

# Federal Court of Canada

# 2001 Report

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This is a report on the activities of the Federal Court of Canada for the year 2001 and beginning of year 2002. Parts 1 through 3 contain a brief history of the Court, its composition, as well as details of major events and activities which occurred during the year. Part 4 contains a summary of statistical information concerning the volume and pace of litigation in both the Court of Appeal and the Trial Division. A summary of Registry activity is included in Part 5. The Registry of the Court publishes full details of its programmes and financial performance in the annual Part III Estimates tabled in Parliament. Since the Registry is an integral part of the Court, a summary of the activities of the Registry is presented in this report for completeness.

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John D. Richard Chief Justice



# 1.0 OVERVIEW OF THE FEDERAL COURT OF CANADA

#### 1.1 Establishment

The Federal Court of Canada was established in 1971 as the successor to the Exchequer Court of Canada, which was founded in 1875<sup>1</sup>. Both Courts were established under the authority of section 101 of the *Constitution Act, 1867*, as courts of law, equity and admiralty for the "better Administration of the Laws of Canada." The Court is a superior court of record and has civil and criminal jurisdiction.

The Court is bilingual, offering its services in both official languages of Canada, and bi-jural, administering the two legal systems - common law and civil law. It is also itinerant, in the sense that it sits and transacts business at any place in Canada, to suit, as close in proximity as may be, the convenience of the parties. It is the Court's objective to secure the just, most expeditious and least expensive determination of every proceeding based on its merits.

#### 1.2 Composition of the Court

The Court consists of two divisions: the Federal Court of Appeal and the Federal Court - Trial Division. The judicial complement of the Court consists of a Chief Justice, an Associate Chief Justice, ten judges of the Court of Appeal and nineteen judges of the Trial Division. The *Anti-terrorism Act* which received Royal Assent on December 18, 2001 and which came into force on December 24, 2001, amended the *Federal Court Act* by increasing the complement of judges to 12 in the Federal Court of Appeal and to 32 in the Trial Division, excluding the Chief Justice and Associate Chief Justice.

In addition, the Court is composed of senior judges who have elected supernumerary status under the *Judges Act*.

The Chief Justice is president of the Federal Court of Canada and of the Court of Appeal. The Associate Chief Justice is president of the Trial Division. Judges of each division are *ex officio* members of the other division. At least ten of the judges of the Court must be persons who have been judges of the Court of Appeal or Superior Court of Quebec, or have been members of the Quebec Bar. As of December 31, 2001 there were ten such judges.

A list of the judges of the Court and the details of their appointment and status as regular or supernumerary judges appear on page 4.

# 1.3 Deputy Judges

Under section 10 of the *Federal Court Act*, a judge of a superior, county or district court in Canada, or any such former judge may be designated as a deputy judge of the Federal Court. Designations are made at the request of the Chief Justice with the approval of the Governor in Council pursuant to Privy Council Order 1973-6/1953.

### 1.4 Additional Duties of Judges

In addition to their regular duties, judges of the Court are required to devote time to the work of other courts and tribunals. Judges of the Trial Division sit as Umpires to hear appeals under the *Employment Insurance Act*, under the direction of the Associate Chief Justice who is Chief Umpire.

Similarly, three judges of the Trial Division sit as members of the Competition Tribunal, of which Mr. Justice William P. McKeown is Chairman. On December 31, 2001, Madam Justice Sandra Simpson and Mr. Justice Marc Nadon were the other two members of this Tribunal.

Judges of both divisions of the Court sit as members of the Court Martial Appeal Court of Canada, of which Mr. Justice Barry L. Strayer is Chief Justice. They may act as commissioners for inquiries conducted under the *Inquiries Act* and the *Corrections and Conditional Release Act*. They may also sit as assessors under other federal statutes. Judges of the Court lecture and write articles about the law and participate as lecturers, seminar leaders or panelists in continuing education programmes for the benefit both of colleagues on this and other courts as well as of members of the Bar.

<sup>1</sup> While its enabling legislation was passed in 1875, the Court was not fully operational until the following year.

Moreover, judges may be appointed to Commissions of Inquiry abroad. For instance, Mr. Justice Julius A. Isaac was appointed by Order-in-Council dated August 3, 2001 to serve on the Commission of Inquiry into the upsurge of criminal violence in Jamaica. The appointment was effective September 1, 2001 for a period of six months.

# 1.5 Committees

In order to involve judges in the work of the Court, the Chief Justice established a number of committees, composed of representatives of both divisions of the Court, to deal with a variety of matters:

The **Accommodations Committee**, chaired by the Chief Justice, deals with the physical accommodations for the Court in the National Capital Region (NCR) and in centres where the Court maintains its own local offices.

The **Bench and Bar Liaison Committee**, chaired by the Chief Justice, provides a forum for members of the bar to meet with the judges to discuss informally issues of concern to the bar which do not fall within the mandate of the Rules Committee.

The **Technology Advisory Committee** has the following mandate:

- i) to advise the Chief Justice, the Associate Chief Justice, the Administrator and the judges of the Court with respect to the introduction and use of computer technology which involves or impacts on the work of judges;
- ii) to consider new computer-related developments of relevance to the work of the judges and to propose their adoption where appropriate;
- iii) to provide a bridge between the administration of the Court and the judges by assisting the latter to be more informed about computer use, and to promote support services and training for judges in their use of computers; and
- iv) to serve as a point of contact with the Computer Advisory Committee of the Canadian Judicial Council and similar committees in other superior courts.

