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**Canadian Association of Provincial Court Judges
Association canadienne des juges de cours provinciales**

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President's Message

This is my mid-term report to the members of the Canadian Association of Provincial Court Judges. The National Conference and Annual General Meeting held in Calgary at the end of September, 2009 was a success—educationally, socially, and financially. The Conference earned a modest surplus which was divided equally between CAPCJ and the Alberta Provincial Judges' Association for their respective education funds.

Provincial Association Meetings

In October 2009, I attended the Fall Conference and Annual General Meeting of the Provincial Court Judges' Association of New Brunswick. I appreciated the hospitality and collegiality of our New Brunswick colleagues. On behalf of CAPCJ, I had the opportunity to recognize the significant contributions made to the work of CAPCJ over the years by New Brunswick judges.

In November 2009, I had the opportunity to attend the Congrès des juges du Québec in Gatineau, Québec. Thanks to the significant efforts of Jean-Paul Decoste, Michel Babin, and other CAPCJ members in Québec, our Québec colleagues voted in favour of universal membership in CAPCJ. There is now universal membership in CAPCJ of all provincial court judges across Canada. On behalf of CAPCJ I have extended a warm welcome to all of our colleagues from Québec. I also had the honour and privilege of attending the swearing-in ceremony of Juge Élisabeth Corte as Chief Judge of the Cour du Québec and the festivities honouring former Chief Judge Guy Gagnon on his appointment as a Justice of the Court of Appeal of Québec. Both these individuals have been strong supporters of CAPCJ and, on behalf of CAPCJ, I wish them every success in the future.

CAPCJ / CCCJ Joint Education Committee

In January 2010, I participated in the first Joint Education meeting between CAPCJ and the Education Committee of the Canadian Council of Chief Judges. CAPCJ was represented by Judge Ron LeBlanc and Judge Rob Finlayson of our National Education Committee, Judge Danielle Côté and Judge Robert Marchi of the New Judges' Education Program, and myself and First Vice-President Judge Robert Prince. The Education Committee of the CCCJ was represented by Chief Judge Pat Curran, Chief Judge Karen Ruddy and Associate Chief Justice Peter Griffiths.

President's Message... Cont'd

This was a very successful meeting in which matters of common interest relating to the New Judges' Education Program were thoroughly discussed and recommendations were made for the future. This year in April was a change of venue for the New Judges' Education Program to Chateau Bromont. It is proposed that, commencing in 2011, the NJEP will be presented over a five day period and that a revised curriculum will be presented to the next joint meeting of this group in September 2010 at our National Conference in Halifax.

The Cour du Québec continues to make significant contributions to the preparation and presentation of the New Judges' Education Program. The Joint Committee has been asked to look for additional administrative resources and facilitate more direct co-ordination between the NJEP and the CAPCJ-NJI Skills-based Program which is usually offered in the Fall of each year.

National Compensation Committee

Our National Compensation Committee continues to be very active. In October 2009, Judge John Maher, Chair of the National Compensation Committee, made a presentation at the Judicial Compensation Commission hearings in New Brunswick which was very well received. In April 2010, Judge Maher attended the Salary and Benefits Tribunal of Newfoundland and Labrador to make a presentation before that Tribunal on behalf of CAPCJ which was also well received.

In other matters, the National Compensation Committee has recommended that CAPCJ go forward with the CCCJ to approach the Federal government regarding legislation to permit full pension splitting by our members. A further recommendation of the National Compensation Committee is that CAPCJ proceed to obtain an actuarial study to review and compare the pension plans of the twelve provincial and territorial courts and the federal judges' pension plan, and to determine the "compensation value" of each pension plan on a consistent, uniform basis. At the CAPCJ Spring Board Meeting both these recommendations were adopted.

Other Initiatives

CAPCJ is involved in a number of other initiatives at the present time. Representatives of CAPCJ have joined the CCCJ Committee that is currently studying ethical guidelines for provincial court judges across Canada. CAPCJ is also considering future international conferences, similar to the CAPCJ delegation to China in May 2009. Future international conferences may include a European Conference to study comparisons between civil law and common-law systems, and a trip to South East Asia to meet with the judiciary in Viet Nam, to learn about the developing justice system in Viet Nam, and to share experiences with Vietnamese judges.

.CAPCJ and the CBA

The Executive of CAPCJ maintains regular communications and liaison with the Executive of the Canadian Bar Association regarding matters of interest to our members. The Executive of CAPCJ continues to encourage our members to become members in the Canadian Bar Association and to participate in CBA activities which have been specifically designed for judges.

