



**Courts Administration  
Service**

**Service administratif des  
tribunaux judiciaires**



# **Courts Administration Service**

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Annual Report 2004–2005

**Canada**

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September 16, 2005

The Honourable Irwin Cotler, PC, OC, MP  
Minister of Justice and Attorney General of Canada  
Wellington Street  
Ottawa, Ontario K1A 0A6

Dear Minister Cotler:

In accordance with subsection 12(1) of the *Courts Administration Service Act*, I am pleased to submit a report on the activities of the Courts Administration Service for the fiscal year 2004–2005. The report also includes relevant background on the composition, jurisdiction and workload of the four Courts we serve — the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada.

Yours truly,

A handwritten signature in black ink, appearing to read 'R.P. Guenette', with a stylized flourish at the end.

R.P. Guenette  
Acting Chief Administrator

# *Message from the Acting Chief Administrator*

I am pleased to present this annual report of the Courts Administration Service, an organization established on July 2, 2003, by the *Courts Administration Service Act*.

This new organization consolidates the former registries of the Federal Court of Canada and the Tax Court of Canada and provides support and services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada. Its role is to facilitate access to these Courts by members of the public seeking judicial redress and to safeguard the independence of the judiciary. To achieve these aims, the Service requires stable funding and is working closely with the four Chief Justices to determine precisely what each of the Courts requires by way of support. Meanwhile, it continues to negotiate with Treasury Board Secretariat to develop a more effective and sustainable approach to funding.

Since its inception, the Service has devoted much energy to setting up systems that will enable the organization to effectively support the Courts it serves while also providing the best value for public funds. The consolidation process has necessitated a great many high-order organizational development activities, which the Service has undertaken with minimal disruption to its clients.

Building an organization demands the concerted effort of many people. Teamwork, dedication and professionalism are essential ingredients in such an undertaking. I therefore wish to express my sincere appreciation to the Chief Justices, Judges and Prothonotaries for their support, the staff of the Service for its continued commitment to excellence in service delivery, and public officials from several provinces and territories, who provide support under existing arrangements. Moreover, I would like to acknowledge the assistance of the officials in the Office of the Minister of Justice and Attorney General of Canada, and the various central agencies.



R.P. Guenette

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# The Courts Administration Service — An Overview

The Courts Administration Service was established by consolidating the former registries of the Federal Court of Canada and the Tax Court of Canada. A 1997 report of the Auditor General had concluded that consolidating the registries of the Federal Court of Canada and the Tax Court of Canada would save money, facilitate planning and improve the efficiency of resource use by those Courts (see [http://www.oag-bvg.gc.ca/domino/other.nsf/html/fed\\_e.html](http://www.oag-bvg.gc.ca/domino/other.nsf/html/fed_e.html)).<sup>1</sup> The *Courts Administration Service Act*, which took effect on July 2, 2003, made structural reforms to the Federal Court of Canada, changed the status of the Tax Court of Canada to that of a superior court, and established the Courts Administration Service (the “Service”). In 2004–2005, the Service had 541 employees and actual expenditures of \$55.4 million.

## Mandate, Strategic Outcome and Work of the Courts Administration Service

The role of the Service is to provide administrative services (registry, judicial and corporate) to four courts of law — the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada (“the Courts”). These services make it easier for individuals, companies, organizations and the Government of Canada to bring disputes and other matters to the Courts. They also enable the Courts to hear and resolve the cases before them fairly, efficiently and quickly.

The mandate of the Service is:

- to ensure the efficient provision of service to the Courts;

- to enhance the judicial independence of the Courts by placing them at arm’s length from the Government of Canada; and
- to enhance accountability for the use of public money.

The Service is committed to providing the public with effective, timely, fair and accurate access, in either official language, to the litigation processes of the Courts while enhancing judicial independence.

The staff of the Service works to facilitate broader public access to the Courts and more efficient processing of cases, seeking always to improve the effectiveness of its support to the Courts while ensuring transparency and full accountability for the use of public funds.

The functions of the Service include:

- providing litigants and their counsel with services relating to court hearings;
- informing litigants about rules of practice, court directives and procedures;
- maintaining court records;
- acting as liaison between the judiciary and the legal profession/lay litigants;
- processing documents filed by or issued to litigants;
- recording all proceedings;
- serving as a depository wherein individuals seeking enforcement of decisions made by the Courts and federal administrative tribunals, such as the Canada Industrial Relations Board and the Canadian Human Rights Tribunal, may file the pertinent documents; and

<sup>1</sup> On October 28, 1994, the Honourable Allan Rock, Minister of Justice and Attorney General of Canada, announced a study of the registries of the Federal Court of Canada and the Tax Court of Canada to examine whether the Courts should be regionalized and merged, and their administrative support services consolidated. By an Order in Council in May 1995, the Governor in Council requested that the Office of the Auditor General of Canada examine the Federal Court of Canada — Trial Division and the Tax Court of Canada with respect to the costs and benefits of possible regionalization and/or merger of the Courts and consolidation of the administrative support services.

- providing Judges, Prothonotaries<sup>2</sup> and staff with library services, appropriate facilities and security.

See below for a brief description of the four Courts served by the Courts Administration Service and a summary of workload statistics. More detailed information on the workload of the Courts and a timeline of the development of the Service is provided in Appendices A and B.

Because the Courts it serves are itinerant, the Courts Administration Service must provide services across Canada and abroad when required.

The Service therefore maintains a head office in Ottawa and 16 local offices. Nine of these offices are staffed by Service employees, while the others are housed in provincial and territorial court offices and staffed by employees of those courts on a contractual basis. (For a list of office locations and contact information, please refer to Appendix C of this report.)

To accommodate the Courts in centres where the Service has no local offices, the Service arranges to use provincial court accommodations, leases commercial accommodations or partners with

## The Courts

The Courts served by the Service are superior courts of record. They were established by the Parliament of Canada pursuant to its authority under section 101 of the *Constitution Act, 1867*, to establish Courts “for the better Administration of the Laws of Canada.”

The **Federal Court of Appeal** has jurisdiction to hear appeals from decisions of the Federal Court and the Tax Court of Canada and certain statutory appeals from federal administrative tribunals as stated in the law. It also has exclusive jurisdiction to hear applications for judicial review of decisions of 14 federal boards, commissions and tribunals listed in section 28 of the *Federal Courts Act* (see <http://laws.justice.gc.ca/en/F-7/index.html>). Parties to a proceeding in the Federal Court of Appeal may be granted leave, or permission, to appeal the decision of the Federal Court of Appeal to the Supreme Court of Canada if the case involves a question of public importance. Pursuant to section 5.1(1) of the *Federal Courts Act*, the full judicial complement of the Federal Court of Appeal consists of the Chief Justice and 12 Judges. On March 31, 2005, the Federal Court of Appeal consisted of the Chief Justice and 10 other Judges, together with two Supernumerary

Judges. There were two vacancies. For further information on the Federal Court of Appeal, please refer to [www.fca-caf.gc.ca](http://www.fca-caf.gc.ca).

The **Federal Court** is a court of first instance. It has original, but not exclusive, jurisdiction over cases by and against the Crown (including Aboriginal law claims), proceedings involving admiralty law, intellectual property law and national security, and jurisdiction conferred under 110 federal statutes. The Federal Court also has exclusive jurisdiction to hear applications for judicial review of the decisions of all federal boards, commissions and tribunals other than those over which the Federal Court of Appeal has jurisdiction (see above). This jurisdiction includes, in particular, applications for judicial review of decisions of the Immigration and Refugee Board. Pursuant to section 5.1(1) of the *Federal Courts Act*, the full judicial complement of the Federal Court consists of the Chief Justice and 32 full-time Judges. On March 31, 2005, the Federal Court consisted of 29 full-time Judges, three Supernumerary Judges, three Deputy Judges and six Prothonotaries. There were four vacancies. For further information about the Federal Court, please refer to [www.fct-cf.gc.ca](http://www.fct-cf.gc.ca).

<sup>2</sup> A Prothonotary is a judicial officer of the Federal Court who is appointed by the Governor in Council pursuant to section 12 of the *Federal Courts Act* and who assists in the expeditious disposition of the Court's business. Prothonotaries are responsible for more than 75 percent of the Federal Court's proceedings under case management. For further information, please refer to Rules 50 and 51 of the *Federal Courts Rules* (see <http://laws.justice.gc.ca/en/F-7/SOR-98-106/index.html>).

