

## **Investigation into Toews conduct waits for federal court decision**

Justice Toews challenges ruling by federal ethics commissioner

CBC News

Sean Kavanagh

September 6<sup>th</sup> 2017

A review of Manitoba Justice Vic Toews conduct by the Canadian Judicial Council will have to wait until a federal court rules on a challenge made by Toews himself.

In April Canada's federal ethics commissioner ruled Toews breached the Conflict of Interest Act. Commissioner Mary Dawson determined Toews broke the rules by doing consulting work for two Manitoba First Nations after he left politics in 2013. He was appointed a Queens Bench Justice in March of 2014.

Toews wants to have the Federal Court of Canada throw out Dawson's ruling.

Winnipeg lawyer Robert Tapper, who represents Toews, says he will file legal arguments with the court in the next several weeks and doesn't expect a hearing to be scheduled until at least January.

Tapper says "his [Toew's] right to defend himself was denied."

"We have to show that she [Dawson] denied my client basic civil rights or rights under what lawyers call natural justice laws," Tapper says.

Tapper says the ethics review did not allow Toews or his lawyer to interview witnesses who testified to the commissioner.

"He has a right to defend and ascertain what he was facing," Tapper says.

Toews was a federal cabinet minister in successive Conservative governments. He was president of the treasury board, public safety minister, and also served as Canada's justice minister.

The Canadian Judicial Council (CJC) has the responsibility to review the conduct of judges across the country. It launched an investigation in April into Toews's conduct as a result of a complaint filed by a private citizen.

In an email to CBC News, CJC spokesperson Johana Laporte says Toew's challenge in Federal Court must be dealt with before any review is initiated.

"It is standard practice for the CJC to put a file in abeyance when the subject-matter of a complaint is the subject of a court proceeding. We will await the outcome of the court proceedings before finalizing the matter," wrote Laporte.

In the meantime Toews continues to sit as a Manitoba Justice and hear cases. There have been calls for his removal from the bench.

### **Government employees in Sydney protest dysfunctional Phoenix pay system**

'I'm looking at it being about human rights at this point'

Cape Breton Post

Christian Roach

September 6<sup>th</sup> 2017

SYDNEY, N.S. — More than two dozen disgruntled federal government employees protested the Phoenix pay system in front of the Citizenship and Immigration Canada offices on Dorchester Street in Sydney at noontime on Wednesday.

The group of about 30 people brandished signs and waved flags as part of its effort to make the public more aware of the flaws in the Phoenix pay system, which has caused problems for tens of thousands of public servants in Canada since it was launched in February 2016.

“Last year I took leave because I have a mental illness and I did not receive my ROE (Record of Employment) and it was not submitted to EI and I could not claim sick leave as a result,” said Donelda MacDonald, a permanent employee with Immigration Refugee Citizenship Canada (IRCC), who led the charge for the protest on Wednesday.

“They continued to pay me and I ended up with an overpayment as a result which they clawed back without telling me. I’ve also had serious interruptions or things that were incorrect with my pay.”

Helen King, another employee with IRCC and president of her local of the Canada Employment and Immigration Union (CEIU), said she also has dealt with problems from the Phoenix pay system.

“When you do any kind of change and move from one level to another — I had issues when I went back to my substantial position — there was also an overpayment as well. So there were a few instances like that, that took a long time to resolve,” said King.

Although King’s problems are mostly resolved, employees she works with are still facing problems, including MacDonald who called the protest because of problems employees faced in their most recent pay period.

MacDonald said the Phoenix issues have made her life both mentally and financially difficult.

“I’ve taken numerous (sick) days because of my mental health because Phoenix has really sent me over the edge,” she explained. “I actually have a couple of grievances now that I’ve filed through the union; I’m looking at it being about human rights at this point.”

Also in attendance at the protest was Steve Purcell, Cape Breton area council president for the Public Service Alliance of Canada (PSAC), which represents more than 70,000 members in the country.

Purcell said that due to damage caused by the Phoenix pay system, his definition of what a public servant is has changed.

“When I started with the public service, it was a proud moment and I really enjoyed my service, but the pay problems have made it disappointing to be here,” said Purcell. “It’s hard on all of our members, whether they’re losing pay or having the frightening experience of being overpaid.”

