

# ANNUAL REPORT



## **The Provincial Court of Manitoba**

**2008-2009**



***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***

### ***Judiciary***

On June 18, 2008 The Honourable Judge Jean McBride was appointed to serve in the community of Portage la Prairie, where The Honourable Judge Robert Cummings had served for 14 years until his transfer to the Brandon Centre of the court. However, shortly thereafter on July 31, 2008, Judge Cummings was appointed to the Court of Queen's Bench in Brandon and that created a vacancy on the court in that area of the province. Judge Cummings was joined with The Honourable Judge Brian Midwinter in moving to the Court of Queen's Bench; Judge Midwinter having served on the court in The Pas Centre would now move to the Court of Queen's Bench in Dauphin, Manitoba.

It would not be until January 29, 2009 when replacements for both Judge Cummings and Judge Midwinter would be named: The Honourable Judge Shauna Hewitt-Michta to the court in Brandon and The Honourable Judge Lawrence Allen to the court in The Pas.

On November 19, 2008 The Honourable Judge Tracey Lord and The Honourable Judge Wanda Garreck were appointed to the bench in Winnipeg. Judge Lord replaced The Honourable Charles Newcombe who retired from the court after 28 years of service. Judge Garreck replaced The Honourable Rodney Garson who decided to return to the practice of law in his home community in British Columbia.

The utmost gratitude and appreciation is extended to Judge Newcombe, Judge Cummings, Judge Midwinter and Judge Garson for their years of service on the bench of the Provincial Court and also for their dedication and commitment to the administration of justice in Manitoba.

At the close of the 2008/09 fiscal year, the court was at full complement- something that had not been achieved for some time given all of the retirements experienced by the court over the past few years. Also of significant note, was that the Provincial Court had essentially attained parity with respect to the number of male and female judges serving Manitobans. Twenty of the 41 judges serving on the court were women.

## ***Judicial Justices of the Peace***

Amendments to *The Provincial Court Act* in 2006 created the three levels of justices of the peace for Manitoba – judicial, staff and community justices of the peace. The 20 judicial justices of the peace provide judicial services throughout Manitoba, 364 days each year!

The 2008/09 fiscal year brought a few changes to the judicial justice of the peace complement. Lori Sinclair was appointed a Judicial Justice of the Peace for Winnipeg on June 11, 2008. Then, on November 19, 2008, Christopher DeLong was appointed to serve as the Judicial Justice of the Peace in the Portage la Prairie Centre of the court. Judicial Justice of the Peace DeLong replaced former Judicial Justice of the Peace Dianne Cress who retired after many years of service to the court. On February 20, 2009 Valerie Adams was appointed to serve as the Judicial Justice of the Peace in the Dauphin Centre of the court. Judicial Justice of the Peace Adams replaced former Judicial Justice of the Peace Judy Caruk who retired after many years of service to the court.

The utmost gratitude and appreciation is extended to Judicial Justices of the Peace Dianne Cress and Judy Caruk for their many years of dedication and commitment to providing judicial services in Manitoba.

## ***Contingent Liability***

As of March 31, 2009, the contingent liability of the Government of Manitoba for unused retirement allowances and vacation leave of judges of the Provincial Court was \$1,523,321.89 (\$1,116,585.91 for retirement allowances and \$406,735.98 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 require 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 2008/09 there were 361 hearings held at 9:00 a.m. and 346 hearings heard at 1:00 p.m. in the Winnipeg Centre of the court. There are also a number of pre-trial hearings or conferences

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 and to generally keep the case on track toward a timely disposition. These pre-trial hearings are also held outside of the regular scheduled court hours of 10:00 a.m. and 2:00 p.m. In the Winnipeg Centre of the court for 2008/2009 there were a total of 999 pre-trial hearings. In the Regional Centres of the court there were a total of 920 Pre-trial hearings.

### *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 2008/09 is set out in the following table.

2008/2009			
	Outstanding from Previous Year	New	Disposed of During the Year
Total Adult Charges (including businesses)	71,364	73,907	74,200
<i>Criminal Code</i> Offences	63,403	62,881	63,852
<i>Controlled Drugs and Substances Act</i> Offences	3,057	3,319	2,917
Other Federal Statute Offences	617	773	447
<i>Highway Traffic Act</i> offences	2,284	2,933	3,171
Other Provincial Statute Offences	1074	1,297	1,342
Other matters e.g. applications, reviews, process hearings	929	2,704	2,471
Total Youth Charges	9,814	15,919	16,563



### ***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 2008/09 fiscal year.

#### **Winnipeg Centre**

<b>Time to Disposition</b>					
	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	50%	21%	9%	9%	12%
Domestic violence charges	46%	26%	16%	8%	5%

#### **Winnipeg Circuit Courts**

<b>Time to Disposition</b>					
	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	38%	16%	16%	18%	12%
Domestic violence charges	17%	40%	13%	19%	10%

### 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	75%	13%	5%	3%	3%
Domestic violence charges	72%	17%	6%	3%	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	51%	17%	13%	9%	10%
Domestic violence charges	44%	20%	16%	11%	9%

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 nine months.

