

ROLES AND RESPONSIBILITIES OF ADMINISTRATIVE JUDGES OF THE PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

The administration of the Provincial Court of Newfoundland and Labrador is divided among the Chief Judge (CJ), the Associate Chief Judge (ACJ) as well as the Senior Coordinating Judge (SCJ). They are responsible for the administrative infrastructure of the Provincial Court province-wide. This includes not only the twenty-three judges of the Court, but the Court Clerks, Justices of the Peace working at the Provincial Court and support staff. The administrative judges, in conjunction with the Director of Court Services, make policy decisions on a short, medium and long term basis and carry out planning and strategic planning functions to ensure the effective and efficient running of the entire court system.

The duties of the Chief Judge are set out in Section 8 of the *Provincial Court Act*. These involve having charge at all times of the general policy of the Court in judicial matters, the assignment of duties and request for exchange of duties among judges, the coordination and apportionment of the work of judges as well as the transfer of judges throughout the province. The Chief Judge is also empowered to make recommendations to the Minister respecting all matters affecting the general administration and operation of the Court. Of late, particular examples of this involve the conduct and implementation of policy involving specialized courts such as the Family Violence Intervention Court, the scheduling of the sittings of the Court, the budgetary process and working in conjunction with the Director of Court Services who reports to the Chief Judge on administrative matters and has responsibility for approximately one hundred court staff members.

The regular administrative duties of the Chief Judge include liaising with outside agencies such as police and other investigators, the public prosecution service of the province and of Canada, the Newfoundland Legal Aid Commission, and the private bar either through the Law Society or the Canadian Bar Association, all for the purpose of improving the delivery of justice services. He/she must also respond to media inquiries. The Chief Judge often has contact with senior executive and the Minister of the Department of Justice as well as other departments throughout the province and the country. It is the responsibility of the Chief Judge to maintain and revise where necessary the rules of practice and procedure of the Provincial Court and to prepare Practice Notes and Memoranda to Judges and Counsel appearing at the Bar.

It is required that the Chief Judge to participate in the semi-annual meetings of the Canadian Council of Chief Judges (CCCJ) which is dedicated to the promotion of public confidence in the Justice System and to ensuring the effective administration of Provincial and Territorial Courts in Canada by providing accessible, timely, independent and impartial justice for all. This organization's mandate is to develop and maintain relationships with the Federal Department of Justice, Provincial Departments of Justice, and national organizations such as the Canadian Bar Association and the Canadian

Association of Provincial Court Judges in order to share information and perspectives and to present the approaches and opinions of the Provincial and Territorial courts on all matters, including legislation, which affect the Provincial and Territorial courts of Canada. The CCCJ also works to develop an on-going, collaborative working relationship with the Canadian Judicial Council and the National Judicial Institute.

In addition to this, the Chief Judge has the primary responsibility for arranging for continuing judicial education for all judges including especially newly appointed judges and arranging for leave, replacement of judges in cases where conflict of interest arise and the judge is unable to hear a case that has normally been scheduled before him or her. The conduct of public inquiries is one of the responsibilities of the Court and must be coordinated through the Office of the Chief Judge. Regular travel throughout the province is required as well as the Administration of the Oath of Office to newly appointed Judges and the supervision of all Justices of the Peace working at the Provincial Court. The administrative judges are not only the representatives of the Court within the court system but often act as a visible face of the Court representing the Court in attending a variety of meetings and functions. The Chief Judge must organize and set the agenda for the Annual Conference of Judges and consult with the executive of the Provincial Court Judges Association on common issues.

The Chief Judge is also required to coordinate the delivery of justice services with the Chief Justices of the Supreme Court of Newfoundland and Labrador as well as the Chief Justice of Newfoundland (Court of Appeal). The administrative judges are also involved in the various interjurisdictional initiatives with the goal of improving the delivery of justice services across Canada. In addition to a myriad of other administrative duties, administrative judges have presiding schedules similar to puisne judges with the exception that the sitting duties of the Chief Judge and the Associate Chief Judge may be reduced to accommodate these administrative duties and responsibilities.

In addition to the duties and responsibilities outlined above, the Chief Judge may be required to perform additional duties that may be prescribed by the Act or the Regulations and can be called upon to advise the Minister of Justice on matters concerning the administration of justice in the province. A recent example of this is the report which was produced by the Task Force on Criminal Justice Efficiencies. This task force was established by the Minister of Justice and was co-chaired by the Chief Judge of the Provincial Court. Arising from this report were a number of significant recommendations involving reducing the time between arrest and trial and an overhaul of the practices and procedures related to scheduling of trials and applications in the Provincial Court at St. John's. The implementation of this report is being carried out by the current Chief Judge and its effects have been far reaching.

The Chief Judge also has responsibilities as Chair of the Judicial Council. The powers and responsibilities of the Judicial Council are set out in Part 2 of the *Provincial Court Act*, sections 16 and following. These responsibilities can be particularly onerous especially

where they relate to the selection of candidates to be recommended for appointment to the Court. Recently this process has been completely overhauled and the Council has instituted elaborate guidelines for a broad based consultative process to ensure that only excellent candidates are recommended to the Minister for appointment as Judges of the Court. A mechanism to ensure judicial transfers are made on an equitable basis has also been put in place.

The Associate Chief Judge as per section 7.1 of the *Provincial Court Act* is required to perform the duties assigned to him or her by the Chief Judge. In addition to this, where the Chief Judge is unable to perform his or her duties, the Associate Chief Judge shall perform the duties of the Chief Judge. The practice of the current Chief Judge is to fully utilize the administrative capacity of the Associate Chief Judge to assist with all of the duties outlined above.

The senior coordinating judge (and alternate) has the primary responsibility for the daily and immediate coordination of the sitting duties (assignment and reassignment) of all judges on the Avalon Peninsula and must work closely with the Court Utilization Manager under the direction of the Associate Chief Judge in this respect. The senior coordinating judge is consulted on administrative and policy issues impacting the work of the court in the region.

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