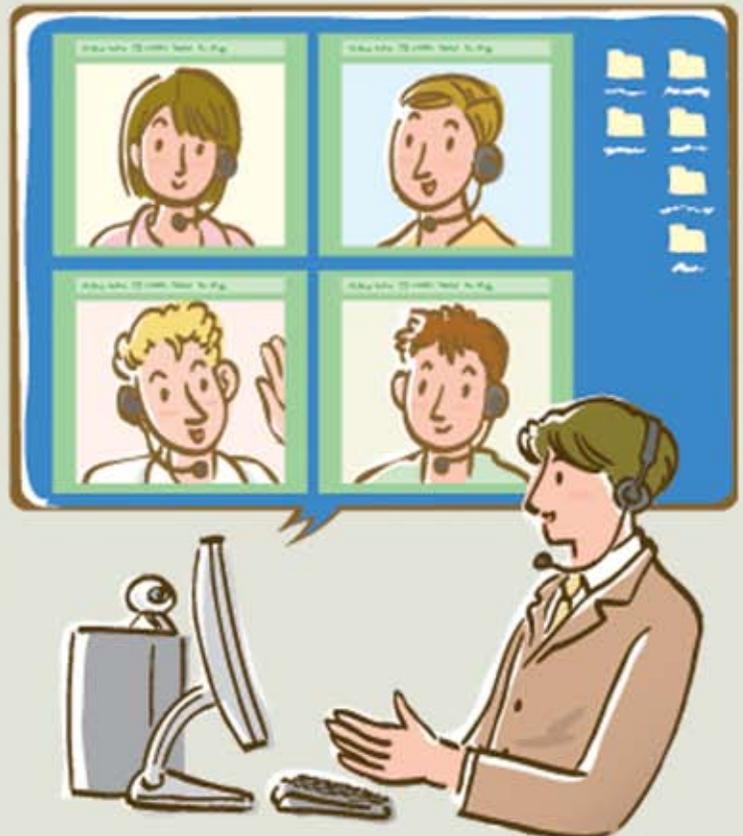


Canadian Court Communiqué



Court Process Transformation - **MANAGING THE CHANGE**





Court Process Transformation - Managing the Change



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Canadian Court Communiqué

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A Word From the Editorial Board

Watch for the Winter 2013 issue of the *Canadian Court Communiqué*.



ACCA is actively pursuing its transition process to establish a formal linkage with the Federal/Provincial/Territorial (FPT) Deputy Ministers of Justice.

In recent months, there has been a flurry of activity as we move ahead with a new era in ACCA's history. Among other things, the ACCA Board and its executive committee have held several conference calls in addition to the in-person board meeting held in Whitehorse in May 2012. On other fronts, the 2012 Forum planning committee has been hard at work with our friends from the Canadian Centre for Court Technology (CCCT at <http://ccct-cctj.ca/>) planning this event to be held in Montreal in October 2012. Our Executive Director, Barb Hookenson, has been exceptional, working tirelessly to keep the board, committees and initiatives on track.

ACCA is actively pursuing its transition process to establish a formal linkage with the Federal/Provincial/Territorial (FPT) Deputy Ministers of Justice. I truly believe that this connection will reinforce ACCA's work and contribution in helping to enhance the administration of justice throughout Canada. Watch for more news in this regard in the coming months.

In closing, I wish to thank the numerous court administrators and staff across Canada who contribute to ACCA in a multitude of ways. Without you, ACCA would not be where it is.

To all our readers, may you enjoy at least a few restful days during our beautiful summer period, wherever you may be. ■

Roger Bilodeau
ACCA President

ACCA's Transition Plan

ACCA is transitioning from a paid membership-based organization. As a result, in December 2011 all individual ACCA members received notification that their membership was being extended without cost. At the October 2011 Board of Directors' meeting a committee was established to develop a transition plan. The committee held its first meeting in Ottawa in mid-February 2012 and has since developed a draft transition plan for consideration by the ACCA Board of Directors. Work on this plan is ongoing.

As a further result of this transition, the term "ACCA membership" has been changed to "ACCA Network." It is expected that many more court staff from across Canada will be involved in and part of the new "ACCA Network." Further information will be provided throughout 2012 about ACCA's transition. ■



ABCD - Above and Beyond the Call of Duty

Goderich, Ontario - Court Services and the Tornado

On Sunday, August 21, 2011, at 4:00 pm, within 30 seconds an F-3 tornado devastated the small town of Goderich, “The Prettiest Town in Ontario.” The storm travelled from northwest to southeast, entering at the harbour and rushing down Colborne Street to the downtown square where the courthouse is located. One person was killed and 37 were injured.

This disaster required immediate response. The Manager of Court Operations for Goderich contacted the Director of Court Operations for Court Services Division, West Region and by approximately 4:45 pm, the Integrated Business Continuity Plan (IBCP) was activated. Decisions had to be made quickly. Working late into the night with key justice participants, it was decided that the majority of court services would be transferred to the town of Walkerton, 75 kilometres away, and an upcoming murder trial was transferred to London, Ontario.

Goderich staff, along with other justice participants, began a daily commute to the Walkerton courthouse. Staff provided counter service to the public and personnel for court hearings. Throughout the recovery period, the Court Services Division West Regional Office managed daily stakeholder teleconferences and public relations, as well as communicated with Facilities Management Branch, corporate office and the command centre on behalf of the courthouse management. This allowed the courthouse management team to focus on work at the disaster site.

The damage done to the courthouse was extensive. Glass was embedded in walls and carpeting was soaked through. Ninety mature trees in the surrounding courthouse square were lost. Papers from within the courthouse were found two days later in Mapleton, a village over 100 kilometres from Goderich. The court’s recovery from the disaster was later complicated by the discovery of asbestos within the building. Restoration was going to take longer than the four to six weeks originally estimated.

Several possible temporary court sites were investigated. Some were found to be unsuitable to court operations and others were already in use by other local businesses that had also been damaged by the tornado. In the interim, Goderich and Huron County municipal leaders worked together with courthouse

representatives. Space to hold court, including the town hall and museum, was generously offered. The mayor even gave up his office to be used as judicial chambers. In the Walkerton courthouse, staff shared space and supplies in order to accommodate their Goderich workmates. When space was not available, the Manager of Court Operations even held meetings in her car!

Shortly after the tornado hit, discussions began on the use of modular trailers on the courthouse grounds as a potential space solution. Since even the local industrial sites being considered would have required trailer installations, it was decided to obtain trailers for a temporary courthouse and have them placed on the grounds of the courthouse square.

The first temporary trailer was set up on the courthouse property on September 26th, 2011 to allow staff to take filings. By November 21st, a mere four and a half weeks after approval was received to proceed, a 15,000 square foot modular trailer complex was completed and opened to the public. The complex was a fully functioning facility consisting of three courtrooms and everything else required for courthouse operations, including all IT requirements such as phones, computers, and printers. All trials, including video bail hearings and two jury trials, were conducted from this facility.

Renovations to the courthouse were completed in February 2012 and operations resumed in the building on February 27th. The purchased trailers were quickly removed from the courthouse property and are being stored, available to deploy should they be required for any future emergencies.

This disaster was a definitive test of the IBCP and highlighted several areas for improvement that will be incorporated into future IBCPs. One of the first issues to arise was that the primary and secondary emergency staging areas identified in the IBCP were the same locations being used by Emergency Management Ontario, local police and fire departments, Huron County officials, the city of Goderich and all other ministries.

There were great challenges faced during this disaster. All of those affected were cooperative, adapting quickly to changing court schedules. There was a collaborative spirit among all justice participants. Staff of the Goderich courthouse and their co-workers in

Walkerton continued to offer high quality service to the people of Huron County under difficult circumstances.

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Connecting with Seneca College Students

When Seneca College professor Lynn Fournier-Ruggles learned about the *Leadership in Court Processes Transformation* conference in Toronto last October, she jumped at the chance to get students from the College's Court and Tribunal Administration Program (CTA) involved.

Created in the 1990s, the CTA is a unique program offered through Seneca College's School of Legal and Public Administration. It is designed to train students to work effectively and efficiently in judicial institutions, including the offices of provincial and federal courts and administrative tribunals. Students in the two-year, four semester CTA Program learn about the Canadian legal system and receive theoretical and practical training in specific legal subjects. These include legal ethics and professional responsibility, court and government practices and computer applications.

The CTA Program also requires students to complete a field placement where they apply their knowledge and skills in a real-world environment. Students volunteered their time to provide administrative assistance at the *Leadership in Court Processes Transformation* conference because connecting with the real world is an important part of their college experience. They worked out schedules with classes and mid-terms to be able to do so.

The students want to thank the conference organizers for this unique opportunity and express their appreciation to the many delegates who took the time to speak with them directly about their own work in Canada's courts.

"As a CTA student, volunteering at the conference was a very valuable experience. ...[it] gave me the opportunity to meet great people who are all active members of a community I will be joining in the near future." (Golmaryam)

"It was a great opportunity to volunteer for the ACCA conference... it was a good start in practicing our administrative and professional skills. Most of the conference staff and participants were very excited to hear that we were Seneca College students from the CTA Program and treated us as their future colleagues." (Iryna)

"It was an experience that I will never forget...it gave me a peek at the faces of the justice system and a better idea of how it all works



Left to right are: Erika (ACCA conference); Christina; Ana; Marina, Amber; Diane (ACCA conference), Iryna, (ACCA conference), and Fermina (ACCA conference).

together. Thank you - I was honoured to have the opportunity to volunteer." (Erika)

"Working at the registration desk was great, as I got the chance to meet the many court registrars, judges, and court administration staff from the different courts across Canada. Being a student in the CTA Program, this volunteer opportunity was very inspiring as I see myself in their position in the near future." (Krystal)

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Collaborative Responses to Emergencies

Fire

A fire in the Sault Ste. Marie, Ontario, courthouse in August 2011 entirely displaced the management, staff, judiciary and legal profession working there. Court Services, acting collaboratively with all justice partners, ensured that not a single court was cancelled!

Frontline office staff and courtroom personnel faced many challenges. Recently vacated space at the Sault Ste. Marie Civic Centre was retrofitted to accommodate courtrooms, judicial chambers and offices, while boardrooms at the Delta Chelsea Hotel were transformed into courtrooms. During the first few weeks, staff posted outside the courthouse directed people to temporary courtrooms at the hotel and the Civic Centre.