The main function of the **Court Martial Appeal Court of Canada** is to hear appeals from courts martial, which are military courts established under the **National Defence Act** and which hear cases under the Code of Service Discipline found in Parts III and VII of that Act. Judges of the Federal Court of Appeal and the Federal Court, as well as incumbent trial and appellate Judges of the provincial superior courts, are members of this Court. On March 31, 2005, the Court Martial Appeal Court of Canada consisted of a Chief Justice and 64 Judges. The Honourable Edmond P. Blanchard was appointed Chief Justice of the Court Martial Appeal Court of Canada effective September 17, 2004. For further information on the Court Martial Appeal Court of Canada, please refer to [www.cmac-cacm.ca](http://www.cmac-cacm.ca).

The **Tax Court of Canada** has exclusive original jurisdiction to hear appeals and references under 12 separate acts of Parliament. Most of the appeals made to the Court relate to income tax, the goods and services tax, or employment insurance. While many appeals are subject to procedures similar to those of the Federal Court, appeals under what is known as the “informal procedure” are heard as informally and expeditiously as circumstances and considerations of fairness permit. On March 31, 2005, the Tax Court of Canada consisted of the Chief Justice, 19 Judges, five Supernumerary Judges and four Deputy Judges. For further information on the Tax Court of Canada, visit [www.tcc-cci.gc.ca](http://www.tcc-cci.gc.ca).

other levels of government in many locations. Judges conduct hearings in facilities other than courtrooms, including Band offices on Indian reserves, conference halls, hotel meeting rooms, gymnasias, legion halls and even church rectories. The Service also maintains unstaffed court accommodations in London, Ontario.

### **Powers, Duties and Functions of the Chief Administrator**

The Chief Administrator is the chief executive officer of the Service, charged with the effective and efficient management and administration of all court services, including court facilities, libraries, corporate services and staffing. In consultation with the Chief Justices of the Courts, the Chief Administrator is responsible for structuring registry operations and designing budgets, both

for the Courts and for the Service itself. The Chief Administrator is required by statute to submit an annual report to the Minister of Justice, who tables it in each House of Parliament. This report also enables the Chief Administrator to inform the House of Commons, the Senate and the public of resource issues affecting the Service and the Courts.

The *Courts Administration Service Act*<sup>3</sup> circumscribes the powers of the Chief Administrator as follows:

- the powers of the Chief Administrator do not extend to any matter assigned by law to the judiciary (subsection 7(4)); and
- a Chief Justice may issue binding directions in writing to the Chief Administrator with respect to any matter within the Chief Administrator’s authority (subsection 9(1)).

<sup>3</sup> *Courts Administration Service Act*, S.C. 2002, c. 8.

**Activities of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada, April 1, 2004, to March 31, 2005**

	<b>Pending 01-04-04</b>	<b>Proceedings Commenced</b>	<b>No. of Files Perfected</b>	<b>Total Dispositions</b>	<b>Pending 31-03-05</b>
Federal Court of Appeal	537	679	446	600	614
Federal Court	7,463	11,522	8,002	12,707	6,259
Court Martial Appeal Court of Canada	5	7	6	7	5
Tax Court of Canada	7,849	4,911	2,679	4,960	7,800

**Notes:** “Pending” is defined as the number of cases that were active at a specified date.

“Proceedings commenced” is defined as the institution of a new case file. This figure does not include administrative and other proceedings that are filed in the Federal Court. From April 1, 2004, to March 31, 2005, 13,671 income tax certificates, 6,769 goods and services tax certificates, and 202 other types of certificates and documents were filed and processed by the registry.

“Perfected” means that the parties have done everything required of them, according to the rules of the Court, for the case to be ready for scheduling of a hearing. In immigration cases, it is defined as when the application for leave is ready to be determined.

A “disposition” is defined as a final judgment, a discontinuance or other document that concludes a case on its merits.

# 2 *Highlights of the Courts Administration Service, 2004–2005*

## **Building a New Organization**

Since its establishment on July 2, 2003, the Service has worked to consolidate the former registries of the Federal Court of Canada and the Tax Court of Canada and to put in place programs, policies and procedures to ensure that all four Courts are provided with the most effective support possible. During the year, the Service undertook a review of all its corporate and operational activities and launched several major organizational development initiatives. It held staff meetings across the country to formulate a shared mission, vision and values statement to guide the new organization.

## **Financing the Service**

The Courts Administration Service is entirely funded through yearly appropriations from Parliament. The Service also receives revenue through filing fees, fines and sales of copies of filed documentation, including copies of judgments and orders. All such revenue is non-respendable — that is, it cannot be spent by the Service — and is deposited to the Government of Canada's Consolidated Revenue Fund. In 2004–2005, this non-respendable revenue amounted to \$2 million.

As recorded in the 2004–2005 Public Accounts of Canada, the Service received \$56.2 million in funding from Parliament. The actual amount of funds spent in that year was \$55.4 million, resulting in a \$0.9-million lapse (numbers may not add up due to rounding).

The Courts Administration Service was able to stabilize some of its funding in 2004–2005. For example, the Service secured an ongoing stream of funding to deal with the high numbers of immigration cases being referred from Citizenship and Immigration Canada and from the Immigration

and Refugee Board (IRB). The increased volume is mainly the result of the new *Immigration and Refugee Protection Act*, which came into force in summer 2002. In its wake, the IRB has been clearing its backlog of cases, generating a greater-than-usual number of applications for judicial review and adding to the caseloads of the Federal Court, the Federal Court of Appeal and the registry of the Courts Administration Service. The funding obtained in 2004–2005 and future years will help ensure that the number of backlogged immigration cases does not grow.

The Service has also secured ongoing funding to support three Judges appointed in December 2002 pursuant to the *Anti-terrorism Act*. This funding goes toward judicial assistants, court registrar and law clerk personnel, court reporters, and translation costs.

The Service secured funding for immigration and for support for new Judges appointed pursuant to the *Anti-terrorism Act*.

It should be noted that, since September 11, 2001, court-related security requirements and procedures have become more numerous and more stringent, driving up the cost of maintaining adequate security for Judges, public servants and other users of Service facilities and courtrooms.

The Courts Administration Service budget has been strained in other ways. For example, at the request of the Chief Justice, four Federal Court Prothonotaries were appointed between 1999 and 2003, as were three Federal Court Deputy Judges in 2004–2005. It should be noted that no funds were received in 2004–2005 for these positions and the Service was required to reallocate funds from other areas of the organization. The Service has yet to receive funding on a permanent basis to support any of these positions.

## Financial Table: Courts Administration Service Spending, April 1, 2004 to March 31, 2005 (\$ millions)

	Actual
Salaries, wages and other personnel costs	33.0
Contributions to employee benefit plans	5.7
<i>Sub-total</i>	<i>38.8</i>
Other operating expenditures	16.6
<b>Total planned expenditures</b>	<b>55.4</b>

**Notes:** Numbers in columns may not add up due to rounding.

\$2.8 million that was approved through the supplementary estimates or special request to access Vote 5 for the following items:

- Vote 5 accessed — Salary shortfall (\$0.4 million)
- Carry-forward used (\$2.2 million)
- Collective bargaining (\$0.2 million)
- At year-end an adjustment was done on the Employee Benefit Plan. It was decreased by \$0.9 million.

Further details of the financial performance of the Service are published in the Main Estimates tabled in Parliament and in the Service's annual Performance Report.