President's Message... Concl'd

CAPCJ has developed a strong relationship with the CBA and the CBA is most supportive of CAPCJ. The CBA has recently completed an electronic database to assist their Branches in communicating with their respective governments and in making submissions to their Judicial Compensation Commissions regarding judicial salaries and benefits

Strategic Plan

In addition to the committees and initiatives previously described, the Executive and Board of Directors of CAPCJ conducted a review of our committees in accordance with our Strategic Plan at our Spring Board Meeting. A new Access to Justice Committee is being considered to co-ordinate with the National Access to Justice Initiative chaired by Chief Justice Beverly McLachlin. Also a recommendation is being developed to have a single Communications Committee oversee our publications of the Journal and the Newsletter, and be responsible for the development of a CAPCJ Media Protocol. This committee would also be responsible for maintaining and developing the CAPCJ website.

Other Committees

Our Committee on the Law remains very active in providing CAPCJ members with timely and relevant updates with regards to developments in case law and in new legislation. Lastly, I can advise that the translation of the CAPCJ History Project is well under way and should be completed later this year.

Conclusion

I have recently attended the Spring Meeting of the Alberta Provincial Judges' Association and the annual meeting of the Ontario Conference of Judges at the end of May and appreciated the hospitality extended to me on behalf of CAPCJ. In August, together with other members of the Executive, I will attend the National Conference of the Canadian Bar Association, where the Executive expects to have the opportunity to meet with the Federal Minister of Justice and also with the Chief Justice of the Supreme Court of Canada on behalf of CAPCJ.

Finally, I would be remiss if I didn't shamelessly plug the **CAPCJ National Education Conference in Halifax, September 29 to October 3, 2010** and strongly urge CAPCJ members to register and attend this Conference, in this annual opportunity to interact with our colleagues from across Canada.

Judge Gerry Meagher
President, CAPCJ / ACJCP



Chart Your Course - CAPCJ Conference - Halifax

We hope you are planning to be in Halifax, Nova Scotia, for the C.A.P.C.J. conference from September 29 to October 3 at the Halifax Marriott Harbourfront Hotel. www.halifaxmarriott.com (group code caocaoa)

The theme of the Conference, "Chart Your Course", reflects not only the seafaring and nautical images associated with Nova Scotia, but also the way in which conference participants will select courses from a course calendar, as you did back in your days at law school.

In addition to one plenary session each day, courses will be offered on a diverse range of topics. This conference will be an opportunity for you to be invigorated by the country's leading, dynamic teachers and to consider fresh and exciting ideas, new questions and concepts that are at the cutting edge of legal academe. If you visit the conference website at www.capcj-acjcp-2010.ca, you will find, under the education tab, a roster of the many speakers and the wide range of topics to be addressed

We look forward to extending our Maritime hospitality, starting with the opening reception at the Maritime Museum of the Atlantic, just a short walk from the conference hotel. You will have an opportunity to connect with old friends and make new ones while enjoying the Museum's nautical exhibits and Nova Scotia's maritime heritage.

On Thursday evening we will gather at Pier 21, Canada's last remaining ocean immigration shed and the spot where many immigrants first set foot in Canada. Here you will enjoy a lobster dinner and a performance of the critically acclaimed DRUM. If you want to have a sneak preview of this fabulous performance, go to www.drumshow.ca

On Friday evening, when classes are over, your Nova Scotia colleagues will be hosting dinners at a variety of Halifax restaurants. There will be sign up sheets available at the beginning of the conference; however, if you just want some "down time " after the rigors of class, you may want to enjoy the evening in Halifax on your own.

The conference will wrap up on Saturday night with a Nova Scotia kitchen party featuring some great Cape Breton musicians. This will be a casual affair and business attire will not be expected.



The conference organizing crew would encourage you to visit our website where you will find further information about companion programs, registration, and the conference hotel.

Please go to www.capcj-acjcp-2010.ca

Judge Barbara Beach
Conference Chair

Halifax Harbour Sailing, Photo Credit: Destination
Halifax/Nova Scotia Tourism and Culture/W. Hayes

Osgoode Hall Restaurant Review

Osgoode Hall has been the heart and soul of Ontario's Courts for almost 200 years. It houses the Ontario Court of Appeal, the Law Society of Upper Canada and the stunning Great Law Library. Impressive and remarkably well-preserved, this architectural and historic jewel is located in downtown Toronto. What most people don't know is that it also happens to be home to a consistently celebrated restaurant. The restaurant is open to the public, yet not many outside the legal community frequent it. This may be because there is no 'street presence'. Tucked away on the second floor, the restaurant caters mostly to lawyers and judges, many of whom come straight from Court in their tabs and robes.

Having lunch at the Restaurant at Osgoode Hall is like stepping back in time. It is located in the former dining hall of Osgoode Hall which was inspired by the design of the medieval dining halls of the Inns of Court in England. Walking into the "Great Hall", as it is colloquially known, conjures up images of 19th century England. Not the Dickensian version of down and out, soot-covered children but of that other class. It evokes a time when the bar was slightly aristocratic, when its genteel members would dine separately from the public as part of their own community.

