Justice workers vulnerable to trauma from graphic reports and images, union says
Globe and Mail
Jim Bronskill
June 20, 2017

OTTAWA — Public safety and justice workers exposed to graphic materials detailing horrific crimes are at risk of suffering psychological injuries and therefore need better protections, says a federal union.

A report released Tuesday by the Union of Solicitor General Employees says more than three-quarters of public safety workers surveyed had experienced effects such as nightmares, insomnia, emotional or physical difficulties and marital problems.

They included employees at prisons, RCMP detachments, courts and the Parole Board of Canada, doing jobs that routinely exposed them to violent criminal histories, victim statements and stomach-turning evidence.

"I've had some really, really horrible nightmares about some of the stuff that I've seen in pictures ... and this is a small town so these are pictures of things that have happened to people that I know," a services assistant at an RCMP detachment told the researchers.

Stan Stapleton, the national union president and a former prison guard in Edmonton, compares the exposure to repetitive strain injury from using a computer mouse.

"We all recognize and are able to deal with the physical problems, but when it becomes psychological, and mental health, we have not done so well," he said in an interview.

The toll that witnessing trauma takes on frontline workers such as police, paramedics and firefighters is widely recognized, the union says. But it adds that public safety and justice workers behind the scenes receive almost no training or preparation, few protections and little recognition for their injuries.

A parole officer told the authors: "(The) culture at work only supports taking time off work when staff are physically assaulted due to traumatic situations and (they) shame staff who become depressed/overstressed due to traumatic material/or threats to their safety."

In October, the House of Commons public safety committee called for a new research centre devoted to the mental health of first responders and other public safety officers grappling with the often disturbing toll of their jobs.

The committee's report cited estimates indicating that between 10 and 35 per cent of first responders — from paramedics to prison guards — will develop post-traumatic stress disorder.

Prime Minister Justin Trudeau has directed Public Safety Minister Ralph Goodale to work with the provinces and territories and Health Minister Jane Philpott on a co-ordinated national plan on post-traumatic stress disorder among emergency personnel.

The report from the union, which has 16,000 members across 17 federal departments, calls for:

— Recognition of operational stress injury for federal public servants regularly exposed to both direct and second-hand trauma, setting a precedent for provincial Workplace Compensation Boards;

— Expansion of the federal employee assistance program to give public safety workers access to specialized trauma counsellors;

— Creation of custom-designed resiliency and emotional preparedness training for public safety officers likely to have regular exposure to traumatic material, as well as special programs for managers.

Un premier Canadien coupable d'avoir voulu participer à des activités terroristes
Radio-Canada
19 juin, 2017

Ismaël Habib a été reconnu coupable, lundi, d'avoir voulu quitter le Canada pour rejoindre une organisation terroriste à l'étranger. L'homme de 29 ans est le premier adulte au Canada à avoir subi un procès pour une accusation de tentative de participer à des activités terroristes.

Dans une décision de seulement 15 pages, le juge Serge Delisle a estimé notamment que le témoignage qu'a livré Habib contenait des contradictions qui minaient sa crédibilité. Il n'est pas le père prêt à tout pour sauver sa famille qu'a tenté de dépeindre la défense à son procès, mais plutôt un aspirant terroriste, comme le disait la Couronne, conclut ainsi la Cour du Québec.

En mars dernier, le juge avait déclaré admissibles en preuve les déclarations faites par Ismaël Habib dans le cadre d'une opération de type « Mr Big » menée par la GRC, où des policiers se faisaient passer pour des criminels et faisaient semblant de recruter le suspect, afin de gagner sa confiance et de lui soutirer des aveux.

L'accusation relativement nouvelle avait été ajoutée au Code criminel en 2013 et prévoit une peine maximale de 10 ans de prison.

La Couronne accusait M. Habib d'avoir tenté de quitter le Canada pour se joindre à Daech (le groupe armé État islamique) en Syrie.

Les procureurs ont démontré que le jeune homme avait confié deux fois en 2016 à des agents infiltrés de la Gendarmerie royale du Canada (GRC) qu'il voulait se rendre en Syrie pour participer aux activités de Daech.

L'avocat de M. Habib, Me Charles Montpetit, plaidait de son côté que les autorités l'avaient contraint à faire ces aveux alors que l'accusé voulait seulement aller rejoindre sa femme et ses enfants quelque part au Moyen-Orient.

En mai, Ismaël Habib avait déjà été déclaré coupable d'un autre chef d'accusation dans cette affaire: celui d'avoir fourni de fausses informations pour obtenir un passeport.

L'homme a été arrêté et accusé par la GRC en février 2016.

READER'S CORNER: Phoenix disgrace
Chronicle Herald
Opinions
June 21, 2017

Treasury Board president Scott Brison is trying to blame IBM for the huge pay troubles many federal employees are having because of the Phoenix system. It's ironic — given the Phoenix is a symbol of rising from ashes. That's far from the case here.

It is a national disgrace this pay system has not been fixed. It is hurting many government employees.

The blame falls squarely on the government of Canada and goes right to the top. If Prime Minister Trudeau doesn't stand up for these employees, his entire government's reputation is at stake.

IBM should not be made the scapegoat, nor the previous Conservative government for firing all those paymasters. That's politics at its worst.

This is the current government's problem and they seem paralyzed. Spending $400 million to try and fix this system should either have fixed it or have paid for bringing in a new system.

Where is the accountability or the outcry from those who should be able to address this problem? Is anyone home? Does anyone care?

Stop pointing fingers and let's get this fixed — now.

John Moore, Halifax

Délais: il manque de juges et « ce n'est pas un caprice », dit la ministre Vallée
La Presse Canadienne
21 juin 2017

Près d'un an après la décision de la Cour suprême dans l'arrêt Jordan et malgré d'importants investissements consentis au cours des derniers mois, le gouvernement Couillard ne réussit toujours pas à pouvoir affirmer que les délais judiciaires sont raisonnables au Québec.

Une fois de plus, mardi, la ministre de la Justice, Stéphanie Vallée, a rejeté le blâme sur le gouvernement fédéral, qui n'a toujours pas nommé les 10 juges requis à la Cour supérieure du Québec.

Cette demande pressante du Québec, formulée sur tous les tons depuis plusieurs mois, n'est pourtant pas un caprice, a réaffirmé la ministre en conférence de presse, en annonçant une troisième série de mesures depuis décembre destinées à réduire les délais judiciaires jugés excessifs et ainsi prévenir l'avortement éventuel de procès criminels.

Mme Vallée a dit espérer une réponse positive d'Ottawa avant la fin de la présente session parlementaire, soit mercredi ou jeudi.

« Ce n'est pas un caprice »

Conséquence de l'arrêt Jordan, on compte actuellement au Québec 895 requêtes en arrêt de procédures, dont 542 de nature criminelle et 353 en matière pénale.

En 11 mois, une soixantaine de ces requêtes ont été accordées, certaines ayant depuis été portées en appel. « Quand je dis qu'on a besoin de juges, c'est pas un caprice! », a commenté la ministre, espérant que son appel sera enfin entendu.

