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ANNUAL REPORT 2009-2010



The Courts Administration Service

Letter from the Acting Chief Administrator to the Minister of Justice

September 30, 2010

The Honourable Robert Nicholson

Minister of Justice and Attorney General of Canada

284 Wellington Street

Ottawa, Ontario K1A 0A6

Dear Minister:

Pursuant to subsection 12(1) of the *Courts Administration Service Act*, I am pleased to present to you the seventh Annual Report of the Courts Administration Service for the fiscal year 2009–2010.

The report presents an overview of the Service's activities, accomplishments and challenges for the period of April 2009 through March 2010. It also describes the significant work accomplished by the employees of the Service, who continue to provide high quality registry and administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada, as well as to the clients of the courts.

Yours sincerely,



Suzanne Labbé

Acting Chief Administrator



Message from the Acting Chief Administrator

It is with great pleasure that I submit this Annual Report to Parliament in order to provide an overview of accomplishments of the Courts Administration Service (the Service) during fiscal year 2009-2010.

The general purposes set out for the organization in the *Courts Administration Service Act* are to:

- facilitate coordination and cooperation among the four courts for the purpose of ensuring the effective and efficient provision of administrative services;
- enhance judicial independence by placing administrative services at arm's length from the Government of Canada and by affirming the roles of chief justices and judges in the management of the courts; and
- enhance accountability for the use of public money in support of court administration while safeguarding the independence of the judiciary.

This model for the administration of court services is unique internationally, and we continue to host visits from delegations from around the world seeking to benefit from our experience.

The Service strives continually to improve the services it provides to the judiciary, the litigants and the general public. Technological advancements are at the heart of the progress needed to support the efficient operation and more effective functioning of the courts system, and to enhance access for all Canadians. Accordingly, our first objective is to achieve a fully electronic system for storing and managing court files, while in the longer term we are planning for the introduction of state-of-the-art electronic courtrooms across the country. We are hopeful that the progress we made in these directions during 2009-2010 will lay the foundation for additional financial investments in future years.

The time and energy Senior Management devoted to planning and risk management during the reporting period reflected the many challenges facing the organization as it strove to fulfil its mission with limited resources. While actively developing proposals for the further modernization and protection of court operations, we have vigorously pursued internal efficiencies and improvements to maintain our level of service.

As acting Chief Administrator, I would like to pay tribute to the recently retired Chief Administrator of the Service, Mr. Raymond P. Guenette. His leadership over the past several years guided the Service successfully through a challenging formative period. Accomplishments during this period included the integration of employees and services, the introduction of technological advancements and the improvement of governance and accountability. Mr. Guenette has truly left his mark through 37 years of dedicated public service to the federal court system. On behalf of the Courts, the employees of the Service and the Canadian public, I sincerely thank him and wish him well in his future endeavours.

Finally, I would like to express my thanks to the Chief Justices and members of the courts for their ongoing support of our work. I must also commend the more than 620 employees of the Service for their continued hard work and dedication to meeting the needs of the courts and thereby of all Canadians.



Suzanne Labbé



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The Courts Administration Service

/ Section 01 /

Overview

The role of the Service is to provide registry, judicial and corporate services to four federal courts of law—the Federal Court of Appeal (FCA), the Federal Court (FC), the Court Martial Appeal Court of Canada (CMAC) and the Tax Court of Canada (TCC).

The Service is a model for the administration of court services that is unique internationally and has garnered attention from jurisdictions from around the world. We provide services to four separate, independent federal superior courts of record and their clients while maintaining the independence of the courts from the executive branch of the government.

The services we provide make it easier for individuals, companies and organizations, as well as the

Government of Canada, to submit disputes and other matters to the courts. They also enable the courts to hear and resolve the cases before them as fairly, expeditiously and efficiently as possible.

Our mandate

- to ensure the effective and efficient provision of services to the four courts and their clients;
- 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.

Our functions

- 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, the legal profession and lay litigants;



- processing documents filed by or issued to litigants;
- recording all proceedings;
- serving as the entity where 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 pertinent documents;
- providing judges, prothonotaries¹ and staff with library services, appropriate facilities and security; and
- providing support services to the judiciary.

Powers and functions of the Chief Administrator

Section 7(2) of the *Courts Administration Service Act* specifies that the Chief Administrator has all the powers necessary for:

- providing effective and efficient management and administration of court services, including court facilities, libraries, corporate services and staffing; and
- structuring registry operations and preparing budgets, in consultation with the chief justices of the four courts, for the requirements of those courts and the related needs of the Service.

Powers of Chief Justices with respect to the Courts Administration Service

Section 8 of the *Courts Administration Service Act* provides that the Chief Justices are responsible for the judicial functions of their courts; this includes the power to determine the sittings of the court, assign judges to sittings, determine the sitting schedules and places of sittings for judges and determine the total annual, monthly and weekly workload of judges. Moreover, officers, clerks and employees of the Service act at the direction of the respective chief justices in matters that are assigned by law to the judiciary.

Section 9 (1) of the Act provides that a Chief Justice may issue binding directions in writing to the Chief Administrator with respect to any matter within the Chief Administrator's authority. One such direction was received during the reporting period from the Chief Justice of the Tax Court of Canada, requiring that the Courts Administration Service extend the lease at 200 Kent Street, Ottawa, (the premises housing the Tax Court of Canada) until 2019.