Entering the large, open hall is impressive and feels a little like entering the dining hall in "Harry Potter". There are two huge chandeliers and a large antique clock hanging from the centre of the ceiling and wall sconces throughout surrounded by dark wood and wainscoting. Stained glass windows in the dining hall tell 4,000 years of legal history and share the walls with shelves of old law reports and a large, imposing oil painting of Sir William Osgoode, the first Chief Justice of the Province of Ontario, along with some of his successors.

Whereas in previous times most seating in the dining hall was at long tables to encourage conversation and camaraderie among members of the bar, modern diners can now choose to sit at smaller, private tables for two or four, or even larger parties of six or eight. A few long tables still remain. The convivial maitre d', Minh Liu, has been with the restaurant for at least 10 years. She always greets patrons with a wide, warm smile and remembers all of her regulars. Like Minh, the atmosphere is one of warmth and friendliness. This is not a stuffy, dark place where one feels compelled to whisper.

The restaurant has a small but well chosen wine list. Like the menu, it changes seasonally. The chef de cuisine, Adam Foley, has worked inside some of Toronto's toniest restaurants, Splendido and the Rosewater Supper Club to name a few. His menu is inspired by fresh, local and seasonal ingredients, whenever possible. Given our climate, spring and fall menus are particularly focused on fresh, seasonal and local produce. The chef full takes advantage of the abundance of local summer produce to makes preserves which in turn means that he can use these preserves in his menus throughout the year.

On the day of our visit earlier this spring, we begin our culinary adventure with an *amuse-bouche* sent to us compliments of the kitchen. As intended, our taste buds are indeed tickled and teased by a very delicate portion of poached shrimp, a quail egg, and roasted grape tomatoes, all delicately arranged on top of a smooth and buttery red pepper sauce and finished with a sprig of fresh thyme. The "amuse" very nicely complements the buttery, oaked 2004 Malivoire Chardonnay which hails from the Beamsville bench of the Niagara wine region. A ½ bottle will set you back \$24.

Our conundrum is whether to choose the Chef's menu or the equally tantalizing dishes available From the à la carte menu. The chef's menu is a three (3) course menu starting with a choice of Boston clam chowder or Duck confit & goat cheese croquette with shredded apple, followed by a main of pan seared pacific halibut with baby shitake mushrooms, leeks and tomato butter sauce, followed by a dessert of Myer lemon tart with summer preserved peach and red currants. The chef's menu while alluring and well priced loses out to the à la carte choices.



Osgoode Hall Restaurant Review... Cont'd



Our first course – a pan seared sea bass with braised fresh artichokes at \$18 is a good sized portion and instead of having it for a main as the chef intended, we have asked the kitchen to plate the dish for sharing as our appetizer. The fish is gently seared, delicate and still moist, although the skin is crispy, as it should be. It is accompanied by a lemon beurre blanc sauce with wild mushroom caps. The chardonnay is a perfect and lovely match for the sea bass which is mild but rich for a white fish.

Our choice for main course is driven by the ½ bottle of Tawse Cabernet Franc (\$24). Tawse is also a Beamsville winery, in the Niagara area. Once that is decided, the Bistro steak in shallot jus accompanied by frites seems like the perfect match. Other 'local'

half-bottle options are a 2007 Henry of Pelham Baco Noir (\$16) and a 2004 Pinot Noir from Malivoire (\$24). The Cabernet Franc displays the typical smokiness of the varietal. The tannins are soft and although it displays a lot of fruit – the acidity is well-balanced.

The Wines:

The wine list changes 3 times a year. It is carefully and judiciously chosen by former restaurateur, Michel Groh, who found himself bored in his retirement and, fortunately for us, decided to join the team at Osgoode. He is now a fixture in the place. Affable and ever helpful, he knows his wines.

The wine list features many local wines which complement the chef's philosophy of using fresh, seasonal and local ingredients where possible.

Like the Malivoire Chardonnay and the Tawse Cabernet Franc, many of the wines on the wine list are sold in the half bottle (350ml) format. In fact there are thirteen half bottles of wine on offer. This makes perfect sense given that the restaurant is open only for lunch Monday through Friday and caters to the bar many of whom return to their offices or court.

There is a better selection in full bottles and the list is well chosen by varietal and region, with the notable exception of B.C. wines which are completely absent. We suspect that this is because these wines are more difficult to source in Ontario. But Ontario is well represented with 5 full bottles (of 19), 2 half-bottles (of 7), and 2 selections by the glass (of 4). By way of example, the full bottles of white on offer are 3 Sauvignon Blancs, 1 Semillion, 1 Chenin Blanc, 3 Rieslings, 2 Pinot Gris, 2 Gewurtztraminers, and a Grenache Blanc on the menu. Not to mention the 5 bottles of Chardonnay, of course, that range from \$55 for a 2004 Tawse – Beamsville Bench (Niagara) to \$100 at the high end for a 2005 Chateau de Puligny Montrachet.