A jail-cell trailer was shipped by transport truck to Sault Ste. Marie and reconstructed in the hotel parking lot, creating temporary holding cells for criminal court operations dealing with in-custody persons. As well, files needed to be organized and physically transported to each location as early as possible in order to conduct the

Continued on page 6

daily courts efficiently and without interruption.

One can only imagine the work involved in locating and setting up secure photocopiers, faxes, printers, computers, phones and IT services for these many sites. Other court locations around the region and the province pitched in, however, and sent equipment to support the Sault Ste. Marie court operations. The IT folks worked diligently to keep the barely-functioning telephone system afloat and Ontario Public Service partners at Service Ontario helped maintain other IT services by supporting access to the Sault Ste. Marie court network.

The dynamic Sault Ste. Marie courthouse staff pulled together and worked efficiently as a team throughout this extended crisis. All partners have been tremendously cooperative. Effective April 2, 2012, all court proceedings returned to the Sault Ste. Marie courthouse. We thank everyone for their patience and assistance to Sault Ste. Marie courts during this extremely difficult time.

Air Quality

While one emergency, the Sault Ste. Marie courthouse fire response, seemed to be under control, another arose in Gore Bay, Ontario, when staff there were forced to evacuate the courthouse as a result of poor air quality. Resources were already stretched beyond any reasonable expectation of effective response. However, this incident provided further opportunity to demonstrate leadership and increased collaboration and co-operation among justice partners. The staff, Manager of Court Operations, Regional Office, Corporate Services Branch and Facilities Management Branch once again worked tirelessly to relocate operations to a nearby Service Ontario office. Court staff continued to provide a full range of services from that location.

Regional Co-operation & Collaboration

Although these incidents presented significant challenges to court staff, management and justice partners in the Northeast Region, they also created the opportunity for team building between the Northeast and Northwest Regions of Ontario Court Services. The geographical distance between the regions did not deter either staff or management team members from stepping into roles that provided learning and developmental opportunities.

Staff, management and other justice system stakeholders in both regions have supported one another, working collaboratively to get through this difficult time. In doing so, the North Regional team shared strengths and built capacity. These assets can only prove beneficial should the team be called upon to respond to future emergencies.

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Do You Have a Suggestion for This Column?

The Communications Committee is asking for members to provide them with any suggestions that they have for the ABCD column. Please send your comments to Cynthia Ritchie at cynthia.ritchie@gov.sk.ca.

Forum 2012 Communiqué

The Canadian Centre for Court Technology and the Association of Canadian Court Administrators are proud to announce the second *Canadian Forum on Court Technology* ("Forum 2012"), to be held October 24 - 25, 2012 in Montréal, Québec.

"Revitalizing Courts with Enhanced Technology and Thought Provoking Reforms: The Modernization Challenge", the theme for Forum 2012 will challenge you with thought-provoking and leading edge sessions, including *Enhancing Access to Justice Using Technology and Going Beyond Technology – Revisiting Fundamental Assumptions About Traditional Litigation*. Another highlight will be the *Canada Showcase – How Technology is Enhancing Access to Justice in Four Canadian Jurisdictions*.

The Forum 2012 will be well-attended by key players in the field of court technology, and by stakeholders and participants from the Canadian Justice sector.

Delegates will have the chance to visit the [Montréal Cyberjustice Lab](#) during the conference - this unique experience is available on a "first registered, first served" basis for up to 90 forum delegates. Other delegates will have the opportunity to be part of this visit with the McGill Mobile unit being connected to the Cyberjustice Lab at Université de Montréal.

Conference registration is now open, so register early to experience the [Montréal Cyberjustice Lab](#) and to take advantage of the early bird special conference rate ending on June 30th, 2012.

To find out more, go to the Forum 2012 website at www.modern-courts.ca ■

*We proudly invite you to
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Court Process Transformation - MANAGING THE CHANGE

Print on Demand Pilot Project - BC Ministry of Justice, Supreme Court Judiciary & Court Services Collaboration

British Columbia's Court Services Branch (the Branch) has been working to transition BC courts from paper court files physically stored across 44 different staffed registries to electronic court files accessible by all justice system users. As this aspect of the vision is realized, the Branch has redesigned existing work processes and policies to maximize the benefits associated with the technological changes. The end goal is to complete the development of a fully electronic court file, transition courts to a new electronic court model and adopt a provincial "print on demand" (POD) model for court documents.

In partnership with the Supreme Court of British Columbia, Court Services Branch has initiated a POD Pilot Project. If successful, the pilot could be expanded, ultimately reducing workload for Branch staff and decreasing our carbon footprint.

Current practice in British Columbia court registries requires that all electronically-filed civil Supreme Court documents also be printed and placed in the physical file at the time of filing. This equaled approximately 213,400 electronically-filed documents in 2011, each with an average of two to 10 pages. This process is time-consuming for registry staff, has a negative environmental impact and carries a high financial cost. Printing paper creates greenhouse gas emissions and destroys trees.¹ Additionally, after some investigation, the Branch learned that once the hard copy and electronic court documents were filed they are rarely viewed by the judiciary or stakeholders.

Implementation of a province-wide POD model for court documents will not be possible, however, until the Branch is able to facilitate full electronic access to all court documents. This includes both judges' access in the courtroom and public access at the registry. The pilot provides an opportunity to explore how a POD model might be implemented in BC courts (where appropriate) by taking advantage of our new electronic document storage and retrieval capacity.



The Branch introduced the pilot at the Kelowna Court Registry in May 2011, where judiciary and Branch staff jointly initiated the project. A second site, Chilliwack, was added in August 2011. Staff at the test locations no longer automatically print electronically-filed Supreme Court documents for the court file. Documents are only printed when there is a specific request (i.e. by a member of the public or Bar at the counter) or where it is known that a member of the judiciary will request a paper copy during a proceeding (i.e. for certain types of proceedings such as Trial Management Conferences).

In most cases, counsel files a document binder with the court. Since all necessary documents that the court may require during a hearing are in the binder, they do not need to be printed again by the registry. When no document binder is filed, electronically-filed documents are printed when a matter is scheduled for a Trial Management Conference, Case Planning Conference or a Judicial Case Conference. The most common types of documents being printed in the POD Pilot include the Trial Brief and the Case Plan Proposal; for Judicial Case Conferences the entire file is generally printed. Workflows have been established with the Managers of Supreme Court Scheduling and the court registries to identify and list the primary court hearing documents that will be printed and available in the paper file prior to scheduled court events.

Electronically-filed documents are stored in the Civil Electronic Information System (CEIS) and can be accessed via CEIS and the Supreme Court Scheduling System. Within a two-month period during the Kelowna pilot, of the 1,988 documents that were electronically filed only 4% (96) of those documents were required to be printed in preparation for a judge or for a client at the counter.

The POD Pilot was evaluated at the request of the judiciary. A survey of members of the judiciary in the two pilot locations was conducted to determine if POD was creating unacceptable delays to court proceedings or inconveniencing the judiciary. The pilot was evaluated against five criteria with successes in each area:

- Process Improvement – expedited process for electronically filed documents;
- Business Improvement – reduction in time spent printing and filing documents;
- Access for Justice Partners – pilot is invisible to the judiciary and documents are accessible when requested with minimal disruption of court time when a document is requested;
- Access to an Electronic Court File - encourages access to the electronic court file; and
- Baseline Measures – the identified performance measures show successes.

Overall, feedback on the POD Pilot was positive. The change in workflow allowed registry staff to be deployed elsewhere within the registry, enabling them to focus their efforts on other areas such as exhibits and addressing backlogs. The pilot has also expedited electronic filing processing times as there is no longer a workflow delay for the actions of both printing and filing documents. The

pilot has created a strong demand for more documents to be made available for viewing through Court Services Online (CSO). The judiciary and the Branch are working to better understand what other document types should be made available through CSO.

It was noted that if the pilot is to be expanded, registries must be committed to quickly providing court requested documents to minimize any loss of court time. The Branch recognizes that loss of court time is an undesirable outcome and is working to ensure that neither the judiciary nor members of the public are unduly inconvenienced by printing on demand. Putting business processes in place for dealing with in-court requests for documents and having dedicated resources to respond quickly to these is critical.

Upon review of the evaluation, it was determined that moving to a province-wide POD model at this time would be premature. In light of this observation, the Branch requested the opportunity to expand the pilot to the Vancouver Law Courts. Testing the change in workflow at a location such as the Vancouver Law Courts will allow the Branch to establish a better understanding of how POD would work in a large-volume location. Currently, the pilot is live at the Vancouver Law Courts and is expected to expand in June 2012 to two other key locations, New Westminster and Victoria.

Another evaluation will be conducted within the year. If the pilot is deemed successful the Branch anticipates adopting a provincial POD model, taking the province one step closer to realizing its vision of an electronic court.

The Branch gratefully acknowledges the support provided and effort expended by the members of the judiciary who championed the pilot, as well as by the Branch staff who have made the implementation of this Print on Demand Pilot Project possible.

1. Every ream (500 sheets) of paper that is not printed equals 18.5 pounds less carbon dioxide being released into the atmosphere. There is also a need to acknowledge the monetary savings. The average cost of a ream of paper is \$5.00. Add the associated cost of printer and copier maintenance, toner, and storage costs and the costs grow significantly (from "The Green PDF: Reducing Greenhouse Gas Emission One Ream at a Time" by James DeRosa, Director of Research and Development, Global Warming Initiatives, Inc., May 3, 2007, accessed at <http://www.greenpdf.com/>, May 7, 2012).

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Court Case Management Program (CCM) - Alberta Court Services

“The Court Case Management Program (CCM) is a judicially-led initiative designed to more effectively manage cases in Edmonton and Calgary adult Provincial Criminal Court. This is intended to increase public confidence in the justice system and improve access to justice” (from www.albertacourts.ab.ca/provincialcourt/courtcasemanagement/tabid/331/default.aspx accessed May 10, 2012).

CCM - The People Side of Change Management

When Alberta Justice first envisioned the Court Case Management Project, it was understood that the changes about to be implemented would be far-reaching and would dramatically affect the daily lives of those working in the criminal justice system. Almost everyone on staff or otherwise involved in the system was going to be impacted in some way, and innovative thinking would be necessary to ensure acceptance of the proposed business-process changes. The old paradigms were no longer working, but helping people adapt to the changes was going to be more effective than dragging them kicking and screaming into the new processes.

