

2020 CBA Report

I appreciate this opportunity to report on the work of the Court of Appeal and to bring the CBA and its membership up to date on some of the goings on of the past year.

Calendar year 2019 was a busy one for the Court. We disposed of 316 appeals, a meaningful increase over the 277 disposed of in 2018. We rendered 89 civil decisions and 85 criminal decisions. This compares to 71 civil and 68 criminal in the previous year. The trend continues to be that the average or typical case we are hearing, perhaps especially on the civil side of the ledger, is more involved or complex than in the recent past.

After a period of very significant and rapid change in the membership of the Court caused by retirements and elections of supernumerary status, we are now in a period of relative stability. The current full-time members of the Court are me and Justices Ottenbreit, Caldwell, Schwann, Leurer, Barrington-Foote, Tholl and Kalmakoff. Justices Jackson, Whitmore and Ryan-Froslic are supernumerary.

Let me also mention a few specific initiatives and developments that might be of some interest:

- (a) Criminal Practice Directive No. 9 (ineffective assistance of trial counsel) became effective June 1, 2020. It will assist all concerned to more easily and successfully negotiate their way through a criminal appeal where there is an argument that a conviction should be set aside because trial counsel was ineffective.
- (b) The Registrar's taxation decisions are now on the Court's website and available for the assistance of counsel involved in taxation proceedings.

- (c) The Court posted a gowning protocol on its website in December of 2019. It reflects the Court’s long-standing practices with respect to when gowns are to be worn and with respect to accommodations in that regard.
- (d) Work continues on the “fillable forms” project. This is aimed at allowing counsel and self-represented litigants to complete Court of Appeal forms online. We hope to have everything in place by the end of the calendar year.
- (e) Along with the Provincial Court and the Court of Queen’s Bench, we will soon launch a project aimed at refreshing and improving the look and functionality of the “Sask Law Courts” website.

I can also report that the Court has been able to successfully manage the impact of the COVID-19 pandemic. When the virus appeared on the horizon, we moved aggressively to put a video conferencing system in place. Since late March, we have been hearing appeals as scheduled and on the standard timetable with the only difference from pre-COVID-19 times being that, but for a few cases heard by teleconference, all appeals have been heard by Webex. That approach has worked remarkably well. Chambers matters, as was largely the case pre-COVID-19, have been handled by way of teleconference. Overall, we have avoided having to adjourn appeals or applications and have not had to reserve our hearing list to matters of an urgent nature. All of this, including being able to work remotely, has been made significantly easier because of our eCourt electronic filing and file management system. Simply put, it has been business as usual at the Court of Appeal. I am grateful for the cooperation of the bar in making that possible.

I close by once again acknowledging the good work done by the Canadian Bar Association and its members. We are living through challenging times and the CBA’s efforts on many fronts

are appreciated by the members of my Court and by the judiciary generally. We are fortunate to live and work in a jurisdiction where there is such a strong and cooperative relationship between the bench and the bar.

The Honourable Robert G. Richards
Chief Justice of Saskatchewan