This committee is chaired by Mr. Justice Denis Pelletier who is also a member of the Court's Web (Internet) Site Committee.

The **Judicial Education Committee**, chaired by Mr. Justice John M. Evans, organizes the annual meeting of the Court and arranges continuing legal education seminars for judges.

The **Law Clerks Committee**, co- chaired by Mr. Justice J. Brian D. Malone and Madam Justice Danièle Tremblay-Lamer, oversees the recruitment and selection of law clerks.

The **Library Committee**, chaired by Madam Justice Karen R. Sharlow, advises the Head Librarian on library objectives, policies, services and collection development.

The **Communications Committee** was established in 2000 and is chaired by the Chief Justice. The objectives of the Committee are:

- to establish guidelines for interaction with the news media;
- ii) to develop and implement a public information plan for the national framework of the Court;
- iii) to develop and implement effective educational initiatives promoting a better understanding of the Court and its operations.

In addition, section 45.1 of the Federal *Court Act* establishes a **Rules Committee** composed of the Chief Justice, the Associate Chief Justice, seven other judges of the Court, a representative of the Attorney General of Canada, and five members of the practising bar designated by the Attorney General of Canada after consultation with the Chief Justice. These designated members of the bar are nominated by the Chief Justice after consultation with the Canadian Bar Association (CBA). They are representative of the different regions of Canada and the various areas of practice within the jurisdiction of the Court. The Chief Justice is the statutory Chair of this Committee.

#### 1.6 Appointments, Elections of Status of Supernumerary Judge, Retirements and Obituaries

#### Appointments

The Honourable Michael A. Kelen of Ottawa, Ontario, was appointed a Judge of the Trial Division on July 31, 2001. He replaced the Honourable Barbara J. Reed who retired on July 22, 2000.

The Honourable Marc Nadon, Judge of the Trial Division, was appointed a Judge of the Court of Appeal on December 14, 2001. He replaced the Honourable Allen M. Linden who elected to become a supernumerary judge on January 7, 2000.

The Honourable J.D. Denis Pelletier, Judge of the Trial Division, was appointed a Judge of the Court of Appeal on December 14, 2001. He replaced the Honourable Joseph T. Robertson who was appointed to the Court of Appeal of New Brunswick on July 27, 2000.

The Honourable Michel Beaudry of Hull, Quebec, was appointed a Judge of the Trial Division on January 25, 2002. He replaced the Honourable Justice Max M. Teitelbaum who elected to become a supernumerary judge on October 30, 2000. The Honourable Luc Martineau of Montreal, Quebec, was appointed Judge of the Trial Division on January 25, 2002. He replaced the Honourable Justice Pierre Denault who retired on November 1, 2001.

The Honourable Carolyn A. Layden-Stevenson of Fredericton, New-Brunswick, was appointed Judge of the Trial Division on January 25, 2002. She replaced the Honourable Justice William P. McKeown who elected to become a supernumerary judge on December 19, 2001.

#### Elections of Status of Supernumerary Judge

The Honourable William P. McKeown elected supernumerary status effective December 19, 2001.

#### Retirements

The Honourable Francis C. Muldoon retired effective September 4, 2001.

The Honourable Pierre Denault retired effective November 1, 2001.

The Honourable Jean-Eudes Dubé, P.C. retired effective November 6, 2001.

# Obituaries

The Honourable F. Joseph McDonald passed away on September 6, 2001.

# Judges of the Federal Court of Canada as of December 31, 2001

#### **Chief Justice**

The Honourable John D. Richard August 30, 1994 (Trial Division) June 23, 1998 (Associate Chief Justice) *November 4, 1999 (Chief Justice)* 

#### Associate Chief Justice

The Honourable Allan Lutfy August 7, 1996 (Trial Division) December 8, 1999 (Associate Chief Justice)

#### Judges of the Court of Appeal

The Honourable Arthur J. Stone July 18, 1983 July 18, 1998 (Supernumerary)

The Honourable Barry L. Strayer July 18, 1983 (Trial Division) August 30, 1994 (Court of Appeal) September 1, 1998 (Supernumerary)

The Honourable Alice Desjardins June 29, 1987 *August 11, 1999 (Supernumerary)* 

The Honourable Robert Décary March 14, 1990

The Honourable Allen M. Linden July 5, 1990 *January 7, 2000 (Supernumerary)* 

The Honourable Julius A. Isaac December 24, 1991 (Chief Justice) September 1, 1999 (Supernumerary)

The Honourable Gilles Létourneau *May 13, 1992* 

The Honourable Marshall E. Rothstein June 24, 1992 (Trial Division) *January 21, 1999 (Court of Appeal)* 

The Honourable Marc Noël June 24, 1992 (Trial Division) *June 23, 1998 (Court of Appeal)* 

The Honourable Marc Nadon June 10, 1993 (Trial Division) December 14, 2001 (Court of Appeal)

The Honourable J. Edgar Sexton June 23, 1998

The Honourable John M. Evans June 23, 1998 (Trial Division) December 8, 1999 (Court of Appeal)