Purcell added that they plan to stage protests on every second Wednesday — payday — to bring further attention to this issue.

Sydney-Victoria MP Mark Eyking and Cape Breton-Canso MP Rodger Cuzner were invited to the event but weren’t in attendance.

The former Conservative government under Prime Minister Stephen Harper introduced the Phoenix pay system as a way to standardize how federal employees are paid across the country. The Liberal government implemented the system in 2016.

Phoenix was expected to save millions of dollars due to faster transactions, but the system has had widespread problems from the beginning. Tens of thousands of federal employees have been underpaid, overpaid and some even haven’t been paid anything at all for months. The issue is ongoing.

The federal government earlier in the summer estimated that fixing the problems could cost \$400 million over at least two years.

### **It's taking the RCMP longer than anticipated to digitize Canada's national database of criminal records**

*The RCMP says it'll need until 2020 to finish the nearly 500,000 files left to be uploaded. It previously said it would be done by 2018*

National Post

Douglas Quan

September 8<sup>th</sup> 2017

The RCMP says it will now need until 2020 to finish uploading nearly half-a-million backlogged files to a nationwide criminal-record database, despite previously saying the job would be done next year.

Criminal justice experts say they are troubled by how much time it has taken the RCMP, which manages the database, to eliminate the backlog for a database that is relied upon not only by police officers, who use it to check suspects’ backgrounds, but also by employers and volunteer organizations who use it to vet job applicants and the courts who use it to make bail and sentencing decisions.

“Prosecutors would like to see this get resolved across the country ... so we can have an up-to-date picture of each individual coming through the court system,” said Rick Woodburn, president of the Canadian Association of Crown Counsel.

Over the last decade, Canada’s auditor general has repeatedly taken the RCMP to task for how much time it has taken to enter fingerprint and criminal history records into the Canadian Police Information Centre (CPIC) database, and rated the agency’s level of progress as “unsatisfactory.”

In 2015, Tom Stamatakis, national president of the Canadian Police Association, told Global News that public safety could be at risk. He used the example of a parolee who has a run-in with the law.

“If that person has contact with the police and the police check the database to find out the person’s status but the information isn’t there, you could potentially release someone who should be arrested for breaching parole conditions.”

That same year, an RCMP spokesman told the CBC that the backlog of files would be cleared by 2018.

But internal agency records obtained earlier this year by Alberta blogger Dennis Young through an access-to-information request revealed that as of August 2016, there were still 570,639 criminal files that hadn’t been uploaded to the database, which contains more than 4.4 million individual files.

The records showed that from 2013 through 2015, there were 388,122 new criminal convictions, but only 58 per cent of files related to those convictions were entered into the CPIC database — this despite a boost in funding during that period, from \$1.7 million to \$2.8 million, to address the backlog.

This week, the National Post asked the RCMP for an update and was told by spokesman Sgt. Harold Pfleiderer that the backlog peaked in the fall of 2016 and that the number of criminal files waiting to be entered into the CPIC database now stands at 442,325.

Historically, the system relied on paper-based files, Pfleiderer said. But the force has been working with other police agencies to develop a fully automated and digitized system that will allow criminal record information to be uploaded in “near real-time.” This system should be completed by the end of the year, he said.

Further, “a plan has been put in place to prioritize the elimination of the backlog holdings,” he wrote in an email. “Priority files that contain either sex, weapons, or violent convictions are targeted to be fully updated by early 2018. The remainder of the backlog is projected to be eliminated by 2020, keeping in mind that these timelines may vary depending on other RCMP and government priorities.”

Currently, the force has 69 analysts working to eliminate the backlog and a budget of \$3.9 million, he added.

Woodburn said he worries that the lack of a reliable nationwide database could result in criminals being treated like first-time offenders by the justice system when, in reality, they have committed crimes in other parts of the country.

“Our criminals are very transient now. It used to be that they liked to stick to their hometown. They are travelling across the country, they know they’re mobile, and they’re committing various crimes in various areas. The problem is that CPIC is not picking that up,” Woodburn told the House of Commons standing committee on justice and human rights in April.