Engaging stakeholders is a key ingredient in any successful change and, although not always easy, is nevertheless worth the effort. Effective communication with stakeholders was essential to accessing this engagement and CCM progress was therefore openly and transparently communicated throughout the change process. Reaching out to the people most affected by the changes encouraged acceptance of the new CCM business processes.

Communications were aimed at the entire organization to ensure a consistent message was being transmitted. Newsletters were sent, town hall meetings were held with stakeholders, and information sessions were convened for staff. One example of an innovative and effective communication strategy used by the project was the creation of a very popular and entertaining video. The video, using individuals involved in the project, introduced the benefits of “Remote Courtroom Scheduling”.

An active and visible sponsor is often cited as the number one reason projects succeed; effective leadership is crucial. The sponsor of the Court Case Management Project, Deputy Chief Judge Allan Lefever, was at the forefront of activities associated with CCM. He was present at town hall and stakeholder meetings and provided support to communications with defence counsel, law enforcement and staff. Making CCM his personal priority helped overcome much of the initial resistance to the changes.

The project adopted a deliberate “bottom-up” strategy in approaching the design of the new work processes. Taking the needs and concerns of the front-line staff into consideration when designing changes meant that the people actually doing the work were the people whose ideas were incorporated into project development. Business analysts were recruited to ensure the right



From left to right Sheila Geddes, Brenda Haynes, Basem Hage.

people were involved and the right ideas were being implemented.

The project operated as a team. While each member had their own tasks to accomplish they were all part of a collective, relying on each other to ensure success. An Organizational Change Management team was imbedded in the project to effectively facilitate communication and identify and deal with resistance. Concerns could be dealt with quickly by having dedicated resources available to respond to the needs of the stakeholders.

Several strategies used during implementation proved invaluable to ensuring success. Mock-ups (role playing) helped to visualize how changes would work in the actual environment. Having participants on scene and acting out how work at the counter would flow, how the files would be moved or if the infrastructure was set up correctly, generated a lot of lively conversation and ideas.

Daily debriefing sessions with representative stakeholders uncovered any issues that arose during the day, allowing problems to be rectified quickly. Ensuring an individual’s concerns were heard went a long way to fostering goodwill. If it looked like things were “going sideways”, people with the requisite level of authority were present to make key decisions for immediate modifications. Change can be a messy business, and the sooner problems are dealt with the better.

In the end, these extensive efforts paid off, achieving a successful transition to our new way of doing business. Not that we completely eliminated kicking and screaming - there will always be some no matter what you do! But the positive participation of the stakeholders far exceeded our expectations and made all of the hard work worthwhile.

CCM is currently being rolled out to our Regional Court Operations and it is anticipated that the same successes achieved in Edmonton and Calgary will also be achieved in these regions. We are proud of our accomplishments and feel very fortunate to have such forward-thinking front-line staff who dared to step out

of their comfort zone and “dream” their future. When a team of dedicated individuals makes a commitment to act as one...the sky’s the limit!

See also: www.albertacourts.ab.ca/provincialcourt/courtcasemanagement/tabid/331/default.aspx

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Managing Change using a Transition Team Model - Alberta Court Services

In 2007, after an extensive knowledge management review within Alberta Justice Court Services Division, a Court Services Transition Team (CSTT) model was adopted to manage change within the division. Prior to the formation of the CSTT, operational decisions involving change would be addressed at the executive level. This became a challenge as executive-level staff were often unfamiliar with daily operational needs and found that spanning that gap in knowledge reduced their available time for focusing on strategic issues.

There was also a well-established subcommittee format with minimal structure and no formal governance or terms of reference. Several subcommittees had long-term members and chairs and it was therefore difficult for new members to access or participate in them as they functioned without regular turnover. In fact, some subcommittee chairs remained in their roles for more than 20 years. This structure lacked transparency and did not engage in information sharing, which resulted in duplication of work. As the *Knowledge Management Report* noted, the sub-committee approach had a “lack of formal policies, guiding mandate, membership,

work protocols, and rewards.”

Transition Teams Model

The Court Services Transition Teams’ principal goals are to assist subcommittees in:

- Sharing more information;
- Clearly defining their members’ terms and duties;
- Regularly encouraging new committee membership; and
- Setting clear goals and measuring their achievements.

What is a Transition Team?

Each Transition Team consists of individuals with expertise in specific business units within Court Services. A Transition Team represents each of Court Services programs and services as delivered by Edmonton Court Operations, Calgary Court Operations and Regional Court Operations, along with those housed in the Court Services Head Office. The Alberta Court of Appeal is also represented. As well, the Chair of each Transition Team is a member of the umbrella CSTT.

What do Transition Teams do?

Transition Teams, as “agents for change”, seek to harmonize court procedures and practices province-wide in every court area and business unit, creating value and consistency for Albertans, as well as building bridges of communication and knowledge for Court Services staff.

Empowered by the Court Services Leadership Team to ensure the harmonization of business processes, Transition Teams:

- establish working groups as needed to work on assigned tasks or projects;
- identify and act on opportunities to improve court procedures and knowledge sharing among court staff;
- identify and remedy procedural problems in the courts;
- create, implement, evaluate, and amend court procedures for new legislation;
- educate court staff on legislation, procedures, and technology;
- regularly review and update relevant public information such as pamphlets and websites;
- regularly review and update relevant internal information such as court procedure manuals or Court Services intranet; and
- respond to procedural problems or questions identified by internal or external stakeholders, including members of the public who use the courts.

Why are Transition Teams important?

Transition Teams are important because they act as change agents to improve Court Services procedures and business practices by:

- communicating directly through email to discuss with the specific audiences impacted by the change how the change will affect their work;

Continued on page 12

- focusing on continuous improvement by gathering information to identify improvement opportunities;
- developing standard court procedures and business practices across the province;
- maintaining accurate and up-to-date information in procedure manuals and internal and external websites; and
- revising court procedures to correspond to new legislation.

What are the benefits for Court Services staff?

Transition Teams provide the opportunity to:

- involve frontline staff and subject-matter experts in developing and refining the work processes they use on a daily basis;
- develop leadership and team-member skills; and
- develop strong networks with counterparts across business areas and across the province.

What are the benefits for Court Services?

Transition Teams:

- create opportunities for workforce development;
- achieve greater buy-in to internal business processes by allowing the people doing the work to develop the business processes they use;
- increase internal capacity to initiate and implement change initiatives; and
- develop future leaders.

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Recent Transformations in Manitoba Court Processes

Mental Health Court

Manitoba is in the process of implementing the Winnipeg Mental Health Court (MHC). This problem-solving court is designed to provide intensive services and supports to persons whose involvement with the criminal courts is as a result of their mental illness.

Winnipeg has had a Drug Treatment Court since 2006; the Mental Health Court is its second problem-solving court. These Provincial Court sittings are only held in Winnipeg as it is the province's most densely-populated area. This allows for efficiencies in service provision to those involved in the criminal justice system due to addictions or mental health issues.

Manitoba Justice has partnered with Manitoba Health to design and oversee the MHC program. The Courts Division is leading the implementation, partnering with the newly-created Forensic Assertive Community Treatment (FACT) team. The FACT team is part of the Winnipeg Regional Health Authority's community mental health services. Other primary stakeholders are the Manitoba Justice Prosecutions Division and Legal Aid Manitoba. Manitoba Corrections Division, Winnipeg Police Service and the criminal defence Bar are also taking part in the planning process.

The MHC will sit once a week. If a person who is charged with an offence meets the criteria of the Crown and the MHC psychiatrist and is willing to participate in the program, he or she will enter a guilty plea. The person will then be granted release on condition they participate in and complete a course of treatment as directed by the FACT team.

Each week at a pre-court meeting the FACT team will provide treatment updates to the judge and counsel. Immediately following the meeting the judge will address each participant during court and encourage them to continue in the program. As each person's mental health improves, intensive case management may decrease and court appearances may be less frequent. When a person completes treatment, the Crown will either stay the charges (Track 1) or put forth a recommendation for a community-based disposition (Track 2). The process from referral to disposition is expected to take 18 to 24 months. After the disposition, the FACT team will refer clients to other community mental health staff for continuing support.

An oversight committee has been created and is scheduled to meet to decide on program performance indicators. A contractor will be engaged to evaluate the program. The court team, consisting of the judge, three Crown Prosecutors, Legal Aid counsel, and one or two court clerks, is almost completely assembled. MHC application and waiver forms have been prepared and translated and a brochure in written and pictorial formats has been drafted. The FACT team has been selected and will be oriented to court processes prior to starting court. The MHC began operation in late May 2012 (see <http://news.gov.mb.ca/news/index.html?item=13634>).

Provincial Court Rota

The Provincial Court judicial scheduling system, known as "PC Rota," was rolled out to the Trial Coordinators Office in the Winnipeg courts in July 2011. The need for an updated scheduling system was recognized some time ago and development of the PC Rota system was initiated shortly after the turn of the millennium. Due to a number of factors, however, it was suspended until 2009 when a PC Rota project team was reassembled. Development resumed and was soon proceeding at speed.

Throughout the development period, the trial coordinators continued to create judicial, courtroom and circuit court resource schedules on paper as they had done since the 1990s. Following a period

Although it is too soon to calculate actual savings, it is expected that online payments will relieve staff of much of their current cashier workload.

of testing and final adjustment, there was an intensive process of data-entering current file and scheduling information into the system. PC Rota then went live last summer, producing judicial, courtroom and circuit court schedules on July 22, 2011.

As a result of PC Rota, efficiency in trial coordination has increased tremendously. Previously, the trial coordinators relied mainly on memory to track cases through the court process and to monitor scheduled hearings. Judges' commitments and leave records were kept in piecemeal fashion and not easily accessible. Paper schedules were laboriously crafted and photocopied for distribution and every post-publication schedule change required "notice of change" procedures. Now, PC Rota contains a file management component and can track both judicial and courtroom availability.

In addition, PC Rota allows for court actions to be scheduled for specific files in 15-minute increments against single or multiple court resources. A task that once took five to ten minutes of trial coordinators' time can now be completed in one to three minutes. Data is accessible by designated staff and officials without the reams of paper formerly required. For those stakeholders who do not have system access, schedules can be produced in PDF format and provided by email by trial coordinators or judicial support staff.

The Courts Division will continue to work with the Information Systems Branch and the Innovations Branch of the Manitoba Department of Justice to examine how PC Rota can be further developed for Manitoba's other regions, as well as expanded for greater use in Winnipeg.