The Honourable Karen R. Sharlow January 21, 1999 (Trial Division) *November 4, 1999 (Court of Appeal)* 

The Honourable J.D. Denis Pelletier February 16, 1999 (Trial Division) December 14, 2001 (Court of Appeal) The Honourable J. Brian D. Malone *November 4, 1999* 

#### Judges of the Trial Division

The Honourable Paul U.C. Rouleau August 5, 1982 *July 28, 1996 (Supernumerary)* 

The Honourable James K. Hugessen July 18, 1983 (Court of Appeal) June 23, 1998 (Trial Division) *July 26, 1998 (Supernumerary)* 

The Honourable Yvon Pinard, P.C. June 29, 1984

The Honourable Max M. Teitelbaum October 29, 1985 *October 30, 2000 (Supernumerary)* 

The Honourable W. Andrew MacKay September 2, 1988 *June 1, 2000 (Supernumerary)* 

The Honourable Donna C. McGillis *May 13, 1992* 

The Honourable William P. McKeown April 1, 1993

December 19, 2001 (Supernumerary)

The Honourable Frederick E. Gibson *April 1, 1993* 

The Honourable Sandra J. Simpson June 10, 1993

The Honourable Danièle Tremblay- Lamer *June 16, 1993* 

The Honourable Douglas R. Campbell *December 8, 1995* 

The Honourable Pierre Blais, P.C. June 23, 1998

The Honourable François Lemieux January 21, 1999

The Honourable John A. O'Keefe June 30, 1999

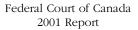
The Honourable Elizabeth Heneghan November 4, 1999

The Honourable Dolores Hansen December 8, 1999

The Honourable Eleanor R. Dawson *December 8, 1999* 

The Honourable Edmond P. Blanchard *October 5, 2000* 

The Honourable Michael A. Kelen July 31, 2001



#### 1.7 Protbonotaries

Prothonotaries are barristers or advocates of a province who are appointed to assist the Court in the efficient performance of its work. Their jurisdiction is defined in the *Federal Court Rules*. Upon the adoption of the *Federal Court Rules*, 1998, the jurisdiction of prothonotaries was enlarged to include:

- i) the hearing and determination of most interlocutory motions to the Court;
- small claims jurisdiction to hear and to determine any action for exclusively monetary relief in which the amount claimed does not exceed \$50,000.00, exclusive of interest and costs. Prothonotaries presently play an important role in case management. They conduct pre-trial conferences, mediations, early neutral evaluations and mini-trials.

As of December 31, 2001, the prothonotaries of the Court were:

Peter A.K. Giles Associate Senior Prothonotary (Toronto) *Appointed June 28, 1985* 

John A. Hargrave Prothonotary (Vancouver) Appointed February 17, 1994

Richard Morneau Prothonotary (Montréal) *Appointed November 28, 1995* 

Roza Aronovitch Prothonotary (Ottawa) *Appointed March 15, 1999* 

Roger R. Lafrenière Prothonotary (Toronto) *Appointed April 1, 1999* 

#### Retirement

Associate Senior Prothonotary Peter A.K. Giles retired effective March 28, 2002.

#### 1.8 Composition of the Registry

The Registry of the Court consists of the principal office in Ottawa and sixteen local offices located across Canada. The Registry is headed by an Administrator, who is accountable to the Chief Justice for all administrative matters pertaining to the operation of the Court and the Registry. The Administrator is also the Deputy of the Commissioner for Federal Judicial Affairs for purposes of preparing budgetary submissions for the Court and for making such other administrative arrangements as are necessary to ensure that all reasonable requirements, including those for premises, equipment and other supplies and services for officers, clerks and employees of the Federal Court, and for the performance of its operations, are provided for in accordance with the law.

Registry staff, appointed pursuant to the *Public Service Employment Act*, carry out the various administrative functions as are required by the *Federal Court Rules*, *1998*. Pursuant to section 236 of the *National Defence Act*, Registry staff perform the duties of their respective offices in relation to the Court Martial Appeal Court of Canada as well.

The Registry is comprised of the following: Office of the Administrator, Appeal Division, Trial Division, Regional Operations, Judicial Support Services and Administration. A list of principal staff, as of December 31, 2001, may be found on page 7.

A list of the local offices of the Court is provided in Appendix 1.

## 1.9 Judicial Administration

The Chief Justice is assisted in his management of the Court by an Executive Officer, who is also the media relations officer for the Court and secretary to the statutory Rules Committee. In addition, the Chief Justice and the Associate Chief Justice have designated Judicial Administrators to assist them in the scheduling of sittings and in the performance of their non-judicial duties. As of December 31, 2001, the persons carrying out those functions were:

Executive Officer to the Chief Justice *Nancy Bélanger* 

Judicial Administrator (Appeal Division) Suzelle Bazinet

Judicial Administrator (Trial Division) Giovanna Calamo

### 1.10 Law Clerks

Recent graduates of law schools in Canada are invited to apply for positions as law clerks to judges of the Court. Notices regarding the law clerks programme are distributed to Canadian law schools. During 2001 there were 33 law clerks employed at the Court. Under the supervision and direction of the Head of Research - Appeal Division or Head of Research - Trial Division, the law clerks prepare case summaries, research questions of law and prepare detailed memoranda on facts and legal issues as instructed by the judges to whom they are assigned.