« La session parlementaire n'est pas terminée (à Ottawa). J'espère qu'elle ne se terminera pas sans qu'on voie à répondre à cette préoccupation-là » a fait valoir la ministre, de plus en plus impatiente. « Le message, il est très clair: on a besoin de ces juges-là. Je n'ai pas besoin de crier que des familles sont en attente de voir leur dossier entendu devant la Cour supérieure », a-t-elle plaidé, se disant même prête à jouer le rôle « du maringouin ou de la mouche noire de service » pour répéter sans cesse son message autant de fois que nécessaire.

Des postes qui n'existent pas encore

David Taylor, directeur des communications du ministère fédéral de la Justice, a soutenu par courriel qu'Ottawa continue de travailler de près avec les gouvernements des provinces et des territoires pour « répondre aux implications » de l'arrêt Jordan.

M. Taylor a fait valoir qu'il y avait présentement trois postes vacants en Cour supérieure au Québec, et qu'ils seraient comblés sous peu. « Le Québec réclame huit postes additionnels. Cette requête suit le processus de vérification normal qui a cours entre n'importe quel gouvernement provincial et le fédéral. Le gouvernement fédéral ne peut pas nommer 10 juges au Québec. Il y a seulement trois postes vacants. Les postes additionnels que le gouvernement du Québec réclame n'existent pas encore », a affirmé M. Taylor.

En juillet dernier, dans l'arrêt Jordan, la Cour suprême du Canada semait l'émoi dans les palais de justice en dénonçant les délais déraisonnables dans le traitement des dossiers, décrétant du même souffle que désormais la Cour supérieure disposerait d'au plus 30 mois pour mener à bien un procès criminel, et la Cour du Québec, d'au plus 18 mois.

Québec a depuis multiplié les initiatives pour réduire les délais. Mais l'effort mis sur les procès criminels, par l'ajout de magistrats qui s'occupaient d'autres dossiers, a cependant eu un effet pervers: retarder les causes en droit familial, particulièrement le traitement des demandes de pension alimentaire.

Pour désengorger les tribunaux, on tentera de déjudiciariser certaines infractions mineures, comme des méfaits. Un projet-pilote sera mené pendant un an et demi dans les palais de justice de Joliette, Sherbrooke et Saguenay et visera à proposer des mesures de rechange à l'incarcération (travaux communautaires, gestes de réparation, par exemple).

En décembre, la ministre avait annoncé un plan global de 175 millions $ sur quatre ans, prévoyant notamment la nomination de 16 juges à la Cour du Québec, ce qui a été fait. Les juges de la Cour supérieure doivent cependant être nommés par Ottawa, qui repousse sans cesse l'échéance, retardant d'autant le traitement de nombreux dossiers.

Le plan prévoyait aussi l'ouverture de sept salles d'audiences supplémentaires et l'embauche de 773 ressources additionnelles dans le réseau. Depuis, notamment, 66 procureurs ont été embauchés au bureau du Directeur des poursuites criminelles et pénales (DPCP), qui dispose aussi de 84 employés de soutien supplémentaires pour mener à bien sa tâche. D'autres embauches ont été effectuées, notamment: 38 agents de services correctionnels, 16 constables spéciaux et 32 agents de probation. Au total, 449 postes ont été comblés dans le système de justice.

Les salles d'audience promises sont déjà opérationnelles à Montréal, Laval et Gatineau. Celle de Sherbrooke devrait l'être l'an prochain.

McLachlin’s retirement prompts speculation about who will fill chief justice spot
Canadian Lawyer’s Magazine
Mallory Hendry
June 21, 2017

In the wake of Chief Justice Beverley McLachlin’s announcement that she will be retiring from the Supreme Court of Canada in December, the legal profession is left to wonder who will take on the role.
Eugene Meehan, a lawyer at Supreme Advocacy in Ottawa who specializes in Supreme Court of Canada matters and is a former executive legal officer to the court, says the priority will be finding someone who is a consensus builder and can continue the court’s current stability.

Eugene Meehan, a lawyer at Supreme Advocacy in Ottawa who specializes in Supreme Court of Canada matters and is a former executive legal officer to the court, says the priority will be finding someone who is a consensus builder and can continue the court's current stability.

Widely respected and well known for her outspokenness on issues such as access to justice, free speech, diversity and inclusive leadership, 73-year-old McLachlin will be stepping down after 28 years on the Supreme Court, with 17 of those as presiding judge. Prime Minister Justin Trudeau will appoint a new chief justice and also choose another judge to replace McLachlin on the bench. Under the new appointments process, the prime minister will be provided a short list of names from an advisory committee and will likely make the selection from that list.

Emmett Macfarlane, assistant professor of political science at the University of Waterloo, says the replacement is very difficult to predict, and while there are no hard-and-fast rules there are a couple of what he calls "quasi-conventions" surrounding the elevation of someone to the role of chief justice.

One is "simply, straight up seniority," but he notes it does depend on how close the senior judges are to retirement themselves.

"For example, with our current court, I'd be surprised if Rosalie Abella were elevated given that she's only a few years away from retirement herself and there might be a bit of an argument for elevating someone who will be around for a while just in terms of stability for the court."

Eugene Meehan, a lawyer at Supreme Advocacy LLP in Ottawa who specializes in Supreme Court of Canada matters and is a former executive legal officer to the court, agrees that retirement in a foreseeable number of years "may take some candidates out of the mix" despite all of them being highly qualified for the position.

The other quasi-convention is alternation between English and French chief justices or even Quebec versus the rest of Canada, Macfarlane says.

"I say that's a quasi-convention because it's been broken even in the post-Second World War, modern period of the court," he adds. "I wouldn't call it a clear rule, but it's certainly something that I suspect will be given some thought."

Justice Richard Wagner is the senior Quebec judge on the court and "in my mind, that certainly makes him a plausible candidate," Macfarlane says.

Meehan agrees, saying there's a lot of discussion in the legal community focused on Wagner as a good candidate for the next chief justice. Meehan calls him "the Goldilocks candidate."

Wagner is “right in the middle” when it comes to seniority, strong in both English and French and has demonstrated his skills in both common law and civil cases, Meehan says.

Wagner also hails from Quebec, and holding with the quasi-convention, that’s the province from which the next chief justice should come. Supreme Court Justices Clément Gascon and Suzanne Côté, along with Wagner, are also from Quebec.

As for the rest of the Supreme Court justices, Abella, Michael Moldaver and Andromache Karakatsanis come from Ontario and Russell Brown is from British Columbia. Malcolm Rowe comes from Newfoundland and Labrador.

Beyond the conventions, “we have to consider other factors,” says Macfarlane.

“This prime minister is very vocal about his own feminism and feminist credentials and he might be interested in elevating another woman to the position of chief justice. In terms of filling McLachlin’s seat on the court, that new appointment will very likely be a woman in order to maintain the 5-4 gender balance on the court. Given we still have never had five of the nine justices be women, the prime minister might think to balance that out by elevating a woman to the chief justice position.”