Because of the gaps in the database, Woodburn, who is based in Halifax, said it’s not uncommon for he and his fellow prosecutors to have to call up other jurisdictions to verify whether someone has a record in those places or not.

Pfleiderer said if police agencies or Crown attorneys need criminal records updated for court purposes, the RCMP can expedite those requests.

### **Une procureure relevée de ses fonctions !**

Radio-Canada

8 Septembre 2017

L'Association des procureurs a envoyé une mise en demeure au DPCP afin de contester la suspension de la procureure...

Une procureure est relevée de ses fonctions parce qu'elle aurait écrit une lettre pour se plaindre du manque de ressources du bureau du Directeur des poursuites criminelles et pénales (DPCP).

L'Association des procureurs a envoyé une mise en demeure au DPCP afin de contester la suspension de Me Geneviève Dagenais.

« On la laisse dans le noir. Une procureure réputée, aguerrie et respectée à Montréal », dénonce le président de l'Association des procureurs aux poursuites criminelles et pénales (APPCP), Jean Campeau, selon qui la suspension de Geneviève Dagenais est injustifiée.

Selon sa version des faits, au cours des derniers mois, Me Dagenais préparait le procès pour meurtre d'Ahmad Nehme, accusé d'avoir tué sa conjointe, qui doit être jugé devant jury dès la semaine prochaine.

Lors d'un procès, les deux parties engagent fréquemment des témoins experts afin d'analyser les faits d'une cause et donner leur opinion à la Cour.

Me Dagenais aurait fait plusieurs démarches afin de trouver un expert psychiatre, en vain. Le 17 juillet, à bout de ressources, se sentant « laissée sans solution » par le DPCP, elle aurait écrit une lettre au juge du procès, Jean-François Buffoni, pour l'informer qu'elle ne pourrait procéder, faute d'expert. Selon Jean Campeau, le ton de la lettre n'avait rien d'irrespectueux et visait simplement « à dénoncer le manque de ressources en psychiatrie légale du DPCP ».

Un mois plus tard, son employeur lui aurait demandé une copie de la missive. Puis, le 29 août, Me Dagenais aurait appris qu'elle était relevée provisoirement de ses fonctions.

À noter qu'il n'a pas été possible pour Radio-Canada de consulter la lettre en question ou d'en apprendre davantage sur les doléances de la procureure.

Mise en demeure envoyée au DPCP

L'APPCP réfute l'idée que le contenu de la lettre ait pu constituer une faute qui nécessitait une telle sanction.

« Pour nous, Me Dagenais a rempli ses obligations professionnelles et déontologiques », dit Jean Campeau. Il reproche au DPCP de ne pas fournir davantage d'explications à la procureure.

L'Association soutient avoir envoyé une mise en demeure à la directrice des poursuites criminelles et pénales, Annick Murphy, il y a une semaine, afin que Me Dagenais puisse réintégrer son poste et que sa

réputation soit blanchie. Aucune réponse n'aurait été fournie. « L'histoire fait des remous dans le bureau des procureurs de Montréal. Les gens peuvent s'imaginer un scénario pire que la réalité », déplore Jean Campeau. Radio-Canada a effectivement pu constater que la suspension de la procureure a causé une onde de choc chez plusieurs avocats qui se questionnent sur les motifs.

Aucun retard, assure le DPCP

Le porte-parole du DPCP refuse de discuter publiquement des relations avec les employés. « Nous retenons les services d'experts psychiatres dans les dossiers qui le requièrent », tient toutefois à préciser Jean-Pascal Boucher.

Alors que la crise des délais judiciaires fait les manchettes depuis plus d'un an, il assure que l'absence de Me Dagenais ne causera pas de retard dans le procès pour meurtre prévu la semaine prochaine. Un nouveau procureur a été affecté au dossier et devrait être prêt à procéder à la sélection du jury le 13 septembre, comme prévu, pour entendre cette affaire qui remonte à 2012.

### **Vives réactions et interrogations après la suspension de la procureure**

Droit Inc

Delphine Jung

8 septembre 2017

Me Geneviève Dagenais a été suspendue de ses fonctions le 29 août. Elle travaillait sur le dossier d'Ahmad Nehme, accusé d'avoir tué sa conjointe devant ses enfants. Le procès doit avoir lieu devant jury le 13 septembre.

