

ANNUAL REPORT



The Provincial Court of Manitoba

2007-2008



***The Provincial Court
of Manitoba***

Our mission:

It is essential that a court, in keeping with the principles of justice, provide accessible, independent, impartial justice to the public without favour to anyone.

The Provincial Court of Manitoba is dedicated to the provision of service to the public through the effective management of available resources and to the provision of justice to our citizens with integrity, ethical conduct, and within the Rule of Law.

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Composition of the Court

The 2007/08 year began with the appointment of The Honourable Judge Doreen Redhead on April 4, 2007. Judge Redhead would be a new third judicial resource for Thompson and also the first female Aboriginal judge for the Provincial Court. On April 20, 2007, The Honourable Judge Charles Rubin retired from the court after 32 years of judicial service.

Five months later, on September 17, 2007, the court would receive four judicial appointments. The Honourable Judge Michel Chartier was appointed, replacing former Judge Richard Chartier who was appointed to the Manitoba Court of Appeal in November, 2006. The Honourable Judge Lee Ann Martin was appointed replacing former Judge Glenn Joyal who was appointed to the Manitoba Court of Appeal in March 2007. With the appointment of Judge Chartier and Judge Martin, the court retained its complement of French speaking judges. The Honourable Judge Carena Roller was appointed filling the vacancy created by the retirement of Judge Rubin. The Honourable Judge Patti-Anne Umpherville was appointed in anticipation of the retirement of The Honourable Judge Howard Collerman in January 2008. Judge Collerman retired on January 4, 2008, after having served 33 years as a judge of the Provincial Court.

For the period from September 17, 2007 until January 4, 2008 (a total of 110 days) the court was at full complement with a total of forty-one judges. This is the first and only time since I was appointed as Chief Judge in July of 2002 that our court has been at full complement.

For a little over three decades, Judge Rubin and Judge Collerman served as judges of the Provincial Court and we are indebted to them for their dedication and outstanding commitment to the administration of justice in Manitoba. We miss them as colleagues and friends.

Contingent Liability

As of March 31, 2008, the contingent liability of the Government of Manitoba for unused retirement allowances and vacation leave of judges of the Provincial Court was \$937,588.62 (\$874,384.80 for retirement allowances and \$63,203.82 for vacation leave).

The Work of the Court

The Provincial Court of Manitoba is established by *The Provincial Court Act*. It is a court of record and has primarily a criminal jurisdiction, as well as limited concurrent jurisdiction with the Court of Queen's Bench in family law matters that originate outside the City of Winnipeg. More than ninety-five percent of all criminal cases in Manitoba are completed in the Provincial Court.

After an individual is charged, the Provincial Court hears applications for judicial interim release (bail), presides over intake (first appearance) courts, disposition courts, preliminary inquiries (to determine whether there is sufficient evidence to order an accused to stand trial in the Court of Queen's Bench), and various types of trial courts. The Provincial Court also hears the majority of criminal cases involving young persons under the federal *Youth Criminal Justice Act*.

The Provincial Court hears cases under a variety of federal statutes, such as the *Controlled Drugs and Substances Act*, and hears all provincial statute cases, such as those under *The Highway Traffic Act* and *The Liquor Control Act*. The court also presides over inquests under *The Fatality Inquiries Act*, and reviews alleged police misconduct under *The Law Enforcement Review Act*.

Each week in Winnipeg, there is one judge assigned to be a duty judge and another assigned to be back-up duty judge. These judges conduct pre-trial conferences and deal with matters that do not require an appearance in court but requires a judge's decision, such as search warrant applications. In addition to the regularly scheduled trial and docket courts, judges conduct matters such as sentencing hearings, the giving of decisions and hearing breaches of conditional sentence orders outside of normal court hours, usually at 9:00 a.m. and 1:00 p.m. These types of hearings are conducted both in Winnipeg and in the Regional courts.

In 2007/08 there were 384 hearings held at 9:00 a.m. and 382 hearings heard at 1:00 p.m. in the Winnipeg Centre of the court. There are also a number of Pre-Hearing Conferences, Case

Management Conferences, and Resolution Hearings that are heard by the court. In the Winnipeg Centre of the court for 2007/2008 there were 568 Pre-Hearing Conferences, 280 Resolution Hearings and 75 Case Management Conferences. In the Regional Centres of the court there were a total of 1428 Pre-Hearing Conferences held, which included Case Management Conferences and Resolution Hearings.

Pre-Hearing Conferences, Case Management Conferences, and Resolution Conferences are designed to ensure that counsel are ready to proceed at the hearing date; to identify the issues of law and evidence relevant to the hearing; to address areas of potential agreement between counsel and to explore possible resolution of the case.

Circuit Court

The Provincial Court holds court regularly in over sixty communities throughout Manitoba. The communities to which the court travels from a larger court centre, such as Winnipeg, Thompson, Brandon, The Pas, Dauphin and Portage La Prairie are called "circuits". This is an important facet of Provincial Court work. Community facilities, such as legion halls and school gymnasiums, become the courtroom for the day. Judges, Crown Attorneys, defence counsel and court clerks, may travel by car, plane, winter road, helicopter and/or boat to a circuit court location. For a listing of all Provincial Court sitting locations, please see Appendix B.

As a result of the distances and the number of matters involved, sittings in both regional court offices and circuit court communities are measured in days as opposed to half days as in Winnipeg. The circuit courts, in particular, sit less frequently and matters appearing in court may not be separated into special sittings but heard together at one sitting - youth, adult and sometimes family matters combined. One of the continuing goals of the Provincial Court is to expand our circuit sittings to First Nation communities in Manitoba and we continue to work with First Nations in that regard.