One thing that’s never happened in Canada but is the tradition in the United States is to have the new person appointed to the court elevated straight to the chief justice position. Macfarlane says he’d be very surprised to see that happen, saying it’s unlikely because it would likely make some people “quite unhappy” and actually offend the justices currently on the court.

“But it would be some out-of-the-box thinking if the prime minister wanted to appoint the first indigenous justice out of the West and then appoint that person directly to chief,” he adds. “That would certainly make a big splash.”

Whatever the speculation is, Meehan says the priority for the next chief justice appointment will be finding someone who is a consensus builder and can keep the court’s current stability.

“People may try to label certain candidates as activist or conservative, but I don’t think those or other labels are helpful,” he says. “We have a super-strong Supreme Court, one that’s willing to listen to rational arguments and develop the law carefully and incrementally.”

He also notes the right candidate will require “strong aquatic skills,” saying the new chief justice will need “the poise and dexterity of the dolphin on the one hand [and] the tenacity and armoured skin of the crocodile on the other hand.”

“It’s a tough job,” Meehan says. “Picking one potential candidate among various potential candidates is for horse races — this isn’t; it’s way too important.

“The practical reality is every single judge sitting on that court is qualified to be chief justice and would bring their own unique blend of skill and talent.”

Editorial: Unity need to unclog our courts
Times Colonist
June 22, 2017

The trouble with blaming everyone for a problem is the strong possibility that no one will do anything about it. Let’s hope that’s not the case with the Supreme Court of Canada’s recent ruling on the slow pace of our justice system.

Last week, the court upheld a stay of proceedings against a Newfoundland man facing drug trafficking and weapons charges. The man had waited more than five years for a trial. The Supreme Court was standing by its 2016 ruling in a B.C. case known as R vs. Jordan. That ruling imposed strict trial deadlines on lower courts and told judges to manage court proceedings better.

Barrett Jordan was charged in 2008 after police said he was running a phone-in drug business, with door-to-door deliveries of cocaine and heroin to customers in Surrey and Langley. The case took more than four years to prosecute, which Jordan’s lawyers said violated his right to a timely trial. Both the Supreme Court of B.C. and the B.C. Court of Appeal rejected Jordan’s application for a stay of proceedings, but last summer, the SCOC granted the stay. It set standards for timely trial rights — 18 months to go to trial in provincial courts and 30 months in superior courts.

In last week’s ruling, Supreme Court justices were unanimous in calling for an end to a widespread culture of legal complacency they blame for the glacial pace of justice. “This appeal is yet another example of why change is necessary … every actor in the justice system has a responsibility to ensure that criminal proceedings are carried out in a manner that is consistent with an accused person’s right to a trial within a reasonable time,” they said.

“All justice system participants — defence counsel included — must now accept that many practices which were formerly commonplace or merely tolerated are no longer compatible with the right guaranteed by … the Charter,” they wrote.

“A proactive approach is required that prevents unnecessary delay by targeting its root causes. All participants in the criminal justice system share this responsibility.”

The justices pointed a particularly stern finger at trial judges: “We reiterate the important role trial judges play in curtailing unnecessary delay and ‘changing courtroom culture’ … trial judges should use their case-management powers to minimize delay.”

Admonishing trial judges will not likely be enough. A Senate committee has released a report calling for widespread reform of Canada's legal system, raising the spectre of thousands of killers and sexual predators being turned loose if the system is not fixed. That might be an exaggeration, there's no question, as one senator says, that inefficiencies "have damaged the public's faith in the justice system and the time for the government to act is long overdue."

It's not solely the federal government's responsibility — the problems start at the provincial level. Both levels of government need to ensure judicial vacancies are filled quickly and that the system is properly funded, staffed and managed.

It's a complex problem, but it is not unsolvable — it takes five to 10 times longer to conduct a criminal trial in Canada than it does in Australia and the U.K., countries with judicial systems similar to ours.

There's a perception that delayed justice works in favour of criminals, but everyone — the accused, victims and taxpayers — suffers when it takes years for cases to come to trial. That goes contrary to one of the fundamental principles of democracy.

Some aspects of the judicial process are necessarily adversarial, but in fixing our creaking justice system, it's essential that all parties in the process be on the same side.

Agressions sexuelles: une formation en droit pour tous les acteurs du système?
La Presse Canadienne
22 juin 2017

Le Comité permanent de la condition féminine aux Communes estime que le cours de perfectionnement sur le droit relatif aux agressions sexuelles ne devrait pas être offert qu'aux seuls juges nommés par le gouvernement fédéral.

Les membres du comité suggèrent à la ministre de la Justice, Jody Wilson-Raybould, de demander aux provinces et territoires d'envisager cette formation spécifique pour tous les acteurs du système judiciaire, qu'ils soient policiers, avocats ou magistrats d'autres juridictions.

Dans une lettre à la ministre, les députées expliquent que cette idée avait été suggérée par des témoins lors des audiences publiques sur le projet de loi d'initiative parlementaire déposé en février par la chef intérimaire du Parti conservateur de l'époque, Rona Ambrose.

Le projet de loi C-337 a été adopté à l'unanimité en troisième lecture aux Communes le 15 mai et il chemine présentement au Sénat. Il prévoit notamment que les juges nommés par le gouvernement fédéral aient suivi « un cours de perfectionnement complet en matière de droit et de contexte social relatifs aux agressions sexuelles ».

Le projet de loi prévoit aussi que les motifs fournis par un juge à l'appui de toute décision relative à une affaire d'agression sexuelle fassent partie du procès-verbal des débats ou soient donnés par écrit. À ce chapitre, le Comité permanent de la condition féminine recommande à la ministre Wilson-Raybould d'« encourager fortement » ses homologues des provinces et territoires à faire publier en ligne, dans des banques de données conviviales, les procès-verbaux des débats de toutes les causes d'agressions sexuelles.

Mme Ambrose, qui a annoncé son départ de la politique fédérale le 17 mai, craint que son projet de loi ne soit pas adopté au Sénat avant l'ajournement d'été. Elle implore les sénateurs de mettre de côté toute partisanerie et d'adopter ce projet de loi destiné à accroître la protection des victimes d'agressions sexuelles.

Controversial federal payroll system still ruffling feathers in Cape Breton
The Cape Breton Post
June 22, 2017

SYDNEY, N.S. — A group of local federal workers is protesting ongoing glitches with the government's Phoenix pay system.

Advertisement
Cindy Pearo of Alder Point was one of four Citizenship and Immigration Canada casual employees who stood on the sidewalk outside Liberal MP Mark Eyking's Sydney-Victoria office on Kings Road on Thursday to draw attention to the controversial consolidated pay system, which has caused headaches for tens of thousands of public servants since it was launched in February 2016.

Pearo, who's been working on and off with the Citizenship and Immigration Canada office in Sydney since 2012, said she's had continuous issues with her pay under the Phoenix system.

She figures she's owed more than $2,000 — a combination shift differential and vacation compensation she's owed and benefits that were incorrectly deducted from her pay.

"It's the financial loss, the stress worrying if you're going to get paid. My husband is disabled, so I'm mainly the one that works now, so it means a great loss to me," she said, adding that she's also still waiting for her latest record of employment, which is key to filing for employment insurance benefits.