### Refining the Management Structure

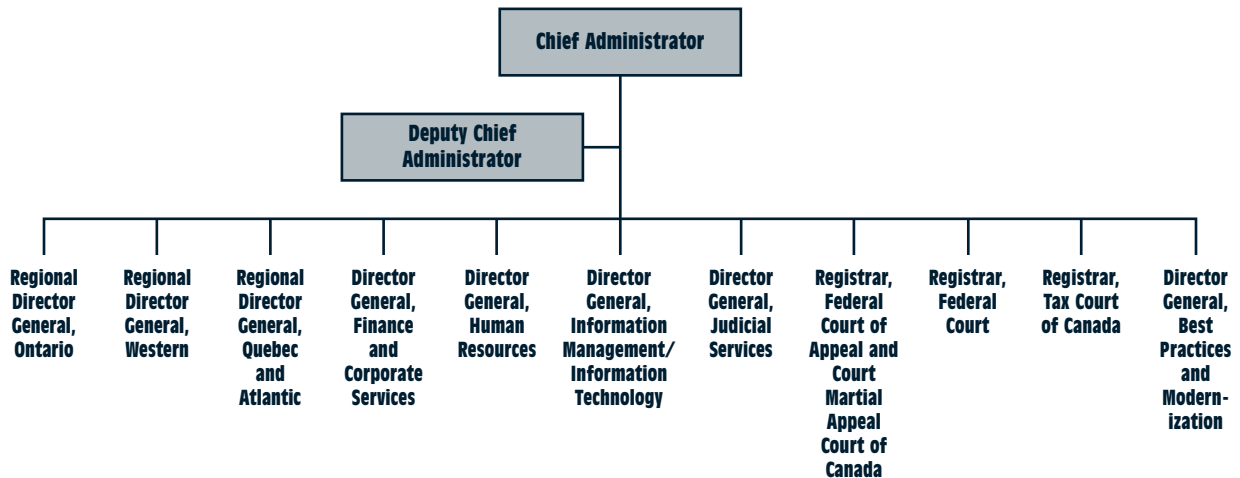
In its second year of operation, the Service undertook a review of its management and administrative structures, consulting the organization's Senior Management Committee and the four Chief Justices. This review generated a proposal for a new organizational structure — one that would see senior managers play a more significant role in decision making. Today's Senior Management Committee represents every directorate in the organization, both at national headquarters and regionally. The organizational review also led to the following changes:

- A new branch of Judicial Services was created to provide judicial support to the Judges and Prothonotaries, including executive officers, judicial assistants and library employees.
- Three new branches of Registrar have been created — one for the Federal Court of Appeal and the Court Martial Appeal Court of Canada,

one for the Federal Court, and one for the Tax Court of Canada. These new branches provide the Courts with litigation support services, including processing documents filed by or issued to litigants; attending court sittings; recording proceedings; providing information to litigants; maintaining custody of the records and information databases required by the Courts; and issuing legal instruments to enforce the decisions of the Courts.

- The new business line of Corporate Services provides finance, human resources, informatics, information management and telecommunications services, as well as looking after facilities management, translation, chauffeurs, court ushers, strategic planning, communications, internal audit and evaluation, and security for both the Courts and the Service.
- Reporting relationships in the three regional operations directorates were adjusted so that each region has a Regional Director General reporting directly to the Chief Administrator.

## Courts Administration Service's Management Structure and Service Lines, 2004–2005



### Modernizing Registry Processes

A new branch of Best Practices and Modernization, created in consultation with the Chief Justices, has been mandated to review and modernize the organization's work processes and propose new rules of procedure to make service delivery more effective. The Best Practices and Modernization Directorate will be made up of four divisions:

- **Business Process Re-engineering:** This division will review and redesign the organization's work processes over the next two to three years, beginning with a review of the Service's business processes and related practices and procedures. This exercise is expected to yield a new case management system that integrates the various operational systems currently in place.
- **Operational Improvements and Statistics:** This division will seek to improve operational processes without significantly changing current case management systems and look for ways of streamlining and harmonizing the organization's methods of collecting statistical information.
- **Process Modernization:** This division will examine the services offered to Judges and Prothonotaries, with a view to modernizing service delivery tools and methods. It will solicit judicial participation in such pilot

projects as e-courtrooms and e-filing and seek the views of Judges, Prothonotaries and members of the Bar on the use of new technologies, including digital recording.

- **Operational Training:** This division has been tasked with developing operational training policies, determining operational training requirements, developing training plans and coordinating training activities.

The active involvement of both the judiciary and Service staff will be essential to the successful implementation of these initiatives.

### Establishing an Internal Audit Function

In compliance with Treasury Board policy, the Courts Administration Service set up an Internal Audit and Evaluation Division in March 2004. The objectives of the new division are to understand the key risks of the Service; to examine and evaluate the adequacy and effectiveness of its system of risk management and internal control; to help management design or improve policies, programs and initiatives; and to provide, where appropriate, periodic assessments of policy or program effectiveness, including their intended and unintended effects and alternative ways of achieving expected results.

During 2004–2005, this division:

- provided expert advice and counsel on the establishment of the Service's Audit and Evaluation Committee;
- developed its governance structure, complete with policies, standards for conducting internal audits and an internal audit process manual;
- developed a multi-year risk-based audit and evaluation work plan; and
- completed the first audit for the Service and initiated two new audits.

The Audit and Evaluation Committee's role is to facilitate communication between internal auditors and evaluators, external auditors and the Senior Management Committee. The Committee conducts an annual review to ensure that the Service is meeting its risk management obligations; complying with laws, regulations and policies; and living up to standards of ethical conduct. In consultation with the external auditors and the Director of Internal Audit and Evaluation, the Committee considers audit plans of the external and internal auditors and the evaluation plan of the evaluators.

Committee members are appointed by the Chief Administrator. The Director of the Internal Audit and Evaluation Division reports to the Chief Administrator as Chair of the Committee.

## Harmonizing the Registries

Throughout 2004–2005, the Service continued to consolidate the various organizational structures of the registries that had previously served its four client courts. The Service also continued its efforts to improve access by the judiciary and the public to registry services in both official languages.

Significant progress has been made in consolidating the registries of the courts:

- The collocation of the Montréal registries took place as planned in September 2004. It should be noted that relocation of the former staff of the Tax Court of Canada's Montréal office to the offices of the former Registry of the Federal Court of Canada at 30 McGill Street resulted in

the Service releasing some 1,005 m<sup>2</sup> of space at 500 Place d'Armes. This will save Public Works and Government Services Canada about \$430,000 a year. The Toronto registries are the only ones left to collocate and the move is expected to take place in 2006 as soon as construction of the new building is completed.

- The cross-training of existing staff, which began in 2003–2004, became a priority in 2004–2005. Additional training sessions were delivered to registry staff, and the public was informed of the six additional locations where documents for the Tax Court of Canada can be filed. This training will maximize the use of the Service's resources and provide a single point of service for all four Courts.
- An Operational Advisory Committee was established to provide advice and recommendations to the Chief Administrator and senior management on issues affecting Service operations. Committee members include the three Registrars, the three Regional Directors General, the Director General — Judicial Services and the Director General — Best Practices and Modernization. The Chief Administrator and the Deputy Chief Administrator are *ex officio* members. This Committee oversees coordination of registry activities and cross-training of staff.

## Exploiting Technologies

In 2004–2005, the Information Technology Services Division set about standardizing and harmonizing the organization's computer systems. A Web Working Group/Intranet Committee was established with representation from every directorate and branch. With a newly consolidated and highly practical Intranet site operational, the Committee's work will shift to site maintenance, quality control and improving ease of access. Another major information technology (IT) project was the creation of a Business Solutions Services group charged with gathering information about client needs and proposing IT solutions. Meanwhile, various consolidation projects, including the centralization of IT procurements, have generated considerable cost savings.

Notwithstanding the many system changes, the organization's IT Services Division managed to maintain and even improve service to its clients. In 2004–2005, the Helpdesk Centre responded to 8,500 official requests for software and hardware advice, installation assistance and technical support. The Division also provided specialized expertise for setting up courtrooms, including such services as digital recording and electronic courtroom setup.

The IT Services Division is also working to implement and standardize a system for electronic filing of court documents. Courts across the country are considering introducing such a service and the Courts Administration Service plans to pilot test a system in 2005 for the electronic filing of proceedings in the Federal Court.

### **Managing Information**

To improve its information management function and consolidate resources and services, the organization established an Information Management Service Division in February 2005. The new Division provides support services to both the Service and the Courts, including advice and guidance on all aspects of information management.

The organization's Records Service Centres process and maintain court records. These centres also provide reference and retrieval services and dispatch files across Canada to support hearings. This work continued throughout the year while the Service's Records Management Committee continued work on a new disposition framework that will enable the organization to determine and establish its record retention requirements and obligations so that it can comply with information laws relating to the accessibility, disclosure and systematic disposal of its information holdings. Discussions have also continued with Library and Archives Canada to negotiate an agreement for the transfer of the pre-1939 records of the Exchequer Court to ensure the preservation of court records of historical significance.

### **Forging New Relationships**

In performing its duties, the Service routinely cooperates with other national and international courts, departments and organizations, including officials of the provinces and territories, who provide administrative support to the judiciaries in various regions of the country. The Service also partners with labour and trade associations, both locally and nationally. In the international arena, the Service promotes and facilitates the participation of Canadian Judges and court administration in judicial cooperation projects.

