

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

- June 17, 2021 -

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.

It is not exaggeration or hyperbole to say that this has been a year like no other for our Court. Never before has the Court navigated in such an uncertain and shifting environment. There was no roadmap or checklist to follow, no precedent we could use to guide our decisions. It is likely that each of us learned more about epidemiology and public health policy than we ever expected. I know each of you faced similar challenges in your work and I am grateful for your co-operation and willingness to work with the Court to implement workable solutions and stopgaps.

Through the various challenges of the past year, the Court never fully ceased operations. In the earliest days, not knowing what lay before us and not knowing the extent of the risk posed by COVID-19, we were faced with the challenge of keeping all court participants safe, while maintaining that crucial and foundational tenet of our legal system: that all have access to justice, not least in times of crisis. A committee of Queen's Bench judges was formed to address the Court's pandemic response. On March 19, 2020, we issued our first directive, cancelling all trials and proceedings save for the most urgent matters. Non-urgent matters were set over to

be spoken to in June 2020.

Offices were closed to the public and filing alternatives put in place. We sent people – judges and staff – home to work from there and operated with skeleton staff in the offices, staggering attendance to limit contact and spread. Well before June of 2020, it was becoming apparent that we were unlikely to get back to normal any time soon and that other strategies and solutions were needed.

Thinking outside the box, in June 2020 we implemented a Chambers Blitz that used an “all hands on deck” approach to deal with the mounting backlog of non-urgent applications. By adding Chambers days throughout the week and allowing applications to be heard at fixed times by phone, we successfully heard almost 1,000 applications in a three-week period.

At the same time over that summer, by adjusting our judicial schedule, we increased the number of pre-trial conferences so that matters could continue to move along to early resolution or trial.

In managing and adjusting our continuous response to COVID-19, I am grateful for the thoughtful and collaborative input from our legal community. Beginning in April 2020, we arranged a series of teleconferences with stakeholders including representatives from the CBA. These meetings were most helpful in helping the Court respond to the public health and safety challenges posed by COVID-19 and demonstrated our legal community’s best traditions of collegiality and service.

I am also grateful for the efforts of court staff, sheriffs and Court Services for a response that consistently went far above the call to duty. This was most notably demonstrated in the management of jury trials. A working committee that included

members of the Crown and defence Bar, as well as civil litigators, was struck to consider how to move forward safely with jury trials. In the fall, we cautiously announced the resumption of jury trials, implementing the various protocols necessary to keep court staff and all participants safe and healthy. Large banquet halls and meeting rooms at off-site facilities were transformed into courtrooms, jury rooms and the many ancillary offices used during a trial to allow for safe physical distancing. We managed to hold four jury trials before the virus flared and we had to postpone them and tighten restrictions on attendance yet again.

The Court became proficient at pivoting this past year. I think it is also fair to say that most of us are far more technologically nimble than we had been previously and that we are looking forward to maintaining some of the technology advancements that we have implemented.

On the topic of technology, I note that the Court carried through with its planned launch of Phase 1 of J-STAR [*Judicial Scheduling, Tracking and Amalgamated Reporting System*]. The project has and will continue to modernize the Court's scheduling and filing systems, benefitting both users and the judiciary. I hope to see the development of the second phase to commence later this year to enable some degree of online filing.

With the heightened focus on responding to the pandemic, it would be too easy to lose sight of the launch of J-STAR and all of the Court's many other accomplishments this past year. There were many. The Court continues to review and revise its Rules to ensure they are up-to-date, clear and effective. The new Family Law Rules are the most obvious example of this effort. When *The Queen's Bench Rules* were updated in 2013, the Family Law portion was, for the most part,

left untouched. With the amendments to the *Divorce Act* necessitating some changes, the Court seized the opportunity to take a fresh look at all the Family Law Rules and make them more coherent and user-friendly. The work was completed and will formally be introduced once translated into French.

As well, the Court announced changes to its class action processes, updated practices to reflect changes to *The Jury Act*, made amendments to the subpoena forms and implemented binding pre-trial conferences. 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.

Also, I am creating a committee composed of judges, lawyers and other stakeholders to examine carefully whether, in light of some of the lessons we have learned from the pandemic experience, there is a better way to conduct and schedule chambers. The CBA will be invited to submit a representative to serve on this committee. I look forward to the considered and innovative suggestions that may come out of the work of this committee.

We also welcomed three new judges to the Court in 2020 – Justice Bardai joined us in February, Justices Baldwin and Haaf in November, and Justices Clackson and Schatz in December. It is helpful to have these vacancies filled, and critical that the Court retain the capacity to hear all matters that come before it in a timely fashion. The Court has already benefitted from the contributions of its new judges.

Also, I am very pleased to advise that the most recent federal budget announced an addition to our judicial complement of two new judicial positions for our province. This is very significant. We have not had an increase in our judicial complement in over 20 years. This most welcome and needed addition is appreciated and

recognizes our Court's growing workload. The addition of these two judicial positions—one in the General Division and one in the Family Division—both in Regina--will have a long-term positive impact on the administration of justice in Saskatchewan.

In a year of so many passages, the Court said farewell to one of its own: former Chief Justice Robert Laing passed away in October, just a week after his 80th birthday. Among his many accomplishments on the Bench, Justice Laing oversaw a complete overhaul and update of *The Queen's Bench Rules*. The project culminated just prior to the end of his term as Chief Justice in 2012, with only the French translation outstanding. Having been a part of updating discrete sections or topics in our Rules, I have an appreciation of just how daunting the task was that he undertook.

I am grateful as always to have the opportunity to update the CBA on the activities of the Court this past year. It may seem like a brief summary, but the forward momentum we have gained is palpable. We do not always get to control when or why things change, but we always have a choice in how we respond to that change. I am extremely proud of the way this Court has responded to the challenges and changes thrown its way this past year.

Thank you to the CBA for the opportunity to update you on our Court's work.

Respectfully submitted,

The Honourable M.D. Popescul
Chief Justice
Court of Queen's Bench for Saskatchewan