Proceedings Before the Court

The number of proceedings that come before the Provincial Court in a given year is currently measured in terms of number of charges or proceedings as opposed to number of accused persons before the court. One accused can be charged with more than one criminal offence or have before the court more than one proceeding, therefore, one can conclude that the number of accused persons, either adult or youth, before the court will be less than the number of proceedings before the court. The number of proceedings before the court for fiscal year 2007/08 is set out in the following table.

2007/2008			
	Outstanding from Previous Year	New	Disposed of During the Year
Total Adult Charges (including businesses)	70,543	74,510	73,714
<i>Criminal Code</i> Offences	63,295	64,009	63,841
<i>Controlled Drugs and Substances Act</i> Offences	2,786	3,116	2,844
Other Federal Statute Offences	571	448	413
<i>Highway Traffic Act</i> offences	2,028	3,038	2,803
Other Provincial Statute Offences	876	1,693	1,500
Other matters e.g. applications, reviews, process hearings	987	2,206	2,313
Total Youth Charges	9,379	16,855	16,407

Time to Disposition of Charges

The time to disposition measures the time from the date of the first court appearance to the disposition of the case and takes into account matters not only disposed of by way of trial but also by way of guilty plea. The following information is provided in regard to the time to disposition of charges in both Winnipeg and its circuits and the regions and regional circuits of the Provincial Court during the 2007/08 fiscal year.

Winnipeg Centre

Time to Disposition					
	Within 4 months	Between 4 and 8 months	Between 8 and 12 months	Between 12 and 18 months	After 18 months
Non-domestic violence charges	47%	20%	11%	11%	11%
Domestic violence charges	45%	22%	12%	17%	4%

Winnipeg Circuit Courts

Time to Disposition					
	Within 4 months	Between 4 and 8 months	Between 8 and 12 months	Between 12 and 18 months	After 18 months
Non-domestic violence charges	30%	27%	14%	16%	13%
Domestic violence charges	35%	26%	16%	19%	6%

Regional Court Centres

Time to Disposition					
	Within 4 months	Between 4 and 8 months	Between 8 and 12 months	Between 12 and 18 months	After 18 months
Non-domestic violence charges	68%	14%	9%	6%	3%
Domestic violence charges	63%	22%	9%	4%	2%

Regional Circuit Courts

Time to Disposition					
	Within 4 months	Between 4 and 8 months	Between 8 and 12 months	Between 12 and 18 months	After 18 months
Non-domestic violence charges	43%	21%	16%	14%	5%
Domestic violence charges	40%	32%	15%	9%	4%

Some circuit locations sit weekly; others sit once every month or once every two to three months. If a court is "weathered out" causing court to be cancelled, this contributes to increased delay as matters are then rescheduled to the next sitting of the court. The availability of trial dates is a concern in the North, specifically, the Thompson Centre and its circuits where a shortage of counsel for the Crown, Legal Aid and the private bar continues to create ongoing challenges. There can be matters where the next available trial or preliminary inquiry date is one year from the entry of a not guilty plea. For most circuits from The Pas Centre of the court, the next available trial date is approximately six months. While the April 2007 appointment of a third Provincial court Judge has had a positive impact in improving the accessibility of justice to citizens in the north, more is needed.

The Thompson Centre of the court and its circuit court points are regularly faced with large caseloads and it is growing more and more difficult to process these cases in a timely manner. Added to that is the ongoing challenge of attracting and retaining people to work in the justice system in Northern Manitoba.

Resolving these issues, and others facing northern court locations, will take time but there may be things that can be done in the interim. Work continues with the various justice system partners to explore possible resolution of some of these issues.

Overall, it is important to keep in mind the following factors that determine the earliest available court date for a given matter at a given time:

- the resolution of previously scheduled cases close to the scheduled trial start date freeing-up trial dates that may or may not be able to be taken by another case looking to set trial dates;
- Crown and defence counsel schedule of availability;
- Whether there have been consent adjournments on the part of Crown and defence counsel; for example due to full disclosure having not yet been provided;
- Whether the accused was released from custody and then re-arrested on alleged breach of release conditions that result in a delay in the disposition of his or her substantive charge(s) before the court;
- the number of multi-day cases that require a block of trial dates so that fewer cases can be scheduled for trial at a given time.

The court continues to work with the Crown to explore better ways of managing and scheduling cases for trial and disposition so as to maximize the use of valuable court time and reduce court delay. The court will also continue to emphasize to both Crown and defence counsel that adjournments or remands of cases should only occur when there is good reason to do so - that the goal of the criminal justice system is to move cases toward disposition in a timely way so as to permit both accused and victims to be able to move forward with their lives.

Court Utilization

In previous Annual Reports, Winnipeg court utilization was presented by courtroom and the type of matter that was heard there, such as domestic violence matters, and bail. Court utilization for the regional court centres was provided in a different format where the data for each regional court office and its circuit court locations was presented together.

The court utilization statistics of the Provincial Court for 2007/08 provides information on the effective utilization of the court in both the Winnipeg Centre and its circuits and the regional court centres and their circuits. Court sittings in all court centres are measured in half days so the statistics will represent the average hours per half day of court sitting for each month in the fiscal year. The utilization is broken down further by the average hours per half day that a judge, a judicial justice of the peace or a pre-trial coordinator presided in the Provincial Court, including the Summary Convictions Court located in Winnipeg.

Judicial Sittings

In 2007/08, there were 4,292 judicial sittings in the Winnipeg Centre; 143 judicial sittings in the Winnipeg Circuit Courts; 1,824 judicial court sittings in the Regional Court Centres and 758 judicial sittings in the Regional Circuit Courts. A judge in Provincial Court hears applications for judicial interim release (bail); presides over disposition courts, preliminary inquiries and inquests and various types of trial courts.