¹ A prothonotary is a judicial officer appointed pursuant to section 12 of the *Federal Courts Act* to assist in the efficient performance of the work of the Federal Court by exercising certain judicial powers, duties and functions as determined by the *Federal Courts Rules*.

/ Section 02 /

Our Mission, Our Vision, Our Priorities

The mission of the Service is to provide timely and accurate registry, judicial support and corporate services to the judiciary and to our clients in the most innovative and cost-effective manner, while promoting a healthy workplace and encouraging employees' ongoing contribution in service delivery improvement. The Courts Administration Service, a learning organization, is recognized as a national and international model of excellence in the administration of justice.

We are dedicated to providing single point service, in both official languages, through mutual respect and diversity, while enhancing judicial independence for the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada. We also seek to ensure that Canadians have access, as quickly as possible, to an efficient, fair and timely process for dispute resolution in each of the courts that we serve.

The broad priorities for the Service in 2009-2010 included moving ahead with improvements to our service delivery – particularly by modernizing our business through technology and enhancing security. We strengthened our internal management practices to improve decision making and accountability and conducted important planning exercises in all areas and at levels ranging from the operational to the strategic. In view of the pressures we faced and our severely limited resources, risk assessment and risk management were key priorities in 2009-2010, and they remain so in our current work.

Senior Management

Acting Chief Administrator
Suzanne Labbé

Deputy Chief Administrator,
Registry Services
Murielle Brazeau

Acting Deputy Chief Administrator,
Judicial Services
Emily McCarthy

Deputy Chief Administrator,
Corporate Services
Francine Côté

Senior Legal Counsel
David Power



/ Section 03 /

The Courts We Support

Established in 2003 when the *Courts Administration Service Act* came into force, the Service has the mandate to provide efficient registry and administrative services to four of Canada's federal courts: the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada.

The role of the Service is also to simplify the process required to enable the courts to resolve the cases before them fairly, without delay and as efficiently as possible, while ensuring the judicial independence of each of these courts.

Federal Court of Appeal

The Federal Court of Appeal is a national court which regularly sits across Canada, provides its services in both of Canada's official languages and administers the two legal systems of common law and civil law. The Federal Court of Appeal has jurisdiction to hear appeals of judgments and orders, whether final or interlocutory, of the Federal Court and the Tax Court of Canada. It may also review decisions of certain federal tribunals pursuant to section 27 of the *Federal Courts*

Act and hear appeals under other acts of Parliament. Pursuant to section 5(1) of the *Federal Courts Act*, the full judicial complement of the Federal Court of Appeal consists of the Chief Justice and twelve judges. For further information on the Federal Court of Appeal, please refer to www.fca-caf.gc.ca.

Federal Court

The Federal Court is Canada's national, bilingual and bijural trial court which hears and decides legal disputes arising in the federal



domain. It is the successor to the Exchequer Court of Canada established in 1875. The jurisdiction of the Federal Court derives primarily from the *Federal Courts Act*, though over 100 other federal statutes also confer jurisdiction on the Court. The Federal Court has original, but not exclusive, jurisdiction over proceedings by and against the Crown (including Aboriginal law claims), and proceedings involving admiralty law and intellectual property law. It has exclusive jurisdiction to hear certain national security proceedings as well as applications for judicial review of the decisions of most federal boards, commissions and tribunals. This includes applications for judicial review of decisions of the Immigration and Refugee Board. The full judicial complement of the Federal Court consists of the Chief Justice and 32 other full-time judges as well as six prothonotaries. For further information on the Federal Court, please refer to www.fct-cf.gc.ca.

Court Martial Appeal Court of Canada

Courts martial are military courts established under the *National Defence Act* which hear cases under the *Code of Service Discipline*. The Court Martial Appeal Court of Canada hears appeals of decisions rendered by the courts martial. Members of this Court are Judges of the Federal Court of Appeal and the Federal Court and any additional judges of a superior court of criminal jurisdiction who are appointed by the Governor in Council. The Court currently consists of a Chief Justice and 59 judges. For further information on the Court Martial Appeal Court of Canada please refer to www.cmac-cacm.ca.

Tax Court of Canada

The Tax Court of Canada is a superior court of record which has exclusive original jurisdiction to hear appeals and references under fourteen acts of Parliament. Most of the appeals filed with the Court are on matters arising under the *Income Tax Act*, Part IX of the *Excise Tax Act* (GST), Part IV of the *Employment Insurance Act* and Part I of the Canada Pension Plan. The Court was established in 1983 pursuant to the *Tax Court of Canada Act* with a view to dispensing justice in tax matters. Under section 4(1) of the *Tax Court of Canada Act*, the court consists of a Chief Justice, an Associate Chief Justice and not more than 20 other judges. For further information on the Tax Court of Canada, please refer to www.tcc-cci.gc.ca.



/ Section 04 /

Registry Services

What We Do

The Registry Services Branch provides all operational and registry functions necessary for the smooth and efficient functioning of the four federal courts, including the maintenance of court files and provision of information and services to the public.

The Service maintains offices and staff in Ottawa, as well as in regional and local offices in Vancouver, Calgary, Edmonton, Winnipeg, Toronto, Montreal, Quebec City, Halifax and Fredericton. Long-standing Memoranda of Understanding (MOUs) are in place with provinces and territories to ensure that basic registry functions

are available for the Federal Court of Appeal, Federal Court and Court Martial Appeal Court of Canada in St. John's (Newfoundland and Labrador), Charlottetown, Saint John (New Brunswick), Regina, Saskatoon, Yellowknife, and Whitehorse, as well as for the four courts in Iqaluit.