Cathy MacKenzie of New Waterford was also out protesting problems with the Phoenix pay system. She finished her most recent 90-shift stint with the local Citizenship and Immigration Canada office at the end of March but is still waiting for her record of employment.

“I’m lucky I have a husband who works,” she said. “If I was a single person I don’t know what I would have done. We’re living pay by pay now because you need two incomes to get by these days, so it’s put us behind a little.”

While several local Citizenship and Immigration employees have complained publicly about Phoenix, they aren’t the only federal workers affected by the system, which is operated out of a pay centre in Miramichi, N.B. Earlier this week, about 1,700 federal government chemists and biologists complained when they didn’t receive the proper retroactive payments after signing a new collective agreement; other public servants, including students and retirees have said in they were underpaid or not paid at all.

Public Services and Procurement Canada deputy minister Marie Lemay, whose department is responsible for the Miramichi payroll centre, said the additional hiring of summer students in the spring, as well as processing “a historic number of collective agreements” has the centre dealing with more than 345,000 pending pay transactions when the usual monthly total is approximately 80,000.

She said they are implementing a new case management system to provide better information to employees asking about their pay transactions, as well as working with employees and unions to address technical issues and improve Phoenix.

“Phoenix has placed a great deal of stress on employees and their families, and I am deeply sorry for the challenges they are facing,” she said. “I encourage any employees who need support to speak to their manager or contact their department’s employee assistance program.”

Meanwhile, Pearo said she will continue protesting until the system is fixed. While she noted that Citizenship and Immigration isn’t to blame for the payroll problems, calling it a “top-notch employer,” she said many workers won’t speak out publicly because they worry it could affect their employment.

“Where there are people who need their voices heard, who are afraid to walk here and stand on the sidewalk, even if my problem is resolved, I’ll be here fighting for them,” she said. ”I’ll be here until they fix it. I could be here until next year.”

Un avocat met fin à ses jours
Droit Inc
Delphine Jung
23 juin 2017

La victime serait un avocat âgé d'une soixantaine d'année, rapporte le Journal de Québec. Il a mis fin à ses jours à l'aide d'une arme à feu, dans son véhicule stationné devant la centrale de police du parc Victoria.

Le parc est situé aux limites des quartiers Saint-Sauveur et Saint-Roch, dans le quartier de La Cité-Limoilou.

Le Service de Police de la Ville de Québec ne dévoile pas l'identité de la victime et ne peut confirmer qu'il s'agit d'un avocat, mais précise que le drame s'est déroulé vers 12h30.

Des témoins ont rapporté avoir entendu deux coups de feu espacés d'une vingtaine de seconde.

«Les policiers qui ont entendu les coups de feu se sont approchés du véhicule dans le stationnement et ont constaté qu'il y avait un homme au sol. On parle d'une mort évidente», indique Étienne Doyon, porte-parole au SPVQ.

D'après le Journal, la victime serait très impliquée socialement à Québec.

La Ville de Montréal recrute des avocats pour contrer Jordan
Droit Inc
Delphine Jung
23 juin 2017

Le service des affaires juridiques de la Ville de Montréal va embaucher quatre avocats pour éviter que certaines poursuites soient abandonnées à cause de l'arrêt Jordan.

Il s'agit de quatre procureurs, mais aussi de trois employés de soutien, rapporte La Presse. Ces embauches devraient coûter 880 000 $ à la Ville qui souhaite tout mettre en place pour éviter que certaines poursuites tombent à l'eau à cause de l'arrêt Jordan.

« Selon l'état de situation qui prévaut actuellement à la Direction des poursuites pénales et criminelles, il est requis d'ajouter dès à présent de nouvelles ressources (procureurs et employés cols blancs) », peut-on lire dans un document soumis aux élus.

En 2012, à cause du nombre élevé de dossiers en attente de traitement, la Cour municipale avait déversé 18 000 dossiers de constats aux tribunaux sans aucune vérification.

Me Johanne Savard, ombudsman de la Ville de Montréal, aurait dit avoir noté une amélioration depuis, ce qui devrait permettre d'éviter un nouvel épisode du genre.

Avant de choisir d'embaucher, l'administration Coderre avait déjà fait le choix de l'optimisation. Ainsi, trois compagnies de consultants ont été embauchées pour donner un soutien aux avocats de la Ville.

Toujours selon La Presse, cette initiative aurait permis de baisser certains délais. Alors qu'ils étaient en moyenne de 30 jours pour traiter un plaidoyer de non-culpabilité, ils ne sont désormais plus que de 24 à 48h.

Une avocate québécoise à la tête juridique de l'armée
Droit Inc
Julien Vailles
22 juin 2017

C'est une Montréalaise qu'on a choisie pour devenir juge-avocate générale des Forces armées canadiennes, une première...

C'est une juriste au parcours impressionnant qui succède au major-général Blaise Cathart, actuel juge-avocat général des Forces armées canadiennes, qui prend cette année sa retraite. Me Geneviève Bernatchez, capitaine de vaisseau et ancienne étudiante de l'Université de Montréal, prend la relève à la tête de ce qu'on peut appeler la direction juridique de l'armée, écrit 45e Nord.ca.

Ce sera la quinzième personne à occuper cette fonction et la première femme à y accéder.

Le rôle de la juge-avocate générale est d'être la conseillère juridique du Gouverneur général du Canada et du Ministre de la Défense nationale pour toutes les questions concernant le droit militaire. C'est en quelque sorte la courroie de transmission entre les Forces armées canadiennes et le pouvoir politique. De plus, cette fonction comprend la supervision de l'administration de la justice militaire dans les Forces.

La passation des fonctions aura lieu le 27 juin prochain, à Ottawa. Ce faisant, la capitaine de vaisseau sera automatiquement promue commodore.

Le Ministre fédéral de la Défense, l'Honorable Harjit Sajjan, s'est déclaré « extrêmement heureux » que la capitaine Bernatchez ait été désignée à ce poste.

Kosovo, Afghanistan, Libye...

Me Bernatchez a étudié le droit à l'Université de Montréal et a complété une maîtrise en études juridiques internationales avec spécialisation en matière de sécurité nationale à l'Université de Georgetown, à Washington. Depuis 1993, elle est membre du Barreau du Québec.

L'avocate a débuté ses classes dans la Réserve navale canadienne, alors qu'elle s'y est enrôlée en 1987. Dix ans plus tard, elle se joignait au Cabinet du juge-avocat général. Dans la même veine, elle a alors été transférée à la Force régulière.

Sa feuille de route est costaude.

En 2010, elle était promue comme juge-avocate générale adjointe aux opérations et capitaine de vaisseau. Puis, elle a été tour à tour chef d'état-major du juge-avocat général et juge-avocate générale adjointe aux services régionaux.

Ses implications comprennent notamment le conflit au Kosovo, en 1998-1999. Alors qu'elle était juge-avocate générale aux opérations, elle était la principale responsable de fournir des conseils juridiques au Ministère de la Défense nationale concernant les missions des Forces, dont celles en Afghanistan et en Libye.