L'affaire a ainsi été confiée à un confrère, un procureur de Saint-Jérôme. Possible pour lui de prendre le train en marche ? Oui, d'après Véronique Robert, avocate de la défense : « c'est probable qu'il connaissait le dossier. Me Dagenais est une avocate sénior, qui n'était pas seule à travailler dessus, elle avait sûrement un assistant qui a tout suivi depuis le début et qui lui aussi sera là lors du procès. J'imagine que si le procès n'est pas repoussé c'est qu'il doit y avoir une raison et que le procureur désormais responsable du dossier est capable de le gérer ».

Même son de cloche chez sa consœur, Marie-Hélène Giroux du cabinet Monterosso Giroux: « ça va nécessiter beaucoup de travail. Une semaine c'est court, mais c'est possible ».

D'ailleurs, Jean Campeau, président de l'Association des procureurs, rappelle que si l'avocat ne se sentait pas capable de reprendre le dossier, il pourrait très bien y renoncer. « Cela fait partie de la déontologie, la tâche doit toujours être évaluée par celui qui en a la charge. Il aurait pu refuser », dit-il.

En revanche, c'est vis-à-vis de la famille de la victime que Me Campeau a plus de réserves : « ça va être très délicat pour elle. Cela aurait été dans l'intérêt de la justice de laisser Me Dagenais prendre en charge le dossier jusqu'au bout. Nous trouvons cela déplorable pour l'administration de la justice ».

Ahmad Nehme, âgé de 53 ans, aurait poignardé sa conjointe, Catherine De Boucherville, en présence de ses enfants, dans l'arrondissement de LaSalle, à Montréal, en 2012. Il a été formellement accusé de meurtre prémédité.

Suspendue pour s'être plainte

De son côté, Me Dagenais a été suspendue après s'être plainte du manque de ressources au DPCP alors qu'elle demandait l'avis d'un expert psychiatrique. Une décision que n'a pas manqué de dénoncer l'Association des procureurs qui a ainsi envoyé une mise en demeure au DPCP pour contester cette décision.

Les avocats de la défense ne comprennent pas non plus cette suspension. « Elle n'a pas vendu de la drogue à ce que je sache ! », s'insurge Me Robert. « Je trouve cela vraiment étonnant qu'elle soit suspendue pour avoir donné son opinion. Cela veut dire qu'on n'a pas le droit de parler ? Il y a peut-être autre chose qui justifie cette décision, mais la raison qui nous est présentée là ne la justifie pas. »

« Est-ce par manque de ressources qu'on lui a refusé l'accès à un expert psychiatre ou par manque de nécessité? » questionne de son côté Me Giroux.

Les deux avocates de la défense ont d'ailleurs de la peine à comprendre comment le DPCP pourrait se plaindre d'un manque de ressources : « nous avons été heurté de voir que la Couronne se plaigne de ça. Ils ont bien plus de ressources que nous, avocats de la défense. À l'aide juridique, nous n'avons pas autant de moyens. Et le plus souvent, les affaires de meurtre sont prises en charge par l'aide juridique », dit Me Robert.

Me Campeau, de son côté, assure qu'« actuellement, on a une difficulté réelle à obtenir des experts psychiatriques. Ils en ont contre les conditions qu'on leur propose. Les conditions d'exercice ne sont pas avantageuses ni attrayantes pour eux ».

Pour l'instant, le procès est prévu le 13 septembre. Le nouveau procureur responsable du dossier Nehme sera représenté par Mes Robert Israel et Giuseppe Battista du cabinet Battista Turcot Israel Corbo.

### **Your letters: Compare apples to apples with civil servant compensation**

Toronto Star

September 8, 2017

Re: Cut salaries before tax reform, Letter, Sept. 7

Cut salaries before tax reform, Letter, Sept. 7

In his letter to the editor, Paul McCracken compared the average income of \$49,000 to a 2012 report that the average compensation for federal civil servants was \$114,000. I fear he is comparing apples to oranges with incorrect information. The Parliamentary Budget Officer issued a statement on Dec. 12, 2012, stating that the media reports concerning the \$114,000 compensation were wrong. More recently, the Treasury Board has stated that the average wage for civil servants in 2015/16 was \$70,228 for women and \$77,340 for men. These numbers approach the \$100,000 mark when the cost of benefits, pension, etc., are included.