Average hours per half day in Provincial Court												
	2007									2008		
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Winnipeg Centre	3	2	2	2	2	2	2	2	2	2	2	2
Winnipeg Circuit Courts	3	2	2	2	3	3	3	2	2	3	3	2
Regional Court Centres	3	3	3	3	3	3	3	3	3	3	3	3
Regional Circuit Courts	3	3	3	3	3	3	3	3	3	3	3	3

Judicial Justice of the Peace Sittings

The 2007/08 fiscal year is the first full year since the amendments to *The Provincial Court Act* came into effect that created the three levels of justices of the peace for Manitoba – judicial, staff and community justices of the peace. It was early in 2007/08 that it became evident that an additional judicial justice of the peace was needed in the Winnipeg Centre of the Court. The creation of this additional judicial justice of the peace position was specifically in relation to the significant work of judicial justices of the peace in the area of applications for protection orders under *The Domestic Violence and Stalking Act*. At the end of this fiscal year the work of the judicial nominating committee was completed with the expectation of an appointment at the commencement of the new fiscal year.

There are currently two judicial justices of the peace located in the Thompson Centre that travel to circuit locations in seven First Nations communities. However, it is becoming evident that the Thompson Centre also has a need for additional judicial justice of the peace resources due to the large and increasing caseloads.

In addition to Winnipeg and Thompson, judicial justices of the peace are also located in Brandon, Dauphin, Portage la Prairie, Selkirk, and The Pas.

Winnipeg currently has one judicial justice of the peace that presides over contested *Summary Conviction Act* matters, with the bulk of matters being offences under *The Highway Traffic Act*, where trial delay is of significant concern. During 2007/08 four judicial justices of the peace undertook training to hear these contested matters, with plans to continue training each year until all judicial justices of the peace are able to hear and determine summary conviction matters. With all judicial justices of the peace being able to hear and determine summary conviction matters, there is greater flexibility in terms of coverage when a judicial justice of the peace is absent and ensures that judges of the court are available to hear and determine more serious criminal cases that come before the court.

The judicial justices of the peace participate in ongoing education and training. All staff justices of the peace in Manitoba receive education and training during the fall, and the regular community justice of the peace education seminars are held at various locations throughout the Province during the spring of each year.

In 2007/08, judicial justices of the peace conducted 169 court hearings in the regions and regional circuits of the Provincial Court.

Average hours per half day in Provincial Court											
2007									2008		
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2	1	1	1	1	2	1	1	1	1	1	1

In 2007/08, judicial justices of the peace in Manitoba conducted 1,332 protection order hearings.

Average hours per half day for protection order hearings											
2007									2008		
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
0.5	0.5	0.6	0.4	0.3	0.2	0.3	0.2	0.4	0.5	0.5	0.6

In 2007/08, the judicial justices of the peace conducted 366 hearings in Summary Convictions Court on matters governed by *The Summary Convictions Act* that include provincial statutes, (i.e. *The Highway Traffic Act*) and by-laws. Most of these hearings were conducted in Winnipeg but some are also held in various circuit court locations.

Average hours per half day in Summary Convictions Court											
2007									2008		
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2	2	2	2	2	2	2	2	2	2	1	2

Pre-Trial Coordinator Sitzings

As part of the Provincial Court Front End Project, Pre-Trial Coordinators preside in court to ensure that specific administrative matters are addressed within agreed upon timelines and that in-custody accused are transported from correctional facilities to court only when necessary. In 2007/08, Pre-Trial Coordinators presided over 950 court sittings in Winnipeg and 12 court sittings in Fisher Branch.

Average hours per half day in Provincial Court												
	2007									2008		
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Winnipeg Centre	4	2	2	2	2	2	2	2	2	2	2	3
Fisher Branch Court	3	1	2	2	2	2	2	2	1	1	2	2

Inquests

Under *The Fatality Inquiries Act*, where the Chief Medical Examiner determines that an inquest ought to be held, it is presided over by a judge of the Provincial Court. At the end of inquest hearings, the inquest judge provides a written report to the Minister of Justice and the Chief Medical Examiner. The report is to include any recommendations by the inquest judge concerning the laws of the province, programs, policies or practices of government or relevant public agencies or institutions which, in the opinion of the inquest judge, would reduce the likelihood of deaths in similar circumstances to those which resulted in the death that is the subject of the inquest.

The inquest judge is not to express an opinion or make a determination about who is or could be blamed in a way that could reasonably identify a person at fault.

Inquest Reports are to be completed within six months following the end of inquest hearings, unless the Chief Judge has approved an extension (up to 3 months or in exceptional circumstances, a length of time beyond 3 months).

As of March 31, 2008, there were two inquest hearings ongoing and 13 inquests that had been called by the Chief Medical Examiner but where inquest hearing dates had yet to be scheduled or had been scheduled to commence after April 1, 2008. There were no Inquest Reports awaiting completion as of March 31, 2008.

In 2007/08 there were six Inquest Reports issued by the Provincial Court:

Name of Deceased	Date of Report Release	Time to Complete Report
Rachel Lori Wood	June 4, 2007	6 months
Sherrill Forbister	August 24, 2007	1 month
Mitchell Adam Audy	October 12, 2007	3 months
Paul Joubert	August 9, 2007	6 months
Christopher John Holoka	May 16, 2007	4 months
Tracia Owen	January 16, 2008	6 months

Law Enforcement Review Act

The Law Enforcement Review Act sets out the process to be followed when there is a complaint about the conduct of members of policing agencies in Manitoba. There are two processes under the *Act* where the Provincial Court is required to be involved: one is called a "review" and the other is called a "hearing". If the Commissioner of the Law Enforcement Review Agency decides not to take further action with respect to a complaint, the complainant may apply to the Commissioner to have the decision reviewed by a judge of the Provincial Court. In 2007/08 there were two reviews conducted by Provincial Court judges.