Une impressionnante « dame de coeur »

Me Pascal Lévesque « Si je pouvais la décrire en une seule phrase, je dirais que c'est une « Dame de Cœur », dans le bon sens de l'expression », dit Me Pascal Lévesque, de chez Fradette Le Bel avocats, Chicoutimi, un spécialiste des questions militaires.

« C'est une excellente décision pour les FAC. Sans rien enlever aux qualités des autres personnes qui ont pu être considérées pour le poste, la capitaine de vaisseau (bientôt commodore) Geneviève Bernatchez est, à mon avis, la personne idéale pour assumer ces fonctions », dit-il.

« Trois aspects majeurs » l'amènent à cette conclusion. D'abord, ses qualités de juriste hors pair, notamment lors d'opérations des FAC à l'étranger, que ce soit au Kosovo ou plus récemment en Afghanistan et en Libye. « C'est une spécialiste des questions de sécurité nationale et de cyberconflits. Elle a d'ailleurs co-rédigé le Manuel de Tallinn, premier guide international sur les questions juridiques que soulève la cyberguerre. »

Me Bernatchez a par ailleurs des compétences exceptionnelles en gestion des ressources humaines, estime Pascal Lévesque : « elle a la réputation de faire preuve d'un leadership sensé et juste. Consciente des réalités de l'environnement militaire, des exigences de la mission et des besoins de l'organisation, elle est reconnue pour son côté profondément humain. »

Enfin, dit Me Lévesque, c'est une femme forte. « Tout au long de sa carrière, elle a conjugué les joies et les aléas d'un parcours professionnel riche, sa vie de couple et de famille. Ce qui lui permet de prendre toute la mesure des défis que vivent les militaires ayant eux aussi à maintenir l'équilibre travail-famille. »

Il estime que Geneviève Bernatchez poursuivra les chantiers initiés par le JAG sortant, le major-général Blaise Cathcart, « notamment en matière de lutte contre les inconduites sexuelles et de révision globale du système des cours martiales ».

20 avocats et 9 M$ de plus pour l'aide juridique
Droit Inc
Delphine Jung
22 juin 2017

La ministre de la Justice annonce un investissement dans le système d'aide juridique, pour contrer Jordan...

Ce montant de 9 millions de dollars devrait permettre l'embauche de 47 nouveaux avocats permanents et employés de soutien à l'aide juridique.

Dans un communiqué, la ministre de la Justice, Stéphanie Vallée, a indiqué que 75% des dossiers en matière criminelle et 25% des dossiers pénaux nécessitent le soutien du régime d'aide juridique. Cette mesure a été prise notamment pour limiter les effets de l'arrêt Jordan et donc respecter les délais.

Le Jeune Barreau de Montréal a rapidement réagi à cette annonce : « il s'agit certainement d'un pas dans la bonne direction. Le JBM tient toutefois à rappeler l'urgence de réformer le système en profondeur pour favoriser l'accès à un avocat à la population la plus vulnérable en assurant notamment le maintien de l'offre de services des avocats en pratique privée, comme le recommandait son Rapport sur le système d'aide juridique québécois ».

Le JBM pointe un mode de fonctionnement complexe du système d'aide juridique, des tarifs inadéquats par rapport aux heures passées dans les dossiers d'aide juridique, des remboursements incomplets des frais d'experts et des déboursés menant à des pertes nettes pour les avocats, des difficultés administratives dans l'émission de mandats, etc.

« Les avocats des secteurs public et privé jouent tous un rôle fondamental dans l'offre de services juridiques et il importe d'assurer la pérennité de ces deux composantes de notre système », a dit Me Sophia M. Rossi, présidente du JBM.
« Un financement important de l'ensemble de notre système d'aide juridique québécois est nécessaire afin que celui-ci fonctionne à la hauteur de nos attentes et assure l'accès à la justice à un maximum de personnes dans le besoin. »

Quebec judge won't extend deadline for Indian Act changes – for now
Canadian Lawyer Magazine
Elizabeth Raymer
June 22, 2017

The Superior Court of Québec has dismissed a motion by the plaintiffs in a sexual discrimination case to extend Parliament's deadline for passing a bill to amend the Indian Act.

In her third decision in Stephane Descheneaux et Susan Yantha et Tammy Yantha c. la Procureure Générale du Canada, released on Tuesday, Justice Chantal Masse indicated that it was not the role of the court to intervene in a dispute between the House of Commons and the Senate over Bill S-3, which would remove sexist elements from the Indian Act.

Although the government did not ask for an extension of the deadline of July 3, when the bill was supposed to be passed into law, Masse said she would nonetheless remain available to hear another motion for extension until then.

David Schulze, who represents the plaintiffs in the case, said in a conference call following the release of the decision that "we brought a motion for an extension [because] we said that we were on our way to a possibility of an impasse between the two houses of Parliament": the House of Commons and the Senate.

The lawsuit was brought by three members of the Abénakis of Odanak First Nation in Québec, who challenged the Indian registration provisions under section 6 of the Indian Act, adopted in 1985, as being unconstitutional and in contravention of the Charter. In Masse's August 2015 decision, she found that the registration rules adopted in 1985 continued to discriminate against those who traced their First Nations ancestry to a female rather than a male, and declared several provisions of the Indian Act invalid. She gave the government until February 3, 2017 to amend these rules.

The federal government introduced legislative amendments to the Indian Act in Parliament in October 2016. Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration), followed a government engagement process with First Nations and other indigenous groups.

Masse later granted a further extension for passage of the bill, until July 3, after the Senate Committee on Aboriginal Peoples suspended debate and requested that the Minister of Indigenous and Northern Affairs consult with First Nations and address sexual discrimination in the Indian Act that the bill did not correct.

Indigenous and Northern Affairs Canada had told the court that Bill S-3 would be back before Parliament in early spring and passed by June 23rd, the date Parliament is expected to adjourn for the summer, Schulze said, but the bill was not brought back before the Senate until May 8th.

"We are [now at] June 20, 2017. No legislation has yet been passed," Justice Masse wrote, in French. "Nor is it clear from the current process whether there will be any before the deadline of July 3, in just a few days' time."

"We had expected [that] Canada would have brought an extension, given that there won't likely be a bill passed by July 3rd," said Schulze.

Last month the Senate amended the bill put forward by the Minister of Indigenous and Northern Affairs on the grounds that it did not end all discrimination; but on the Minister's recommendation, he added, the House of Commons Standing Committee on Indigenous and Northern Affairs did not accept the Senate's amendment.

"What we're dealing with now between the House of Commons and the Senate is a game of chicken," Schulze said in Tuesday's conference call.

This marks "the second time the government of Canada has lost on this issue"; the first time, he said, was in the of Sharon McIvor, a native woman who lost her Indian status rights after marrying a non-native man. This was prior to the passage of Bill C-31 in 1985, which restored registration rights to native women from 1985 onwards, but did not completely restore rights to those women who had already lost them or give status rights to their children and descendants. This meant that McIvor's son had no Indian status rights.