The restaurant is closed during the summer recess. It is open for lunch only. (Coffee, scones, yogurt, croissant and much touted butter tarts are available in the mornings).

Reservations are recommended.

Telephone number: 416-947-3361

Address: 130 Queen Street East (just off Nathan Phillips Square)

It is wheelchair accessible from both entrances, either from main doors of the Court off Queen Street W. or from the Law Society entrance which faces Nathan Phillips Square

Written by Justice Feroza Bhabha & Justice Howard Borenstein
Ontario Court of Justice



JUGE MICHEL BABIN

Notre collègue Michel Babin a décidé, après quatre années, de passer le flambeau comme directeur des juges de la Conférence des juges du Québec au sein de l'Association canadienne des juges des cours provinciales : il mérite nos remerciements.

Permettez que je vous le présente.

Michel est né en Gaspésie, à Bonaventure, à une date qu'il ne veut révéler à personne. Après des études classiques au Séminaire de Gaspé et à Bathurst au Nouveau-Brunswick, il entreprendra ses études en droit à l'Université d'Ottawa, d'où il obtiendra sa licence en 1967. Durant son année de stage au Barreau, il travaillait, à plein temps, chez Postes Canada. Il s'inscrira au Barreau du Québec en 1968 et débutera sa pratique comme substitut du procureur de la Couronne au niveau fédéral de 1968 à 1970, puis débuta une pratique comme avocat de la défense à Québec de 1970 à 1974. Fin 1974, il joignit un bureau d'aide juridique en Gaspésie jusqu'en 1976. Puis il devint substitut du procureur de la Couronne au niveau provincial, demeurant alors à New Carlisle, puis à Sept-Îles et enfin à Québec.

En 1978, on l'assigna comme procureur adjoint d'une importante Commission d'enquête sur le crime organisé qui fit couler beaucoup d'encre au Québec. En 1985, on lui confia la responsabilité de secrétaire de la Commission d'enquête sur Madelipêche et Pêcheurs Unis.

De 1972 à 1989, il fournit de la formation en droit criminel et en représentation à l'École de formation professionnelle du Barreau du Québec.

On le nomma juge à la Cour du Québec en novembre 1988.

Michel est un grand sportif. Excellent skieur, il pratique aussi, à raison de trois heures semaine, le tennis. Durant la saison estivale, il peut parcourir des centaines de kilomètres en vélo. Il se dit « ordinaire » comme golfeur, mais dans les tournois, on le recherche comme partenaire dans son équipe.

Sa conjointe est Hélène Lamontagne, propriétaire d'un important commerce en décoration intérieure. Michel est le père de deux enfants Maxime et Gabriel, tous deux ingénieurs.

L'A.C.J.C.P. doit beaucoup à Michel Babin. Il a notamment réussi à convaincre ses collègues de la Conférence des juges du Québec à se joindre à notre Association.

Une rumeur circulerait à Québec à l'effet qu'il songe à quitter le travail de magistrat en 2010; si tel est son choix, la Cour du Québec sera privée d'un excellent juge, mais nous lui souhaitons alors une longue et très agréable retraite.

Merci Michel!

Juge Jean-Paul Decoste

Cour du Québec



A View From the Bench

There was a time when little thought was given to issues of security in Canadian courthouses. Indeed, it was only within the last year that southern Alberta circuit courthouses enjoyed the presence of Sheriffs to provide courtroom security. Previously, one relied on the natural inclinations of Canadians to act in an orderly fashion and to comply with all requests made of them. As a judge, one usually held one's breath when, just after sentencing a person to gaol, one had to ask him or her to sit in the front row and wait patiently while court staff called the local RCMP detachment to come and fetch the miscreant ("fetch the wretch" has a nice ring to it, but I suppose it lacks the statutorily required sensitivity).

In keeping with increased concerns about security, the new Calgary Courts Centre boasts an impressive array of security features designed to repel those with evil intent. I assume they work on the target group; I can fully assure you they thwart and befuddle those of us who work in the building. The other day I could not get out of my courtroom because my security card decided that my roaming the secured corridors was no longer a risk acceptable in a civilized and orderly society.

However, the building's security system seems not to be infallible. Recently, as the judges were enjoying their lunch in the judicial dining room (have you any idea of the sensation of pure decadence I feel in writing those words?), one of the security staff quietly approached Judge O'Gorman, and requested "a word" with him. Those former CBA types are always causing trouble.

"We've had a security breach, sir," said the officer.