Hearings may be held where the Commissioner recommends a penalty for a disciplinary default and the complainant disagrees with the recommended penalty; and where the Commissioner refers the complaint to a judge for a decision on whether the complaint should result in disciplinary action. In 2007/08 there were four hearings held by the Provincial Court.

Court Projects and Initiatives

The Provincial Court Front End Project (formerly the Domestic Violence Front End Project)

The Domestic Violence Front End Project was fully implemented as of March 1, 2004 and it has proven to be successful in meeting project goals. The project was designed to ensure that once a matter is before a judge, a meaningful act will occur (as opposed to endless remands and delay), and strict timelines are to be followed by Crown and defence to move matters more quickly through the system. This project was developed in cooperation with the Crown, defence counsel, Courts Administration and the Winnipeg Police Service.

Fundamental to the project are Pre-trial Coordinators who preside in court to ensure that specific administrative matters are addressed within agreed upon timelines and that in-custody accused are transported from jails to court only when necessary. Seventy-five per cent of all pre-plea matters are before the Pre-trial Coordinators. This allows judges to deal with meaningful events in court, such as contested applications, bail applications, trials and guilty pleas. As a result of this, one full trial day was added to further address trial delay. Another critical component of the project has resulted in a major and significant change in practice as Crown attorneys are assigned to files as they come into their office. This allows for Crown ownership of a file and ensures all necessary work is completed at an early stage.

The Front End Project has produced the following results to date:

- ❑ Trial delay for an accused out of custody has been reduced to 5 months from over 1 year;
- ❑ On average, pending availability of counsel, an accused who is in custody can go to trial as early as one month from entering a plea;
- ❑ Overtime costs for transporting accused in custody were reduced by \$61,000.00 for the 2007/08 fiscal year;
- ❑ Crown attorneys are generally satisfied with the new system which significantly reduces duplication of work. Crown attorneys now use their time to review files thoroughly and consult with victims;
- ❑ Crime victim service workers and victims of crime have noticed a positive change as a result of early access to the Crown assigned to conduct the prosecution; earlier trial dates allow victims to get on with their lives; and

- Defence counsel know which Crown to contact and that the Crown will be in a position to have meaningful discussions about the case.

Those involved in the development and implementation of the project were honoured to receive the Institute of Public Administration of Canada 2005 Gold Medal for Innovative Management and the 2006 United Nations Public Service Award in the category of Improving the Delivery of Services. The success of the Front End Project has led to front end reform in other areas of the Provincial Court system. In October and November 2005, the project was expanded to include all adult custody charges and the Fisher Branch circuit of the court. The final phase of the project was implemented in February 2008 to include all adult and youth out-of-custody charges. Performance indicators continue to be monitored and adjustments are made in accordance with their outcomes. As processes continue to be refined, it is anticipated that the Front End Project will further contribute to significant reduction in backlogs and expenditures which will provide better access to the criminal justice system, more effective utilization of provincial resources and improved satisfaction with the justice system.

Australia Twinning Initiative – Australian Capital Territory (ACT)

In October 2007, the Provincial Court and the Australian Capital Territory (ACT) Magistrates Court launched a twinning initiative through the use of video conferencing technology. The twinning initiative was designed to facilitate professional dialogue between the courts in the area of domestic violence and the justice system's response to such cases. The ACT was eager to learn about Domestic Violence Courts of the Provincial Court as well as the Front End Project via the virtual courtroom classroom created by the video conferencing link. In turn, Manitoba had the opportunity to learn about the ACT's specialized Family Violence Court.

At the close of the 2007/08 year, the Chief Judge was preparing for his journey "down under" at the invitation of the Australian Capital Territory, to recount in person the successes and challenges encountered in the development of Manitoba's Domestic Violence Courts and the Front End Project.

Drug Treatment Court - Winnipeg

The Winnipeg Drug Treatment Court (WDTC) pilot project continued its work in 2007/08. The short term goals of the WDTC are to reduce recidivism through judicially-supervised drug treatment programs; break the cycle of drug use, crime and incarceration; provide information on community supports and improve a participant's life skills through employment, vocational and interpersonal support. The long term goals are to reduce the number of crimes associated with addiction; reduce harm due to drug use and addiction; provide the participant with the tools for vocation and educational success, and appropriate housing; tools for positive mental and physical health; and create improved family relationships.

The WDTC model includes six phases: referral, orientation/assessment, stabilization, intensive treatment, maintenance and graduation. The court uses a "harm reduction" approach that recognizes that clients may relapse at various times in their struggle against addiction, but at the same time promotes individual accountability through weekly court visits and drug screening.

Participants must meet the program's criteria for referral, which are:

- Minimum one year participation;
- A period of stability and compliance with the program;
- Commitment to personal goals of employment, education or healthy living; and
- A favourable recommendation from the Drug Treatment Court team.

The participant is provided with legal advice and is required to sign a waiver giving up his or her rights to a trial, agreeing to a delay in sentencing and committing to enter the Drug Treatment Court. A first court appearance is then made at which time release is granted upon conditions consistent with the treatment plan. The participant will then begin a period of regular court appearances; periodic and random drug testing; and drug counselling and treatment. Each participant has access to a range of other support services that improve the chance of long-term rehabilitation.