As shown in Appendix A, the Registry continues to support a large number of proceedings before the four courts, many of them highly complex and involving large volumes of documentation. This requires the Registry to manage documents efficiently and provide other services to the courts and judiciary as required.

Improving Court and Registry Operations

Courts everywhere, including the Supreme Court of Canada and many provincial superior courts, are rapidly upgrading their technological infrastructure and strengthening information management to support capabilities such as digital audio recording, videoconferencing, evidence display, secure networking, and access to electronic records and the Internet. An essential part of this transformation is the shift to

Measuring Client Satisfaction

In 2009-2010, the first survey of the judges of the four courts was conducted to measure their level of satisfaction with the support provided by the Registry Branch. The results were generally very positive with respect to the professionalism of staff, timely and accurate treatment of documents, communication, completeness of files and support during court hearings. Certain areas needing improvement as a result of staffing shortages were identified in particular offices. An action plan was consequently developed to address all concerns identified.

In parallel, a survey of the employees of the Registry was conducted, the results of which complemented the feedback from the judiciary and informed the development of the action plan.

The Service intends, resources permitting, to conduct the first comprehensive survey of external client satisfaction (litigants and counsel) in the upcoming year. Preparatory work for such a survey was done in 2009-2010, involving consultations with central agencies and other partners. The information gathered through this survey will be used as the basis for a key aspect of performance measurement within the organization.

electronic document management systems and electronic filing of court documents. The Service is moving as quickly as resources permit towards a completely electronic filing system for the courts, and aims to eventually see the establishment of state-of-the-art electronic courtrooms across the country.

These advancements will support the efficient operation and more effective functioning of the justice system and provide improved access to justice for both litigants and the public. They will, however, require significant investments in strengthening information technology infrastructure and further developing the Court Records Management System (CRMS), a prerequisite to the introduction of integrated and technology-enabled courtrooms. Initial meetings between business and information technology experts within the Service and a committee of judges concerned with technology matters were held to discuss the longer term vision for these matters. The outline of a plan to move forward has been developed which will eventually be pursued as resources become available.

Work on the CRMS continued during the reporting period. This project has been funded internally from the outset, and development is being conducted in phases over a multi-year period. Phase 1 of the project, released in 2008, brought users of the two existing systems onto a single platform and provided access through a common interface. Phase 2, introduced in 2009, provided a common Document Review Screen that allowed users to receive, store and access court documents electronically. The final phases of CRMS were originally

expected to be fully implemented by 2010-2011, but funding pressures elsewhere necessitated the reallocation of resources to maintain the core business of the Service. However, during 2009-2010, Registry staff, using existing resources, were able to identify the requirements for Phase 3.

Both the judiciary and clients have expressed concerns about the limited progress of the courts in acquiring modern capabilities to support the conduct of hearings, provide electronic access to

Electronic Filing of Documents by Parties

Last year's Annual Report highlighted a significant increase in the number of documents filed electronically with the Federal Court and the Tax Court of Canada. The Service intends to build on this success, as electronic filing (e-filing) of documents by parties is a cornerstone of the effort to move to a completely electronic system for capturing and managing court documents. Such an approach is better for the environment, mitigates the risk of lost or destroyed documents and files, and provides better and more timely service to the judiciary and the public.

The Service commissioned a third-party evaluation of options for e-filing, including a review of the two different systems used by the Federal Court and the Tax Court of Canada at the present time. Additional options, including some modelled on other jurisdictions in Canada and abroad, were also considered.

The study recommended that the Service adopt a single model, to be supported in-house, and that the system be made available at no cost to clients of the courts. While this approach would support improved access to justice, it would require significant resources for development and maintenance.

Planning for this initiative is underway and will move forward as resources permit. An important consideration in introducing new e-filing functionalities is that they be aligned and integrated with the evolving court records management infrastructure.



court documents, and facilitate online operations and electronic communications. Court operations are totally dependent on the effectiveness and efficiency of the document and information management systems which permit the Registry to file, manage and retrieve documents, to provide case support services to judicial officers and users of the courts, and to enable the courts to fulfill their legislative mandate as superior courts of record. While the Service has made some headway in modernizing the court records management system, lack of resources has limited the progress.

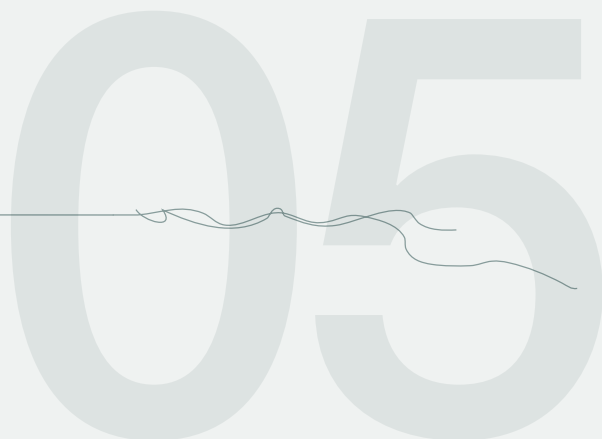
Reviewing Processes to Improve Service Delivery

Registry Services is committed to constantly reviewing the way it does business in order to improve the quality of the services it delivers to the public and the judiciary. Progress was made during 2009-2010 on the development of streamlined Registry processes for each of the four courts; these will be made available to staff electronically as part of improved training and development. As well, draft service standards were monitored and refined as required over the course of the year and operational adjustments were made where appropriate. The Registry will be consulting further with its clients prior to formal implementation of the standards.