Summary Convictions Court Optimization Project

(in consultation with Carla Bailey, Policy Analyst, Governance and Policy Unit, Courts Division, 5th Floor - 373 Broadway, Winnipeg, MB R3C 4S4)

In 2006, Manitoba Judicial Justices of the Peace (JJPs) were granted the power and authority to hear matters under numerous pieces of provincial legislation, most notably *The Highway Traffic Act*. The largest Traffic Court Centre in the province is Summary Convictions Court at 373 Broadway Avenue in Winnipeg, known as "373" by the inside crowd.

Over time, the intake of offence notices and the number of people attending the front counter and courtrooms at "373" has naturally increased, creating challenges for staff and public alike. Recent focus on this court office by the Summary Convictions Court Optimization Project team has resulted in a number of improvements.

Previously, "guilty with an explanation" hearings were conducted at the front counter, right next to the guilty plea and cashiers' counters, and the heavily-occupied waiting area. The atmosphere was informal and sometimes cacophonous. In order to provide a more dignified and calmer atmosphere, an additional court hearing site was built on a separate floor of the building. It opened in January 2012, with the following features:

- Three JJPs can simultaneously conduct "guilty with an explanation" hearings in a manner that supports the dignity of the court while providing timely service to the public;
- Upon referral from the front counter, one clerk assigns hearings to the three sitting JJPs, receives the case dispositions from the JJPs, provides time to pay information and documents to the convicted after their hearing concludes, and ensures the accuracy of the daily hearings record; and
- Front counter staff and the court clerk build a tasking diary on a daily basis using a template in Microsoft OneNote™.

As of January 2012, online payment of traffic tickets is now available province-wide. Website redesign and a plug-in to the traffic ticket system, as well as staff training and process changes, were required for this important innovation to take place. Although it is too soon to calculate actual savings, it is expected that online payments will relieve staff of much of their current cashier workload.

Staff at "373" will then be available to work in other areas that remain heavily engaged, such as intake and data-entry. An additional outcome is that this change also benefits all regional court offices. Their court staff will experience some reduction in the amount of time spent performing cashier duties as well, allowing more opportunity for donning the other hats that staff in small court offices must wear.

Telephone service access at Summary Convictions Court has also been improved. Previously, staff there shared a few phone lines. Now, each employee has a dedicated phone number, improving the ability to communicate and reducing frustration for those trying to access service.

The Summary Convictions Court Optimization Project has identified its next goals. These include: (a) expanding online payment options to allow for partial payments to be made, time to pay schedules to be created and adjusted, and trial dates to be automatically cancelled when tickets are paid in full; and (b) examining the regulatory changes required in order for "guilty with an explanation" hearings to be scheduled before JJPs. Working towards these goals will further optimize Summary Convictions Court in Manitoba.

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Justice on Target Transforms Ontario's Criminal Courts: The Shift to a Culture of Collaboration and Innovation

Ontario's **Justice on Target** (JOT) strategy is helping the people who work in the province's criminal courts reduce delay, develop more effective practices and dispose of straightforward cases more quickly. Doing so creates the capacity to direct more attention to serious and difficult cases, and to better serve witnesses, victims and their families.

The strategy is transforming Ontario's criminal court processes while protecting the fairness and integrity of the criminal justice system and maintaining the independence of its participants. Appropriate decisions are still made, but they are made sooner in the process.

The Need for Change

When the strategy was launched in June 2008, criminal court delay had been steadily increasing for nearly two decades. In 1992, it took an average of 4.3 court appearances to bring a case to completion. By 2007, it was taking 9.2 court appearances of which more than six were adjournments.

Administrative work to support unproductive court appearances, was increasing, as was the length of time it took to move even the simplest case forward. Between 1992 and 2007, the average time to complete a criminal case grew from 115 days to 205 days. With each passing year, it took what seemed to be twice the effort to conclude the same number of cases.

During this same period various organizations within the justice sector conducted studies, numerous policies were put in place and new programs were launched, but there was little or no impact on criminal court delay.

The Strategy

JOT was designed to be different. It is the first collaborative and evidence-based approach to improve the effectiveness of Ontario's criminal justice system. The strategy recognizes that:

- Changing the culture of the justice system requires increased local collaboration and engagement;
- Finding realistic and sustainable solutions is only possible when the people who work in the criminal courts are engaged in reviewing their own complex processes; and
- No one group is responsible for delays or needless adjournments and no one group can act alone to fix them.

In another first, the strategy set aggressive targets to reduce provincial averages for number of appearances and number of days to complete a case. To ensure transparency, criminal court statistics are made available to the public and updated biannually on the ministry's website: www.attorneygeneral.jus.gov.on.ca.

New Approaches

Local or regional teams – judges, justices of the peace, Crown prosecutors, defence counsel, court staff, police, Corrections, Legal Aid Ontario and others – worked collaboratively to identify issues and then design and implement local initiatives. Examples include:

- Expanding on-site Legal Aid presence so that all 57 court locations have an on-site Legal Aid office or Legal Aid staff person available to process applications, reducing the need to adjourn cases over questions about legal aid eligibility or status.
- Better coordination of when and how accused persons are brought into the courtroom, leading to more efficient use of court time and reducing the number of appearances in the bail phase of criminal cases.
- Streamlining disclosure processes and advising police earlier when charges are resolved allowing police to spend less time on paper work and court matters and more time focusing on community safety.
- Changing the way trials are scheduled so that less court time is spent determining dates and availability for trial and more time is available to hear matters that do go to trial.
- Increasing efforts and opportunities for Crown and defence counsel to hold resolution discussions earlier in the process and reducing trial collapse rates.

While this broadly describes some of the new approaches, every **JOT initiative** is unique because it was designed to meet local site needs.

Direct Accountability

Direct Accountability recognizes that some low-risk offences can be dealt with outside of the formal court process while still holding offenders accountable to their communities. Sanctions can include community service, restitution, donation to charity, or completing programs addressing the issue that led to conflict with the law. Such programs include:

- Stop Shop Theft;
- Anger Management; and
- Substance Abuse.

Philip Smith of the John Howard Society in York Region works out of the Ontario Court of Justice in Newmarket. He discusses these types of options with eligible accused referred to him by the Crown. In some cases, the sanction can be completed even before the first appearance.

Smith points out that the program directly benefits the community: "The proceeds go to local charities that work to address root

issues such as poverty and addiction, which can lead to involvement in the justice system.” Smith also volunteers to deliver restitution, bringing him in contact with both the victim and the perpetrator. He says, “Both often agree that justice has been done and each has a sense of community participation.”

Streamlined 90-Day Intake

Local leaders in Durham Region have built on earlier JOT initiatives such as [first appearance orientation sessions](#) and [early information for accused](#) with an innovative and streamlined intake process. It is designed to give people the information they need to make decisions related to their case sooner. In most straightforward, non-complex cases, an accused person will be given 90 days from their first court appearance to decide whether to resolve the case or go to trial.

Durham Region’s process starts at a “check-in office” where staff from the Crown’s office hand out first appearance disclosure packages and a checklist on bright orange paper. They explain the court process and go over the checklist, advising of the 90-day time frame and directing accused to appropriate next steps within the courthouse.

Court staff look for people carrying these orange sheets and ensure that before they enter the courtroom they have:

- Met with duty counsel or private counsel;
- Applied for [legal aid](#); or
- Explored [Direct Accountability](#) or mental health options, if applicable.

Once court is in session, the Justice of the Peace will again explain the 90-day time frame. Cases where a decision may not be possible within 90 days are transferred to a different courtroom to be heard by a judge.

Video Consultation

In one of Ontario’s highest volume court sites, defence counsel can speak privately to in-custody clients without travelling across town to the detention centre. Local leaders in Ottawa developed this simple approach to reduce the number of remands needed for counsel to consult with clients. Defence counsel are now able to book appointments three days per week to use existing video equipment at the courthouse. This allows them to speak to clients in the video booth at the Ottawa-Carleton Detention Centre.

The video consultation initiative is currently running on a trial basis. In addition to saving defence counsel’s time it can also reduce the amount of time spent transporting in-custody accused to and from the courthouse.

Local justice system leaders in Ottawa, including the Regional Senior Justice, Regional Senior Justice of the Peace, the President of the County of Carleton Law Association, the Crown Prosecutor and others, discussed this and several other local innovations at the

Fall 2011 ACCA Conference in Toronto.

Sustaining the Strategy

Sustainability is embedded into JOT. Sustainable change management focuses on leadership, culture development, and stakeholder engagement and learning. Recognizing the critical role leadership plays in business and process transformation, the ministry partnered with the Richard Ivey School of Business and the University of Western Ontario Faculty of Law to develop a leadership program specifically tailored for senior leaders in our Court Services and Criminal Law Divisions.

The program provides advanced leadership training and tools in key areas such as managing people, managing multi-stakeholder relationships, and applying measurement and evaluation to changing processes. Three sessions have been held to date with nearly 100 criminal court leaders completing the program.

Sustainability is further promoted through a disciplined project management approach. One of the strategy’s strengths is improved decision-making through the use of analytical tools, such as dashboards, based on existing criminal court data to help measure success and identify areas for improvement.

The strategy’s four-year anniversary is approaching and meaningful progress has been made. There has been a noticeable shift to a culture of collaboration and innovation. The trend of rising delays in Ontario’s criminal courts has been reversed. While the aggressive targets have yet to be realized, every criminal court in the province has achieved greater efficiencies and improved public service.

The Attorney General of Ontario, the Honourable John Gerretsen, agrees and has signalled that the strategy’s efforts must continue beyond the current June 2012 target date. Criminal justice system participants are now being consulted on how best to move forward, building on the strategy’s successes and lessons learned.

The overriding objective of any criminal justice system is the fair and timely disposition of each and every case that comes before it. This is the guiding principle of the Justice on Target strategy. The JOT strategy has done what no previous program, study or initiative had done before it – it has given all criminal justice system participant groups a voice and a forum in which to develop local solutions to criminal court delay.

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Improved Access to Justice: Newfoundland and Labrador Provincial Court Implements Revised Scheduling System

Task Force on Criminal Justice Efficiencies

In 2007, a Task Force on Criminal Justice Efficiencies¹ was formed at the request of the Newfoundland and Labrador (NL) Minister of Justice. Comprised of representatives from the Department of Justice, the Public Prosecutions Division, the Legal Aid Commission, the private Bar and the Provincial Court of Newfoundland and Labrador, the Task Force examined all aspects of the criminal justice system to identify ways to “increase efficiency and reduce delay without compromising fundamental principles of justice.”² Criminal case-processing times, particularly in St. John’s, the province’s largest court centre, were the main focus.