# REGISTRY

Administrator of the Court	Robert Biljan
Deputy Administrator - Operations	Pierre R. Gaudet
Deputy Administrator - Human Resources	Cathryn Taubman
Special Adivsors	Paul F. Scott Charles E. Stinson
Regional Director - Quebec & Atlantic	Monique Giroux
Regional Director - Ontario	Rita Bezuhly
Regional Director - Western	Gail MacIver
Senior Director - Finance	Evelyn Burke
Director, Informatics	Gary Pinder
Head Librarian	Rosalie Fox
Director, Administrative and Judicial Services	Pat Levac
Manager, Real Property Services	James Strader
Head, Research & Law Clerks - Appeal Division	Marc Reinhardt
Head, Research & Law Clerks - Trial Division	Christine Ball



# 2.0 JURISDICTION AND PROCEDURE

# 2.1 Jurisdiction

The Federal Court exercises a specialized jurisdiction, including a limited criminal jurisdiction, in areas governed by federal law. For example, the Court exercises jurisdiction in admiralty, intellectual property, proceedings by or against the Crown in right of Canada, and the supervision of federal boards, commissions and other tribunals either by way of statutory appeal or of judicial review. The Canada Evidence Act, the Canadian Security Intelligence Service Act and the Immigration Act require judges of the Court to conduct in camera or public hearings to determine issues related to national defence and security. The Competition Act gives the Federal Court - Trial Division all of the powers and jurisdiction of a superior court of criminal jurisdiction in respect of the prosecution of certain offences under that legislation.

The jurisdiction of the Federal Court, like that of its predecessor the Exchequer Court, has evolved with the legislative responses by Parliament to the changing needs of Canadians and today embraces a broad range of subject matter. A list of some of the federal statutes under which the Federal Court may exercise jurisdiction appears in Appendix 2.

# 2.2 Procedure

The general rules governing practice and procedure in the Court are made by the Rules Committee, established under section 45.1 of the *Federal Court Act*, as amended by S.C. 1990, c. 8. The work of the Rules Committee during 2001 is reported in Part 2.3.

The rules governing the practice and procedure to be followed in applications for leave to commence an application for judicial review, applications for judicial review and appeals from such applications pursuant to the *Immigration Act* are governed by the *Federal Court Immigration Rules, 1993.* These rules are made by the Chief Justice pursuant to section 84 of the *Immigration Act.* 

# 2.3 Rules Committee

During the 1990s, a comprehensive revision to the *Federal Court Rules* was carried out by the Rules Committee. That revision culminated in the *Federal Court Rules*, *1998*, which came into force on April 25, 1998. As part of that revision, consideration was given to enacting a rule for expanded class proceedings in the Federal Court. Due to the substantial work involved with the comprehensive revision and the complexities regarding class proceedings, the Committee determined that class proceedings would be addressed separately.

In 2000, the Rules Committee released a Discussion Paper on class proceedings which provided the basis for the development of the draft rule. On December 8, 2001, the proposed rule on class proceedings was published in Part 1 of the Canada Gazette, Volume 135, No. 49 and comments were invited.

# 2.4 Video-conferencing and teleconferencing

In 1996, the Court introduced pilot procedures by which parties may request that motions, case scheduling conferences, pre-trial conferences or other conference hearings proceed by way of videoconference. The objectives of offering video-conferencing facilities to litigants are:

- to provide an alternative means of access to Court hearings in order to facilitate the advancement of cases, including access on urgent matters and across long distances, and
- ii) to save costs in time and travel for litigants, judges and Registry staff.

Teleconferencing is another service available for hearings. It provides expedient and inexpensive access to the Court and, as such, is often utilized by litigants and their legal representatives because of its convenience. A total of 1,028 teleconferences were conducted during 2001.

# **3.0 COURT ACTIVITIES**

#### 3.1 Annual Meeting of the Court

In 1992, the Court instituted the practice of holding an annual meeting of all judges to discuss the business of the Court and for professional development. The 2001 annual meeting was held from October 3 to 5, 2001 at Montebello, Quebec.

On October 4, 2001, The Honourable Justice Louis LeBel of the Supreme Court of Canada provided an overview of the development of the justification test under section 1 of the *Charter*. Professor Patrick Monahan of Osgoode Hall Law School spoke on the recent case law involving section 7 of the *Charter* while Mr. Peter Showler, Professor Audrey Macklin, Ms. Suzanne Marcoux- Paquette and Mr. Lorne Waldman led a discussion on Immigration and Refugee Law issues.

On October 5, 2001, the Court of Appeal and the Trial Division held separate sessions to discuss topics affecting their respective divisions. Reports of court committees were also received at a full meeting of the Court. Moreover, The Honourable Justice Warren Winkler of the Ontario Superior Court of Justice, Ms. Sheila Block, Mr. Pierre Sylvestre, Mr. Yves Lauzon and Professor William A. Bogart led a discussion on class proceedings.