/ Section 05 /

Judicial Services



The mandate of the Judicial Services Branch is to assist the Chief Administrator in providing the judges of the four courts with appropriate and adequate support to enable them to execute their judicial functions effectively and efficiently.

Offices of the Chief Justices

The Offices of Chief Justices of the respective courts play a key role in supporting the courts and their administration. The functions of the offices include provision of administrative, legal and executive assistance to the Chief Justices, support for the scheduling of court hearings, coordination of meetings of the Rules Committees and other court committees, management of the process for legislative changes to the court acts and rules, as well as liaison with stakeholders such as the Bar, the media and the public.

Law Clerk Program

The Law Clerk Program provides an opportunity to upcoming and recent graduates of law schools in Canada to apply for positions as law clerks to judges. In this role they may also be called upon to undertake research for deputy judges and prothonotaries. Approximately 55 law clerks are employed annually by the Service, generally for a one-year period to meet their articling requirements. Under the direction of members of the judiciary, who may act as principals for articling purposes, law clerks prepare case summaries, research questions of law and prepare detailed memoranda on facts and legal issues.

The process by which the Service hires such Law Clerks has been improved in recent years. Letters of offer are issued in a more timely manner in order to compete with other potential employers in the legal field. In addition, court articling opportunities have been better promoted in Canadian universities, in part through regular visits to law faculties by individual judges of the courts. Exit survey and interview processes have also been implemented to obtain feedback on

the experience from the law clerks at the end of their term. Work is also ongoing to develop an online application process for law clerks.

Judicial Assistants

The Judicial Assistants Division provides the judiciary with direct office management, and administrative services support. In 2009-2010 a working group reviewed and updated the guide for judicial assistants, implemented new processes for the saving of decisions and translations, established checklists to ensure consistency and updated various templates.

Library Services

The Library Services Division provides a full range of professional law library services. It makes available, in Ottawa and offices across Canada, a collection of legal and other work-related materials in electronic and paper formats to meet immediate and long term needs of the judiciary and of the Service for published information. The services provided include reference, training and orientation sessions, a new integrated catalogue of all library holdings (with access to over 12,000 serial and monograph



records), an intranet site, and a media monitoring service. Research services are provided using the library collections, numerous online databases, and inter-library loans from around the world.

A review of the policy on library collections began in 2009-2010, with a focus on the largest local office collections. The Judges' Library Committee has been consulted throughout the review process. Judges and employees are increasingly making use of electronic collections and research tools, and it is anticipated that the number of hard-copy subscriptions can be reduced, thereby freeing up funding to improve the quality and range of electronic services.

Upgrades to the integrated library management system are continuing, thus improving access and record-keeping for the library collections. Negotiations are proceeding with other library services for additional reciprocal arrangements, while new agreements and contracts with external providers are being developed.

Distribution, Translation and Revision Services

This unit oversees the process by which judgments of the courts are issued and published once they have been signed by the judge and filed in the Registry. During the reporting period, significant improvements were made to the process, described in last year's Report, for filing, issuing, translating, posting, and

distributing judicial decisions. A single unit within the branch is now responsible for the overall process and is working closely with units across the Service to ensure maximum efficiency and timeliness. In particular, concerns about the timely posting of translations of decisions are being addressed.

Prothonotaries and Deputy Judges – Funding

Prothonotaries are Federal Court judicial officers, appointed until age 75. They play an essential role in the efficient operation of the Federal Court through the case management of complex proceedings. They also hear and determine actions where the quantum claimed is less than \$50,000.

Deputy judges are former judges who are asked by a chief justice to act from time to time as judges of a federal court. These judicial officers enable the courts to efficiently address fluctuations in workload caused by sudden increases in litigation or by judicial vacancies.

The Service has no control over these judicial appointments; it does however have a statutory obligation to pay the salary and fees of prothonotaries and deputy judges and provide administrative support to them. The Service must absorb the related costs.

A formal evaluation of the workload and contributions of the six existing prothonotaries demonstrated that case management of Federal Court files by prothonotaries had increased rapidly over the years. However, the Service has never received permanent funding for four of the six positions; nor has it received regular funding for the deputy judges of the Federal Court. Rather, temporary year-by-year funding was provided by the Treasury Board until terminated at the end of 2008-2009. Efforts by the Service to secure permanent resources, including development of a detailed business case, have not borne fruit. It has therefore been necessary for the Service to reallocate resources away from such other operations of the Service as the development of the Court Records Management System and improvement of court security. Such reallocations must be managed carefully to avoid significant impacts on the functioning of the Courts and the Service.

The Service is still working to resolve the issue of funding these positions.

/ Section 06 /

Corporate Services

The mandate of the Corporate Services Branch is twofold. First, the Deputy Chief Administrator is accountable for providing overall corporate leadership and infrastructure. This entails formulating, implementing and refining policies, guidelines, standards, systems, procedures and processes to integrate and deliver a variety of management frameworks and services in support of the operations, objectives, priorities and requirements of four federal courts and the Service. Second, the Branch also provides key operational services that enable the courts and Registry to carry out their functions.