Previous Court Scheduling System – Multiple Calendars and Empty Courtrooms

Prior to March 2010, each criminal courtroom in St. John’s had an assigned judge who controlled his or her own individual court calendar and docket. Matters were directed to each courtroom’s docket on a weekly rotational basis. For instance, in week one all in-custody arrests and first appearances were directed to Courtroom Number 1. In week two, they were directed to Courtroom Number 2 and so on.

As a result of the unpredictability of appearances, courtroom calendars would fill at differing rates so that available court dates differed between criminal courtrooms. In early January 2010, for example, the first available trial date in Courtroom Number 3 was in May 2010, while the first available trial date in Courtroom Number 6 was in September 2010.

If a trial scheduled in a particular courtroom collapsed that courtroom would remain empty. If a trial ran overtime, it could take weeks to find another date to continue. Matters were rarely double-booked or shared between courtrooms. Access to justice varied then, depending on the courtroom to which a matter was first assigned!

Report Recommendations – 2008

The 2008 report made a number of recommendations to improve efficiency. One such recommendation was the use of the Case Assignment and Retrieval (CAAR) System. This scheduling system came into effect in St. John’s in March of 2010. The premise of this system is to multiple or “surplus book” court matters according to the current case-collapse rate and available judicial resources. This involves double, triple, and at times, quadruple-booking cases.

Current CAAR Scheduling System - Central Calendar & Surplus Booking

Criminal trials and sentencing hearings are now scheduled in one central calendar and trials are surplus-booked. The most important factor considered in surplus booking trials is the case-collapse rate.

Every court centre experiences case collapse for a variety of reasons including last-minute guilty pleas, withdrawal of charges, or witness or counsel unavailability.

Collapse rates are not the only factor to consider when multiple booking matters. Available judicial resources, the likelihood of criminal charges proceeding, and counsel’s probable actions are also taken into account. For instance, a sexual assault charge is more likely to proceed than a theft under \$5,000 charge; some lawyers are known for entering into plea bargains at the eleventh hour and some are known to proceed to trial.

More routine cases such as breaches, theft, or impaired driving are assigned to judges and courtrooms the day before trial, although last-minute adjustments to assignments can occur the day of trial. If a judge’s first matter of the day exceeds its estimated time, for example, another available judge and courtroom can take their second assignment. CAAR also allows more complex matters to be assigned to judges and courtrooms days or weeks before the trial date.

Ongoing Communication with Stakeholders

Establishing and maintaining effective communication with stakeholders plays an integral part in the success of the CAAR system. Court staff now monitor trial readiness on an ongoing basis by contacting the parties prior to scheduled trial dates, identifying matters that will not be proceeding as scheduled. Currently, some lawyers routinely offer this information to the Court Utilization Manager in advance of the trial date. This valuable exchange of information allows for additional matters to fill the court’s docket.

In the spring of 2011 the CAAR system was rolled out to the other NL Provincial Court centres. Lessons learned during the change process in St. John’s resulted in a smooth transition. The use of CAAR has improved access to justice in provincial court criminal matters.

Looking at Unproductive Appearances

The Provincial Court of Newfoundland and Labrador aims to conclude adult criminal cases within 240 days (eight months) and youth cases within 120 days (four months). Examining the age of pending cases brings to attention the number and type of cases drawing near to or about to exceed the court’s case-processing time standards. With CAAR in place, the court is now focusing on dealing with unproductive appearances and delays that are aging its caseload and increasing its time-to-disposition statistics.

Unproductive appearances take up valuable judicial resources. To cut down on such appearances, the judge advises accused persons requesting a postponement to seek counsel to immediately visit the Legal Aid Intake Application Office located in the same premises. The matter is then set aside until they return with confirmation they have applied for legal aid. Consent postponement applications were introduced so that counsel could appear before the Court Utilization Manager to arrange new trial dates. This eliminated a court appearance for a purely administrative function.

Pre-Sentence Reports

Improvements are also underway for more timely case dispositions when Pre-Sentence Reports (PSRs) are requested. St. John's currently averages 300 such requests a year. A study of PSRs requested over a four-month period in 2011 determined that only 50 percent of cases with PSRs proceeded to sentence on their first scheduled court date.

On average, a guilty plea accompanied by a PSR request aged cases an additional three months. Representatives from the court, Legal Aid, federal and provincial Crown Prosecutors and Adult Probation convened to discuss the various reasons for delay. One delay identified was a lack of compliance by the accused person in completing the report. It is anticipated that having an accused review and sign a PSR request form will afford them an opportunity to discuss the PSR process with a view to expediting it.

Focus Hearings and Pre-Trial Conferences

Matters scheduled to exceed three days are now subject to judicially-supervised focus hearings or pre-trial conferences. These are held in chambers, allowing for candid discussion between parties. Case summaries and other relevant materials are filed prior to the hearing date. Issues that could potentially delay the matter are identified and dealt with prior to the preliminary inquiry or trial. Narrowing issues at focus hearings and pre-trial conferences has resulted in more realistic scheduling of court time.

Benefits of the CAAR System and Other Changes

- Flexible scheduling does not tie a case to a particular courtroom or judge's schedule.
- In-custody accused can receive trial dates within days.
- Trials exceeding their scheduled time can continue the next day or very soon thereafter, based on counsel availability.
- Evidence is fresh in everyone's mind when there are no large gaps of time between trial sitting dates.
- Bail hearings and overflow from the in-custody arrest cases can be accommodated in other criminal courtrooms, as the docket is now considered "everyone's" work.
- Reduction of administrative appearances in front of judges.
- Improved focus hearings and pre-trial conferences reduce delays.
- All accused receive the same access to justice.

A concrete example of the benefit of this scheduling system occurred in October 2011. Defence counsel asked for three weeks during December for a murder preliminary inquiry. Although the court could accommodate this request, the Crown was not ready to proceed. Both sides were ready by January 2012, however, and the preliminary inquiry finished by the end of that month. The offence occurred in October 2011 and the matter was concluded within four months.

Getting There - Change is Difficult

The business transformation that resulted from embracing the proposed benefits of this new system did not happen overnight. Organizational change affected judges, staff and stakeholders. "My" work versus "our" work was a new concept as matters became shared between courtrooms. Judges and staff experienced a loss of autonomy as their individual court diaries were taken away. They also feared a large increase in court sitting time as a result of multiple or surplus booking, however, court sitting time increased only slightly.

Judges were required to move between courtrooms. This caused consternation for some of them, as their benches were not similarly organized. To alleviate this problem, literature organizers were set up and arranged in the same manner in every courtroom.

Crown and Legal Aid lawyers previously were assigned to a particular courtroom and knew which judge they would face when coming to court. This is not so with the new scheduling system. Crown and Legal Aid counsel are now assigned to files and not courtrooms.

Lessons Learned

Open communication with stakeholders while implementing the CAAR System let us know what was working and what was not. In hindsight, it would have been beneficial to better communicate with staff and stakeholders, particularly in the planning stages and on initial rollout of the new system. Face-to-face meetings rather than email updates would help to engage people more fully in the process. Engagement in the change process promotes ownership and buy-in, and being part of a successful change instils a sense of accomplishment.

It is generally believed that on average only five percent of criminal matters actually proceed to trial. With that collapse rate statistic in mind, we will be exploring ways to direct matters towards a disposition path rather than a trial one. Quality of justice can be undermined when cases take longer to process than necessary. As William Gladstone said and the courts have often held, "Justice delayed is justice denied." In Newfoundland and Labrador Provincial Court, we are working to ensure that efficiency is increased and delay is reduced, improving access to justice.

1. www.justice.gov.nl.ca/just/publications/report_on_criminal_justice_efficiencies.pdf
2. Ibid, pg. 3.

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The D.A.W.G. training day skit with Justice Officer 3 Janet Hawes, Supervisor Donna Daurie, and Justice Officer 3 Sally LeRue

File clerk Rose Paris sorting colour coded mail

Process Transformation at the Halifax Law Courts

Issue Identification

The Halifax Supreme Court (General Division), known provincially as the Law Courts, processes over 40,000 legal documents annually. As all court administrators know and as Justice David Brown recently commented in an Ontario Supreme Court decision (<http://canlii.ca/en/on/onsc/doc/2012/2012onsc1727/2012onsc1727.html>), systemic failure and delays in court document handling are a scourge upon the lives of court staff and management. Timely processing, administration and control of legal documents is a real daily challenge in every courthouse across the country.

In early 2010, timely and efficient document administration at the Law Courts became a pressing and critical issue. On more than one occasion vital legal documents went astray and court proceedings were hindered. Even though over 98 percent of documents were being properly administered, the approximately two percent that went astray caused great consternation to the judiciary, legal counsel and staff. It was readily apparent that systemic flaws in document processing needed to be remedied. A process transformation project was required. To respond to these systemic flaws the Document Administration Working Group (DAWG) was created with membership from both court management and staff ranks.

Project Methodology

Trend Analysis - In advance of the creation of the DAWG Project, on-site management formed the Root Cause Analysis Working Group. This working group tracked each incident of document mismanagement by “following the bouncing ball” and looking at the successive steps in the process. The group analyzed 35 incidents over a six-month period. Through this analysis, trends began to emerge indicating where and why things were going off the rails. The results of the trend analysis were shared and discussed with resident judiciary and all court staff.

The challenges of document management were not staff member-specific but rather widespread and systemic. It became evident that

the challenge was not poor staff performance but rather process flaws. Systemic challenges identified included too many hands touching a document, resulting in time delays, and misunderstanding what documents actually were (the document’s purpose), resulting in misdirection and lack of clarity as to which office was required to review the documents. These challenges, along with increasing document complexity, caused document mismanagement.