The WDTC sits once per week and is preceded by a meeting of the judge with the drug treatment team and the parties. Through the use of rewards and sanctions, the judge assists in compliance with the treatment plan. In 2007/08 there were 42 participants in the program and 7 graduated during that time. It is recognized that as this court takes on offenders with severe addictions accompanied by substantial criminal pasts, relapses are to be expected. At the same time, fair success has been found with those who stay with the program.

FASD Youth Justice Program – Winnipeg and The Pas

The FASD Youth Justice Program was initiated in September 2004 as a Pilot Project partially funded by the Youth Justice Renewal Fund, Department of Justice Canada. This Project was in collaboration between Interagency FASD, Manitoba Justice, the Clinic for Alcohol and Drug Exposed Children, and the Manitoba Adolescent Treatment Centre with in kind funding from each group. The Program has continued since that date with funding now provided by the Province of Manitoba. In 2008, the Program successfully expanded to The Pas.

The goals of the Program are:

1. To assess youth involved with the justice system who may have FASD;
2. To provide recommendations to the Court for appropriate dispositions consistent with the sentencing principles in the YCJA;
3. To build capacity within the family and the community while enhancing government and non-government FASD supports and services;
4. To implement meaningful multi-disciplinary intervention and re-integration plans with supports for youth affected by FASD and their families.

The Program deals with youth who are between the age of 12 and 18 years of age who have not yet disposed of their charges. The youth must be residing either in Winnipeg or The Pas and consent must be received from either the guardian or the youth. As well, consistent with the Canadian Diagnostic Guidelines, confirmation of prenatal alcohol exposure is required. To date, over 200 youth have been referred to the Program with over 60 assessments having been completed. Once a medical diagnosis is confirmed, a report is prepared and forwarded to the Court outlining the nature of the diagnosis, the strengths and deficits of the youth as well as recommendations for consideration in the sentencing process. The Court often uses sentencing conferences as a vehicle to develop a community plan. This reintegration plan which may ultimately arise out of the sentencing conference often assists the youths to better understand the conditions and expectations that may be placed upon them by the Court and serves to assist families or other community support people in recognizing the unique needs of the youth. The FASD program coordinators continue to provide the youth and their families with ongoing FASD education, appointment reminders, advocacy as well as working to build capacity with the youth's service providers including teachers, group home workers and probation service workers.

The FASD Youth Justice Program also includes a community development facilitator who provides ongoing FASD education to existing community resources identifies service providers for youth with FASD and works to build capacity within the community at large.

The FASD Youth Justice Program has worked with a variety of community organizations as well as students from Red River Community College resulting in the creation of a CD entitled, "This is Me". This learning tool assists both FASD affected youth as well as those who work with those youth to better understand the disability and it provides visual examples of potential high risk situations and to provide alternative solutions for dealing with problem scenarios. "This is Me" is now available and is used nationally as a learning tool.

Mental Health Court Pilot - Winnipeg

During the 2007/08 fiscal year, the Provincial Court continued on the development of a mental health court for the Winnipeg Centre of the court. The main goal of a mental health court is to ensure that those persons charged with a criminal offence and who are assessed as having a severe and pervasive mental illness are not languishing in custody as a result but are proceeding before the court in a timely manner and given the opportunity to access appropriate supports and services so as to prevent them from re-involvement in the criminal justice system in the future.

A steering committee, led by the Chief Judge and comprised of representatives from the justice system, including Crown and defence counsel, Winnipeg Police Service and Manitoba Corrections, and representatives from Manitoba Health and the Winnipeg Regional Health Authority, expects to meet frequently in the year ahead with the goal of finalizing a proposal for a mental health court pilot for consideration by the Minister of Justice and the Ministers of Health and Healthy Living.

Practice Directives

The Provincial Court continues to work on Practice Directives for the legal profession. These Practice Directives are closed to being finalized after a great deal of consultation with the bar and review by judges of the court. It is hoped that in the coming year that these Practice Directives will be published and made available to the profession in order to guide the conduct of litigants on contested motions before the court.

Overview and Future Directions

- The Honourable Raymond E. Wyant, Chief Judge

In July of 2009 my seven year term as the Chief Judge of the Provincial Court will come to an end.

As I look back on the past number of years, I feel a great sense of pride about many of the changes we have made to the court system and innovations we have spearheaded. As a court, we have the responsibility to provide accessible justice to all and we have dedicated ourselves in innovative ways to ensuring accessible justice for Manitobans.

I am also very proud of the fact that the Provincial Court of Manitoba has become one of the most diverse courts in the country in its membership. We have not only seen the appointment of many more women to our Bench, but also persons with ethnicity, aboriginal background and others. We must reflect the society in which we serve and the Provincial Court of Manitoba has evolved toward achieving that goal.

Our innovations have been due to the energy, enthusiasm and dedication of all those who work for the Provincial Court, including judges, justices of the peace and support staff. We must continue to be mindful of our responsibility that we serve the public and that our efforts must always be to ensure public accessibility and accountability.

In spite of these great changes, there are still a number of issues that concern me and many of these are ones that I have commented on before.

I am concerned about our ability to handle cases before our criminal and child protection courts in a timely fashion. Many of our innovations have been designed to deal with timely justice and have achieved great success but there are limitations to those innovations.

We find that there are more cases and more increasingly complex cases coming into the criminal justice system. We all support public safety and we all applaud when more police are on the street and more prosecutors are there to prosecute offenders; but those initiatives generate more work and when we do not allow for sufficient resources to handle these increasingly complex and serious cases, we run the risk of bringing the administration of justice into disrepute. With one exception in

Thompson, Manitoba, the complement of the Provincial Court has remained the same for a number of years and the number of courtrooms available has remained the same. We are finding it increasingly difficult to channel this increase in complex cases into a finite number of courtrooms before a limited number of judges. The result is that backlogs can grow and the administration of justice is being poorly served as cases run the risk of being unresolved due to unreasonable delay. We are already experiencing a significant inability to find the necessary court time for serious multi-day criminal cases and important multi-day child protection cases to be heard in a timely fashion in the Provincial Court.