The Thompson Centre of the court and its circuit court points are regularly faced with large caseloads. As noted in the 2007/08 Annual Report, the main and ongoing challenge for the justice system in Northern Manitoba is that of attracting and retaining people to work in this area of province- from Crown Attorneys and defence counsel to court personnel. However, strategizing continues with the various justice system partners as to possible resolutions.

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 also continued 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 2008/09 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 2008/09, there were 4,989 judicial sittings in the Winnipeg Centre; 134 judicial sittings in the Winnipeg Circuit Courts; 1,572 judicial court sittings in the Regional Court Centres and 666 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.

<b>Average hours per half day in Provincial Court</b>												
	<b>2008</b>									<b>2009</b>		
	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>
Winnipeg Centre	2	2	2	2	2	2	2	2	2	2	2	2
Winnipeg Circuit Courts	2	2	2	2	2	3	3	3	3	2	2	3
Regional Court Centres	3	3	3	3	3	3	3	3	3	3	3	3
Regional Circuit Courts	3	3	2	3	3	3	3	3	3	2	3	3

### ***Judicial Justice of the Peace Sittings***

Judicial justices of the peace are resident in Winnipeg, Thompson, The Pas, Brandon, Dauphin, Portage la Prairie, and Selkirk. There are two judicial justices of the peace located in the Thompson Centre that travel to circuit locations in seven First Nations communities. Each year there are many

weathered out courts that add an additional burden on providing timely justice to the citizens of these communities. In an effort to combat this problem additional judicial justice of the peace sittings were added for each community. Similar to the overall case load of the court in Thompson, the volume of matters that appear before the judicial justices of the peace in Thompson continues to be significant and only increasing. There is therefore a need to properly assess the adequacy of the judicial justice of the peace resources in Thompson and Northern Manitoba when considering strategies toward improving justice system services for the North.

Five of the Winnipeg judicial justices of the peace preside over contested *Summary Convictions Act* matters, with the bulk of matters being offences under *The Highway Traffic Act*. In May 2008 an additional trial court was opened at the 373 Broadway court facility in Winnipeg in an effort to reduce the trial delay that was occurring in respect of summary conviction matters. During 2008/09 four more judicial justices of the peace undertook training to hear these contested matters and a plan was developed for the future training of all judicial justices of the peace in this regard. There is recognition that having the full complement of judicial justices of the peace being able to hear and determine summary conviction matters will lead to greater efficiencies in this work of the Provincial Court.

In addition to hearing the summary conviction trial matters, judicial justices of the peace also determine the appropriate disposition or sentence for summary convictions as a result of a guilty plea by the accused. The bulk of these matters appear before judicial justices of the peace at the 373 Broadway court facility in Winnipeg, but a fair number also go before the judicial justices of the peace based in regional court locations.

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 2008/09, judicial justices of the peace conducted 219 court hearings in the regions and regional circuits of the Provincial Court.

Average hours per half day in Provincial Court											
2008									2009		
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1	2	1	2	1	2	1	1	1	2	1	2

In 2008/09, judicial justices of the peace in Manitoba conducted 1,458 protection order hearings.

Average hours per half day for protection order hearings											
2008									2009		
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
0.5	0.5	0.6	0.4	0.5	0.6	0.5	0.6	0.6	0.7	0.6	0.7

In 2008/09, the judicial justices of the peace conducted 664 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											
2008									2009		
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2	2	2	2	2	2	2	2	2	2	2	2

#### *Pre-Trial Coordinator Sitzings*

As part of Provincial Court front end processes, 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 2008/09, Pre-Trial Coordinators presided over 1163 court sittings in Winnipeg and 12 court sittings in Fisher Branch.

Average hours per half day in Provincial Court												
	2008									2009		
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Winnipeg Centre	2	2	2	2	2	2	2	2	2	2	2	2
Fisher Branch Court	2	2	1	2	2	2	1	2	2	2	2	1

## ***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, 2009, there were two inquest hearings ongoing and 11 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, 2009. There was one Inquest Report awaiting completion as of March 31, 2009.