Project Charter and Deliverables - The DAWG, with the assistance of the Court Services’ Operational Effectiveness Team, wrote a Project Charter. Building upon the findings of the trend analysis and the results of an employee questionnaire on document administration, the Project Charter focused on designing strategies to respond to four specific issue areas:

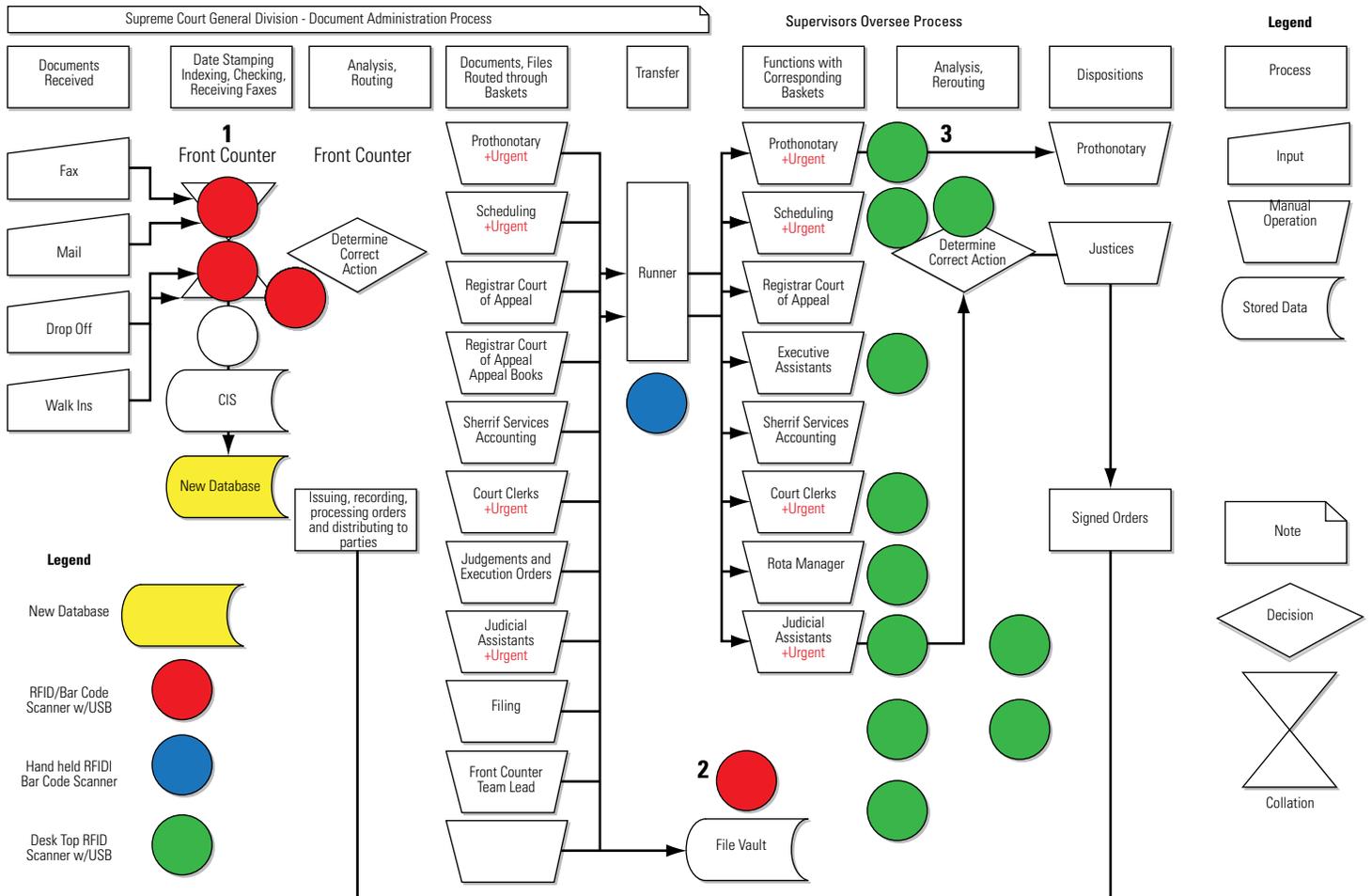
- Assessing and routing documents at their entry-point (i.e. developing front counter staff capacity and understanding of the documents being processed);
- Securing documents in transport (i.e. documents must be controlled when they are moving between locations within the courthouse);
- Expediting delivery of time-sensitive documents (i.e. front counter staff must have awareness and understanding of when documents are required for court); and
- Enhancing control of access to documents throughout the building.

Process Mapping Through Consultation – The first step to improve work processes was to map existing document movement at the Law Courts. Through numerous staff consultation sessions and weekly DAWG meetings, the working group developed a workflow diagram of document movement in the building. They focused on process holes or gaps to develop strategies to mitigate possible future problems.

Process Transformation Deliverables

Document Administration Tool and Colour Coding – In

Process map of document movement at The Law Courts



response to the identified concern about the high volume, complexity and variety of documents filed at the Law Courts, the Prothonotary's Office developed a colour-coded Excel® chart affectionately known as the Document Administration Tool (DAT). The judiciary reviewed and approved the DAT, which lists all documents that can be filed at the Law Courts and provides guidance on how to handle each document. It is a living document that will continue to evolve and grow. All front counter staff at the Law Courts have the DAT on their desktop and use it on a regular basis to ensure that they process documents properly.

Inspired by the colour-coded paths used in hospital settings, the colour coding on the DAT is identical to the colour coding of mailboxes. For example, time-sensitive files are colour-coded red, Prothonotary office documents are coded grey, and Scheduling Office matters are coded blue. Once a staff member receives a document, they look it up on the DAT and the colour coding identifies which mail stream to use. The colour coding is present on all mailbox drop-off points in the building and on the mail delivery cart. The colour leads to the document's final destination. The colour coding DAT process was implemented in March 2012; already staff appreciate the simplicity of the new process, and the number of misdirected documents has been reduced.

Radio Frequency Identification Technology – Based on a model used by Wal-Mart in which store employees use hand-held units to scan product codes for inventory purposes, we pursued the use of bar codes for document administration and Radio Frequency Identification (RFID) labels to track documents.



Hand-held RFID scanner

With the assistance of the Court Services' Operational Effectiveness Team, a tender call went out for bar code and RFID technology for document tracking. The procurement process located a supplier with experience in document tracking technologies. The DAWG identified RFID label technology allowing printing of document file labels with embedded low-level frequency emitting RFID. These could then be tracked with hand-held scanners and desktop units connected through USB cables to computers at mail delivery locations throughout the building.

Using the process map designed earlier in the project, DAWG members met with the supplier. Over a series of meetings, locations

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throughout the courthouse for bar code and RFID scanners and readers were identified. New work procedures enabling mail delivery staff to batch-scan files and documents with hand-held RFID scanners have now been developed, and plans are to initiate use of the new technologies and associated software in the near future.

Runner Process for Urgent Document Delivery – A third strategy, responding to concerns about timely document delivery, was the implementation of the use of a runner for urgent documents. Through consultation with staff and judiciary, it was agreed that any documentation received at the front counter that was required for a court hearing scheduled within two working days would be considered urgent. Front counter staff now contact a runner via cell phone for immediate pickup and delivery to the required destination of any such urgent mail.

It was initially unclear to DAWG membership how often the runner would be used; over the first few weeks the runner was used only occasionally (one to three times a day). Though used infrequently, the runner process has enabled expedited delivery of time-sensitive documents.

Lessons Learned

The success of the project resulted from several deliberate decisions made early in the process. Detailed below are vital lessons learned through the DAWG Project.

Collaboration, Communication and Staff Engagement - The DAWG consciously engaged front-line users through consultation and learning sessions. This engagement, although time-consuming, was vital to the success of the project. Engaged staff members took ownership of new workflow processes, designed the new mailboxes and carts, and determined colour-coding schemes. There were weekly updates about the project, facilitated consultation sessions, staff questionnaires, and ongoing conversations with staff through regular staff meetings.

In addition, DAWG hosted an off-site information session that included skits put on by its members, and all staff directly and indirectly affected by new processes participated in training sessions. Due to this ongoing engagement, by the time the new processes and technologies were implemented, court staff were more than ready to do things the new way. When new processes became the way of doing business many commented, “It is about time.”

It is clear to the project team that there are great benefits to taking sufficient time at the project outset to facilitate staff consultation and collaboration. The time spent up-front is time saved when new processes are implemented, as buy-in and acceptance are already present. Ongoing communication and collaboration about the process change led to staff acceptance and had a positive impact on workplace culture.

Dedicated Project Manager – Having an outside project manager coordinate the project allowed for dedicated focus and effort. Driven by operational matters, court administrators are prevented

from being able to put sufficient focus on process improvement and transformation without external assistance. The assistance of the Court Services’ Organizational Effectiveness Team in scheduling weekly meetings, following up on action items and managing the procurement process allowed the work of the DAWG to proceed in a timely fashion. Without this support, the necessary momentum to ensure success may have been lost.

The DAWG project has led to improved and streamlined document management processes at the Law Courts. The transformation has taken almost a year from conception to implementation. Over the past year, the work of the DAWG has created more efficient and secure document movement in the building, expedited the delivery of time-sensitive documents, and vastly improved all document management processes.

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Yukon Courts Transform Business Processes

Major changes are taking place in Yukon Court Services. Our business processes and management of the court record for all types of criminal matters in the Territorial and Supreme Courts are being updated. Work already underway for a number of years continues as we replace our previous courts information system with a new system based on Nova Scotia’s Justice Enterprise Information Network (JEIN). In addition, we have begun implementing court modernization recommendations contained in a 2011 report following a wide-ranging review of court operations.

Replacing CRIS with JEIN

The Court Registry Information System (CRIS) is a legacy software application running on the Yukon government’s mainframe computer. CRIS must be replaced because not only is the mainframe being retired, other difficulties have also become evident. These include difficulties in providing support for such old software, problems adapting CRIS to changing court business requirements, and limited ability in the sharing or reporting of information contained in CRIS.

Phase I of the CRIS Replacement Project took place from June 2006 to November 2008. During that phase, we examined and assessed software used in other jurisdictions to determine how well it might suit Yukon’s requirements. Nova Scotia’s JEIN application was selected as the best match. CRIS users studied JEIN in detail to determine and document what changes would be needed to make it suitable for Yukon. Phase I resulted in a series of reports detailing the findings of the studies and in the decision to proceed with adopting and adapting both JEIN and Nova Scotia’s Civil Index System (CIS and CIS2) applications to Yukon’s needs.

Following the decision to use Nova Scotia's software, Phase II of the Project started in August 2009. In-house resources and contracted assistance are transforming JEIN into a Yukon-specific network by taking local business processes and legislation into consideration. To date, some of the major modifications to JEIN include:

- Changing all Nova Scotia labels or flags to Yukon references;
- Removing Nova Scotia provincial data and populating the JEIN database with current Yukon statutes and regulations and Whitehorse municipal bylaw data;
- Modifying the Summary Offence Ticket module; and
- Altering the scheduling menu to allow the trial coordinator quick control over courtroom allocation.