#### 3.2 Judicial Education

Consistent with the Standards for Judicial Education in Canada, approved by the Board of Governors of the National Judicial Institute in October 1992 and in cooperation with the Canadian Institute for the Administration of Justice and the Canadian Institute for Advanced Legal Studies, the Judicial Education Committee was established to develop continuing education programmes for judges of the Court. In 2001, in addition to the annual meeting of the Court mentioned in Part 3.1, the Committee organized, in collaboration with the National Judicial Institute, the following: an Aboriginal Law Program from May 9 to 11, 2001; an Intellectual Property Seminar in conjunction with the Intellectual Property Section of the Canadian Bar Association on May 18, 2001; and, a Genetics, Ethics and the Law: Joint Canada - U.S. Working Conversation held from June 3 to 5, 2001. Judges of the Court also attended other conferences authorized by the Canadian Judicial Council under the *Judges Act*.

#### 3.3 Consolidation of Administrative Services

On June 25, 1998, the Minister of Justice announced proposed structural reforms in respect of the Federal Court of Canada and the Tax Court of Canada:

"Proposals include the consolidation of the current administrative services of the two courts into a single Courts Administration Service, the creation of a separate Federal Court of Appeal and an increase in the status of the Tax Court to that of a superior court."

These proposals respond, in part, to the 1997 Auditor General's *Report on the Federal Court of Canada and Tax Court of Canada*, which was conducted as a result of an Order in Council requested by the then Minister of Justice, Allan Rock. Serious consideration was given to all of the Report's recommendations. Together, the proposed reforms will improve the coordination in the administrative management of the Federal Court of Canada and the Tax Court of Canada and will render both Courts more efficient and effective while fully respecting their independence.

On September 18, 2001, the Minister of Justice and Attorney General of Canada tabled Bill C- 30 in the House of Commons, An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts. The Bill received Second Reading on October 3, 2001. On December 12, 2001 the Standing Committee on Justice and Human Rights tabled its report. The Bill received Third Reading on February 22, 2002. In the Senate, Bill C-30 received First Reading on March 5, 2002, Second Reading on March 12, 2002 and the Senate's Report was tabled on March 21, 2002. On March 27, 2002, Bill C-30 received Third Reading and Royal Assent.

#### 3.4 Visitors to the Court

The Court received official visitors throughout the year, including the Chief Justice of New Zealand's Employment Court, a Lithuanian delegation of judges and officials, an official from the Russian Federation, a delegation of officials from Tucson, Arizona and the Registrar of the Federal Court of Australia.

During 2001, to promote information sharing and understanding of the jurisdiction and function of the Federal Court of Canada, the Court and its Registry organized several Open Houses for local members of the judiciary and of the bar. These took place in Vancouver, British Columbia on January 17, 2001; in Quebec City, Quebec on February 1, 2001; in Yellowknife, Northwest Territories on May 1, 2001; in St. John's, Newfoundland on May 31, 2001; and in Halifax, Nova Scotia on September 25, 2001. The Court and the Registry, in collaboration with the local Bar, also held an Educational Open House in Montreal, Quebec on April 16, 2002.



# 4.0 VOLUME AND PACE OF LITIGATION

#### 4.1 Delay Reduction Programme Update

In 1992, the Court established a Delay Reduction Programme (DRP) consistent with recommendations made by the Canadian Judicial Council in its report released in August of that year. As a first step, a computer accessible inventory of all litigation pending in the Court was created.

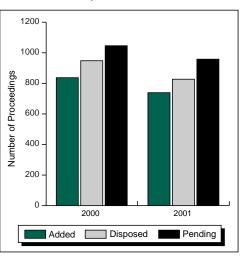
By August 31, 1997 the review was complete. Parties had discontinued over 5,000 proceedings and more than 10,500 proceedings were in the process of being dismissed for want of prosecution. Each of these proceedings was then removed from the inventory upon the recording of its date of final disposition.

The second step of the DRP was the introduction of case management principles, including time standards into the Federal Court Rules. As was mentioned in Part 3, the Rules Committee began a comprehensive review of the Federal Court Rules in 1992. In 1995, the Canadian Judicial Council approved targeted time standards for superior trial courts and courts of appeal as proposed objectives for the pace of litigation, subject to the availability of human and physical resources. As part of the DRP, the Court ensured that standards in the Federal Court Rules, 1998, which came into effect on April 25, 1998, were consistent with the standards adopted by the Canadian Judicial Council.

### 4.2 Volume of Litigation in the Court of Appeal

Figure 1 illustrates the size of the inventory of proceedings pending in the Court of Appeal at the end of 2000 and 2001, together with the number of proceedings added to the inventory and disposed of each year.

#### Figure 1: Court of Appeal Proceedings added to/disposed of from Inventory



There were 1,046 proceedings pending in the Court of Appeal on December 31, 2000. Of this amount, 739 proceedings were added to the inventory during 2001 and the Court disposed of 827 proceedings, leaving 958 proceedings pending at the end of 2001.

#### Figure 2: Court of Appeal Profile of Proceedings Pending on December 31, 2001

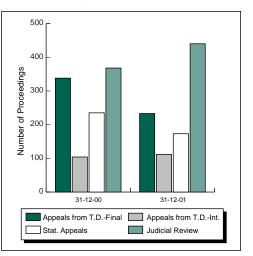


Figure 2 profiles, by major subject area, the proceedings pending in the inventory at the end of 2000 and 2001. As of December 31, 2001, the inventory comprised 345 appeals from the Trial Division: 233 were from final orders, and 112 appeals were from interlocutory orders. The remainder of the inventory consisted of 440 applications for judicial review, and 173 statutory appeals.

