

**REMARKS TO THE
CANADIAN BAR ASSOCIATION
ANNUAL MEETING**

- June 13, 2024 -

The Court of King’s Bench is grateful for the opportunity to address the Canadian Bar Association, Saskatchewan Branch, once again, on the occasion of its annual general meeting. The Court values its relationship with the CBA and expresses its sincere appreciation for the role it takes to enhance the administration of justice by taking on many initiatives including providing appropriate responses in situations where judges are unable to comment.

The Court continues to innovate as quickly as possible to improve access to justice within the Province, and to streamline the administration of justice. Judicial innovation continues at an all time high.

To begin, I am happy to announce that all required changes relating to the passing of Her Majesty Queen Elizabeth II are now complete. As noted in the 2023 report, her passing marked great significance for the Court, having been named “Her Majesty’s Court of Queen’s Bench for Saskatchewan” and necessitated a number of changes to properly transition to the Court of King’s Bench. The bilingual revision of *The Court of King’s Bench Rules* was completed in the fall of 2024, and all Practice Directives were simultaneously amended to reflect our new head of state – His Majesty King Charles III.

I am grateful for your co-operation as the Court navigated the once in a lifetime (for many) transition from the Court of Queen’s Bench to the Court of King’s Bench.

As mentioned in my annual update in 2022, the federal government previously announced funding to create a new Associate Chief Justice position and increased the judicial complement by two additional judges. This boosted the statutory contingent in

Saskatchewan to thirty-six puisne judges, a Chief Justice and an Associate Chief Justice, for a total of thirty-eight.

Over the last number of months, the Court has benefited from a number of new appointments. Notably, Associate Chief Justice Tochor was appointed as the Province's first Associate Chief Justice. The appointment of Associate Chief Justice Tochor has and will continue to greatly assist the Court with managing the increasing administrative and operational matters throughout the province.

Additionally, the Court has benefited from four additional appointments to fill outstanding vacancies. Justice Wildeman (Regina General), Justice Wempe (Saskatoon General), Justice Morris (Regina General), and Justice Tomka (Saskatoon General, soon to transition to Swift Current General) were all appointed within the last year. Currently, the Court has two vacancies – one in the Family Law Division in Prince Albert and one in the Family Law Division in Regina. The number of vacancies is expected to increase to four this summer, with Justice Keene electing supernumerary status and Justice Layh announcing his retirement.

Relatedly, the Court has had additional staffing changes within the last year. The former Court of King's Bench Bankruptcy Registrar left the Court on April 1, 2023. After some delay, during which judges of the Court were tasked with performing responsibilities that are typically assigned to the Registrar, a new Registrar in Bankruptcy – Alexander Shalashniy – was hired and started on April 1, 2024. The position was previously 75% of full-time but is now full-time. This will significantly increase the resources available to the Court in bankruptcy matters.

The Court also has a new Provincial Registrar. Lora Bansley started as the Registrar for the Province in July, 2023. She is tasked with managing and standardizing processes within all registry offices across the province and providing direction to the offices.

On a more practical note, a number of changes have been implemented over the past year. Our Court has finalized revisions to the Tariff of Costs, which was last updated in 2015. Members of the Saskatchewan bar were consulted on proposed revisions to the Tariff, but few responses were received. As a result, an inflationary adjustment of 25% was added to all Tariff amounts. The revisions also included a re-organization of the Family Law Tariff. The Tariff of Costs will be reviewed again in five years to determine whether further adjustments are necessary, and every five years thereafter as part of an ongoing and continuous review.

The Court also has continued the Judicial Case Conference process for family matters in the Saskatoon and Regina judicial centres. In the short time since the JCC pilot project was introduced in November 2022, it has already garnered significant attention and positive feedback from the public, family lawyers and other dispute resolution professionals, along with academics at the University of Saskatchewan College of Law.

In addition, the Court has already observed a marked decrease in contested family law applications. From 708 Requests for JCC filed between November 1, 2022 and July 11, 2023, only 53% were directed to a contested hearing and 19% were vacated altogether or resolved by consent. In many instances, the issues directed to a hearing were narrowed and the volume and length of conflict inducing affidavits kept at a minimum. In turn, matters are proceeding more quickly, the materials are more focused and determinations are more timely.

The Court has also done a significant amount of work in the criminal law realm. Specifically, Criminal Practice Directive #12 – Access to Criminal Court Records and Criminal Proceeding Exhibits was launched after considerable time and dedication from the Court's Criminal Practice Committee. The Practice Directive sets out the proper

process for obtaining access to and/or permission to copy criminal court records or criminal proceeding exhibits. The process adopted ensures that the Court retains adequate supervisory and protective control over the court record to make sure that access respects the applicable laws and takes into consideration the constitutional rights and interests involved.

Criminal Practice Directive #13 – Remand Warrants was also finalized and became effective on February 1, 2024. The Practice Directive clarifies the process for remanding an accused.

Looking ahead, there are a number of exciting additional changes that can be expected in the near future.

As I previously reported, the Court embarked on a master scheduling project called J-STAR, which was rolled out by the provincial government’s Court Services Division on August 17, 2020. Phase II, which will introduce a fully electronic filing system, is well under way. It is the Court’s intention to adopt the digital record as the official court record. Paper copies of electronically filed documents will not be created or maintained.

Enabling online access to file and view documents with the Court of King’s Bench will result in an increase to access to justice for all users of the court system and will expedite the filing process. Lawyers and self-represented litigants will be able to initiate matters, file documents, track file progress and complete payments online. While the Court is still in the early stages of development for J-STAR Phase II, significant progress has been made over the last year.

Additionally, the significant task of modernizing and simplifying Part 16 of *The King’s Bench Rules* relating to probate and administration of estates has made considerable

progress. The revisions involve a complete overhaul of Part 16. It is now anticipated that the revisions will be presented to the Court at the December 2024 *en banc*.

I am grateful as always to have the opportunity to update the CBA on the activities of the Court this past year.

Respectfully submitted,

The Honourable M.D. Popescul
Chief Justice
Court of King's Bench for Saskatchewan