Process changes are currently occurring in the court registry to bring filing procedures and practices into line with the change from a numeric to a person-centric system. These changes came into effect in April 2012 to prepare for JEIN implementation and to ensure a seamless transition to the new system. All forms and orders produced in JEIN are currently under review and will be altered as required before being translated into French.

The final touches to modules for both Victim Services and the Sheriff's Office are also in progress. All training has been completed and we are now beta testing, reviewing and correcting minor issues. These two units should have a fully functional JEIN network operating by mid-summer 2012. Both offices plan to manually enter the preceding one or two years of client data to gain experience

on the system and to provide data for annual statistical reports.

Work is also underway to replace CRIS interfaces to the Motor Vehicle Registry in the Department of Community Services and the Youth Corrections system in the Department of Health and Social Services. Both new interfaces will be designed and tested but not put into operation until after JEIN goes live later in 2012.

We will have a very busy summer getting ready for JEIN implementation. Work remains to be done on policy and procedure related to JEIN and its processes. This includes business and system use case-testing, data conversion and transition, training of all staff throughout the territory, communication with all stakeholders, revision of business processes both inside and outside the courtroom, and ensuring that JEIN meets government financial requirements. To allow for meaningful and appropriate permanent revisions to job descriptions, any revision of the staffing model will not occur until after JEIN has been implemented and running for several months.

Implementation of JEIN will enable more efficient and effective business processes by providing integrated client information management not only for the courts, but also for units not previously covered by CRIS such as Corrections, Victim Services and Community Justice. Future possibilities include extending the network to other stakeholders including the Crown, Legal Aid and enforcement agencies throughout the territory.

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Court Operations Modernization Project

Court Services is implementing recommendations from an in-depth operational review conducted in 2010 - 2011. A comprehensive March 2011 report contained 55 recommendations that fell into four distinct areas:

- Access to Justice – suggestions to reduce court recording and transcript costs making transcripts more affordable and improving public legal information services.
- Efficient and Effective Use of Courtroom Resources - while acknowledging that some issues such as courtroom utilization were out of our direct control, Court Services was encouraged to work with the Crown, defence, judiciary and other parties to consider strategies to reduce unproductive or unnecessary appearances, increase predictability of court events and reduce the rate of trial collapse.
- Staffing Model and Human Resources – recommendations included regularizing temporary and acting positions, creating a protocol on deployment of sheriffs in courtrooms, hiring a project manager to lead JEIN implementation and making changes to the staffing model by combining registry and court clerk functions into a single position description with multiple grades to encourage employees to pursue a career path in Court Services.
- Technology - recommendations encompassed greater use of telephone and videoconference appearances and changes to digital recording equipment, including how it is supplied and operated in courtrooms.

To date, we have made progress on a number of these recommendations:

- A project is currently underway to explore how to increase efficiencies in the process used for Summary Offence Tickets.
- With the opening of the new Whitehorse Correctional Centre in March 2012, it is now possible to use technology to reduce inmate court appearances, increase safety related to inmate appearances in court and reduce associated transportation costs. A video remand project is expected to be operational in 2012/13.
- A digital recording pilot is currently underway in one Whitehorse courtroom.
- The project manager is currently leading implementation of JEIN.
- A new protocol is in place so that the Sheriff can consult with the judiciary on court hearings that may require a security presence in the courtroom instead of automatically assigning a Deputy Sheriff to each courtroom.
- Renovations to the court registry have been made in order to provide employees with the recommended minimum amount of work space, improve safety for staff serving the public, and better restrict unauthorized access to the court registry.
- Due to an increasing number of hearings involving Yukon

residents whose first language is not English, simultaneous translation in the courtroom is now required several times per year. As rental of a translation sound booth is very expensive and the booth takes up significant space in the courtroom, the 2012/13 capital budget contains funds to retrofit a courtroom interview room and wire it for use as a permanent translation sound booth. It will also house controls for closed circuit TV.

There will be a lot of exciting changes taking place in the near future throughout Yukon Court Services. With such a small staff the level of disruption to everyday work routines will be significant, but we are striving to make this transition as seamless as possible by involving key people from affected areas. We are dedicated to taking the best possible approach by considering business processes that are not only the most efficient but also the most effective for our jurisdiction.

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Supreme Court of Canada Business Transformation: Aligning Processes with Vision

The Office of the Registrar of the Supreme Court of Canada provides the necessary services and support for the country's highest court to process, hear and decide cases. The Office of the Registrar has a vision: to be an electronic court with reduced reliance on paper-based processes within five years. Carrying out this vision is transforming the way in which the Supreme Court of Canada conducts its business. The Office of the Registrar has decided to call this endeavour its "Business Transformation Program."

The Supreme Court of Canada recently succeeded in completing its Court Modernization Program, which saw the main courtroom transformed into an electronic courtroom. Given the similar level of complexity and number of court operations-related projects involved, the Registrar decided that business transformation should be approached as a program as well.

The Business Transformation Program (the Program) is an initiative to review and improve how the Office of the Registrar carries out its mandate to process and manage cases brought before the Supreme Court of Canada. Among other issues, the Program will consider the following:

- Current processes and workflows, from the filing of documents at the Registry to the rendering of decisions;



(left to right): Michele Laflamme, Court Operations InfoBase Developer, Martin Roussel, Director, Planning and Reporting Micheline Ippersiel, Manager, Judicial Support Services, Louis Cuccioletta, Senior Registry Analyst, Barbara Kincaid, General Counsel and Director of Court Operations, Rosalie Fox, Director, Library, Joanne Laniel, Manager, Registry Services

- Current operational processes and how they might be redesigned or optimized;
- How the Office of the Registrar can use technology to improve the court's processes and ensure that the court is managing cases brought before it efficiently and effectively;
- How to improve access to the court and its records for litigants, counsel, and the public;
- How to improve the internal processing of cases and the management of court records;
- How to meet requirements regarding the life-cycle management of electronic information, providing the court with the ability to rely on electronic records; and
- How to ensure that the court's case and document management systems can continue to support the operational processes, while keeping in mind the emerging requirements for more integration with other systems.

Given the broad scope of the Program, carrying out this business transformation will be a very daunting task!

First, although looking to the future, ensuring that the Supreme Court of Canada remains functioning and that the Office of the Registrar is able to carry out its day-to-day processing of cases is a priority. From the filing of documents, to the hearing of decisions, to the pronouncement of judgments, the work does not stop! On average, the Court receives between 500 to 600 applications for leave to appeal each year, and the justices hear approximately 65 to 80 appeals a year.

Second, these changes will affect more than the Justices of the Supreme Court of Canada and those of us working at the Office of the Registrar. Business transformation will also have an effect on how litigants, the public, and the media interact with, and receive services from, the Supreme Court of Canada. Last, but not least, given the current climate of fiscal restraint the Office of the Registrar is aware that this transformation must be completed within our current financial resources.

With these challenges in mind, the Office of the Registrar of the Supreme Court of Canada is set to embark on its business trans-

formation. To date, the proper structures have been set in place to ensure accomplishment of the Program goals. The first of these is to assess registry and court processes and workflows. From that and based on operational need, we will identify which processes or projects will be tackled first.

Barbara Kincaid, General Counsel and Director General of the Court Operations Sector, is Program Lead. Louis Cuccioletta, Senior Registry Analyst, will be heading up the Program Office responsible for keeping the Business Transformation Program on track. The Program Office is comprised of employees from all sections of the Office of the Registrar and will report to a Steering Committee, which includes the Honourable Marshall Rothstein, Supreme Court Justice, among its members.

One thing that will not be a challenge is obtaining the support of the Supreme Court of Canada Justices. The Chief Justice of Canada, the Right Honourable Beverley McLachlin, has indicated that she welcomes new technology and its use to make the Supreme Court of Canada more efficient.

The Office of the Registrar of the Supreme Court of Canada has just begun its journey to transformation. Watch for regular updates and progress notes.

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Tell Us What You Think!

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"Family Matters" - Julia's Dilemma

By Shelley Organ, Director of Court Services, Provincial Court of Newfoundland and Labrador

An Officer of the Court is expected to act in a manner that promotes public confidence in the integrity and impartiality of the judicial system. Employment with the courts is distinctive because of its connection to the judicial branch of government and its role in the administration of justice. The public's initial impression of the courts often comes from encounters with Provincial Court personnel. For this reason, court personnel are expected to behave at all times in a professional and ethical manner. Does this expectation limit employees' freedom to assist family who may appear before our courts?

Scenario

Roslyn is a Court Clerk in the local Provincial Court's Traffic Division and has been employed in that capacity for several years. She has processed cases on the front counter, as well as performed duties in the courtroom. Until recently, she has always enjoyed her job. Now there is an issue that is threatening to cause serious problems for her.

A few days ago, Traffic Court Crown Counsel advised Roslyn's supervisor Julia that Roslyn has been corresponding with him on an upcoming traffic case. Apparently, Roslyn's brother has contested a traffic ticket and Roslyn is acting as his agent to do so. Crown Counsel has an issue with Roslyn appearing in court as agent for her brother and believes the court will as well. Therefore, he decided to speak to Julia about it; prior to this conversation Julia was unaware of the matter.

At first Julia did not see anything wrong with Roslyn assisting her brother in his case. However, once Crown Counsel explained that he felt he would be in a conflict of interest on the case and that the

Traffic Court Judge could be as well, she gave it a second thought. Julia told Crown Counsel she would get back to him.

Julia immediately met with Roslyn and asked if Roslyn intended to act as agent for her brother on his upcoming traffic matter. Although surprised by the question, Roslyn replied that it was her intention to do so. Julia then asked when Roslyn planned on informing her supervisor of this intention. Roslyn's reply was "I didn't think I had to as it is really not your business."

Julia then described some of the issues that Roslyn appearing in court as her brother's agent could cause for the court. These included the possibility of putting the judge and the Crown Counsel in a conflict of interest on the case and of having the matter postponed so that another judge could hear it. Roslyn admitted that, while she had not considered that the judge or Crown Counsel might believe themselves to be in a conflict of interest on this case, she thought Julia was overreacting.