The Corporate Services Branch addresses four specific domains of expertise:

- **Human Resources**, which includes staffing, classification, labour relations, official languages, learning, diversity, employment equity and compensation services;
- **Information Management and Information Technology**, which includes information management and records management, client services

(including IT support and telecommunications), infrastructure (including networks and video-conferencing), and development and database services;

- **Finance and Contracting Services**, which includes financial management, budget management, accounting operations, contracting and materiel management services;



- **Administrative Services**, which includes facilities management, mail distribution, chauffeur and court usher services in Ottawa, as well as the critical security program.

The Branch made significant advances in all of these areas during the reporting period.

Human Resources

The Service understands that its employees are the heart of the organization and as a result worked during the reporting period to address the issues raised in the 2008 Public Service Employee Survey. Following consultations, a number of significant improvements were made, including provision of support sessions for employees who may need to deal with harassment issues, online leadership courses for managers and a suggestion box for employees.

By providing effective support to managers and encouraging them to participate in training sessions on human resource matters, the Service is contributing to the development of its management personnel. In doing so it helps them acquire in-depth knowledge of human resource planning and management, recruitment strategies, staffing, classification and employee career development, as well as the skills to manage their human resources more effectively.

Where possible, the Service continued to move towards the use of generic work descriptions to facilitate staffing and provide flexibility for employees in their career development.

Activities aimed at strengthening the integrity and efficiency of human resource services include closer supervision of the staffing practices of managers and implementation of staffing process performance measures. In addition, we are improving the performance management process, including formal employee evaluations, and introducing better planning and management of the learning activities that support the personal learning plans required for every employee of the Service.

The Service has also established a diversity committee and adopted a new three-year diversity plan. This will help to improve the

balance of the Service's workforce and contribute to enhance the diversity of the federal Public Service.

These actions respond to the call of the Government's Chief Human Resources Officer and deputy ministers for increased decentralization of human resources management responsibilities. They also reflect the emphasis of the Clerk of the Privy Council on improving planning processes, strengthening the career development of employees, increasing the effectiveness of recruitment, and creating an infrastructure of empowerment.

Strengthened Planning and Risk Management

An objective set out in the *Courts Administration Service Act* is to "enhance accountability for the use of public money in support of court administration while safeguarding the independence of the judiciary." To meet its obligations and accountabilities to Parliament, central agencies and the public, the Service must ensure it maintains strong internal management practices and controls.

As outlined in last year's Report, increased attention has been given to the areas of risk management, operational planning, resource allocation and the development of high level frameworks to address key challenge areas for the Service. The specific challenges identified relate to: addressing risks to physical and IT security (including accommodation); introducing enabling technologies and other service delivery improvements; and securing permanent funding to meet costs of judicial positions which the organization is currently absorbing through reallocation from other critical priority areas, as mentioned earlier.

Focusing on priorities, risks and opportunities and developing comprehensive business cases to address the challenges has allowed the Service to move forward in a strategic manner with current limited resources, and positioned it to respond in a timely manner when additional resources become available.

Information Management and Information Technology

The federal courts system and the judiciary, as well as the registry and administrative functions of the Service, are critically dependent on the efficiency, reliability and integrity of the networks, communication systems and applications provided by the Information Technology division. Moreover, new technologies and automated solutions offer important opportunities to enhance the effectiveness and efficiency of court and registry operations while improving service to individuals and organizations interacting with the courts.

To meet growing user-demand it is essential not only to maintain the existing systems and introduce innovations but also to provide additional basic resources such as technology support personnel, bandwidth, electronic storage and infrastructure. The latter is of particular importance in maintaining operational continuity, as discussed in the Departmental Performance Report.² Consequently, the Service will give priority to updating and strengthening its IT infrastructure, including in particular its networks, in order to address the potentially very significant risks posed by outdated systems.

A great deal of work has been done during the past year to identify the current and future IT needs of the courts and to develop cost-efficient strategies for addressing them over the medium term. The pace at which developments can proceed will be

dependent on the availability of human and financial resources. Priority requirements to meet growing demands of court users and registry services include further development of the Court Records Management System (CRMS), increased e-filing capability, expanded videoconferencing services, and the gradual introduction of technology enabled courtrooms.

The Service is responsible for supporting the legislated mandate of the federal courts as superior courts of record and is required to contribute to the modernization of the court and registry system by creating a strong records and information management capacity. The Service will continue to maintain and improve the infrastructure and systems necessary for a successful transition to electronic records, as well as to achieve enhanced information security and better access for the courts and the public.

Information management is the subject of a comprehensive strategy now being developed. This will provide a basis for dealing with the enormous existing volume of court records on paper (over 120,000 boxes) and for making the transition to a modern electronic document management system.

Finance and Contracting Services

The Finance section is mainly involved in the planning and budgeting of financial resources, conducting accounting operations,

maintaining financial systems, and providing advice and training to clients. The Finance section also provides financial information for the use of Parliamentarians, the Receiver General, Treasury Board Secretariat and other government organizations. An important initiative during 2009-2010 was the successful implementation of a Financial Dashboard that assists managers in financial and strategic decision-making.

The objective of the Contracting section is to provide information and to guide and assist staff regarding the acquisition of both goods and services required by the organization. This effort is intended to ensure that contracting practices can withstand the test of public scrutiny for prudence and probity, reflect fairness in the spending of public funds but also to provide additional basic funds and result in the best value to government. This enables the Service to fulfill its mandate in support of the courts while meeting good contracting practices and legislative requirements. During 2009-2010, the Contract Review Committee continued to ensure that rules, regulations and best practices were followed.