# 4.3 Pace of Litigation in the Court of Appeal

#### **Commencement to Judgment**

In 2001, the median time for all proceedings from commencement to judgment was 17.0 months, down considerably from 21.5 months in 1994, the first year for the Delay Reduction Programme measurement as described in Part 4.1.

The median time periods in 2001 by subject area were as follows:

Appeals from Trial Division - Final Orders 17.0 months Appeals from Trial Division - Interlocutory Orders 13.8 months Statutory Appeals 19.3 months Applications for Judicial Review 16.5 months

#### Status of Pending Inventory

Figure 3: Federal Court of Appeal Status of Pending Inventory as of December 31, 2001

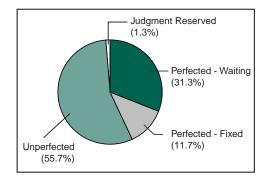
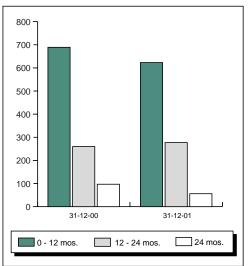


Figure 3 shows the status of the pending inventory on December 31, 2001. Of the 958 cases pending, 424 (43%) had been perfected for hearing. Of these, 112 had been assigned fixed hearing dates, leaving 300 to be fixed for hearing; 12 judgments (1.3% of all cases) were under reserve; and, 534 cases (55.7%) remained unperfected at the end of the year.

The number of cases which were ready for hearing but for which a hearing date had not been assigned by December 31, 2001 was 300, up from 253 on December 31, 2000.

#### Age of Pending Inventory

# Figure 4: Federal Court of Appeal Distribution of Inventory by Age



The age of the pending inventory at the end of 2000 and 2001 is illustrated in Figure 4. The number of pending cases over two years old is down, from 165 (14% of the pending inventory) on December 31, 2000 to 56 (5.8% of the pending inventory) on December 31, 2001. This is a dramatic improvement since December 31, 1994 when 1,138 cases (57% of the inventory) were over two years old.

# 4.4 Volume of Litigation in the Trial Division

#### **New Proceedings Commenced**

Proceedings in the Trial Division comprise two major categories: litigation and administrative proceedings of which litigation forms the main workload. Litigation has been categorized according to seven broad subject areas: Admiralty, Aboriginal Law, Crown Litigation, Judicial Review, Intellectual Property and Statutory Appeals/Applications form the six main "Non-Immigration" subject areas; and Immigration proceedings form the seventh category.

The second category, administrative proceedings, arises from provisions in a number of federal statutes which provide for the filing of certificates, decisions or

orders of federal boards, commissions or other tribunals, giving them the same force and effect as judgments of the Federal Court - Trial Division. These are mainly dealt with by Registry Officers and are reported in Part 5.

Figure 5: Trial Division Proceedings added to/disposed of from Inventory

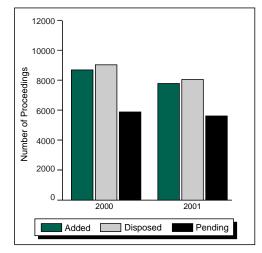


Figure 5 shows there were 5,876 proceedings pending in the Trial Division as of December 31, 2000. Of this amount, 7,778 proceedings were added to the inventory during 2001 and the Trial Division disposed of 8,045 proceedings, leaving 5,609 proceedings pending at the end of 2001.

In 2000, the Non-Immigration component of the pending inventory was 3,223. The Non- Immigration pending inventory decreased by 165 proceedings in 2001 to 3,058.

The Immigration component of the 2000 pending inventory was 2,653. In 2001, that number dropped slightly to 2,551.

#### Figure 6: Trial Division New Proceedings Commenced

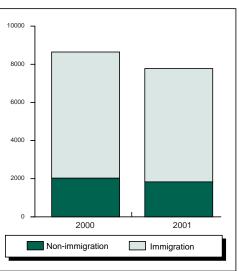


Figure 6 illustrates the number of new proceedings commenced in 2000 and 2001, with Immigration proceedings shown separately from all other proceedings.

In the Non-Immigration subject areas, the number of new proceedings continued a slight downward trend from 1993 (2,993). New Non-Immigration proceedings numbered 2,025 in 2000 and 1,833 in 2001.

The Immigration component has continued to rise since 1995. In that year, 3,631 new Immigration proceedings were commenced. That number was 6,619 in 2000, and dropped slightly to 5,945 in 2001.

A factor of particular note in the overall increase of the Immigration workload since 1995 is the rise in judicial review applications challenging visa officer decisions. Unlike the leave application procedure in Immigration cases which are paper application procedures and which rose from 3,474 in 1995 to 5,229 in 2001, judicial review applications against visa officer decisions require a full hearing. The number of visa officer judicial reviews commenced in 1995 was 149 and in 2001, that number was 713.