Mr. McCracken's comparison also does not account for variances in job qualifications, education, responsibilities, benefits, etc. The only way to gain a reasonable measure of whether civil servants are overpaid is to compare their salaries against the corresponding private sector — IT to IT, legal to legal, engineering to engineering, etc.

Small-business owners are in a category of their own: Enterprising folk who have traded the security and benefits of employment for the opportunity of greater rewards.

Ellen Logan, Ajax

**A Canadian is poised to shake up Cambridge University – the first non-Briton in 800 years**

*Stephen Toope of U of T's Munk school has experienced intellectual triumph and shocking personal tragedy. On October 2, he becomes the new vice-chancellor. He's the 346th person and first non-Briton to hold the job.*

Toronto Star

Jim Coyle

September 10<sup>th</sup> 2017

After 30 years on the loftiest uplands of Canadian intellectual life, Stephen Toope still has the capacity — as all great teachers and most happy human beings do — for awe and wonder.

And in his case, there's a lot to be awed about.

On Oct. 2, the legal scholar from the Munk School of Global Affairs at U of T will be installed as vice-chancellor at Cambridge University. He will be the 346th person to hold the post since the school's founding more than 800 years ago, and the first non-Briton.

“As a West Island boy from Montreal, I feel extraordinarily privileged,” Toope, 59, said in an interview as he prepared for the move from Toronto's Annex neighbourhood to one of the world's most prestigious academic institutions.

He said that, while he packed, he pictured Isaac Newton at Cambridge (where he had a famously inspirational encounter with a falling apple in the 17th century and discovered gravity). He has imagined the roster of geniuses to pass through before and since. And he has had to remind himself, from time to time, that “it's not utterly crazy that I'm going there.”

While the Cambridge chancellor is a ceremonial post, the vice-chancellor is the main administrative and academic officer of the university and de facto head, nominated by the University Council and approved by the school's Regent House to a non-renewable seven-year term.

Before choosing him, Cambridge conducted an international search led by Ian White, master of Jesus College, who said Toope “has impeccable academic credentials, a longstanding involvement with higher education, strong leadership experience and an excellent research background.”

Toope, who earned his doctorate at Cambridge in 1987, said he wasn't even aware a search was on for a new vice-chancellor at his alma mater when he received a call from headhunters.

**Government email project still stalled after five years, \$100 million spent**

Global news

Monique Scotti

September 10<sup>th</sup> 2017



Five years after the federal government launched a plan to upgrade and centralize its email systems, the project seems to be stalled indefinitely and internal documents show that attempts to set up other projects to compensate have also faltered.

Ottawa has spent tens of millions on the ambitious undertaking, which would have seen 63 individual departmental email systems brought together under a single umbrella.

The so-called “email transformation initiative” (ETI), contracted out to Bell Canada and CGI Information Systems in 2013, would also have upgraded email services across government and moved everyone to a simpler address format — [john.doe@canada.ca](mailto:john.doe@canada.ca).

But hundreds of pages of documents obtained by Global News via an access to information request confirm that the effort has been a disaster, and it only seems to be getting worse as the bill to taxpayers mounts.

Last year, with ETI nearly two years behind schedule and older email systems beginning to “rust out” or risk failure, officials at Shared Services Canada (SSC) — the central IT department created by the former Conservative government — began to work on Plan B.

#### Patching the holes

SSC’s response was to set up two new internally run projects, which potentially received millions in funding but were never announced publicly.

The Long-term Email Enhancement Project (LEEP) and the Medium-term Email Enhancement project (MEEP) were designed as patches, to lower the risk of email system rust-out or failure, compensate for a loss of tech support from manufacturers of older systems, and set up a new service to support Android and iOS as the government phased out its ubiquitous BlackBerry devices.

There was little time to waste, according to SSC’s own internal briefing notes.

“The (email) systems are at risk now,” read another report from February. “Protracted planning & execution plans add further risk.”