Administrative, Facilities and Security Services

This division provides support services to courts and registry operations as well as to employees of the Service across Canada. It is made up of three sections:

² Available at: <http://www.tbs-sct.gc.ca/est-pre/estime.asp>



1. Administration Services

This section ensures safe delivery of all mail and packages to court users and provides reliable transportation and court usher services to judges and prothonotaries within the National Capital Region and beyond.

2. Facilities and Capital Projects

This section provides safe, productive and cost-effective accommodation for the courts, judicial officers and for the approximately 620 employees of the Service across Canada. It is responsible for national accommodation programs, policies, strategies, systems, procedures and services.

3. Security Services

This section is responsible for delivering an effective and coordinated security program for the courts and the service. The elements of this program include: developing and implementing a National Security Strategy, maintaining physical and material security, protection of employees, security of information technologies, planning for business continuity, investigation of security incidents, control of access to facilities and assets, verifying the reliability of personnel and general administration (departmental procedures, training, material inventory, management of security risks, information sharing and equipment needs).

In the past year, the division has devoted much effort to security issues, notably the development of a national security strategy and specific plans. Much work has also been done on planning for the future accommodation requirements of the courts and the Service, including in particular the reconfiguration of space requirements in the National Capital Region. Initiatives for the immediate future include relocation of the Registry counter for the Federal Court of Appeal, the Federal Court and the Court Martial Appeal Court of Canada to the ground floor at 90 Sparks Street, Ottawa, moving ahead with measures to standardize security at the national level, and

developing a program to analyze and address security risks. The Service's business continuity program will be further refined and coordinated with the government's overall plan for the continuity of constitutional government. Progress in all these areas will be contingent on the availability of financial resources.



Appendices / Section 07 /

Appendix A: The Courts in Statistics³

<i>Proceedings Instituted or Filed</i>	FY 09-10	FY 08-09	FY 07-08
Federal Court of Appeal	542	697	616
Federal Court	33,866	31,259	30,428
General Proceedings and Immigration	8,692	7,447	7,460
Income Tax Act certificates	15,630	14,752	14,629
Goods and Services Tax certificates	9,077	8,647	7,848
Other instruments and certificates	467	413	491
Court Martial Appeal Court of Canada	10	16	10
Tax Court of Canada	4,444	4,485	4,395
Total	38,862	36,457	35,449

<i>Court Judgments, Orders and Directions processed by the Registry</i>	FY 09-10	FY 08-09	FY 07-08
Federal Court of Appeal	1,727	1,886	1,997
Federal Court	19,866	17,807	19,228
Court Martial Appeal Court of Canada	54	45	47
Tax Court of Canada	10,333	8,719	12,709
Total	31,980	28,457	33,981

<i>Files prepared for hearing and heard in Court (does not include matters that were settled or discontinued prior to hearing)</i>	FY 09-10	FY 08-09	FY 07-08
Federal Court of Appeal	356	402	389
Federal Court	4,407	4,559	4,529
Court Martial Appeal Court of Canada	10	10	5
Tax Court of Canada	1,175	1,194	1,290
Total	5,948	6,165	6,213

³ See the Glossary for definitions of judicial expressions.



<i>Days in Court</i>	FY 09-10	FY 08-09	FY 07-08
Federal Court of Appeal	215	246	242
Federal Court	3,019	3,120	3,079
Court Martial Appeal Court of Canada	10	10	5
Tax Court of Canada*	2,066	2,100	2,159
Total	5,310	5,476	5,485

*For Tax Court of Canada «Days in Court» is defined as the number of court sitting days scheduled.

<i>Recorded Entries</i>	FY 09-10	FY 08-09	FY 07-08
Federal Court of Appeal	20,506	22,542	21,324
Federal Court	233,038	206,183	211,189
Court Martial Appeal Court of Canada	534	472	393
Tax Court of Canada	145,614	147,279	144,659
Total	399,692	376,476	377,565

<i>Total Dispositions</i>	FY 09-10	FY 08-09	FY 07-08
Federal Court of Appeal	629	603	685
Federal Court	8,821	7,013	7,469
General Proceedings and Immigration	8,821	7,013	7,469
Income Tax Act certificates	n/a	n/a	n/a
Goods and Services Tax certificates	n/a	n/a	n/a
Other instruments and certificates	n/a	n/a	n/a
Court Martial Appeal Court of Canada	10	15	8
Tax Court of Canada	4,373	4,384	4,410
Total	13,833	12,015	12,572

Active Proceedings as of March 31, 2010

<i>Federal Court of Appeal</i>	FY 09-10	FY 08-09	FY 07-08
Appeals from Federal Court (Final Judgment)	164	125	166
Appeals from Federal Court (Interlocutory Judgment)	35	41	36
Appeals from Tax Court of Canada	118	192	151
Applications for Judicial Review	102	141	128
Others	28	51	48
Total	447	550	529

<i>Federal Court</i>	FY 09-10	FY 08-09	FY 07-08
Aboriginal	224	247	244
Other appeals provided for by law	109	129	103
Admiralty	284	283	289
Intellectual property	677	697	697
Immigration	2,565	2,464	2,207
Crown	305	581	525
Judicial Review	668	680	686
Patented Medicines Regulations	70	82	95
Total	4,902	5,163	4,846

<i>Court Martial Appeal Court of Canada</i>	FY 09-10	FY 08-09	FY 07-08
Application for review of a direction	0	0	Not available
Notice of Appeal	11	11	
Application for review of an undertaking	0	0	
Notice of motion commencing an appeal	0	0	
Total	11	11	