### Figure 7: Trial Division Profile of Pending Inventory as of December 31, 2001

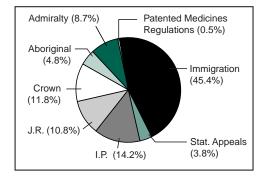


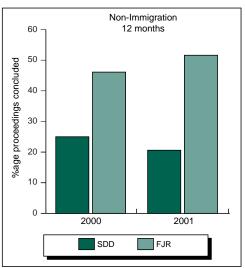
Figure 7 profiles the December 31, 2001 pending inventory by major subject area:

Admiralty	484	(8.7%)
Aboriginal Law	272	(4.8%)
Crown Litigation	662	(11.8%)
Judicial Review	604	(10.8%)
Intellectual Property	797	(14.2%)
Statutory Appeals	211	(3.8%)
Applications		
Immigration	2,551	(45.4%)
and		
Patented Medicines		
Regulations	28	(0.5%)

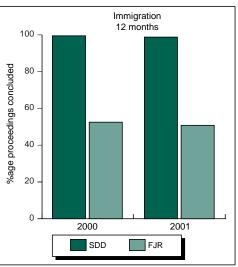
# 4.5 Pace of Litigation in the Trial Division

### **Commencement to Disposition**

Figure 8: Trial Division Percentage of dispositions within 12 months of commencement (Excluding Immigration)



# Figure 9: Trial Division Percentage of dispositions within 12 months of commencement (Immigration)



Figures 8 and 9 sample the cases in which dispositions were recorded in 2000 and 2001 and set out the percentage of these dispositions which occurred within 12 months of commencement. Figure 8 samples the dispositions in Non-Immigration proceedings while Figure 9 samples dispositions in Immigration proceedings only. Each chart distinguishes between the percentage of proceedings concluded by final judgment after a full hearing (FJR) and those concluded by settlement, discontinuance, dismissal for delay or the refusal of the Court for leave to commence a proceeding (SDD).

## Figure 10: Trial Division Percentage of dispositions within 18 months of commencement (Excluding Immigration)

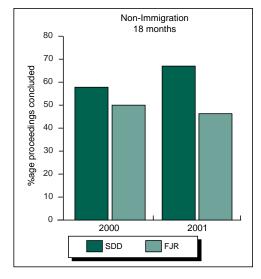
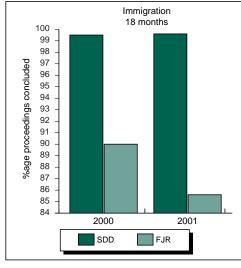
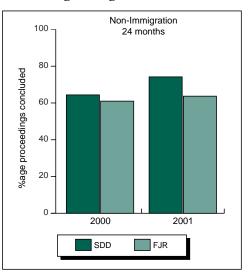


Figure 11: Trial Division Percentage of dispositions within 18 months of commencement (Immigration)

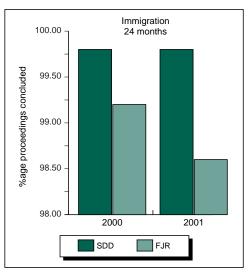


Figures 10 and 11 compare the percentage of dispositions which occurred within 18 months of commencement.

### Figure 12: Trial Division Percentage of dispositions within 24 months of commencement (Excluding Immigration)



## Figure 13: Trial Division Percentage of dispositions within 24 months of commencement (Immigration)



Figures 12 and 13 compare the results of dispositions in the Court within 24 months of commencement.

As figures 9, 11 and 13 illustrate, in Immigration proceedings where leave is granted, or in Immigration proceedings for which leave is not required, 50.8% were concluded within 12 months of commencement in 2001. This percentage increased to 85.6% within 18 months of commencement and to 98.6 % within 24 months of commencement.

#### Status of Pending Inventory

Figure 14: Trial Division Status of Pending Inventory as of December 31, 2001 (Excluding Immigration)

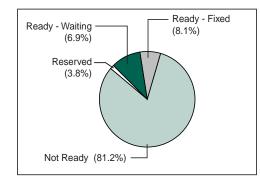


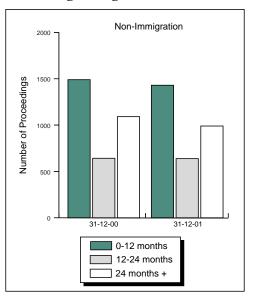
Figure 14 shows the status of the inventory of Non-Immigration proceedings pending at year end. 36 (1.8%) judgments were under reserve, and 509 (16.6%) cases were ready but not yet heard. Of these, 154 had been assigned fixed hearing dates, 48 were consolidated files, and 27 were in dispute resolution leaving 280 to be fixed. Of the 3,058 cases in the inventory, 2,496 were not ready for hearing.

On December 31, 2001, the inventory of Immigration proceedings pending in the Trial Division stood at 2,551 of which 2,018 were applications for leave and for judicial review. Of the 2,551, 101 judgments (3.8%) were under reserve; and 384 proceedings were ready but not yet heard. Of this latter number, 207 were fixed for hearing and 177 were still to be fixed. 482 leave applications were awaiting their leave determination and 1,584 proceedings, including 1,281 applications for leave and for judicial review, were not ready for hearing.

#### Age of Pending Inventory

Figure 15 illustrates the age of the pending inventory of Non-Immigration proceedings on December 31 of 2000 and 2001.