#### **Canada–Russia Judicial Partnership Program**

The Canada–Russia Judicial Partnership Program, launched in 1997, has provided support to the justice system of the Russian Federation, helping improve court practices in both the commercial courts and the courts of general jurisdiction. In 2004–2005, the Service's Deputy Chief Administrator, in partnership with the Office of the Commissioner for Federal Judicial Affairs, worked with the Supreme Arbitration Court of the Russian Federation to assist in developing new court procedures for an open, fair and efficient resolution of tax disputes. Meanwhile, Canadian Judges and court administrators provided assistance to Russian partners seeking to introduce changes to the country's arbitration system. The success of the Canada–Russia Judicial Partnership Program has given momentum to a similar cooperation project with China.

#### **Canada–China Judicial Linkages Project**

In 2004, the Service participated in a professional development project spearheaded by the Canada Border Services Agency, International and Intergovernmental Affairs. The main thrust of the project was to provide information to senior government officials of the People's Republic of China concerning, in particular, customs bond regulation. The Service received senior government officials from China in December 2004.

In February 2005, the Service began working in partnership with the Commissioner for Federal Judicial Affairs and the National Judicial Institute on a five-year technical cooperation project funded by the Canadian International Development Agency. One of the project components, relating to court administration reform, will engage high-level Chinese and Canadian stakeholders in an analysis of legal and governance issues in China. The project will build technical and administrative capacity in the Chinese court system and address such issues as professional development for Judges.

### **Promoting Understanding among Canadians**

To promote information sharing and heighten public awareness of the judiciary and registry processes, the Courts Administration Service hosts open houses and symposia, and members of the judiciary and Service personnel participate in seminars.

The Federal Court of Appeal, the Federal Court and the Service hosted an open house in Montréal in April 2004, affording the legal community an opportunity to meet with Judges and Service personnel and learn more about the restructuring of the Courts, the consolidation of their registries, and the challenges resulting from the coming into force of the *Courts Administration Service Act*.

A meeting of the Federal Court of Appeal and the Federal Court's Bench and Bar Liaison Committee in November 2004 provided an informal forum where members of the Bar could meet with federally appointed Judges and the Chief Administrator to discuss issues of concern to the Bar that fall outside the mandate of the Rules Committee.

The Service also encourages partnership with elementary schools, high schools, colleges and universities to educate Canadians on the role and jurisdiction of the Courts and their registry. For example, the Calgary Courthouse Education Program, sponsored by the Calgary Education Society and funded primarily by the Alberta Law Foundation, is a legal education program for students from grades 3 to 12. The Service's

Calgary office provides facilities for the students to participate in mock trials and to further their knowledge of the Canadian judicial system. Approximately 1,500 students participate in this program each year, but the program was put on hold in 2004 because of funding and insurance issues.

Meanwhile, the Service's Toronto office provided facilities for nine moot courts in 2004–2005 and offered month-long field placements to students enrolled in Seneca College's Court and Tribunal Diploma Program.

In 2004–2005, as in past years, the Service's Montréal office accepted one student from Ahuntsic College's judicial program (le programme de techniques judiciaires) as a trainee during the winter session.

### **Managing Our Major Building Projects**

During 2004–2005, the Service participated in two major building projects — the Pierre Elliott Trudeau Judicial Building in Ottawa and the Federal Judicial Centre in Toronto.

#### **Pierre Elliott Trudeau Judicial Building — Ottawa**

Plans for the design and construction of new headquarters in Ottawa continued throughout 2004–2005. The new facility, to be constructed on a site adjacent to the Supreme Court of Canada Building, will give the Courts much-needed space to handle their growing workload. The building will also consolidate the operations of the four Courts and the Courts Administration Service. At present the Service's operations are located in seven different buildings in the National Capital Region. In the spring of 2004, the Courts Administration Service and Public Works and Government Services Canada (PWGSC) completed a joint submission to Treasury Board requesting Effective Project Approval for the construction of the Pierre Elliott Trudeau Judicial Building. The project schedule calls for the building to be delivered to the Service in the spring of 2009.

### **Federal Judicial Centre — Toronto**

The Service continued to work with PWGSC on the design of the interior layout of the Federal Judicial Centre in Toronto. The Centre will be leased to the federal government on a long-term basis to house the Courts and the regional operations of the Service. Construction of the new building is proceeding well and the move is still scheduled for the summer of 2006.

Through the Toronto office consolidation project and the construction of the Pierre Elliott Trudeau Judicial Building in Ottawa, efficiencies will be realized by bringing staff and courtrooms together in single locations. Moreover, the consolidation of staff will also give the public a single access and information point in the respective cities.

### **Optimizing the Use of Courtrooms**

The effective use of facilities is an ongoing challenge for the Service. Scheduled hearings are frequently cancelled at the last minute after the parties have reached an out-of-court settlement and it would be unseemly for the Courts to double-book hearings in anticipation of cancellations. Since the Courts are itinerant, the Service tries to locate hearings in a convenient location for the parties. The collocation of the Service's offices in Ottawa, Montréal, Toronto and Vancouver will increase courtroom use.<sup>4</sup>

The Service actively monitors courtroom utilization in an effort to make its courtrooms available to quasi-judicial tribunals, boards, commissions and other organizations. However, it must be careful to preserve the appearance of judicial independence. This appearance could be compromised if, for example, a litigant attending a proceeding of a quasi-judicial tribunal in a courtroom under the jurisdiction of the Courts Administration Service were required to return to the same courtroom for

a judicial review proceeding before the Federal Court or Federal Court of Appeal. The Service will continue to build on existing partnerships with the provinces and territories to meet its continuing need for courtrooms in all parts of the nation.

### **Investing in Our People**

The Service is committed to fostering a continuous learning environment, providing staff with opportunities for development and creating a positive and productive work environment. Since ongoing professional development is vital to the Service's mission, the organization encourages and supports its employees' participation in professional associations and attendance at conferences, symposia and forums. In February 2005 the Service also established a reward and recognition program that acknowledges outstanding performance, long and faithful government service and constructive suggestions for improving the organization. In addition to developing a Continuous Learning Policy and Guidelines and expanding the Learning Needs Analysis Project to include all Service employees, the Human Resources Branch has designed, implemented and held in-house sessions on team-building, preparing for an interview and résumé writing.

Committed to achieving employment equity within its workforce, the Service has succeeded in attaining designated group representation that reflects the workforce availability of visible minorities, persons with disabilities, Aboriginal people and women. Among the Service's workforce on March 31, 2005, 9 percent were visible minorities, 5 percent were persons with disabilities, 3.5 percent were Aboriginal peoples and 360 employees were women. (Note: These numbers exclude employees on leave without pay, term positions of less than three months, students and casual employees.)

<sup>4</sup> While the Auditor General's report adopted the base of 240 available days per courtroom over a year for all users (paragraph 65), revised statistical approaches may be applied in the determination of courtroom use rates. These include: yearly seasonal variations; courtroom use weighted for different days of the week due to the itinerant nature of the Courts; the different characteristics and features of the courtrooms; and yearly increases in matters heard and in dispute resolution conferences, which do not necessarily take place in courtrooms. The objective of all this information gathering and analysis is to arrive at a more precise picture of how the Courts Administration Service's courtrooms are being used.

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Meanwhile, at fiscal year end, over two-thirds of positions at the Courts Administration Service were designated bilingual: 70 percent of positions are held by francophones and 30 percent are occupied by anglophones.

One ongoing human resources issue for the Service is the under-representation of anglophones in Québec and francophones in the rest of Canada (excluding the National Capital Region). This distribution does not undermine the delivery of bilingual services in these areas. In the National Capital Region, the representation is 55 percent, or 217 francophone employees, and 45 percent, or 179 anglophone employees. To enhance the organization's bilingual profile, and based on operational requirements, the Service has supported exchanges of registry officers between its offices across Canada, not only to increase the bilingual capacity of the individuals, but also to reinforce their cross-training on court procedure for the four Courts served by the Service.

# 3

## Challenges and Future Directions

With the consolidation phase of the amalgamation now largely completed, the Service will be turning its attention increasingly to the integration phase. Focal points in 2005–2006 will include the cross-training of employees from the former registries of the Federal Court of Canada and Tax Court of Canada, the harmonization and updating of policies, and the standardization of work tools, such as computer applications and corporate systems. The organization will also continue to improve accountability, streamline work processes and maximize cost-effectiveness through the work of the Best Practices and Modernization Directorate. In 2006–2007, the amalgamation process will enter its final phase with a focus on broadening the use of technology in the registry and enhancing public access to the Courts.

### Human Resources Development and Succession Planning

To ensure that employees of the Courts Administration Service are adequately supported, the Service will be working to create a training and development curriculum for each of its employee groups.

