

INTO THE FUTURE

STANDARDS FOR THE NEW MILLENNIUM - MEETING PUBLIC EXPECTATIONS

PRESENTATION

BY

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On the eve of the 21st century, our Canadian justice systems are confronted by important challenges.

On one hand, the questions posed to the courts are more and more complex and on the other hand, go beyond the narrow framework of our traditional legal system. With the advent of the Charter and the quasi-constitutional statutes entrenching fundamental rights and freedoms, the courts' decisions often have a socio-economic impact, which affect the daily lives of our citizens. This new phenomenon is abundantly demonstrated by the examples drawn from current events.

The development of a world of instantaneous communication (notably by the Internet) has generated within the public expectations so far unsuspected.

The litigants and the public want a justice system which is:

- simpler;**
- more rapid;**
- less costly;**
- directed toward the solution of the true conflict which divides the parties;**

- which leaves aside the useless peripheral procedures;
- where the litigants play a greater role in the definition of the solution applicable to them;
- less authoritative and less imposed from above.

The purpose of this workshop is to try to identify the parameters of these new challenges and to explore avenues of solution to meet them adequately.

All the actors, judges, lawyers, and court administrators must work in coordination to implement those new measures.

Here is a non exhaustive list of measures which should be considered and discussed:

- the establishment of specialised courts or chambers: family, commercial, insolvency and bankruptcy, youth, drug, class actions;
- case management including the taking charge of the progress of the case from the commencement of the proceedings rather than when the case is ready to be heard;
- the determination of imperative delays from the commencement of proceedings to the certificate of readiness and of fixed dates for hearing;
- the adoption of performance and efficiency standards and the collection of data and statistics to monitor the progress made;
- the expansion of the spectrum of services offered to the litigants by adding to the traditional adjudication, alternative dispute resolution mechanisms.