In 2007 the British Columbia Supreme Court ruled that distinctions in the Indian Act were discriminatory and contrary to the Charter and issued a broad remedy allowing for the registration of the descendants of native women who had lost their status. Canada appealed that judgement. The B.C. Court of Appeal agreed with the trial judge's decision that the Indian Act infringed on McIvor's and her son's right to equality under the Charter, and gave the federal government until August of 2010 to amend the Act.

Rick O'Bomsawin, chief of the Abénakis of Odanak First Nation in Québec, of which the three plaintiffs are members, and an intervener in the case, expressed surprise and disappointment "that a country like Canada would think it is OK to discriminate against First Nations women." Fears that First Nations communities will be overwhelmed by native women and their children coming to live in them after their registration rights are granted are unfounded, O'Bomsawin said in the conference call.

After the McIvor ruling in 2007, "there wasn't a mass influx of people moving into [First Nations] communities."

The House of Commons is currently debating the third reading of Bill S-3, which is expected to be back in the Senate on Thursday evening or Friday, Schulze told Legal Feeds.

Government of Canada announces judicial appointments to the Federal Courts
June 23, 2017 – Ottawa, Ontario – Department of Justice Canada

The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, today announced the following appointments under the new judicial application process announced on October 20, 2016. The new process emphasizes transparency, merit, and diversity, and will continue to ensure the appointment of jurists who meet the highest standards of excellence and integrity.

John B. Laskin, partner at Torys LLP, is appointed a judge of the Federal Court of Appeal. He replaces Madam Justice E.R. Dawson, who elected to become a supernumerary judge effective January 14, 2017.

William F. Pentney, Q.C., Deputy Minister of Justice and Deputy Attorney General of Canada, is appointed a judge of the Federal Court. He replaces Mr. Justice M.L. Phelan, who elected to become a supernumerary judge effective June 16, 2017.

Biographies

Justice John B. Laskin practised litigation for more than 30 years in the Toronto office of Torys LLP. In his broad trial and appellate practice, he represented individuals, corporations, governments and their agencies, public institutions, industry associations, public interest groups, and Indigenous organizations. He appeared in the Supreme Court of Canada, the Federal Courts, every level of court in Ontario, the courts of seven other provinces and territories, domestic and international arbitrations, and a variety of administrative tribunals.

Justice Laskin is a Fellow of the American College of Trial Lawyers and of Litigation Counsel of America, and has been a member of the Ontario Regional Committee of the Supreme Court Advocacy Institute. He has spoken, written and taught frequently on matters of public law and advocacy, and is co-editor of Canadian Charter of Rights Annotated. Before entering private practice, he was a professor in the University of Toronto's Faculty of Law.

Born in Thunder Bay, Justice Laskin holds a B.A. (with distinction) from York University, an LL.B. (as Gold Medallist) from the University of Toronto, and an LL.M. from the University of California at Berkeley. He is a past member of the board of Holy Blossom Temple and past President of the University of Toronto Law Alumni Association, and was actively involved in the founding of the Faculty of Law at Lakehead University. In 2015, he was awarded the Law Society of Upper Canada's Law Society Medal, given for outstanding service within the legal profession where the service is in accordance with the highest ideals of the profession. He is married with three children and (so far) five grandchildren.

Excerpts from Justice Laskin's judicial application will be available shortly.

Justice William F. Pentney was appointed Deputy Minister of Justice and Deputy Attorney General of Canada on November 5, 2012. He first joined the public service in 1991 as General Counsel and Director of Legal Services at the Canadian Human Rights Commission, where he remained until 1999.

From 1999-2006, Justice Pentney held a number of positions within the Department of Justice, including Senior Assistant Deputy Minister for the policy sector, and Assistant Deputy Attorney General for the citizenship, immigration and public safety portfolio. From 2006-2007, he was Assistant Secretary to the Cabinet (Priorities and Planning) at the Privy Council Office. He later

became Associate Deputy Minister of the Department of National Defence. Justice Pentney served as Deputy Secretary to the Cabinet (Plans and Consultations) at the Privy Council Office until his appointment as Deputy Minister of Justice and Deputy Attorney General of Canada.

Prior to joining the public service, Justice Pentney was a professor in the Faculty of Law at the University of Ottawa. He holds a B.A. from Queen's University, in addition to an LL.B. and a master's in public law from the University of Ottawa. Justice Pentney is the author of several books and articles, including the revised edition of Justice W. Tarnopolsky's text Discrimination and the Law in Canada and Human Rights and Freedoms in Canada: Cases, Notes and Materials (with Mark Berlin).

Four cases dismissed due to delays following Supreme Court decision
Star Phoenix
Andrea Hill,
June 23, 2017

In the year since the Supreme Court set rules for how long people can wait for criminal trials, four cases in Saskatchewan — including a sexual assault case — have been dismissed because of delays.

In a ruling last July, R. v. Jordan, the Supreme Court of Canada said trials must go ahead in provincial court within 18 months of charges being laid and in superior court within 30 months of charges being laid. Unless there are exceptional circumstances, waits longer than that are deemed unreasonable and can result in charges being stayed. Applications to have this happen are called Jordan applications.

According to the Saskatchewan Ministry of Justice, four successful and five unsuccessful Jordan applications have been dealt with in the last 12 months.

"Public prosecutions takes the Supreme Court's direction in the Jordan decision seriously and has examined the present situation. We've concluded that Saskatchewan is presently fairly well-situated in regards to time-to-trial," ministry spokesperson Jordan Jackle wrote in an email.

"Most cases in Saskatchewan finish within the time limit and exceptional events are often the cause in the small number of cases that don't."

In a case dismissed in March, a man facing six charges — including failing to stop at the scene of an accident, obstructing justice and mischief — waited nearly five years for a trial.

"It's very tough to have not just criminal charges hanging over your head, but serious criminal charges hanging over your head for quite some time," said lawyer Adryan Toth, who submitted a successful Jordan application on the man's behalf.

“It did impact on him emotionally. There was prejudice to it. He did actually have to see a counsellor at one point.”

Toth said while he understands concerns of victim groups who worry that Jordan applications will result in criminals being let off on technicalities, he believes the new rules surrounding time-to-trial benefit everyone and will result in fewer court delays in the future.

“Everyone who’s involved in the criminal justice system or the administration of justice needs to get serious about delay,” he said. “I would say, since Jordan has come down, the courts have been doing an excellent job of ensuring that things get marshalled forward quickly.”

Jackle said in Saskatchewan the average amount of time between a charge being laid and the conclusion of a trial is 77 days, well below the ceilings set out in the Jordan decision.

Despite this, he said the ministry is working to address delay issues and is taking steps such as assessing cases as early as possible to remove those that do not meet the prosecution standard.

“Not every matter needs to go to trial to achieve appropriate accountability, and identifying those cases and finding alternative ways to conclude them frees up room to get other cases to trial sooner,” Jackle said.

The three other cases dismissed in Saskatchewan because of delays in the last 12 months were a youth charged with two counts of sexual assault who had been waiting more than three years for a trial, a man charged with impaired driving who waited nearly two years for a trial and a man charged with indecent exposure after showing his genitals to a Home Depot cashier, who waited more than a year for a trial.

