	190	163	163	34	67	0	583
	1999-00	268	111	136	60	93	0	608
	2000-01	242	93	93	108	84	0	512
	2001-02	268	68	321	210	95	0	752
	2002-03	295	85	223	424	147	0	750
	2003-04	295	25	80	161	41	14	441
	2004-05	419	42	26	127	118	22	605
	2005-06	224	43	23	86	85	7	375
	2006-07	316	82	22	67	162	12	582

SOTs Procs'd	SOTs Trials
766	N/A
774	N/A
593	N/A
494	N/A
544	N/A
603	N/A
601	4
411	10
324	13
458	17

Court	Fiscal Year	Adult	Youth	Civil New	Civil Follow-up	Family* New	Family Concluded	TOTAL
Overall	1997-98	20102	5118	6590	9847	3564	0	35374
	1998-99	21245	5265	5501	9482	3410	0	35421
	1999-00	18870	4394	4328	7129	3078	0	30670
	2000-01	18686	4294	4416	7900	3170	0	30566
	2001-02	19268	5197	4240	10645	3205	0	31910
	2002-03	18611	5395	3915	11086	3163	0	31084
	2003-04	20495	4967	3663	10900	1384	1084	30509
	2004-05	21116	3969	1882	6345	1416	976	28383
	2005-06	20444	3617	1489	4683	1526	1268	27076
	2006-07	19889	3872	1256	5263	1469	1205	26486

SOTs Procs'd	SOTs Trials
29,584	N/A
30,334	N/A
31,690	N/A
129,645	N/A
159,167	N/A
168,276	N/A
152,675	1488
139,967	1289
151,861	1431
133,777	1293

**APPENDIX “C”**

## WEEKEND ARRESTS FY 2006-07

MONTH	NUMBER OF ARRESTS ST. JOHN'S	NUMBER OF PROVINCE ARRESTS OUTSIDE ST. JOHN'S	PROVINCIAL TOTAL
APRIL 2006	34	30	64
MAY 2006	35	32	67
JUNE 2006	29	42	71
JULY 2006	21	30	51
AUGUST 2006	15	22	37
SEPTEMBER 2006	44	32	76
OCTOBER 2006	36	28	64
NOVEMBER 2006	20	40	60
DECEMBER 2006	47	34	81
JANUARY 2007	22	36	58
FEBRUARY 2007	30	27	57
MARCH 2007	36	39	75
<b>TOTAL</b>	<b>369</b>	<b>392</b>	<b>761</b>

*The Total Average Arrests per day = 6.49*