<i>Tax Court of Canada</i>	FY 09-10	FY 08-09	FY 07-08
Goods and Services Tax	1,014	936	974
Income Tax	6,152	6,005	5,652
Employment Insurance and Canada Pension Plan	593	613	760
Others	277	574	535
Total	8,036	8,128	7,921



Status

<i>Federal Court of Appeal</i>	FY 09-10	FY 08-09	FY 07-08
Not perfected	294	348	350
Perfected	39	35	48
Consolidated	14	65	34
Reserved	15	22	8
Scheduled for hearing	72	62	75
Stayed	13	18	14
Total	447	550	529

<i>Federal Court</i>	FY 09-10	FY 08-09	FY 07-08
Not perfected	3,303	3,596	3,224
Perfected	696	511	501
Consolidated	30	205	90
Reserved	127	117	106
Scheduled for hearing	422	399	476
Stayed	324	335	449
Total	4,902	5,163	4,846

<i>Court Martial Appeal Court of Canada</i>	FY 09-10	FY 08-09	FY 07-08
Not perfected	5	8	Not available
Perfected	0	0	
Consolidated	0	0	
Reserved	5	3	
Scheduled for hearing	1	0	
Stayed	0	0	
Total	11	11	

<i>Tax Court of Canada</i>	FY 09-10	FY 08-09	FY 07-08
Not perfected	815	1,031	1,011
Perfected	2,772	3,128	2,831
Reserved	160	183	277
Awaiting timetable	212	257	179
Scheduled for hearing	904	723	989
Specially Managed Cases	1,811	1,407	1,458
Awaiting another decision	1,362	1,399	1,176
Total	8,036	8,128	7,921

/ Section 08 /

Appendix B: Financial Reports

The Courts Administration Service, which is entirely funded by parliamentary appropriations, was allocated 67.2 million dollars in 2009-2010. A major portion of the funding is used for hearings-related costs that are directed by the judiciary and therefore not directly within the control of the Service; this is in accordance with the principle of judicial independence on which the Service was founded.

With expenditures totalling 66.2 million dollars, the Service had a surplus at year-end of some one million dollars, approximately 1.5% of the total available funding. The lapse was principally due to translation and IT related items that were ordered but not delivered by fiscal year-end, as well as collective agreement payments received during the year but only payable in 2010-2011.

The Service collects revenues through filing fees, fines and sales of copies of filed documents, including judgments and orders. In 2009-2010, revenues amounted to 12.1 million dollars, of which 10.5 million dollars was for fines imposed on parties by judicial decisions. The Service

cannot re-spend these revenues as they are deposited directly into the Consolidated Revenue Fund of Canada.

The Service continues to face ongoing financial pressures, especially in relation to the four Prothonotary positions that were created for the Federal Court between 1999 and 2003 but never permanently funded. Likewise, no regular funding had been received for the deputy judges of the Federal Court. In November 2009, the Service was informed that it would no longer receive temporary funding to deal with either the salaries or the associated support costs of these positions. The



required reallocation of resources to finance these expenditures created significant risks and gaps in other critical areas, including upgrades of IT infrastructure, development of the Court Records Management System and physical security of the courts. It also exacerbated the registry staffing problems in some offices, notably Toronto and Ottawa.

During the year, the Service developed a business case aimed at resolving the lack of permanent funding for judicial appointments. Other proposals sought to improve the security and efficiency of court facilities and operations, and to modernize court and registry operations. In light of the difficult Canadian economic situation, no funds were secured in response to these requests.

The Service will continue to work with the Department of Justice, Treasury Board Secretariat, Department of Finance, Privy Council Office, and other partners to find a permanent solution for these issues.

Adding to the financial stress on the organization is the requirement that the Service absorb the 1.5% salary increase announced in the 2010 Federal Budget. The impact on the Service will be approximately one half million dollars for the 2010-2011 fiscal year.

Finally, the Service responded positively to two Government-wide objectives set out in Budget 2009. First, the Government directed that travel, conference and hospitality expenditures should be no higher in 2009-2010 than in 2008-2009. The Service more than met this goal, reducing expenditures on

these items to about 15% below the previous year's level. Second, in using stimulus funding provided to encourage the hiring of students, the Service was able to exceed the hiring target set by the Government.

Further details of the financial performance of the Service are published in the Main Estimates tabled in Parliament and in the Service's annual Departmental Performance Report, available at: <http://www.tbs-sct.gc.ca/est-pre/estime.asp>



/ Section 09 /

Appendix C: How to Contact the Service

All of our regional offices across Canada are listed below. The Service maintains offices and staff in Ottawa, as well as in regional and local offices in Vancouver, Calgary, Edmonton, Winnipeg, Toronto, Montreal, Quebec City, Halifax and Fredericton. Long-standing Memoranda of Understanding (MOUs) are in place with provinces and territories to ensure that basic registry functions are available for the Federal Court of Appeal, Federal Court and Court Martial Appeal Court of Canada in St. John's (Newfoundland and Labrador), Charlottetown, Saint John (New Brunswick), Regina, Saskatoon, Yellowknife, and Whitehorse, as well as for the four courts in Iqaluit.