In spite of this pressing need, the documents reveal that as of spring 2017, the LEEP/MEEP projects were running into serious trouble, namely the lack of money to get them through to the next stages.

LEEP alone was expected to unfold over three years and require 132 employees during “peak operations.” As early as December 2016, members of the internal LEEP committee said they were “concerned that there was no approved funding... and asked if this project was going to go forward.”

By Feb. 23, 2017, the project status had been changed to “red” and LEEP was “in jeopardy.”

#### Email service down

Meanwhile, government workers were experiencing the effects of the email migration meltdown.

In an email sent out to all members of the RCMP on Jan. 10, 2017, the force's former chief information officer Pierre Perron notified the rank and file that the RCMP's scheduled migration date of Jan. 8, 2017 was "no longer feasible."

"Until we receive a new date... we ask that you remain diligent in keeping your mailbox size as low as possible, below the migration limit of 1.5 GB," Perron wrote.

The Professional Institute of the Public Service of Canada, which represents thousands of government workers, says some of the public servants who have been migrated to the new system are also struggling.

Global News reached out to Shared Services Canada in late August to ask about the status of ETI, LEEP and MEEP. The department acknowledged that LEEP has now been scrapped, but MEEP is still moving ahead.

"We have started, and are in the midst of, replacing some of the equipment, putting new solutions in place and upgrading software to newer versions that are more stable."

Meanwhile, Parker maintains that the original ETI project is also still moving ahead and SSC expects Bell Canada to honour its obligations.

But Daviau says the entire endeavour was doomed the instant the government decided to outsource the work to a private company five years ago. The union has always maintained the upgrade should have been done in-house.

"You start to look at these projects that have been outsourced from the start," Daviau said.

But Parker says there's no way to know for certain if an internal project would have worked out better.

"I think that's a fairly hypothetical question, because we can't go backwards and second-guess what the results of following another path might have been," he said.

How much is this costing?

The total bill to taxpayers now exceeds \$100 million.

From 2013 to the end of the 2016-2017 fiscal year, the government had already spent an estimated \$74 million on ETI with little to show for it. As of this past March, just 47,734 accounts had been migrated out of a total of 550,000.

Meanwhile, millions more dollars were being poured into LEEP and MEEP (these budgets have mostly been redacted, but one document puts an estimated budget for MEEP at around \$3.16 million as of January 2017).

The government has also continued to spend money just to keep the older email systems up and running across various departments, when they should have been retired in 2015. The "legacy system" costs since

April 1, 2015 were sitting at \$25 million last winter, according to the documents, and increasing by \$1,050,000 each month.

Aaron Wudrick of the Canadian Taxpayers Federation called it a “boondoggle,” adding that SSC should have been more transparent about the problems.

“The purpose of contracting out is supposed to be greater efficiency, not to waste more money,” he said. “If [Shared Services Canada] is not able to do something like this, I think that begs the question what do we have it there at all for?”

Who’s to blame?

In the documents, Shared Services Canada points the finger at Bell Canada and its subcontractors for the mess, explaining that the original ETI project had to be halted nearly two years ago for vague reasons like “vendor service degradation and hardware issues” or “instability problems.”

“The vendor, Bell Canada, halted migrations to the new email service in November 2015 due to technical issues,” Shared Services told Global News.

Public Services and Procurement Minister Carla Qualtrough, who was sworn in just two weeks ago, issued a statement that largely echoed SSC’s.

“The scale, scope and complexity of the modernization that Shared Services Canada is implementing is unprecedented,” Qualtrough wrote.

“The Government of Canada intends to complete the Email Transformation Initiative once the contracted system functionalities are delivered and in place.”

Bell Canada, which has other major contracts with the government outside of ETI, referred all questions about the project to the government, offering no further comment.

Over at PIPSC, union president Daviau said that SSC probably made the right call in halting LEEP and refocusing MEEP once it became clear they weren’t working out. But it had the right idea trying to tackle the problems internally.

“I can assure you that the 15,000 federal government IT workers have those aptitudes and the knowledge we need to fix this.”