PSAC members protest Phoenix payroll system in Saint John
CTV News
June 24, 2017

Frustrations over the federal government’s flawed Phoenix payroll system were on full display in Saint John on Saturday, as members of the Public Service Alliance of Canada took to the streets to demand what they are owed by their employer.

Isabelle Forest is one of the thousands of workers who have had interruptions in their pay. “People have children and it's very stressful when you realize on payday that you have half your pay or no pay,” says Forest.

Demonstrators gather in Saint John to protest the Phoenix pay system on Saturday, June 24, 2017.

For some it's even worse. Federal employee Amanda Reid has been in an acting position since January and still hasn't been paid.

“What I've been doing is using my credit cards, trying to get by any which way,” says Reid. “It's creating interest charges with my credit card bills come in. It's unnecessary stress.”
Union members aren't just looking to recoup lost wages. In some cases they’re also seeking compensation.

“If you've been short that money for over a year you could've had it in some money-making RRSP or investment,” says PSAC president Robyn Benson. “Then of course we're going to be looking for some sort of damages.”

Last week was Public Service Week, and rallies were held from coast to coast to put the frustrations of federal employees on full display.

“Public Service Week is all about your employer appreciating the work that you do. We had rallies to say we'd rather have a paycheque than a hotdog,” Benson says.

The Phoenix payroll system was purchased by the former Conservative government from IBM.

The Liberals implemented it after they came into power.

Workers say there's plenty of blame for both governments.

“The Conservatives had actually laid off over 700 compensation advisors and actually moved a little over 2,000 into other jobs,” says Benson. “The Liberals inherited a bit of a mess, but they continued knowing that there were going to be problems.”

With some employees missing tens of thousands of dollars from their pay, Benson says the government needs to increase the number of people working to correct the problem.

Wildrose slams government's handling of criminal justice backlogs
Edmonton Sun
Clare Clancy
June 25, 2017

The Alberta government is failing to take criminal justice backlogs seriously in light of new information suggesting that hundreds of cases could be dismissed due to delays, says Wildrose Leader Brian Jean.

"The major thing is to allocate enough resources to immediately get enough Crown prosecutors and judges in place to respond to this," Jean said last week. "We have a lot of lawyers who don’t have work … They would love to supplement their income with Crown prosecutor work."

Information from Alberta Justice showed more than 1,400 cases could be at risk of being thrown out for lagging trials — including 209 Court of Queen's Bench cases involving serious and violent crimes.

The 2016 Jordan decision from the Supreme Court of Canada imposed limits for when a trial should begin after charges have been laid. For the Court of Queen's Bench, that ceiling is 30 months, while provincial court cases have an 18-month benchmark. A "Jordan application" can be made by the accused after the deadline to have the case tossed.

"There's no doubt that delay has steadily increased over time," said Kelly Dawson, criminal lawyer and former president of the Criminal Trial Lawyers Association.

He noted the number of cases truly at risk of being dismissed is significantly lower than 1,400 — Jordan applications are only successful if trial delays are entirely attributable to the Crown and justice system.

Dawson explained that over the last several years, those working in Alberta's justice system have dealt with increasing caseloads and dwindling resources.

The solution may include increasing the threshold required to charge someone with a crime, he said. But Dawson is concerned policy-makers could opt for the "low-hanging fruit," quashing preliminary inquires and Charter applications, an approach he believes would do little to address the backlog.

"The system must primarily ensure a fair trial for the (accused)," he said.

James Pickard, president of the Alberta Crown Attorneys' Association, said prosecutors are abandoning more files as police lay more charges and Alberta's population rises. The government implemented a "triage" policy in the spring to pick out what cases could be stayed or resolved to reduce pressure on the system.

"Many prosecutors still struggle with abandoning viable and significant prosecutions but have no choice ... as there has not yet been an adequate response to the (resource) crisis facing the criminal justice system in Alberta," Pickard said in an email last week. "Jordan is a warning that we all have to re-examine how justice is provided in Alberta."

Defence lawyer Tom Engel filed a Jordan application earlier this year for his client Lance David Blanchard, who was found guilty in December of dragging a 27-year-old woman into his apartment and sexually assaulting her. The application was rejected in June.

The judge ruled the Crown could justify the delay, Engel said. "Mainly because it's an exceptional case, it went on to a complicated stay application … and then there's a dangerous offender application.

"By the time we're done it's going to be ...pushing four years," Engel said, noting charges were laid against Blanchard in 2014. "There's a lot of stress for the accused. By the same token, there's stress for all participants."

He said he wasn't surprised by the number of cases that may be affected by the Jordan ruling given "delays typical in our system."

"What it says obviously is that cases are taking way too long to finish," Engel said, suggesting it begs the question whether too many cases are going to trial. "Talk to any defence counsel, all of them have seen a lot of cases where they wonder, 'Why is the Crown prosecuting this case, it's a weak case, it's not that serious ... why don't they consider alternative measures.' "

But Jean believes the answer doesn't lie in reducing the number of prosecutions.

"Crown prosecutors already have the discretion to drop cases," he said. "All levels of government have failed to address this growing crisis. Instead of putting a Band-Aid on a major artery, they need to take that system into surgery and fix it."

B.C.'s civil courts as guilty of complacency as criminal courts
Vancouver Sun
Ian Mulgrew
June 25, 2017

While the Supreme Court of Canada has scolded players in criminal legal system for their culture of complacency, it should read the same riot act to players in the civil court.

It's bad enough that big constitutional cases, such as the adjourned challenge to medicare, take most of a decade to get to trial, but even minor automobile collisions can take years and years to resolve.

And far too many of the proceedings feature ridiculous armies of competing "experts" who can't agree among themselves, leaving judges and jurors scratching their head trying to pick a favourite.

A serious criminal trial in a superior court shouldn't take longer than three years, the high court maintains. Yet this week the B.C. Court of Appeal dealt with a civil fight over a 2012 car accident that won't come to trial till next year, six years after the crash — testing memories and a key purpose of viva voce evidence.

Part of the pre-trial squabbling that required the appeal court's intervention was over whether a jury or a judge alone should determine liability in the Salt Spring Island collision.

The province's top bench agreed with the lower court judge that there was nothing exceptional about the case to indicate a panel of ordinary folk couldn't sort it out — the defendant's car turned left into the path of the plaintiff's — so there will be an expensive four-week jury trial in 2018.

The two drivers disagree over who is at fault, and the expert medical evidence is voluminous.

The plaintiff, a dental assistant on her way home from work, initially reported only common soft-tissue injuries after the mishap, no broken bones or anything of that order.

However, just over a month after the accident she reported feeling not only numbness and tingling but also experiencing "involuntary movements."

As a result of the spasms, she was admitted to hospital where she remained for five weeks.

Since then, she says she has experienced a wide variety of symptoms including uncontrollable body tremors, weakness and lack of sensation in her limbs, cold and discoloured hands and feet, swelling in her feet, left hand fixed in a claw position, shoulders stuck in position, jaw dysfunction and swallowing difficulty, blurred and double vision, slurred speech, dizziness, concentration and memory problems, incontinence, bruising easily, widespread pain and headaches.