Offices in the National Capital Region

Principal Office of the Service

434 Queen Street
Ottawa, Ontario
K1A 0H9

Telephone:

613-996-4778

Fax:

613-941-6197

www.cas-satj.gc.ca

Centennial Towers

200 Kent Street
Ottawa, Ontario
K1A 0M1

Registry and courtrooms of the Tax Court of Canada

Telephone:

613-992-0901
or 1-800-927-5499

Fax:

613-957-9034

TTY:

613-943-0946

Thomas D'Arcy McGee Building

90 Sparks Street
Ottawa, Ontario
K1A 0H9

Courtrooms and Registry Operations of the Federal Court of Appeal, Federal Court and Court Martial Appeal Court of Canada.

Telephone:

FCA/CMAC: 613-996-6795

FC: 613-992-4238

Fax:

FCA/CMAC: 613-952-7226

FC (Non-Immigration):

613-952-3653

FC (Immigration): 613-947-2141

TDD: 613-995-4640



Regional and Local Offices

Alberta

Calgary

635 Eighth Avenue S.W.
3rd Floor
T2P 3M3

Telephone:

FCA/CMAC 403-292-5555

FC: 403-292-5920

TCC: 403-292-5556

Fax:

403-292-5329

TTY:

403-292-5879

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

Fax:

780-495-4681

TTY:

780-495-2428

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

Fax:

604-666-8181

TTY:

604-666-9228

Manitoba

Winnipeg

363 Broadway Street
4th floor
R3C 3N9

Telephone:

FCA/CMAC: 204-983-2232

FC: 204-983-2509

TCC: 204-983-1785

Fax:

204-983-7636

TTY:

204-984-4440

New-Brunswick

Fredericton

82 Westmorland Street
Room 100
E3B 3L3

Telephone:

FCA/CMAC: 506-452-2036

FC: 506-452-3016

TCC: 506-452-2424

Fax:

506-452-3584

TTY:

506-452-3036

New-Brunswick

Saint John

110 Charlotte Street
Room 413
E2L 2J4

Telephone:

506-636-4990

Fax:

506-658-3070

*Newfoundland and Labrador***St. John's**

The Court House
P.O. Box 937
Duckworth Street
A1C 5M3

Telephone:

709-772-2884

Fax:

709-772-6351

*Northwest Territories***Yellowknife**

The Court House
P.O. Box 1320
4905 – 49th Street
X1A 2L9

Telephone:

867-873-2044

Fax:

867-873-0291

*Nova Scotia***Halifax**

1801 Hollis Street
Room 1720
B3J 3N4

Telephone:

FCA/CMAC: 902-426-5326

FC: 902-426-3282

TCC: 902-426-5372

Fax:

902-426-5514

TTY:

902-426-9776

*Nunavut***Iqaluit**

Justice Building (Building #510)
P.O. Box 297
Iqaluit, Nunavut
X0A 0H0

Telephone:

867-975-6100

Fax:

867-975-6550

*Ontario***London ***

Registry of the FCA, FC, TCC
231 Dundas Street
3rd floor
N6A 1H1

Telephone:

519-645-4203 or

1 800-927-5499

Fax:

519-675-3391

* This facility is not a Registry point of service. It is a courtroom facility used for sittings in London only.

Toronto

Registry of the FCA, FC, CMAC, TCC
180 Queen Street
2nd floor
M5G 1R7

Telephone:

FCA/FC/CMAC: 416-973-3356

TCC: 416 973-9181 or

1-800-927-5499

Fax:

FCA/FC/CMAC: 416-973-2154

TCC: 416-973-5499

TTY:

FCA/FC/CMAC: 416 954-4245



*Prince Edward Island***Charlottetown**

Sir Henry Louis Davies Law Courts
P.O. Box 2000,
42 Water Street
C1A 8B9

Telephone:

902-368-0179

Fax:

902-368-0266

*Quebec***Montreal**

Registry of the FCA, FC, CMAC
30 McGill Street
H2Y 3Z7

Telephone:

FCA/CMAC: 514-283-5200

FC: 514-283-4820

TCC: 514-283-9912 or
1 800 927-5499

Fax:

FCA/CMAC/FC 514-283-6004

TCC: 514-496-1996

TTY:

514-283-3017

Quebec

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

Fax:

418-648-4051

TTY:

418-648-4644

*Saskatchewan***Saskatoon**

The Court House
520 Spadina Crescent East
S7K 2H6

Telephone:

867-667-5441

Fax:

867-393-6212

Regina

The Court House
2425 Victoria Avenue
S4P 3V7

Telephone:

306-780-5268

Fax:

306-787-7217

*Yukon***Whitehorse**

Andrew A. Phillipsen Law Centre
2131 Second Avenue
Y1A 5H6

Telephone:

867-667-5441

Fax:

867-393-6212

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Appendix D: Glossary

Judicial Expressions	Definitions
Consolidated	When different cases that have the same parties or have certain elements in common are heard together.
Days in court	Each <i>per diem</i> court sitting where a registrar attends in person or by teleconference.
Directions of the court	Instructions by the Court, written or oral.
Interim order	An order that is not final.
Judgments and orders rendered	All decisions of the Court, including interim orders.
Matters heard	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.
Not perfected	When the parties have not yet done everything required of them, according to the rules or orders of the court, in order for the case to be ready to be scheduled for a hearing.
Order	Decision rendered by the Courts.
Perfected	When the parties have done everything required of them, according to the rules or orders of the court, in order for the case to be ready to be scheduled for a hearing.
Reasons	Detailed explanation by the Court for its decision.
Recorded entries	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.
Reserved	Decision that is not rendered immediately after a case has been heard or argued.
Stayed	When a case is placed “on hold”. For example, where another related decision is to be made before the case can be continued.