"Oh?", His Honour replied, while wondering if he was going to be the subject or the object in the explanatory sentence bound to follow (for those of you who attended high school after the 1960s, that was a witticism, or imitation thereof, rooted in the rules of English composition, a topic no longer taught in school).

"Sir, you park your vehicle in the basement parking area?"

"Yes, is there a problem?"

"Sir, we've found a chicken in your vehicle. But don't worry, we've apprehended it."

"Oh, I see." Judge O'Gorman's life, at least off the bench, is such that a chicken being found in his pick-up truck is not an event outside his understanding of "normal".

"Would you come along with me, sir, and identify the intruder?"



A View From the Bench... Cont'd

"Of course."

Down to the parkade they went. There they found other officers who had contained the scene which was comprised of one rather large and handsome chicken sitting in the back of a pick-up truck. It seems that the bird (subsequently charged with "unlawfully at large" contrary to section 145(1)(b) of the *Criminal Code*; see accompanying photograph taken pursuant to the provisions of the *Identification of Criminals Act*; the accused is the one without the glasses), being a member of Judge O'Gorman's menagerie at his rural home, decided that morning to effect an escape to the big city by sitting in the box of the truck and keeping quiet. What said chicken did not anticipate was that the escape truck would be parked in a secure garage from which there was no egress (or egret, for that matter; sorry, couldn't resist).

The story has a happy ending. The dining room staff, who are quite used to and are very patient with all sorts of judicial idiosyncracies, upon learning of our version of "Mary had a little lamb", put together a wonderful salad upon which the chicken feasted the rest of the afternoon while awaiting Judge O'Gorman's return from court to drive them both back home. For the very senior of my readers, the phrase "Well, you've had quite a day, Maggie Muggins", may come to mind.

As an aside, I was told by one of my female colleagues that this chicken must have been a rooster because only a male would be silly enough to leave the comfort and safety of a home in which he was pampered and fed for the uncertain future of the big city where he had no assurance of accommodation, food, or love. I tried to explain that we males experience that every time we are forced to leave the parental home.

By Judge A. A. Fradsham
Provincial Court of Alberta

Originally printed in the CBA publication
"Law Matters".



Legal Anecdotes & Miscellanea

A PENNY A PIG

I am indebted to Judge Darrell O'Byrne of the B.C. Provincial Court's Cariboo/Northeast District for sending me the reasons for judgment of now-retired Judge Cunliffe C. Barnett in the instructive, 1995 case of *R. v. Bateham*. The decision is written in the inimitable style of Judge Barnett—a former member of the provincial court bench in British Columbia whose judicial writing was uniquely colourful and is much missed.

The accused Bateham was prosecuted, successfully as it turned out, for failing to properly confine some pigs that he had purchased in connection with his son's school project. This constituted an offence under the *Livestock Act* and, while technically, the offence was made out, Judge Barnett expressed his consternation with the prosecution both in the manner in which he gave his reasons and in the \$0.01 fine, per pig, that he imposed as the sentence.

The reasons are brief and I reproduce them in full below for your reading pleasure:

"Verlyn Bateham lives on 320 backwoods acres in the Queen Charlotte Islands.

In 1993, Mr. Bateham bought a few pigs: they were to be a school project for his son and also the family expected them to earn their keep by rooting out and clearing brush.

A fenced enclosure was built. But Mr. Bateham was not wise to the ways of pigs. They were soon escaping and wandering off to enjoy the delights of freedom on a regular basis. Their favourite place was a small meadow near the seashore, a small subdivision, and the highway.

The pigs rooted around in the meadow. That bothered Conservation Officer Smith who thought he was witnessing the destruction of a wildlife habitat.

The presence of the pigs concerned the mothers of some children living in the subdivision.

Fisheries officer Sjolund testified that the pigs did not damage any fish habitat.

In the fall of 1993, Mr. Dawson was driving on the highway one night. A pig was on the highway. Mr. Dawson did not see it. His vehicle hit and killed the pig. The repairs to Mr. Dawson's vehicle cost about \$300.

Some local residents got the notion that it was okay to hunt the pigs. Conservation officer Smith knew this was happening.

Conservation Officer Smith spoke to Mr. Bateham in October 1993. Mr. Bateham told him that the pigs were domesticated European wild boars and that he would try harder to keep them confined.

Conservation Officer Smith also talked to the wife of Kevin Rae. She told him that her husband had told her that Mr. Bateham had told him he was intending to establish stocks of feral pigs so they could be hunted for sport.



Legal Anecdotes & Miscellanea... Cont'd

On May 20, 1994, Conservation Officer Smith talked to Kevin Rae, who repeated this silly story. Conservation Officer Smith did not question Rae intensely: if he had done that he might have learned that Rae was one of the 'sportsmen' who had stolen a pig from Mr. Bateham and put pork in his freezer.