### **Supreme Court Chief Justice and U of A alumna Beverly McLachlin gives talk on diversity**

The Gateway

Nathan Fung

September 10, 2017

At the Timms Centre of the Arts on Wednesday, September 6, Chief Justice Beverley McLachlin spoke about the importance of diversity and how embracing it is one of Canada’s defining features.

As part of the Department of Philosophy's annual public lecture series, McLachlin, who studied philosophy at the U of A in the 1960's, focused her lecture on five key moments in Canada's constitutional history and how these moments demonstrate Canada's commitment to diversity and inclusion.

McLachlin was appointed to the Supreme Court in 1989 by Prime Minister Brian Mulroney and was then made Chief Justice of Canada in 2000 by Prime Minister Jean Chretien. She is the first female Chief Justice, and also the longest-serving person in that role. During her time in the Supreme Court, several significant rulings have been made, including striking down anti-prostitution laws and laws against doctor-assisted death. Earlier this year, McLachlin announced that she will be retiring in December 2017.

In her talk at the U of A, McLachlin argued for Canada's inclusive character, however she acknowledged that it has failed that commitment on several occasions in the past, such as during residential school programs and the head tax on Chinese immigrants.

"We are still trying to mend these wounds and are reminded that policies of exclusion are detrimental, have always been detrimental, to the country as a whole," McLachlin said.

Despite these moments, McLachlin argued that Canada's ethic of inclusion has persisted in the 150 years since Confederation.

Following her lecture, the audience asked McLachlin several questions, including how her studies in philosophy at the U of A have helped her work as a judge.

"Before I started studying philosophy, my mind was a bit of a mess," she said. "It was very muddy, and I felt that that discipline and all that constructive criticism that I got from people in the philosophy department really helped me to learn how to better marshal arguments."

McLachlin was also asked if she had any advice for countries in Europe that are closing their borders to immigration. While she said she had no advice to give in public, she elaborated further on how countries can react to diversity.

"Diversity today is inevitable," she said. "Poland, Hungary, all these countries that are perhaps opting to diminish diversity, they have diversity, it's a question of how you react to it. Do you react to it in an inclusionary way that is based on a fundamental belief that all human beings are worthy of dignity and to be treated as such, or do you react to it in some other way?"

Finally, McLachlin was asked if the Supreme Court is open to reconsidering the way it communicates with the public. She replied with a reference to Donald Trump and his tweeting habits.

"The Supreme Court does have a Twitter account, but you won't get any 4:00 a.m. tweets from me," she said.

**« La crise des délais en voie de se résorber », affirme le juge Fournier**

Droit Inc

8 septembre 2017

C'était jour de rentrée jeudi à Montréal, occasion pour le grand patron de la Cour supérieure d'annoncer le désengorgement des tribunaux...

Relatant l'« électrochoc » imposé au système de justice par l'arrêt Jordan, le juge en chef de la Cour supérieure, Jacques R. Fournier, annonçait jeudi que les délais en matière criminelle, à Montréal, ont été amputés de moitié.

« Dans la division de Montréal, nos délais de fixation à l'automne 2016 pour un procès criminel étaient de 30 mois. En septembre 2017, nos délais de fixation ont fondu à 17 mois », a soutenu le juge Fournier devant un parterre de juristes montréalais réunis pour l'ouverture des tribunaux, au Palais de justice de Montréal jeudi.

Concédant que les acteurs du milieu en étaient arrivés, avec le temps, « à tolérer une situation qui est intolérable », le juge en chef a dressé la listes des initiatives mises en œuvre dans le district de Montréal pour en arriver à réduire les délais judiciaires.

Après avoir « déplacé des ressources des autres chambres vers le criminel », il a fallu revoir la gestion des dossiers civils afin de permettre aux juges de parer au plus pressant.

Puis, on a mobilisé des juges retraités pour s'occuper des conférences de règlement à l'amiable, libérant des juges en exercice pour présider des procès.

« En présumant une amélioration similaire au sein de la Cour du Québec, je peux affirmer que la crise des délais en matière criminelle est en voie de se résorber », a-t-il ajouté.

D'ici là, il reste à faire, alors que la cour doit encore apprendre à « traiter prioritairement les anciens dossiers afin de reprendre un rythme normal ».