Meanwhile, one of the priorities identified during the Service's strategic planning exercises this year was the need to focus on succession planning. Like the rest of the public service, the Courts Administration Service anticipates the retirement of a significant percentage of its senior executives and managers in the next five to ten years. Given the lengthy developmental phase required to prepare successors for leadership positions in an organization as complex as the Service, the organization will need to devote significant resources to grooming in-house talent and widening the organization's recruitment net to attract managers from beyond the traditional pool of

federal government court administrators. The Service will also be looking at ways of ensuring that future leaders are able to meet or exceed the requirements of the *Official Languages Act*.

### Competing Priorities: Budgetary Restraint versus Judicial Requirements

Another challenge the Service faces is keeping costs in check while also safeguarding the independence of the judiciary. Cost-cutting measures must be balanced against the need to ensure that Judges have the support they require to decide cases free of influence. Keeping support costs in check is becoming increasingly difficult in light of the Courts' increasing workloads.

### Workload Considerations

The past few years have seen a significant increase in applications to the Courts, especially in immigration cases. (See workload statistics relating to the Federal Court in Appendix A.) The Federal Court's immigration and refugee workload roughly doubled between 1995 and 2000 and increased substantially again between 2002 and 2004. The events of September 11, 2001, and the increased emphasis on security have also added to the workload of the Federal Court. A significant challenge for the Courts Administration Service is to secure long-term funding for the organization. Given this context the Service will assess workload trends, particularly with respect to: longer court proceedings for Aboriginal land claims and self-government cases; maintaining adequate security for Judges and public servants who use the Court facilities; and providing support for new Judges appointed pursuant to the *Anti-terrorism Act*.

## Improving Security

The Service is responsible for security for the Courts and its own staff. The security of Judges, Prothonotaries, staff and members of the public in facilities managed by the Service is of vital importance. At the same time, the need for security must not impede public access to the Courts. Security is particularly important because of changes to the Federal Court's mandate under the *Anti-terrorism Act* and other legislation, which have increased security requirements. In addition, the Service, together with the Federal Court, is designated as an Emergency Preparedness Centre to ensure that the Federal Court can continue to perform its judicial duties in an emergency.

The Service is a member of the cadre of federal organizations comprising the Continuity of Constitutional Governments Working Group under the leadership of Public Safety and Emergency Preparedness Canada.

The Service is also committed to improving the security, accessibility and integrity of computer systems containing judicial information, while safeguarding privacy and judicial independence. This would involve adopting the "Blueprint for the Security of Judicial Information" prepared by

the Canadian Judicial Council. Adherence to these guidelines would benefit both the judicial system and those third parties whose information requires special protection under the law.

In 2004–2005, the Service developed comprehensive security policies as well as a protocol for security at hearings and during the transmission of sensitive documents. Some of these policies are still in draft form. A security training and awareness presentation has been developed and presented to several regional staff members. The Service plans to make this presentation an integral part of training for all staff members.

In addition, security requirements are being taken into account in the design of the new Federal Judicial Centre in Toronto and the Pierre Elliott Trudeau Judicial Building in the National Capital Region.

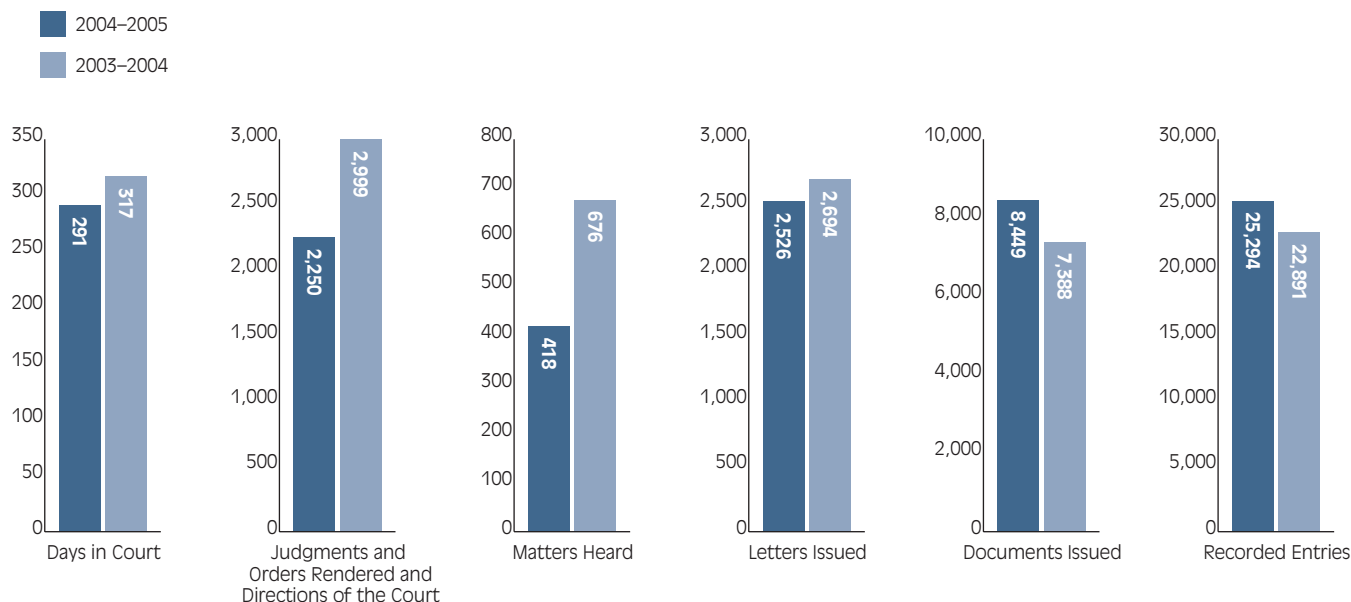
## Looking Ahead

Next year, with a solid new organizational infrastructure in place, the Service plans to approve its new mission, vision and values statements, marking its transition from a fledgling to a mature organization.

# Appendix A

## Comparative Workload Statistics of the Courts Administration Service, 2003–2004 and 2004–2005

### Federal Court of Appeal



**Notes:** “Days in Court” is defined as each *per diem* Court sitting where a registrar attends in person or by teleconference.

“Judgments and Orders Rendered” is defined as all decisions of the Court, including interim orders. (An interim order is a decision that is not final.)

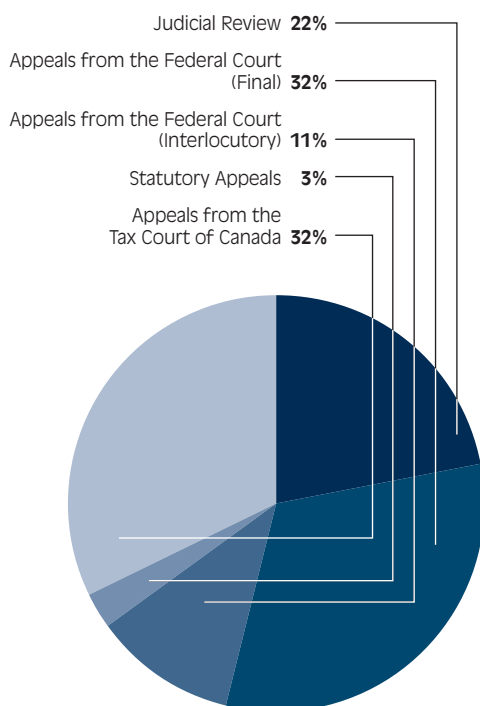
“Directions of the Court” is defined as instructions by the Court, written or oral.

“Matters Heard” is defined as the number of appeals, trials, motions, judicial review applications, etc., that were heard by the respective Court. This term includes, where applicable, dispute resolution conferences and pre-trial conferences.

“Documents Issued” includes the following: certified copies issued, copies of documents filed issued and original documents issued.

“Recorded Entries” is defined as the number of individual records made in the respective case management automation systems that describe the various documents filed and received and events that have taken place.