Later in the day on May 20, 1994, Conservation Officer Smith went looking for the pigs. He was accompanied by Cst. Erichsen. The two officers went to Mr. Bateham's home and when they did not find him home, they had his son show them the pig enclosure which was admittedly in a state of disrepair then. The pigs were not there.

The pigs were found in the meadow. The officers shot 6 pigs. One pig escaped. The carcasses were delivered to Mr. Bateham and Conservation Officer Smith told him that a report would be made to Crown counsel who might decide to press charges.

And thus it was that Mr. Bateham came to be charged under the *Livestock Act*: it is alleged that he wrongfully allowed swine to be at large.

The trial of this charge consumed the entire court day on July 19 and most of the day of July 21. One wonders why the attorney general thought this trial was necessary.

Mr. Bateham believes that his pigs were sometimes assisted to escape by 'sportsmen' such as Kevin Rae. I expect that did sometimes happen. But the evidence does establish that in May 1994 Mr. Bateham was making no real effort to confine the pigs and that he knew that they were considered to be something of a nuisance by some reasonable persons.

The charge is proved. But nevertheless I feel compelled to say that this prosecution was an unnecessary, silly, and absurdly expensive exercise which touched upon the borders of persecution."

JUDGE AUXIER 1, OLD TESTAMENT 0

Occasionally, the powers and authority of judges in their courtrooms are challenged by parties who claim to have recourse to higher powers and authority. Some years ago Judge Jane Auxier, who sits in B.C.'s Coastal District, felt the wrath of a litigant who, on Biblical grounds, was unwilling to submit to her judicial authority, mainly it seems because she is a female.

As will become quickly apparent, the transcript is not susceptible of summarising and so here is the memorable exchange between Judge Auxier and Mr. P***** in its entirety.

"Q Again, Mr. P*****, perhaps I can ask you some questions and then if there's anything further that you care to add, you certainly have that opportunity.

A I want to read (indiscernible) from the word of God, concerning this situation.

Q Well, I don't think that's necessary –

A Well, I am gonna read I said.

Q No.

A Yes!

Q No. Let me ask you firstly about custody of the children. I've heard from Mrs. P***** that they've been in her care since you separated in June – and you are opposed to them living there?

A Your Honour, I state in the name of Jesus, you better obey me.

Q Mr. P*****, just answer my question.

A I'm gonna – I'm gonna speak from the word of God!

Q Mr. P***** –

A I'm gonna read the word of God, what the law of the word of God says.

Legal Anecdotes & Miscellanea...Concl'd

- Q Mr. P***** –
- A We gonna –
- Q – just have a seat there, please.
- A I'm gonna read what the law of God says.
- Q Just sit down.
- A I will not submit to the devil!
- Q Are you calling me the devil?
- A You are the extended hand of it! I speak in the name of Jesus.
- Q Well, I think Mr. P***** – can you tell me anything –
- A "Unto the woman," he said:
 "I will greatly multiply thy sorrow and thy conception in sorrow. Thou shall bring forth children and thy desire shall be to thy husband. And, he shall rule over you!"
 Not the wife, the husband shall rule. No woman shall have authority over the man. A woman cannot rule above the man! Woman cannot give the command to the man – in a court! It is a satanic infidel! Heavenly Father, in the name of Jesus, I [indiscernible] a curse upon the satanic infidel that took the place – the seat of a man! And, performing this satanic ritual, I use the curse of leprosy upon her – right this moment, in Jesus's name! Thank you.
- Q Is your problem that I'm a female judge – does it have to be a male judge to make the order?
- A A male judge has to sit in your pew – in your seat.
- Q Well, I'm sorry, I can't accommodate you, Mr. P*****.
- A The word of God says so!
- Q Okay.
- A Okay?
- Q Now, can you tell me anything about your finances, Mr. P*****? Are you working?
- A No comment.
- Q Okay. Well –
- A I was collecting until now. But, I will not give you – statements of anything.
- Q Well, I'm afraid I'll just have to make the order then in the absence of any statement –
- A That's okay. It's quite fine with me.
- Q That's fine then. You have a seat then, Mr. P*****.
- A Thank you. For I will not submit to that satanic infidel.
- THE COURT: Well, Mrs. P***** –
- THE RESPONDENT: No woman shall rule over me."



Judge Auxier persevered and made the child support order that had to be made. We are not aware of her home having been struck by lightning or swarmed by locusts; neither did the leprosy curse take hold. She remains in excellent health—physically and spiritually—and she continues to carry the torch of justice proudly, even in the face of blustering, celestial incantations.

Submitted by Judge T. S. Woods
 Provincial Court of British Columbia

Molly Stories

15 year old Molly is thrashing her head back and forth in the car
I'm!" thrash "Not!" thrash "Going!" thrash "To!" thrash "School!" she announces.

"I hate it!" she yells. "You can't make me go!"