I have long urged the Government to pass a senior judge program. This much needed mechanism will allow the Provincial Court to deal with the increasing volume but it is only one method to address this ongoing issue and I therefore recommend that a thorough review be undertaken of the complement of judicial and support resources that the Provincial Court has available to it to ensure that those resources meet the varied operational need of the Provincial Court.

The concerns I have expressed previously about Northern Manitoba and particularly in the Thompson Judicial Centre continue. Given the absence of a remand facility in Thompson, those prisoners who are in custody facing criminal charges have to be housed in The Pas Correctional Institution. The travel back and forth to court between The Pas and Thompson can be hazardous and dangerous for both those accused persons and court staff. We have increased the use of video appearances to avoid unnecessary transportation. However, we are not able to deal with all matters by video and there is great need for a remand or holding facility in Thompson. In addition, I am concerned with the physical set up of the Thompson court facility, located in the basement of the Provincial Building. This facility no longer meets the needs of the justice system in this area of our province both in terms of space and security.

As well, as I have commented in the past, there is a crisis with respect to the availability of lawyers both for the accused and for the Crown in northern and regional parts of this province. This is an issue facing jurisdictions across the country but we are finding it increasingly difficult to attract and maintain counsel for the Crown and for Legal Aid and for the private bar. As a result, I fear that many citizens in the north and in the regional and remote areas of this province will be significantly disadvantaged in legal proceedings as a result of an under-representation or a lack of

representation by legal counsel. There are many agencies and organizations looking at this issue with a much needed sense of urgency and a great spirit of cooperation exists amongst them toward seeking resolution to this issue however, I urge the Government to also look at creative ways of facilitating the placement of lawyers in northern and remote areas.

The issue of case volume not only affects those involved in serious and complex criminal cases but it can also impact the lives of those citizens, often a fair number of citizens, involved in less serious criminal matters. We are finding an increasing inability to manage, in a timely fashion, Highway Traffic or regulatory matters that come before us every day. These are the cases that will bring most citizens in contact with the justice system. If we are unable to deal with the public in a timely fashion, they will become understandably frustrated. I am increasingly concerned about the backlog of Highway Traffic matters in Winnipeg and elsewhere and our ability to maintain reasonable trial dates for citizens. I am also concerned about the impact that the increased regulatory work has on our already burdened staff.

I look forward to working with Government to deal with these very pressing issues as they are the most basic of access to justice issues for citizens.

I applaud the cooperative work with the Government in continuing to ensure that justice services are delivered to the people of the First Nations of our province. We have begun the work of opening up more sittings in First Nations communities and we will continue to work to deliver effective and meaningful justice services to the people of the First Nations of our province. We must double our efforts to ensure that we serve and meet the needs of our First Nations people.

I have commented before on my concern with respect to the issue of public confidence in the justice system. I am concerned that public confidence continues to decline. It is the responsibility of those that work in the justice system, most particularly the judiciary, to remember that we have a responsibility to enhance public confidence and it is important for us to dedicate and re-dedicate ourselves to the issue of public education and public outreach. The days are gone when judges could sit quietly in their chambers and wrap themselves in the cloak of judicial independence.

As judges, we need to work hard with the public to re-establish the public's faith in the justice system and to ensure our system is relevant, meaningful and accountable to the citizens it serves.

I have found it a great privilege and honour to serve as the Chief Judge of the Provincial Court of Manitoba. I am extremely proud of our accomplishments but I know we can do much more and need to do much more. I am confident that the required energy is present with the judges of our court to enable us to continue to look at innovative ways to deliver accessible justice to Manitobans and maintain the integrity of and enhance the confidence in our justice system.

Appendix A

Judges of The Provincial Court at March 31, 2008

Page 1 of 3

Judge	Date of Appointment	Court Centre
The Honourable Chief Judge Raymond E. Wyant	<ul style="list-style-type: none"> - Appointed Chief Judge of the Provincial Court from July 10, 2002 to July 9, 2009 - Appointed a Judge of the Provincial Court on May 20, 1998 	Winnipeg
The Honourable Associate Chief Judge Mary Kate Harvie	<ul style="list-style-type: none"> - Appointed Associate Chief Judge of the Provincial Court from September 18, 2002 to September 17, 2009 - Appointed a Judge of the Provincial Court on July 19, 2000 (effective July 26, 2000) 	Winnipeg
The Honourable Associate Chief Judge Murray Thompson	<ul style="list-style-type: none"> - Appointed Associate Chief Judge of the Provincial Court from August 2, 2006 to August 1, 2013 - Appointed a Judge of the Provincial Court on March 26, 2003 	Thompson
The Honourable Judge Theodore J. Lismer	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on January 17, 1977 	Winnipeg
The Honourable Judge Ronald J. Meyers	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on April 6, 1977 (effective November 1, 1977) 	Winnipeg
The Honourable Judge Marvin F. Garfinkel	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on December 5, 1979 	Winnipeg
The Honourable Judge Charles K. Newcombe	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on February 1, 1980 	Winnipeg
The Honourable Judge Richard W. Thompson	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on January 28, 1987 	Dauphin
The Honourable Judge Brian M. Corrin	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on March 4, 1988 	Winnipeg
The Honourable Judge Susan V. Devine	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on March 4, 1988 	Winnipeg
The Honourable Judge Linda M. Giesbrecht	<ul style="list-style-type: none"> - Appointed a Judge of the Provincial Court on March 4, 1988 	Winnipeg