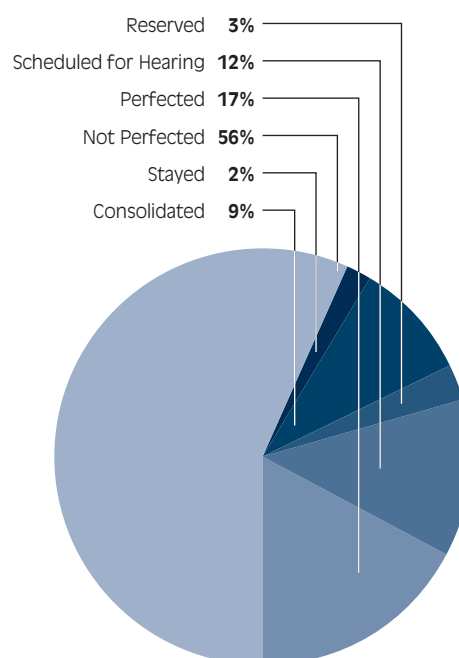
## Profile of Pending Inventory as at March 31, 2005



Total: 614

Percentages may not add up to 100% due to rounding.

## Status of Pending Inventory as at March 31, 2005



Percentages may not add up to 100% due to rounding.

**Notes:** “Reserved” is defined as when a Court does not render a decision immediately after a case has been heard or argued on its merits.

“Perfected” means that the parties have done everything required of them, according to the rules of the Court, in order for the case to be ready for scheduling of a hearing.

“Not Perfected” means that the parties have not done everything required of them, according to the rules of the Court, in order to be ready for scheduling of a hearing.

“Stayed” is defined as when a case is placed ‘on hold,’ for example, when another related decision is to be made before the case can continue.

“Consolidated” is defined as when different cases that have the same parties or have certain elements in common, are combined for the purpose of the hearing.

## Federal Court



**Notes:** “Days in Court” is defined as each *per diem* court sitting where a registrar attends in person or by teleconference.

“Judgments and Orders Rendered” is defined as all decisions of the Court, including interim orders. (An interim order is a decision that is not final.)

“Directions of the Court” is defined as instructions by the Court, written or oral.

“Matters Heard” is defined as the number of appeals, trials, motions, judicial review applications, etc., that were heard by the respective Court. This term includes, where applicable, dispute resolution conferences and pre-trial conferences.

“Specially Managed Cases” or “case managed cases” denote circumstances where the Court formally orders or directs that a proceeding will be managed by a designated Judge/Judges or Prothonotary, where applicable. The proceeding will be removed from the normal time limits set out in the Court’s rules and given its own timelines. The designated case management team for that proceeding will usually deal with all motions, pre-trial conferences, etc. for the matter.

“Documents Issued” includes the following: certified copies issued, copies of documents filed issued and original documents issued.

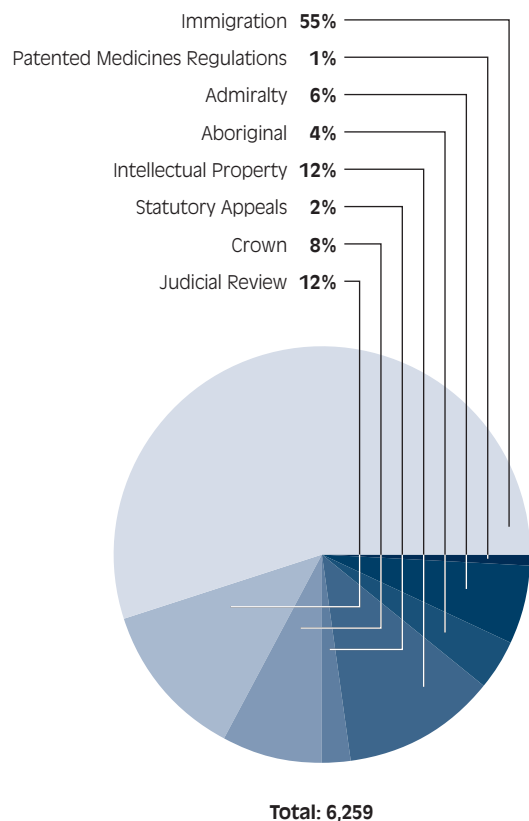
“Recorded Entries” is defined as the number of individual records made in the respective case management automation systems that describe the various documents filed and received and events that have taken place.

## Administrative and Other Proceedings Filed with the Federal Court

2004-2005 Fiscal Year	2003-2004 Fiscal Year
20,642	19,200

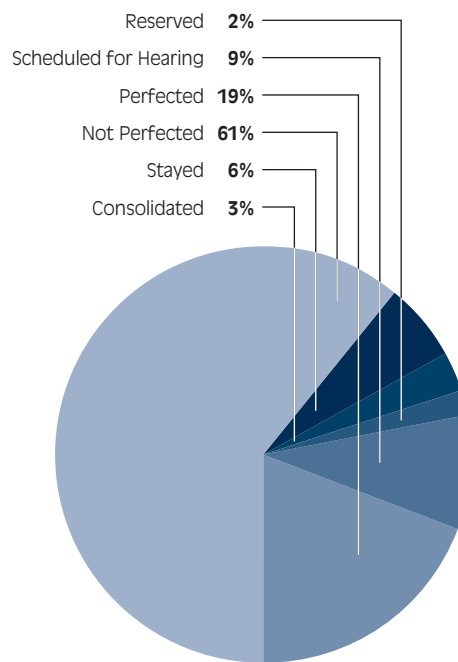
**Note:** Provision is made in federal statutes for the filing of certificates, decisions or orders of federal boards, commissions or other tribunals in the Federal Court. Once deposited with the registry, these administrative proceedings have the force and effect of a judgment of the Court. Administrative and other proceedings include the following: goods and services tax certificates, income tax certificates, Crown or other government certificates, search warrants and other miscellaneous applications, and copies of decisions.

## Profile of Pending Inventory as at March 31, 2005



Percentages may not add up to 100% due to rounding.

## Status of Pending Inventory as at March 31, 2005



Percentages may not add up to 100% due to rounding.

**Notes:** “Reserved” is defined as when a Court does not render a decision immediately after a case has been heard or argued on its merits.

“Perfected” means that the parties have done everything required of them, according to the rules of the Court, in order for the case to be ready for scheduling of a hearing. Please note that in immigration leave cases, “Perfected” is defined as when the application for leave is ready to be determined.

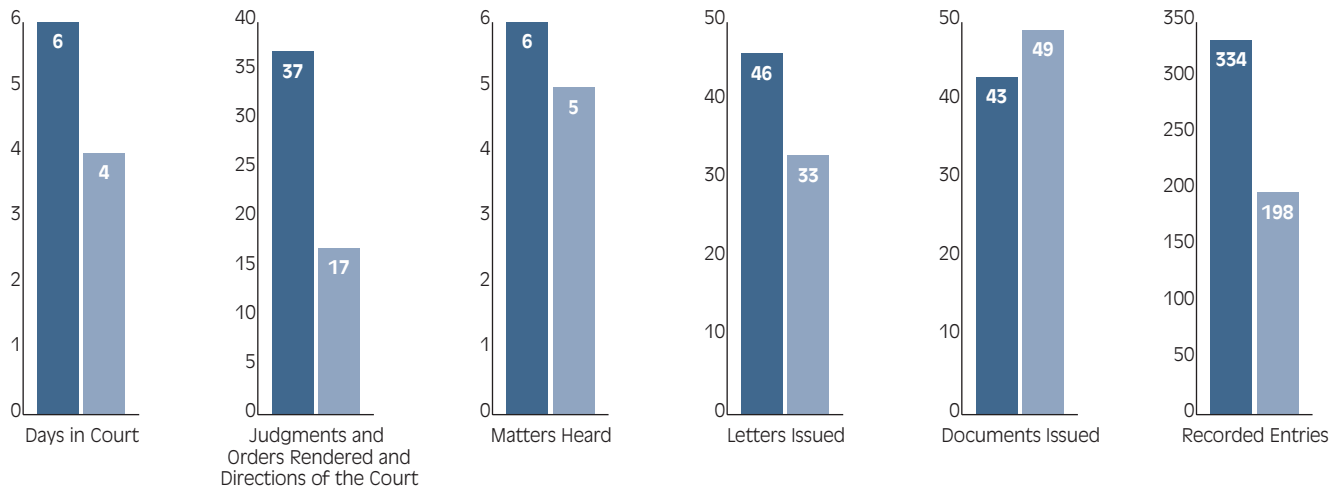
“Not Perfected” means that the parties have not done everything required of them, according to the rules of the Court, in order to be ready for scheduling of a hearing. Please note that in immigration leave cases, “Not Perfected” is defined as when the application for leave is not ready to be determined.

“Stayed” is defined as when a case is placed ‘on hold,’ for example, when another related decision is to be made before the case can continue.

“Consolidated” is defined as when different cases that have the same parties or have certain elements in common, are combined for the purpose of the hearing.