It's just sunk in for her that I cannot, any longer, physically put her in the car, or make her do anything.
Except through reason, and more commonly, manipulation.

"So." I say. "A Grade 9 drop out. Well, I can live with that. However, I do want you to do this thoroughly.
First thing to do is to get a carton of cigarettes. I'm serious. I want you to take it up. And hopefully you
can get that smokers' cough going on too. And you know that sound that smokers make when they
laugh? Sort of mucousy? Let's go for that."

I certainly have her attention.

"And hey, are there any boys interested in you?" I ask. "Because I think you should get knocked up too.
Then you could be a pregnant, chain smoking Grade 9 drop out!"

She is staring at me in amazement.

But I'm not finished with the fantasy.

"And honey, when your Dad forces your idiot boyfriend to marry you, then maybe you can live in a trailer,
just to complete the whole picture. And you can maintain it the way you maintain your room, with wall to
wall clothes, dirty dishes, and mould!"

She is staring at me. She is trying hard, very hard, not to laugh.

The drama is over, she can't keep it up. We have arrived at school and she is getting out of the car, gig-
gling.

"There would be one good thing for me, though, if you dropped out." I tell her. "I wouldn't have to help
you with your horrible math!"

Rodeo Goals

We're at our first rodeo. Molly is 6, her sister Maddi is 8. I am talking to Miss Rodeo Canada. She is beau-
tiful, in an over the top way—all big blonde hair, spangles, and glitter. Maddi is looking at her with awe.
Neither girl can ask her any questions; they are overwhelmed. Miss R.C. gallops off.

Molly Stories... Cont'd

Maddi looks me in the eye and says, "Mom. I am going to be Miss Rodeo Canada, I am"*. She says this fervently, with a great deal of conviction. "And I will have 5 horses!"**

(*turns out she is, and currently completing her reign— ** also currently true).

"Well, Mads," I say in an educational tone, "What are you going to be, to pay for all these horses?"

"I am going to be a vet. I will make enough money for my ranch, and I will be able to take care of all my horses."

Clearly I have raised an independent, ambitious, self-reliant daughter. Man oh man, I am SUCH a good mother! I am basking in a self-congratulatory glow. I turn to Molly, who is eating a hotdog and looking thoughtful.

"Molly? How about you? What will you be?" I ask her, gazing at her adoringly, waiting for another answer that will confirm what a great parent I am turning out to be.

"Do ya gots to go to school to be a farmer?" Molly asks.

"Well, no, but an agricultural degree WOULD be helpful in farming" I tell her.

"Okay, not that then. I'm going with divorce."

Well. Not many 6 year olds yearn to be a divorce lawyer. That's unusual. But then again, that's what I did. Clearly she wants to be just like me. Awwwwww.

"Yeah" she explains. "I'm gonna marry a rich guy, and then divorce him, and take all his money, and then do it again, and again, and again."

She finishes off her hotdog and smiles at me happily. I am forced to readjust my beliefs about my parenting abilities. It's the great thing about kids—they keep you humble. Humble and speechless.

Written by Judge Jane Cartwright
Provincial Court of British Columbia

Canadian Forum on Court Technology

Be a part of... your future!

Circle **September 22 and 23, 2010** on your calendar to attend the inaugural [Canadian Forum on Court Technology](#) at the Brookstreet Hotel in Ottawa. It is an exciting opportunity to collaborate with the broader justice community in the development and implementation of a vision for technology that will enhance access to justice.

Keynote speakers include Richard Susskind (author of "The End of Lawyers"), Allan Seckel (Deputy to the Premier of British Columbia) and Justice Louise Charron (Supreme Court of Canada). An array of experienced panels will cover a **wide variety of topics** including "Judging in 2020; In a courtroom or on the web?", use of video-conferencing in the court setting (with live coast-to-coast demonstration), lessons on access to justice learned through one of Canada's largest and most complex civil trials (Gastops v. MXI), improving access to justice through the use of technology, E-discovery, performance measurements, the use of tech-generated court statistics, on-line dispute resolution, techno-stress, "do's" and "don'ts" of court technology changeover, modernizing the electronic record in Canadian courts, whose information is it anyway, and other timely subjects.

The Forum represents a rare opportunity to explain, understand, collaborate and move forward. So often we see the application of technology solely from our own perspective, without realizing that other perspectives exist within the justice community and that these perspectives must be recognized and accommodated before mutually satisfactory goals can ultimately be achieved.

The Forum is an initiative of the [Canadian Centre for Court Technology - Centre Canadien de Technologie Judiciaire](#) (CCCT- CCTJ), a national non-profit corporation created to answer the developing concern that court technology opportunities are not being addressed evenly and effectively in Canada. The Board of Directors includes five judges, two Deputy Ministers of Justice, three representatives of the Association of Canadian Court Administrators, two lawyers, and a representative of the Public Legal Education Association of Canada. CAPCJ is represented by the Honourable Robert M. J. Prince from the Nova Scotia Provincial Court, while the Honourable Gurmail Gill, Associate Chief Judge of the Provincial Court of BC, represents the Canadian Counsel of Chief Judges.