Par ailleurs, déplorant que certains plaideurs, pour lesquels « l'abus des ressources judiciaires est une raison d'être », le juge Fournier a dit que la cour a identifié « plus de 250 personnes (qui font maintenant) l'objet de déclarations de quérulence ».

Enfin, il dit remarquer que de plus en plus de justiciables, plus instruits, sont à même de mieux se préparer. Cela fait en sorte que « les besoins pour les services juridiques vont changer de façon importante au courant des prochaines années », changements auxquels la profession doit s'adapter, a poursuivi le juge Fournier.

Selon lui, « le droit ne peut plus se pratiquer de la même façon en 2017 », et tant le Code de procédure que l'application moins absolutiste de la règle *Audit alteram partem* devraient permettre de progresser dans une meilleure gestion des ressources. « Il s'agit d'une évidence pour tout le monde mais le procès ne devrait pas coûter plus cher que son enjeu. »

Questionné en marge du discours de Jacques R. Fournier, le bâtonnier Paul-Matthieu Grondin s'est réjoui de constater que la crise des délais est en voie de se résorber.

« Maintenant, il faut s'attaquer au prochain enjeu : le manque d'argent » dans le système judiciaire.

## **Tragédie de Lac-Mégantic: le procès s'ouvre**

Radio-Canada

11 septembre, 2017

Plus de quatre ans après l'explosion d'un train rempli de pétrole au centre-ville de Lac-Mégantic, le procès des trois accusés et anciens employés de la compagnie de chemin de fer Montreal, Maine & Atlantic Railway (MMA) s'ouvre cette semaine au palais de justice de Sherbrooke. Il doit se terminer le 21 décembre.

La sélection des jurés commence le lundi 11 septembre. Une fois le jury formé, les procureurs aux poursuites criminelles et pénales tenteront de faire la preuve que Thomas Harding, Jean Demaître et Richard Labrie ont, par négligence criminelle, causé la mort des 47 victimes de la tragédie du 6 juillet 2013.

Trois accusés, 47 chefs d'accusation

Thomas Harding, 56 ans, était le mécanicien de locomotive aux commandes du convoi. L'homme de Farnham travaillait dans l'industrie ferroviaire depuis une trentaine d'années. « C'est très important pour lui que le procès ait lieu et que l'histoire soit connue. C'est une période extrêmement difficile. En plus d'avoir le cauchemar de la tragédie toujours avec lui, il y a un procès de quatre mois qui s'en vient, avec des conséquences potentielles fatidiques. Ça énerverait n'importe qui », raconte son avocat, Me Thomas Walsh.

Jean Demaître, 53 ans, occupait un poste de responsabilité au sein de la MMA lorsque l'accident est survenu. « Mon client est perturbé, le facteur stress commence à faire son oeuvre. Ça fait quatre ans qu'il est dans des procédures », explique son avocat Me Gaétan Bourassa.

Richard Labrie, 59 ans, était le contrôleur ferroviaire responsable de la circulation des trains entre Farnham et Lac-Mégantic. Il est représenté par Me Guy Poupart.

Les familles des victimes et les procédures criminelles

Les familles des 47 victimes vont-elles s'intéresser au procès criminel? Raymond Lafontaine, qui a perdu quatre de ses proches, dont son fils et ses deux brus, espère pouvoir se déplacer à l'occasion au palais de justice de Sherbrooke pour assister à certains témoignages. Quant à Jean Clusiaux, qui a perdu sa fille, il espère pouvoir y être le plus souvent possible. « Je n'ai pas l'esprit vengeur là-dedans, mais ça m'intéresse. On va peut-être apprendre quelque chose de nouveau. »

Extrait de l'acte d'accusation

Thomas Harding, Jean Demaître, Richard Labrie, entre le 4 juillet 2013 et le 6 juillet 2013, à Farnham, district de Bedford, à Nantes et Lac-Mégantic, district de Mégantic et ailleurs au Québec ont, par négligence criminelle, causé la mort de (47 personnes), soit par les omissions ou en raison des actions

posées lors de la supervision, l'exploitation, l'opération ou la sécurisation du train de pétrole numéro 2 (train block oil L), commettant ainsi l'acte criminel prévu à l'article 220b) du Code criminel.