In 2008/09 there were three Inquest Reports issued by the Provincial Court:

<b>Name of Deceased</b>	<b>Date of Report Release</b>	<b>Time to Complete Report</b>
Steven Ryan Ewing	November 4, 2008	6 months
Matthew Adam Dumas	December 9, 2008	6 months
Grant Ermine	March 27, 2009	5 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 2008/09 there were four 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 2008/09 there was one hearing held by the Provincial Court.



## ***Overview of Court Initiatives***

### *Provincial Court Front End Process*

The Domestic Violence Front End Project was fully implemented March 1, 2004 in the Winnipeg Centre of the court. The project was developed in cooperation with the Crown, defence counsel, courts administration and the Winnipeg Police Service. In the fall of 2005 the project was expanded to include all adult custody charges, not just domestic violence matters, and also to include the Fisher Branch circuit court. The final phase of the project was in February 2008 when it expanded to include all adult and youth out-of-custody charges. The project has generally proven to be successful in combating the previous significant delays in moving both domestic violence and non-domestic violence cases before the court to disposition. The process of the Domestic Violence Front End Project and the successor Front End Project, are now the new way of doing business in the Winnipeg Centre of the Provincial Court. Fundamental to the front end processing of cases before the Provincial Court in Winnipeg 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 correctional facilities 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. A critical adjunct to the front end process has been the practice of provincial Crown attorneys being assigned to files as they come into their office, allowing for ownership of a file and that ensures that all necessary work is completed at an early stage.

Those involved in the development and implementation of the Front End 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 court continues to monitor and refine front end processes. The court recognizes the importance of its ongoing and meaningful dialogue with justice system participants in the maintenance of the goals achieved by the front end process of the Provincial Court.

### *Drug Treatment Court - Winnipeg*

The Winnipeg Drug Treatment Court (WDTC) pilot project continued its work in 2008/09. 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 2008/09, 16 participants graduated from the WDTC. 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 ages of 12 and 18 years 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 350 youth have been referred to the Program with over 100 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 provides alternative solutions for dealing with problem scenarios. "This is Me" is now used nationally as a learning tool.

Another development undertaken by the FASD Youth Justice Program was the creation of icons for both probation and bail hearing orders. These icons are designed to assist FASD affected youth in understanding the Court ordered bail or probation conditions. The icons have proven to be successful in assisting FASD youth and others for whom literacy is an issue or for whom English is a second language with the goal of increasing compliance with those conditions. This initiative has also received national interest, with other Courts exploring whether to develop a similar model.

### *Mental Health Court Pilot – Winnipeg*

During the 2008/09 fiscal year, the Provincial Court continued to consider the implementation of a mental health court pilot 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 met frequently in an effort to finalize a proposal for a mental health court pilot for consideration by the Minister of Justice and Ministers of Health and Healthy Living. The steering committee will continue to dialogue with the Ministers of Justice, Health and Healthy Living with a view to implementing a mental health court pilot in the Provincial Court.

## ***Looking Ahead to 2009-10***

- The Honourable Ken Champagne, Chief Judge

In June 2009, I was appointed to succeed The Honourable Raymond E. Wyant as Chief Judge of the Provincial Court, commencing July 10, 2009 for a seven year term. In looking at the challenges that lay ahead for the court in the 2009-10 fiscal year, I must first acknowledge the tremendous contribution of Judge Wyant as Chief Judge of the Provincial Court for an incredible seven years. During his tenure as Chief Judge, Raymond Wyant brought the various justice system stakeholders together to forge a new direction in the management of criminal cases coming before the court through the development and implementation of the Front End Project. As described earlier in this report, that initiative has come to be the new way of doing business for the court and has certainly lead the court in the right direction in terms of making the best use of judicial resources and moving cases forward toward timely disposition. I look forward in the year ahead to continuing and taking full advantage of the positive relationships established by Judge Wyant amongst the various justice system participants in the development and implementation of other initiatives aimed at making the Provincial Court system as efficient and effective as possible.

There is no doubt that future initiatives aimed at improving the efficiency of Provincial Court processes will involve technology- from video conferencing to case management and judicial scheduling systems. I expect in the year ahead for most, if not all, court initiatives to have a technological component that will require the court to strategize as to their priority given the finite resources in this regard. I look forward to working with courts administration on the many ongoing challenges facing the broader court system such as the difficulty in attracting and retaining members of the legal profession and those citizens interested in working in the administration of the court to living and working in the more remote areas of our province where their services are so desperately needed.

