

**REMARKS TO THE
CANADIAN BAR ASSOCIATION
ANNUAL MEETING**

- June 11, 2020 -

The Court of Queen’s Bench is grateful for the opportunity to address the Canadian Bar Association, Saskatchewan Branch, once again, on the occasion of its annual general meeting. The Court values its relationship with the CBA and expresses its sincere appreciation for the role it takes to enhance the administration of justice by taking on many initiatives including providing appropriate responses in situations where judges are unable to comment.

On March 19, the Court introduced significant changes to our operations in response to the spread of COVID-19 in Saskatchewan. Those changes limited in-person hearings, mandated strict public health protocols within court houses and courtrooms, and provided for intense case management both during and after operational slowdown.

Between March 19 and May 31, the judges of the Court continued to perform their traditional duties, albeit, sometimes, in a slightly different way than in the past. We engaged with court staff and representatives of the Bar, including the CBA, in order to develop and revise necessary processes. We continued to consider without notice applications, hear bail and detention reviews, decide urgent chambers matters, and conduct some trials—including “in person” trials where necessary and possible, while respecting boundaries recommended by the Chief Medical Health Officer. Further, and not insignificantly, judges have used the time normally occupied by sitting to focus their attention on reserved decisions. In fact, the overall number of reserved decisions has dropped dramatically in the past few months.

As of June 1, the Court’s restrictions respecting hearing only urgent and emergency chambers applications was lifted. The Court has implemented a “chambers blitz” during

the weeks of June 8 to 12; June 15 to 19; and June 22 to 26. A concerted effort is being made to hear all of the chambers applications that have been postponed as a consequence of the restrictions set forth in the Court's March 19 directive, as well as hearing new applications during these three weeks. During the "chambers blitz", additional non-traditional chambers dates have been set and all available judicial resources have been called upon.

Approximately 250 chambers applications are scheduled to be heard this week throughout the province. Considerably more are expected to be scheduled in weeks two and three of the "chambers blitz". Although the number of matters being scheduled and heard is significant, the Court has the capacity to hear many more than have been scheduled thus far. The Bar would be well advised to take advantage of this opportunity to have their application heard.

As of June 1, 2020, the hearing of pre-trial conferences has resumed. In an effort to address the backlog of cases that has arisen since March, the Court has substantially increased its summer sittings in order to accommodate hearing as many as 200 pre-trial conferences between June 1 and the end of August. Until further notice, the pre-trial conferences will be conducted either by telephone or, where appropriate and possible, in person. The manner in which pre-trial conferences will be conducted is at the discretion of the judge presiding at the pre-trial conference. Where the pre-trial conference is determined by the presiding judge to be in person, the precautions mandated by the Chief Medical Health Officer will be followed.

In addition, the Court is scheduling numerous summary conviction appeals to be heard during the months of June, July and August.

With the initiatives taken with respect to chambers, pre-trial conferences and summary conviction appeals, it is anticipated that the Court will be in relatively good shape to commence hearing trials in the fall. That having been said, there will undoubtedly be

challenges. The introduction of unavoidable delays caused by COVID-19 overlaid on top of an already overburdened Court creates challenges. Urgent criminal and family trials need to be heard. Civil cases cannot be forgotten or pushed down the road too far. Currently, the Court is diligently working on a plan that attempts to strike the appropriate balance respecting which cases will proceed and which cases will be delayed. While this has always been a challenge, it is more so, now.

Although things COVID-19 related have occupied much of the Court's energy in recent times, there are many interesting and exciting initiatives being worked on right now. I will mention a few of them:

- 1) *J-Star [Judicial Scheduling, Tracking and Amalgamated Reporting] System* -- The Court of Queen's Bench will be launching a new judicial scheduling and case setting software package in August. This new software package will revolutionize the scheduling system in Saskatchewan. While from the "outside", it may appear that there are few changes (although there will be some, such as standardized chambers lists throughout the province, for example), the internal changes are quite revolutionary. With J-Star, the Court will be able to more efficiently manage resources in order to make the maximum use of the judges and courtrooms throughout the province.

J-Star - Phase 2 -- The Ministry of Justice has agreed to move forward with a full eCourt filing system for the Court of Queen's Bench. This is a very significant positive development that will create a state of the art filing system that will provide significant benefits to all users of the legal system in Saskatchewan. The J-Star system mentioned above is the first phase and will be operational by September 2020. The second phase of J-Star (full eFiling) is anticipated to be rolled out in September of 2021.

- 2) *Family Rules Update* -- When *The Queen's Bench Rules* were updated in 2013, the Family Law portion was, for the most part, left untouched. With the proposed amendments to the *Divorce Act* initially scheduled to come into force on July 1 (although this has now been delayed to the spring of 2021 due to COVID-19), the Court is seizing upon the opportunity to take a fresh look at all the family rules and make them more coherent and user friendly. The work is well underway. A working draft should be ready for review by interest groups and the general public in the fall. The intent is to have these rules amended in conjunction with the coming into force of the *Divorce Act* amendments in the spring of 2021.
- 3) *New Initiatives being explored* -- The Court continues to work on a number of access to justice and other initiatives intended to enhance the administration of justice. Currently, the Court is exploring the concept of binding judicial dispute resolution, the introduction of "Masters" and ways in which judicial efficiency can be enhanced by a more robust "seizing" practice, that reduces the need of having multiple judges reviewing the same file. The Court is also examining some of the lessons learned as a result of the COVID-19 pandemic with a view to determining which temporary innovations should be made permanent.
- 4) *New pre-trial rooms in Regina* -- The Court is absolutely delighted that the Ministry of Justice has constructed several new pre-trial rooms in Regina. The construction and completion of these pre-trial rooms has dramatically increased the number of venues within which matters can be heard and addresses the strain that was caused by not having enough physical space to conduct trials and pre-trials.

Again, I would like to thank the CBA for giving me the opportunity to address its members.