Then Julia asked whether Roslyn had been spending time on the case during work hours. Roslyn advised she had "only sent a couple of e-mails to the Crown" requesting disclosure on behalf of her brother, which she still had not received. Julia referred Roslyn to the Employee's Code of Conduct and, in particular, to the section concerning conflict of interest, which states:

A conflict of interest is a situation in which an employee, for personal gain or the benefit of others, attempts to promote a private or personal interest, which results in the following:

- 1. Interference with the objective exercise of the employee's duties.*
- 2. A gain or an advantage by virtue of the employee's position.*

It further states:

Employees are to execute their duties with honesty, impartiality and integrity. Employees do not enter into business or private ventures, which may be or appear to be, in conflict with their duties as employees of the Court.

Roslyn declared that she did not believe that these sections applied in her situation.

Julia asked Roslyn to reconsider her intention to appear in court as agent on her brother's behalf. Roslyn advised that her brother does not have the wherewithal to hire counsel or to appear on his own behalf. Roslyn further stated that she believes the police should never have issued the ticket, and that her brother is innocent of the charge. She feels strongly that he should have his day in court - with her help. Roslyn also advised she would be submitting a leave request for the day of the trial. Finally, Roslyn further stated that if Julia forbids her from appearing on her brother's behalf, Roslyn would file a grievance against Julia.

Julia is shocked!

Respondents

To comment on the ethical implications of staff appearing before the court as agent for family members, I asked the following to weigh in on this case: Jeff Round, Courts Administrator, Northwest Territories Courts; Ethel Chaulk, Provincial Manager of Court Services, Provincial Court of Newfoundland and Labrador; joint respondents A.D. Zallack, Acting Director of Justice of the Peace Services and Karen Fulham, Executive Director, Judicial Services, Court Division, Manitoba Justice; and Linda Hawryluk, Manager of Provincial Court, Civil & Traffic, Alberta Justice.

Questions

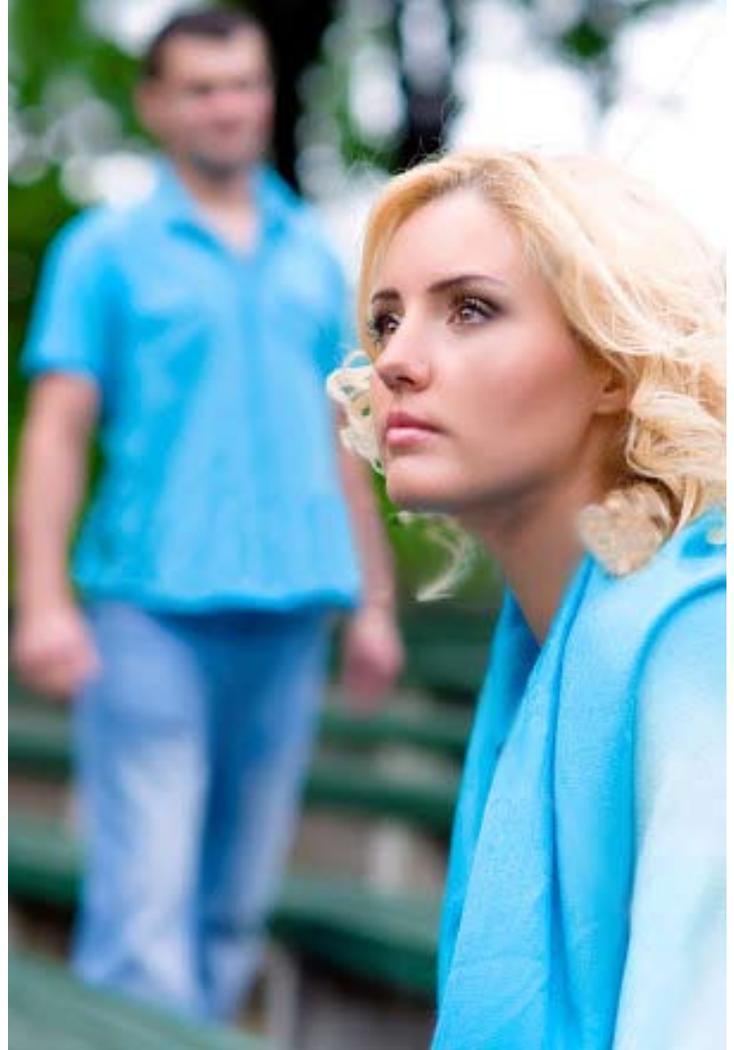
1) Is Roslyn ethically prohibited from acting as agent for her brother in his traffic matter?

All four respondents agreed that Roslyn is ethically prohibited from acting as agent before the court for her brother. Ethel added, "While an individual's first reaction might be to indicate that family comes first, it should be noted that it is not that cut and dried for employees who work within the justice system." Further, "Public trust is the foundation of our justice system and individuals who choose to be employed within this system are held to a higher standard."

Jeff, Karen and A.D. all agreed that whether her employment with the court gives her an actual advantage or just the perception of an advantage, it is enough to create a conflict of interest between her role as agent for her brother and her role as an Officer of the Court. In this instance, since Roslyn works directly in the court in which she would appear, many regular participants could recognize her. The perception could easily be that her brother received treatment that others did not. Jeff further stated that, "Roslyn should advise her brother to seek legal counsel or assistance from another source." Linda added that not considering that the Crown Counsel and the judge could be in a conflict of interest due to their working relationship with her brings Roslyn's own impartiality into question.

2) Is Julia's request that Roslyn reconsider her intention to appear in court as agent on her brother's behalf appropriate?

Again, all agreed that Julia's request that Roslyn reconsider



appearing in court as agent on her brother's behalf was appropriate. Roslyn's appearance as agent could be perceived as a conflict of interest on Roslyn's part. This could impact public confidence in the independence of the court and in the integrity of the justice system. Jeff added that, "This places [Roslyn] directly in conflict with her duty to uphold the dignity, independence and integrity of the court."

Karen and A.D. felt that Julia's explanation to Roslyn of the principles and perceived conflicts could have been more detailed. This would help Roslyn to understand more clearly why Julia needed to have this conversation with her and what the interests of court administration are in this matter. They believed that "the importance of impartiality could have also been mentioned."

In addition, Ethel, Karen and A.D. believed that Roslyn's concerns regarding her brother's ability to hire counsel or to appear on his own behalf could be addressed by providing him with the same information as that given to any other person in a similar situation. This could include referrals to legal aid or a lawyer referral service.

Ethel wondered if the option of another family member or friend assisting was considered or if Roslyn offered to help because she works at the court. Ethel also stated that, "I would have no issue with Roslyn submitting a leave slip for the day to provide moral support for her brother. However, on that particular day Roslyn

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... perception of the court system as a whole might be compromised if Roslyn represents her brother in court.

should not be permitted any special consideration such as being waived through security, access to areas that the general public would not have, or to carry on conversations with co-workers. Roslyn would have to be treated the same as any other member of the public.”

3) If Julia were to arrange for a judge who is unfamiliar with Roslyn to hear the case, would this change the answer to Questions 1 and 2 above?

All agreed that arranging for a judge who is unfamiliar with Roslyn to hear the case would not change anything. Roslyn is clearly in a conflict of interest; the issues of public confidence and impartiality remain. Linda and Jeff both added that others’ perceptions would still be the issue. Linda stated, “[Roslyn] could still be perceived to have used her position for an advantage.” Karen and A.D. also indicated that, “It would not matter if Roslyn knew the judge presiding or not; there would still be a conflict with the other participants in the system such as the police, Crown Counsel and co-workers.”

4) Do the sections of the *Employees’ Code of Conduct* that Julia referred Roslyn to apply in this case?

Jeff felt that the *Code of Conduct*, particularly the second point, applies in this case. That point states:

Employees are to execute their duties with honesty, impartiality and integrity. Employees do not enter into business or private ventures, which may be or appear to be, in conflict with their duties as employees of the Court.

Jeff said that, “Whether Roslyn’s brother is innocent or not, Roslyn obviously feels that her presence and involvement can offer her brother a potentially better outcome. Whether she believes that this is so because she is a court officer or not, is irrelevant. Since she is in fact a court officer her appearance could, at a minimum, give the impression that he has received an advantage.”

Karen and A.D. thought the first point of the Code of Conduct was more applicable:

A conflict of interest is a situation in which an employee, for personal gain or the benefit of others, attempts to promote a private or personal interest which results in the following:

1. Interference with the objective exercise of the employee’s duties.
2. A gain or an advantage by virtue of the employee’s position.

They stated, “Roslyn has a personal interest in this matter and therefore, may not act in an objective manner. If she gives her brother any information that she would not give any other self-represented litigant, she is not acting objectively and is allowing her personal interest in the matter to supersede her ethical obligation to her employer.” They further said, “Roslyn’s integrity may also be compromised in the eyes of others in the system. Specifically, they may not respect Roslyn or her ability to make decisions as much as they had previously, given her decision to represent her brother.”

5) Are there other ethical issues that could arise if Roslyn were to appear as agent on her brother’s case?

Ethel and Linda agreed that Roslyn’s use of the court’s computer and e-mail to communicate with Crown Counsel on her brother’s behalf during work time was a clear violation of common government policy and directives. In addition, it is unethical behaviour as an Officer of the Court. Ethel believes “Roslyn’s intention to not inform her supervisor that she would be acting as agent for her brother is also an ethical issue.”

Karen and A.D. felt that perception of the court system as a whole might be compromised if Roslyn represents her brother in court. “Other parties (mainly co-workers) may now consider this as an [appropriate] option and then decide to represent their family and friends in court. This could create issues for the court system as a whole.” This would be even more likely if Roslyn’s brother was given a favourable decision.

Jeff added that Roslyn’s appearance might cause others to question her integrity as an Officer of the Court and to doubt her handling of other matters; this may impact on her ability to continue to perform her role of court officer.

Ethel suggested that, even without Roslyn’s assistance, her brother would still receive his day in court and be provided the same services any other individual of limited ability would receive if they appeared before the court. Roslyn should trust the system and know that her brother would be treated fairly. If she does not trust the system, then there is an even bigger issue here!

My thanks to Linda, A.D., Karen, Ethel and Jeff for providing their comments on this scenario.

Your comments on this scenario are welcomed and encouraged. In addition, if your court has a policy around this topic, I would like to hear from you.

If you have an ethical issue you would like to have anonymously discussed in a future column, would like to be a respondent, or if you have any comments on this scenario, please contact me at shelleyorgan@provincial.court.nl.ca or (709) 729-2081. ■