## Appendix A

Judges of The Provincial Court at March 31, 2009

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Judge	Date of Appointment	Court Centre
The Honourable Chief Judge Raymond E. Wyant	<ul style="list-style-type: none"> <li>- Appointed Chief Judge of the Provincial Court from July 10, 2002 to July 9, 2009</li> <li>- Appointed a Judge of the Provincial Court on May 20, 1998</li> </ul>	Winnipeg
The Honourable Associate Chief Judge Mary Kate Harvie	<ul style="list-style-type: none"> <li>- Appointed Associate Chief Judge of the Provincial Court from September 18, 2002 to September 17, 2009</li> <li>- Appointed a Judge of the Provincial Court on July 19, 2000 (effective July 26, 2000)</li> </ul>	Winnipeg
The Honourable Associate Chief Judge Murray Thompson	<ul style="list-style-type: none"> <li>- Appointed Associate Chief Judge of the Provincial Court from August 2, 2006 to August 1, 2013</li> <li>- Appointed a Judge of the Provincial Court on March 26, 2003</li> </ul>	Thompson
The Honourable Judge Theodore J. Lismer	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on January 17, 1977</li> </ul>	Winnipeg
The Honourable Judge Ronald J. Meyers	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on April 6, 1977 (effective November 1, 1977)</li> </ul>	Winnipeg
The Honourable Judge Marvin F. Garfinkel	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on December 5, 1979</li> </ul>	Winnipeg
The Honourable Judge Richard W. Thompson	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on January 28, 1987</li> </ul>	Dauphin
The Honourable Judge Brian M. Corrin	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on March 4, 1988</li> </ul>	Winnipeg
The Honourable Judge Susan V. Devine	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on March 4, 1988</li> </ul>	Winnipeg
The Honourable Judge Linda M. Giesbrecht	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on March 4, 1988</li> </ul>	Winnipeg
The Honourable Judge John P. Guy	<ul style="list-style-type: none"> <li>- Appointed a Judge of the Provincial Court on May 15, 1989</li> </ul>	Winnipeg

## ***Appendix A***

Judges of The Provincial Court at March 31, 2009

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<b>Judge</b>	<b>Date of Appointment</b>	<b>Court Centre</b>
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 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
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



## ***Appendix A***

Judges of The Provincial Court at March 31, 2009

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<b>Judge</b>	<b>Date of Appointment</b>	<b>Court Centre</b>
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 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 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
The Honourable Judge Jean McBride	- Appointed a Judge of the Provincial Court on June 18, 2008	Portage la Prairie
The Honourable Judge Tracey M. Lord	- Appointed a Judge of the Provincial Court on November 19, 2008	Winnipeg
The Honourable Judge Wanda M. Garreck	- Appointed a Judge of the Provincial Court on November 19, 2008	Winnipeg
The Honourable Judge Herbert Lawrence Allen	- Appointed a Judge of the Provincial Court on January 29, 2009	The Pas
The Honourable Judge Shawna Hewitt-Michta	- Appointed a Judge of the Provincial Court on January 29, 2009	Brandon

## ***Appendix B***

Judicial Justices of the Peace of The Provincial Court at March 31, 2009

Page 1 of 2

<b>Judicial Justice of the Peace</b>	<b>Date of Appointment</b>	<b>Court Centre</b>
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
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 at March 31, 2009

Page 2 of 2

<b>Judicial Justice of the Peace</b>	<b>Date of Appointment</b>	<b>Court Centre</b>
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
Lori Sinclair	- Appointed a Judicial Justice of the Peace of the Provincial Court on June 11, 2008	Winnipeg
Christopher DeLong	- Appointed a Judicial Justice of the Peace of the Provincial Court on November 19, 2008	Portage la Prairie
Valerie Adams	- Appointed a Judicial Justice of the Peace of the Provincial Court on February 20, 2009	Dauphin

## ***Appendix C***

### Provincial Court - Court Locations

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#### **ALTONA** (*Winnipeg Circuit*)

Rhineland Pioneer Centre  
221 – 10<sup>th</sup> 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 – 1<sup>st</sup> 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

Page 2 of 7

#### **CARMAN (*Morden Circuit*)**

Ladies Auxiliary Hall

Royal Canadian Legion #18

28 – 1<sup>st</sup> 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

## ***Appendix C***

### Provincial Court - Court Locations

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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 – 3<sup>rd</sup> Avenue South West

## ***Appendix C***

Provincial Court - Court Locations

Page 4 of 7

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 – 2<sup>nd</sup> 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*)

2<sup>nd</sup> 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 – 4<sup>th</sup> Avenue South

TEULON (*Selkirk Circuit*)

Rockwood Centennial Centre

THE PAS

Provincial Court

300 – 3<sup>rd</sup> 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