Appendix A

Judges of The Provincial Court at March 31, 2008

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Judge	Date of Appointment	Court Centre
The Honourable Judge John P. Guy	- Appointed a Judge of the Provincial Court on May 15, 1989	Winnipeg
The Honourable Judge Roger J.C. Gregoire	- Appointed a Judge of the Provincial Court on January 16, 1991	The Pas
The Honourable Judge Krystyna D. Tarwid	- Appointed a Judge of the Provincial Court on July 6, 1994	Brandon
The Honourable Judge Brian G. Colli	- Appointed a Judge of the Provincial Court on September 21, 1994	Thompson
The Honourable Judge Robert G. Cummings	- Appointed a Judge of the Provincial Court on September 28, 1994	Portage La Prairie
The Honourable Judge Heather R. Pullan	- Appointed a Judge of the Provincial Court on December 21, 1994	Winnipeg
The Honourable Judge Brent D. Stewart	- Appointed a Judge of the Provincial Court on April 15, 1998	Winnipeg
The Honourable Judge Lynn A. Stannard	- Appointed a Judge of the Provincial Court on August 4, 1999	Winnipeg
The Honourable Judge Sidney B. Lerner	- Appointed a Judge of the Provincial Court on August 4, 1999	Winnipeg
The Honourable Judge Marva J. Smith	- Appointed a Judge of the Provincial Court on October 27, 1999	Winnipeg
The Honourable Judge Judith A. Elliott	- Appointed a Judge of the Provincial Court on July 26, 2000	Winnipeg
The Honourable Judge Kathlyn Mary A. Curtis	- Appointed a Judge of the Provincial Court on February 28, 2001	Winnipeg
The Honourable Judge John Combs	- Appointed a Judge of the Provincial Court on March 26, 2003	Brandon
The Honourable Judge Fred H. Sandhu	- Appointed a Judge of the Provincial Court on April 30, 2003	Winnipeg
The Honourable Judge Timothy Preston	- Appointed a Judge of the Provincial Court on April 30, 2003	Winnipeg

Appendix A

Judges of The Provincial Court at March 31, 2008

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Judge	Date of Appointment	Court Centre
The Honourable Judge Kenneth Champagne	- Appointed a Judge of the Provincial Court on April 13, 2005	Winnipeg
The Honourable Judge Kelly Moar	- Appointed a Judge of the Provincial Court on April 13, 2005	Winnipeg
The Honourable Judge Christine Harapiak	- Appointed a Judge of the Provincial Court on April 13, 2005	Dauphin
The Honourable Judge Robin A. Finlayson	- Appointed a Judge of the Provincial Court on January 31, 2006	Winnipeg
The Honourable Judge Brian Midwinter	- Appointed a Judge of the Provincial Court on October 18, 2006	The Pas
The Honourable Judge Janice leMaistre	- Appointed a Judge of the Provincial Court on November 22, 2006	Winnipeg
The Honourable Judge Catherine Carlson	- Appointed a Judge of the Provincial Court on November 22, 2006	Winnipeg
The Honourable Judge Robert (Rocky) Pollack	- Appointed a Judge of the Provincial Court on December 14, 2006	Winnipeg
The Honourable Judge Rodney Garson	- Appointed a Judge of the Provincial Court on December 14, 2006	Winnipeg
The Honourable Judge Doreen Redhead	- Appointed a Judge of the Provincial Court on April 4, 2007	Thompson
The Honourable Judge Michel L. J. Chartier	- Appointed a Judge of the Provincial Court on September 17, 2007	Winnipeg
The Honourable Judge Lee Ann Marie Martin	- Appointed a Judge of the Provincial Court on September 17, 2007	Winnipeg
The Honourable Judge Carena Roller	- Appointed a Judge of the Provincial Court on September 17, 2007	Winnipeg
The Honourable Judge Patti-Anne L. Umpherville	- Appointed a Judge of the Provincial Court on September 17, 2007	Winnipeg

Appendix B

Judicial Justices of the Peace of The Provincial Court

Page 1 of 2

Judicial Justice of the Peace	Date of Appointment	Court Centre
Kim Bartlett	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Judy Beer	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Judy Caruk	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Dauphin
Dennis Chambers	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Selkirk
Judeta Cohn	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Deanna Deniset	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Benji Harvey	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Helen Karr	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Donna Kentziger	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Zelda Kitchekeesik	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Thompson
Weldon Klassen	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Brian Martin	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Brandon

Appendix B

Judicial Justices of the Peace of The Provincial Court

Page 2 of 2

Judicial Justice of the Peace	Date of Appointment	Court Centre
Angela Kintop	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Diane Normore	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	The Pas
Myriam Rosset	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Bev Spence	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Thompson
Norman Sundstrom	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Winnipeg
Leslee Verhelst	- Appointed a Judicial Justice of the Peace of the Provincial Court on May 17, 2006	Brandon

Appendix C

Provincial Court - Court Locations

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ALTONA (*Winnipeg Circuit*)

Rhineland Pioneer Centre
221 – 10th Avenue Northwest

AMARANTH (*Portage La Prairie Circuit*)

Amaranth Memorial Hall
205 Kinosota Road North

ARBORG (*Winnipeg Circuit*)

Community Hall

ASHERN (*Winnipeg Circuit*)

Centennial Hall

BEAUSEJOUR (*Selkirk Circuit*)

Court House
20 – 1st Street South

BERENS RIVER (*Selkirk Circuit*)

Roman Catholic Mission Hall

BLOODVEIN (*Selkirk Circuit*)