## Court Martial Appeal Court of Canada

■ 2004–2005  
■ 2003–2004



**Notes:** “Days in Court” is defined as each *per diem* Court sitting where a registrar attends in person or by teleconference.

“Judgments and Orders Rendered” is defined as all decisions of the Court, including interim orders. (An interim order is a decision that is not final.)

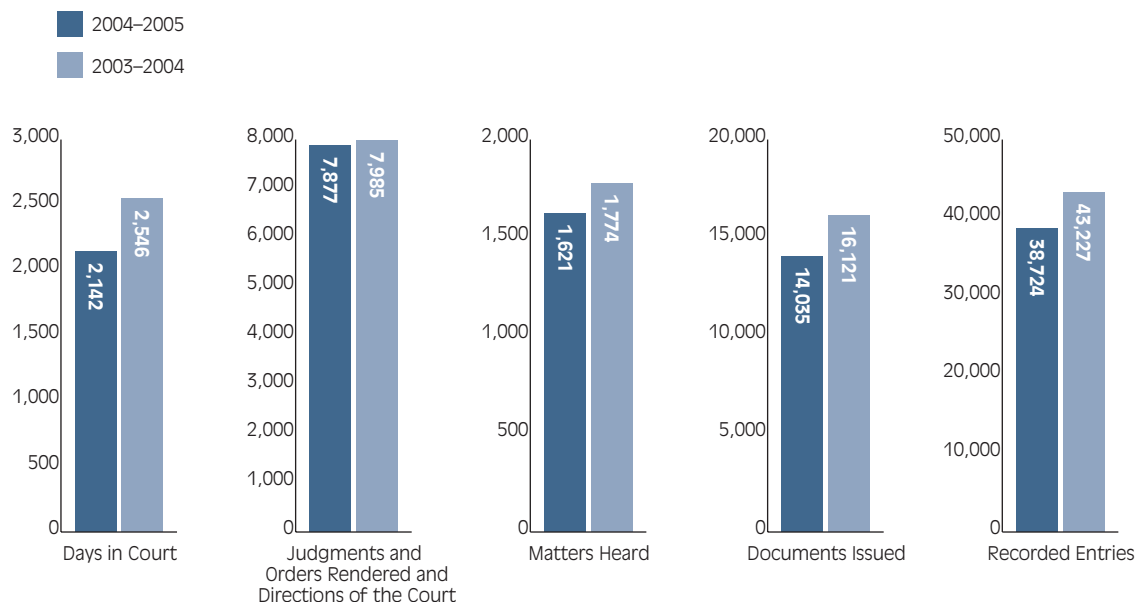
“Directions of the Court” is defined as instructions by the Court, written or oral.

“Matters Heard” is defined as the number of appeals, trials, motions, judicial review applications, etc., that were heard by the respective Court. This term includes, where applicable, dispute resolution conferences and pre-trial conferences.

“Documents Issued” includes the following: certified copies issued, copies of documents filed issued and original documents issued.

“Recorded Entries” is defined as the number of individual records made in the respective case management automation systems that describe the various documents filed and received and events that have taken place.

## Tax Court of Canada



**Notes:** “Days in Court,” for the Tax Court of Canada, is defined as the number of Court sittings scheduled.

“Judgments and Orders Rendered” is defined as all decisions of the Court except interim orders. (Interim orders are included in the number of “Directions of the Court.”)

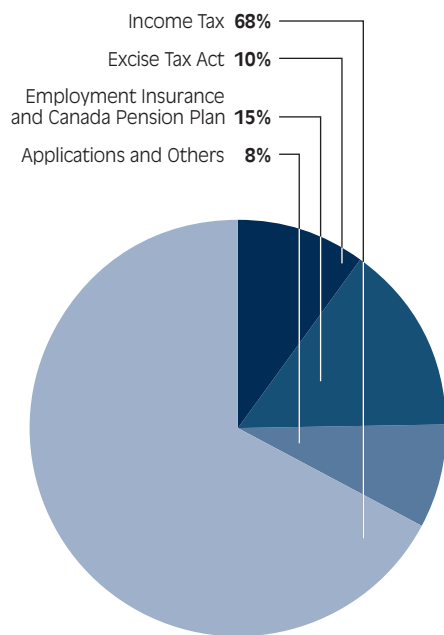
“Directions of the Court” is defined as instructions by the Court, written or oral, including interim orders.

“Matters Heard” is defined as the number of appeals, trials, motions, judicial review applications, etc., that were heard by the respective Court. This term includes, where applicable, dispute resolution conferences and pre-trial conferences.

“Documents Issued” includes the following: certified copies issued, copies of documents filed issued and original documents issued.

“Recorded Entries” is defined as the number of individual records made in the respective case management automation systems that describe the various documents filed and received and events that have taken place.

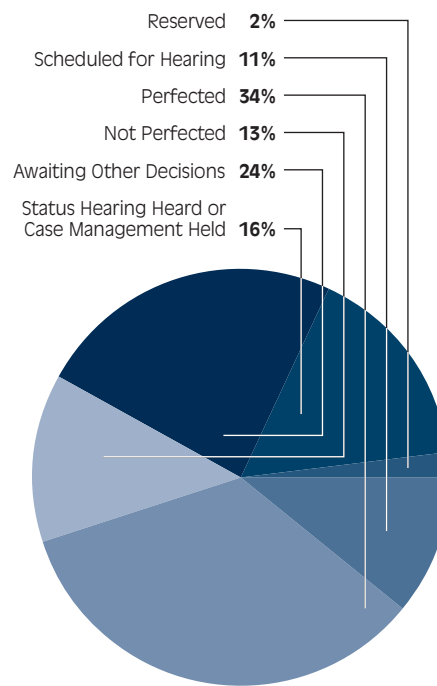
## Profile of Pending Inventory as at March 31, 2005



Total: 7,800

Percentages may not add up to 100% due to rounding.

## Status of Pending Inventory as at March 31, 2005



Percentages may not add up to 100% due to rounding.

**Notes:** “Reserved” is defined as when a Court does not render a decision immediately after a case has been heard or argued on its merits.

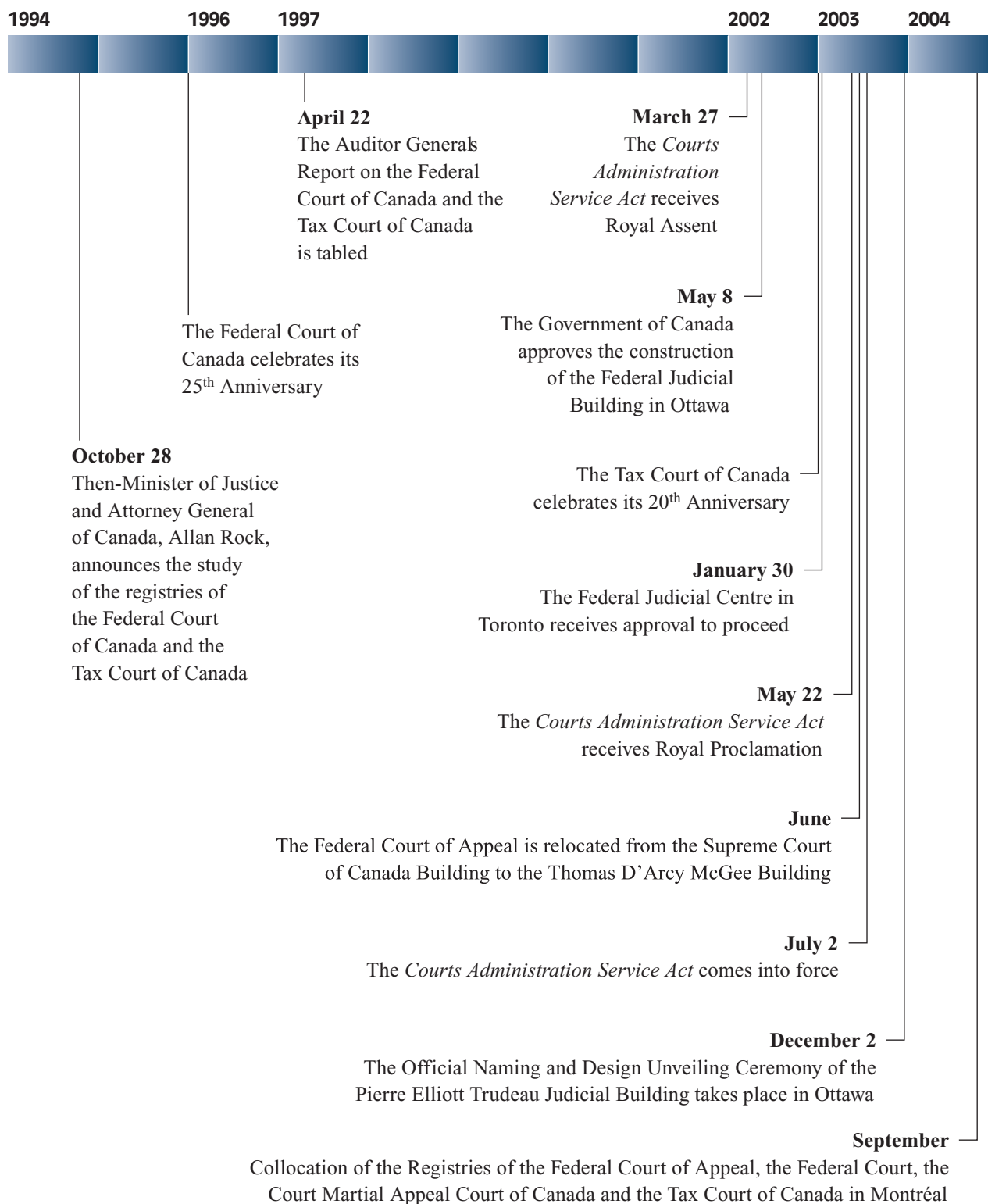
“Perfected” means that the parties have done everything required of them, according to the rules of the Court, in order for the case to be ready for scheduling of a hearing. Please note that in immigration leave cases, “Perfected” is defined as when the application for leave is ready to be determined.