Don't miss this opportunity! [Sign up](#) before June 4 to get "early bird" rates. [More details about the Forum can be found online.](#) Should you have any question, please contact [Dominic Jaar](#), the CEO of the CCCT-CCTJ.

Dominic Jaar

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MEMBERSHIP NEWS

Appointments:

A warm welcome to the following new judges:

Alberta:

Judge Charles D. Gardner
 Judge Donna M. Groves
 Judge Laura L. Burt
 Judge Marilena M Carminati
 Judge Mark T. C. Tyndale
 Judge John Shaw
 Judge James Hunter
 Judge Kathleen Williams
 Judge Gordon E. Deck
 Judge Mary A. McCorquodale
 Judge William A. Andreassen

Saskatchewan:

Judge Barbara J. Tomkins
 Judge Morris Baniak

Manitoba:

Judge Malcolm Macdonald

Quebec:

Judge Lori-Renée Weitzman
 Judge Gatien Fournier
 Judge Jean-Louis Lemay
 Judge Claude Lamoureux
 Judge François Boisjoli
 Judge Marie-Suzanne Lauzon
 Judge James Rondeau

Ontario:

Justice Esther Rosenberg

British Columbia:

Judge Reginald P. Harris
 Judge Ronald S. Tindale
 Judge William G. Sheard

Northwest Territories:

Judge Garth E. Malakoe

Newfoundland and

Labrador:

Judge Jacqueline M. Brazil
 Judge Michael A. Madden
 Judge Lois J. Skanes

Retirements:

Best wishes to the following judges on their well-deserved retirement:

British Columbia:

Judge William F. Stewart
 Judge Donald C. Carlgren

Saskatchewan:

Judge Diane I. Morris
 Judge W. K. Tucker

Quebec:

Judge Pierre Verdon
 Judge Éleine Demers
 Judge Pierre Chevalier
 Judge Guy Lévesque
 Judge Raymond Séguin
 Judge Marc Gagnon

Deaths:

Our condolences to the friends, families and colleagues of those judges we have recently lost:

Ontario:

Justice John Leslie Clendenning
 Justice David F. Kent
 Justice Ross Ball

Quebec:

Judge Léonce Côté

Manitoba:

Judge Ronald J. Meyers

Congratulations and Farewell

KUDOS:

We have lost another of our members through an appointment to s. 96 court, in clear recognition of the quality of jurists in the provincial/territorial courts! Our congratulations and a fond farewell go out to:

- Judge Dev Dley on his appointment to the Supreme Court of British Columbia;

Congratulations to the following judges on their appointments to serve as Chief and Associate Chief of their respective courts:

- Chief Judge Thomas James Crabtree of the Provincial Court of British Columbia
- Associate Chief Judge André Perreault of Municipal Courts, Cour du Québec
- Associate Chief Judge Robert B. Hyslop of the Provincial Court of Newfoundland and Labrador
- Judge Greg Brown was appointed Senior Coordinating Judge, Provincial Court of Newfoundland and Labrador

Congratulations to Associate Chief Judge Toth, Provincial Court of Saskatchewan, who was instrumental in obtaining funding for the Regina Drug Treatment Court. The Regina Drug Treatment Court has been selected to receive the 2009 C. Willy Hodgson Award from the Law Society of Saskatchewan.

Congratulations to Judge Raymond E. Wyant, Provincial Court of Winnipeg, who is being recognized by the University of Winnipeg with a Fellowship in the University of Winnipeg for his many years of wise counsel and sound advice.

Editor's Note

The CAPCJ E-Newsletter Editorial Committee, comprised of Judges Stella Frame, Maris McMillan, Tom Woods and myself, would like to welcome two new members to our humble committee – Judge John Joy of the Provincial Court of Newfoundland and Labrador and Justice Katrina Mulligan of the Ontario Court of Justice.

Lest this make the rest of you closet writers and editors fear you have lost your chance, rest assured we would welcome your participation in any form. Should you have an interest in joining the Editorial Committee or in submitting articles, announcements, anecdotes or photographs, just send me an email at Karen.ruddy@territorialcourt.yk.ca or contact the committee member of your choice.

On behalf of the Committee, I would also like to extend a warm welcome to the judges of the Cour du Québec who have recently voted in favour of universal membership in CAPCJ.

Lastly, our thanks to all of our contributors and to Senior Judicial Assistant Christine Regehr for making this latest edition of the CAPCJ E-Newsletter possible.

Chief Judge Karen Ruddy
Territorial Court of Yukon