All of which she blames on the accident.

The woman theorizes the impact caused her to suffer a severely disabling disorder, which has been given various diagnostic labels by her doctors and experts, that has led to her suffering large financial losses and significant non-monetary damages.

The defendant, who requested the jury trial, insists the plaintiff was negligent, her credibility is suspect and any disorder she suffers from was unrelated to the crash.

"By my count, at least 18 medical practitioners have assessed or treated the plaintiff: emergency physicians, psychiatrists, neurologists, physiatrists, a neuropsychologist, an orthopedic surgeon and her general physician," B.C. Supreme Court Justice Douglas Thompson said last year. "The plaintiff has also been seen by a psychologist, four occupational therapists, and a kinesiologist."

The woman returned to work for two brief stints in 2013.

In April 2013, she worked for one month as a medical office assistant but could not meet the physical demands of the job.

She started at a dental office in Oct. 2013, but says she was unable to perform her duties and was laid off after six weeks.

She has not worked since and is claiming damages for past and future loss of income and homemaking capacity, the cost of future care as well as non-pecuniary and special damages.

Her lawyer has marshalled opinion evidence from eight experts including some of the treating doctors, medical-legal specialists, a vocational assessor and an economist.

The defendant intends to offer evidence arising from an orthopedic surgeon, a neurologist, a psychiatrist and to call about a dozen treating doctors and therapists as witnesses.

Just think of the costs.

That a dispute of this nature proceeded in this fashion and will take so long to resolve suggests the culture of complacency is certainly not restricted to the criminal courts.

Deux nouvelles nominations en Cour fédérale
Droit Inc
Delphine Jung
26 juin, 2017

John B. Laskin, associé au sein du cabinet Torys LLP, est nommé juge de la Cour d'appel fédérale. Il remplace la juge E.R. Dawson, qui a choisi de devenir juge surnuméraire à compter du 14 janvier 2017.

Originaire de Thunder Bay, Me Laskin a pratiqué dans le domaine des litiges depuis plus de 30 ans au sein du cabinet Torys LLP à Toronto. Il a conseillé des particuliers, des sociétés, des gouvernements et leurs agences, des institutions publiques, des associations industrielles, des groupes d'intérêt public et des organisations autochtones.

Il détient un bac en droit de l'Université de Toronto et une maîtrise en droit de l'Université de Californie à Berkeley. Il est ancien membre du conseil d'administration de la synagogue Holy Blossom et ancien président de l'Association des diplômés en droit de l'Université de Toronto. Il a participé activement à la création de la Faculté de droit de l'Université Lakehead.

En 2015, il a reçu la Médaille du Barreau du Haut-Canada, décerné en reconnaissance de service exceptionnel dans le cadre de la profession juridique, pourvu que le service corresponde aux idéaux les plus élevés de la profession.

Avant d’entrer en pratique privée, il était professeur à la Faculté de droit de l’Université de Toronto.

William F. Pentney, c.r., sous-ministre de la Justice et sous-procureur général du Canada depuis 2012, est nommé juge de la Cour fédérale. Il remplace monsieur le juge M.L. Phelan, qui a choisi de devenir juge surnuméraire à compter du 16 juin 2017.

Il s’est joint à la fonction publique en 1991 en tant qu’avocat général et directeur des Services juridiques de la Commission canadienne des droits de la personne, fonction qu’il a exercé jusqu’en 1999.

De 1999 à 2006, le juge Pentney a occupé plusieurs postes au ministère de la Justice, dont ceux de sous-ministre adjoint principal, secteur des politiques et sous-procureur général adjoint, portefeuille de la citoyenneté, l’immigration et la sécurité publique. De 2006 à 2007, il a été secrétaire adjoint du Cabinet (Priorités et planification) au Bureau du Conseil privé. Il est ensuite devenu sous-ministre délégué du ministère de la Défense nationale. Le juge Pentney a occupé le poste de sous-secrétaire du Cabinet (Planification et consultations) au Bureau du Conseil privé jusqu’à sa nomination à titre de sous-ministre de la Justice et sous-procureur général du Canada.

Avant de se joindre à la fonction publique, le juge Pentney a été professeur à la Faculté de droit de l’Université d’Ottawa.

Il est titulaire d’un baccalauréat en droit et d’une maîtrise en droit public de l’Université d’Ottawa.

Public servants are super losers: expert
Canberra Times
Noel Towell
June 26, 2017

'Generous' superannuations deals for rank-and-file public servants and military personnel are actually leaving diggers and bureaucrats worse-off than their private sector counterparts, according to a leading expert.

Daryl Dixon says most public servants' superannuation arrangements belong to the bygone era of a "job for life and silver plated retirement benefits" while the rest of the world has moved on.

With sweeping changes to the nation's superannuation system to take effect on July, Mr Dixon used his Fairfax column to argue for a new approach in the public sector.

Employer-funded public service and military super contributions, of 15.4 per cent and 16.4 per cent respectively, look generous and are often cited by critics who allege the public sector is overpaid.

But Mr Dixon says the higher level of employer contribution compensate for lower wages than those paid in the private sector.

"Their after-tax take home pay is significantly lower than their private sector colleagues able to limit their employer super to the compulsory 9.5 per cent requirement," Mr Dixon wrote.

"Their [public servants'] super is now tied up totally untouchable till at least age 60 even if made redundant."

He says that, except for members of the lucrative "defined benefits" super schemes which have been closed to new members since 2005, federal employees are being denied choices available to other workers.

Most private sector workers can arrange to salary-sacrifice super contributions, above the 9.5 per cent mandated minimum.

But Mr Dixon says that if public sector workers received lower superannuation contributions and higher wages, then they would have the same opportunity to top-up their super accounts or invest the money elsewhere.

Mr Dixon, who has advised thousands of public servants on managing their retirement nest-eggs, argues the current rules simply lock up workers' money where it cannot be used for decades after they really need it.

He says that lowering super contributions and raising salaries by the same amount could boost take-home pay by 3 to 4 per cent for government workers, at the time of their lives when they need it most, costing taxpayers' nothing.

"At current marginal tax rates, a 5.9 per cent salary increase would boost take-home pay by between 3 and 4 per cent of gross salary and markedly improve their ability to acquire and pay off a home," he wrote.

"With the increasing incidence of redundancy and a more mobile work force, having a lower mortgage places the employee in a superior financial position to having more in super."

The veteran investment advisor says the public service arrangements are increasingly behind-the-times.

"Almost all private sector employers generally allow their employees maximum flexibility to structure their remuneration packages to suit their personal needs," Mr Dixon wrote.

"In stark contrast, current public service practice is largely unchanged from the situation where employees had a job for life and silver plated retirement benefits."

Mr Dixon noted that the 15.4 per cent contribution level was a good deal when it was first introduced, particularly with new recruits locked out of the "defined benefits" funds.

"But since then, while the value of defined benefit super has continued to increase, tougher super regulations and housing affordability pressures have reduced the value to many employees of employer accumulation fund contributions," he wrote.

"Being able to substitute more pay for less super would help rectify this situation."