“Not Perfected” means that the parties have not done everything required of them, according to the rules of the Court, in order to be ready for scheduling of a hearing. Please note that in immigration leave cases, “Not Perfected” is defined as when the application for leave is not ready to be determined.

The holding of a “Status Hearing or Case Management” is part of the regular appeal process at the Tax Court of Canada.

# Appendix B

## Timeline of the Development of the Courts Administration Service



## *Offices of the Courts Administration Service*

### **National Capital Region Offices**

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**Courts Administration Service  
PRINCIPAL OFFICE — OTTAWA**  
434 Queen Street  
Ottawa, Ontario K1A 0H9  
<http://www.cas-satj.gc.ca>

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**Lorne Building**  
90 Elgin Street  
Ottawa, Ontario K1A 0H9

**Registry of the Federal Court of Appeal and  
the Court Martial Appeal Court of Canada**  
Telephone: (613) 996-6795  
Facsimile: (613) 952-7226

**Registry of the Federal Court**  
Telephone: (613) 992-4238  
(613) 995-9177 (Immigration)  
Facsimile: (613) 952-3653

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**Centennial Towers**  
200 Kent Street  
Ottawa, Ontario K1A 0H9

**Registry of the Tax Court of Canada**  
Telephone: (613) 992-0901  
or 1-800-927-5499  
Facsimile: (613) 957-9034  
TTY: (613) 943-0946  
Tax Court of Canada, courtroom and Judges'  
chambers

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**Thomas D'Arcy McGee Building**  
90 Sparks Street  
Ottawa, Ontario K1A 0H9

Federal Court of Appeal, Federal Court and  
Court Martial Appeal Court of Canada,  
courtrooms and Judges' chambers

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**434 Queen Street**  
Ottawa, Ontario K1A 0H9

**Corporate Services for the Courts  
Administration Service**  
Telephone: (613) 996-4778  
Facsimile: (613) 941-6197

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## Local Offices

### FCA/CMAC – Federal Court of Appeal/Court Martial Appeal Court of Canada

#### FC – Federal Court

#### TCC – Tax Court of Canada

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#### ALBERTA — Calgary

3rd Floor, 635 8<sup>th</sup> Avenue SW T2P 3M3

Telephone: FCA/CMAC (403) 292-5555

FC (403) 292-5920

TCC (403) 292-5556

Facsimile: (403) 292-5329

TTY: (403) 292-5879

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#### ALBERTA — Edmonton

Scotia Place, Tower 1, Suite 530,

P.O. Box 51

10060 Jasper Avenue T5J 3R8

Telephone: FCA/CMAC (780) 495-2502

FC (780) 495-4651

TCC (780) 495-2513

Facsimile: (780) 495-4681

TTY: (780) 495-2428

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#### BRITISH COLUMBIA — Vancouver

Pacific Centre, P.O. Box 10065

701 West Georgia Street V7Y 1B6

Telephone: FCA/CMAC (604) 666- 2055

FC (604) 666-3232

TCC (604) 666-7987

Facsimile: (604) 666-8181

TTY: (604) 666-9228

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#### MANITOBA — Winnipeg

4th Floor, 363 Broadway Street R3C 3N9

Telephone: FCA/CMAC (204) 983-2232

FC (204) 983-2509

TCC (204) 983-1785

Facsimile: (204) 983-7636

TTY: (204) 984-4440

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#### NEW BRUNSWICK — Fredericton

Suite 100, 82 Westmorland Street E3B 3L3

Telephone: FCA/CMAC (506) 452-2036

FC (506) 452-3016

TCC (506) 452-2424

Facsimile: (506) 452-3584

TTY: (506) 452-3036

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#### NOVA SCOTIA — Halifax

Suite 1720, 1801 Hollis Street B3J 3N4

Telephone: FCA/CMAC (902) 426-5326

FC (902) 426-3282

TCC (902) 426-5372

Facsimile: (902) 426-5514

TTY: (902) 426-9776

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#### ONTARIO — Toronto and London

**1** – Registry of the Federal Court of Appeal, the Federal Court and the Court Martial Appeal Court of Canada (Toronto)

7th Floor, 330 University Avenue M5G 1R7

Telephone: (416) 973-3356

Facsimile: (416) 973-2154

TTY: (416) 954-4245

**2** – Registry of the Tax Court of Canada (Toronto)

Suite 902, 200 King Street West M5H 3T4

Telephone: (416) 973-9181 or

1-800-927-5499

Facsimile: (416) 973-5944

**3** – Registry of the Tax Court of Canada (London)

3rd Floor, 231 Dundas Street N6A 1H1

Telephone: (519) 645-4203 or

1-800-927-5499

Facsimile: (519) 675-3391

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#### QUÉBEC — Montréal

Registry of the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada  
30 McGill Street H2Y 3Z7

Telephone: FCA/CMAC (514) 283-5200

FC (514) 283-4820

TCC (514) 283-9912

or 1-800-927-5499

Facsimile: FCA/CMAC/FC (514) 283-6004

TCC (514) 496-1996

TTY: (514) 283-3017

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#### QUÉBEC — Québec

Palais de Justice, Room 500A and 500E,  
300 Jean Lesage Blvd. G1K 8K6

Telephone: FCA/CMAC (418) 648-4964

FC (418) 648-4820

TCC (418) 648-7324

Facsimile: (418) 648-4051

TTY: (418) 648-4644

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## Offices Staffed by Provincial and/or Territorial Court Employees

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### **NEW BRUNSWICK — Saint John**

Room 413, 110 Charlotte Street E2L 2J4  
Telephone: (506) 636-4990  
Facsimile: (506) 658-3070

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### **NEWFOUNDLAND — St. John's**

The Court House, P.O. Box 937,  
Duckworth Street A1C 5M3  
Telephone: (709) 772-2884  
Facsimile: (709) 772-6351

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### **NORTHWEST TERRITORIES — Yellowknife**

The Court House, P.O. Box 1320  
4905, 49th Street X1A 2L9  
Telephone: (867) 873-2044  
Facsimile: (867) 873-0291

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### **PRINCE EDWARD ISLAND — Charlottetown**

Sir Henry Louis Davies Law Courts  
P.O. Box 2000, 42 Water Street C1A 8B9  
Telephone: (902) 368-0179  
Facsimile: (902) 368-0266

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### **SASKATCHEWAN — Regina**

The Court House  
2425 Victoria Avenue S4P 3V7  
Telephone: (306) 780-5268  
Facsimile: (306) 787-7217

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### **SASKATCHEWAN — Saskatoon**

The Court House  
520 Spadina Crescent East S7K 2H6  
Telephone: (306) 975-4509  
Facsimile: (306) 975-4818

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### **YUKON TERRITORY — Whitehorse**

Andrew A. Phillipsen Law Centre  
2134 Second Avenue Y1A 5H6  
Telephone: (867) 667-5441  
Facsimile: (867) 393-6212