Band Office

BOISSEVAIN (*Brandon Circuit*)

Civic Complex
420 South Railway Street

BRANDON

Provincial Court
100 - 1104 Princess Avenue

BROCHET (*Thompson Circuit*)

Community Hall

CAMPERVILLE (*Dauphin Circuit*)

Community Hall

Appendix C

Provincial Court - Court Locations

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CARMAN (*Morden Circuit*)

Ladies Auxiliary Hall

Royal Canadian Legion #18

28 – 1st Street

CHURCHILL (*Thompson Circuit*)

Royal Canadian Legion

23 Hudson Square

CRANBERRY PORTAGE (*Flin Flon Circuit*)

Royal Canadian Legion

CROSS LAKE (*Thompson Circuit*)

Community Hall

DAUPHIN

Provincial Court

114 River Avenue West

EASTERVILLE (*The Pas Circuit*)

Community Hall

EMERSON (*Selkirk Circuit*)

Town Hall

104 Church Street

FISHER BRANCH (*Winnipeg Circuit*)

Community Centre Hall

FLIN FLON

Provincial Court

104 – 143 Main Street

GARDEN HILL (*Selkirk Circuit*)

CFS Boardroom

GILLAM (*Thompson Circuit*)

Recreational Centre

235 Mattonabee Avenue

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GIMLI (*Selkirk Circuit*)

Municipal Building

GOD'S LAKE NARROWS (*Thompson Circuit*)

Community Hall

GOD'S RIVER (*Thompson Circuit*)

Amos Okemow School

GRAND RAPIDS (*The Pas Circuit*)

St. Alexander Roman Catholic Mission

KILLARNEY (*Brandon Circuit*)

Community Centre

300 Broadway

LAC BROCHET (*Thompson Circuit*)

Band Hall

LAC DU BONNET (*Selkirk Circuit*)

Royal Canadian Legion

45 McArthur Avenue

LEAF RAPIDS (*Thompson Circuit*)

Town Council Chamber

LITTLE GRAND RAPIDS (*Selkirk Circuit*)

School Gym

LUNDAR (*Winnipeg Circuit*)

Community Hall

LYNN LAKE (*Thompson Circuit*)

Royal Canadian Legion

467 Sherriff Avenue

MINNEDOSA

Provincial Court

70 – 3rd Avenue South West

Appendix C

Provincial Court - Court Locations

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MOOSE LAKE (*The Pas Circuit*)

Community Hall

MORDEN

Provincial Court

301 Wardrop Street

MORRIS (*Winnipeg Circuit*)

Morris Legion Hall

NEEPAWA (*Minnedosa Circuit*)

Neepawa Municipal Offices

282 Hamilton Street

NELSON HOUSE (*Thompson Circuit*)

Wellness Centre

NORWAY HOUSE (*Thompson Circuit*)

Kinosao Sipi Multiplex

OXFORD HOUSE (*Thompson Circuit*)

Band Hall

PAUINGASSI (*Selkirk Circuit*)

Band Hall

POWerview-PINE FALLS (*Selkirk Circuit*)

Legion Hall

7 Tamarack Street, Pine Falls

POPLAR RIVER (*Selkirk Circuit*)

Band Hall

PORTAGE LA PRAIRIE

Provincial Court

25 Tupper Street North

PUKATAWAGAN (*The Pas Circuit*)

Mathias Colomb Cree Nation Youth Centre

Appendix C

Provincial Court - Court Locations

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ROBLIN (*Dauphin Circuit*)

Provincial Building
117 – 2nd Avenue North

ROSSBURN (*Minnedosa Circuit*)

Community Hall
Main Street

RUSSELL (*Minnedosa Circuit*)

The Russell & District Community Centre
106 Shell River Avenue South

ST. BONIFACE (*Winnipeg Circuit*)

Provincial Court
227 Provencher Boulevard

ST. MARTIN (held in Gypsumville) (*Selkirk Circuit*)

Community Centre

ST. PIERRE-JOLYS (*Steinbach Circuit*)

Red River Region Bilingual Service Centre
427 Sabourin Street

ST. THERESA POINT (*Selkirk Circuit*)

Band Office

SANDY BAY (*Portage la Prairie Circuit*)

Sandy Bay Community Complex
239 Main Road
Sandy Bay First Nation

SELKIRK

Provincial Court
101 – 235 Eaton Avenue

SHAMATTAWA (*Thompson Circuit*)

Band Hall

Appendix C

Provincial Court - Court Locations

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SNOW LAKE (*Flin Flon Circuit*)

BPO Elks Lodge Hall

7 Wekusko Drive

SOUTH INDIAN LAKE (*Thompson Circuit*)

2nd Floor – Memorial Arena

SPLIT LAKE (*Thompson Circuit*)

Band Hall

STEINBACH

Provincial Court

Unit A - 284 Reimer Avenue

SIOUX VALLEY (*Brandon Circuit*)

Resource Centre

STONEWALL (*Winnipeg Circuit*)

Old Fellows Hall

SWAN RIVER

Provincial Court

201 – 4th Avenue South

TEULON (*Selkirk Circuit*)

Rockwood Centennial Centre

THE PAS

Provincial Court

300 – 3rd Street East

THOMPSON

Provincial Court

59 Elizabeth Road

VIRDEN

Provincial Court

232 Wellington Street West

Appendix C

Provincial Court - Court Locations

Page 7 of 7

WAYWAYSEECAPPO (*Minnedosa Circuit*)

Band Hall

WINNIPEG

Provincial Court

Law Courts Building

100C Main Floor, 408 York Avenue

WINNIPEG (Summary Convictions)

Provincial Court

Main Floor - 373 Broadway

Winnipeg, Manitoba