#### Figure 15: Trial Division Age of Pending Inventory as of December 31, 2001 (Excluding Immigration)



On December 31, 1993, 52% of proceedings in the pending inventory (4,381 proceedings) were over two years old. This number had increased to 72% (6.602) proceedings) by December 31, 1997. With the introduction of the Federal Court Rules, 1998. status reviews were conducted to identify which of these older proceedings were still active and to issue orders dismissing those which were not. As a result of the status review procedure, the number of pending proceedings over two years old was reduced to 4,406 (60%) as of December 31, 1998. The number of pending proceedings over two years old was reduced considerably to 990 (32.4%) as of December 31, 2001.

Figure 16: Trial Division Age of Pending Inventory as of December 31, 2001 Immigration Proceedings Only

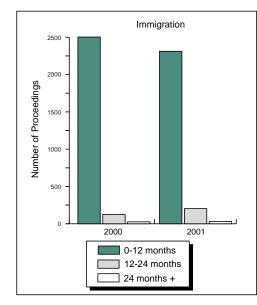


Figure 16 shows that the vast majority of Immigration proceedings pending on December 31 of 2000 and 2001 were less than 12 months old.



# 5.0 REGISTRY ACTIVITY

#### 5.1 Overview

The Registry provides the support necessary for the resolution of Court proceedings and the enforcement of decisions. The Registry strives to ensure that all persons have access to justice without undue hardship, delay or inconvenience. This follows from the statement in Rule 3 that the *Federal Court Rules, 1998* "be interpreted and applied so as to secure the just, most expeditious and least expensive determination of every proceeding on its merits".

Principal responsibilities of the Registry are outlined in Part 2 of the Rules pertaining to administration of the Court. These are: the requirements for offices of the Court; the maintenance of records and filing of documents; the arrangements for and conduct of Court sittings; and the provision of public access to the Court's records.

All activities and communications between the Court and litigants, or their counsel, flow through the Registry. Designated officers of the Registry perform such quasijudicial functions as the assessment of costs, assessment of damages, arrests of ships, cargo and freight in admiralty cases, and the preparation of schemes of collocation in accordance with the *Civil Code of Quebec*. Staff of the Registry have similar responsibilities in relation to the Court Martial Appeal Court of Canada.

### 5.2 Accommodations

### Ottawa Principal Office

The need for suitable accommodations for the Court in Ottawa has been an increasingly pressing issue as growth of the organization continued to crowd existing accommodations. Judges of the Appeal and Trial Divisions have their offices in separate buildings and staff must work from pockets of accommodations in several different locations. Plans for a building to house the Federal Court received preliminary project approval from Treasury Board Ministers in February 1990. Public Works Government Services Canada (PWGSC) has studied options to accommodate the Federal Court in one location in Ottawa.

On May 8, 2002, the Minister of Justice and Attorney General of Canada, Mr. Cauchon and the Minister of PWGSC and Receiver General for Canada, Mr. Boudria announced the government's approval of the Federal Judicial Building in the National Capital Region which will be situated in St. Laurent Square, west of the Supreme Court Building. With the adoption of the *Courts Administration Service Act*, the proposed building will house the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada and their respective registries.

#### **Toronto Local Office**

The determination of long-term requirements continues with assistance from Public Works and Government Services Canada to evaluate market conditions for accommodations in downtown Toronto and to provide solutions for meeting the Court's requirements in anticipation of the expiry of the Toronto office's present lease.

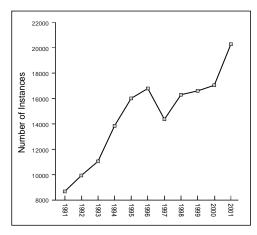
### 5.3 Administrative Proceedings

Provision is made in federal statutes for the filing of certificates, decisions or orders of federal boards, commissions or other tribunals in the Federal Court (Trial Division). Once deposited with the Registry, these "administrative proceedings" have the force and effect of a judgment of this Court. As these proceedings are dealt with principally by the Registry, they do not form part of the Court's Delay Reduction Programme (DRP) inventory.

Figure 17 shows that the number of these proceedings, which began an upward trend in 1991 with 8,610 cases, have increased from a single year decrease in 1997 to 16,682 cases in 1999, 17,039 in 2000 and to 20,271 in 2001.



# Figure 17: Administrative Proceedings Commenced



### 5.4 Case Management

Case management, which was incorporated into the new *Federal Court Rules, 1998* on April 25, 1998, is the coordination of Court processes and resources intended to move cases in a timely manner from commencement to disposition, regardless of the type of proceedings. It involves the active supervision by the Court of the progress of cases and introduces new supervisory activities such as status reviews, dispute resolution services, trial management conferences and specially managed proceedings.

Since 1998, the Registry has utilized an integrated system of advanced technological components and support services which combine to provide the Court with a comprehensive, automated case management system. This system includes a computerized case inventory package (called the Delay Reduction Programme - DRP) to measure and report on elapsed time between events in the litigation process; an automated scheduling system (called the Case Scheduling Module - CSM) for assignment of cases, judges, court facilities and personnel; an automated docket recording system (called the Proceedings Management System) with enhancement for inclusion of nonautomated records: teleconference and video- conference facilities; remote document filing by fax; a statistical retrieval package; and an electronic communication software (GroupWise).

These integrated systems place the Registry at the forefront of the automated case management field. They enable the Court to meet its goals and objectives of case management, and assist the Registry in optimizing limited resources to meet increasing demands for its services.

#### 5.5 Technology Initiatives

#### **Electronic Filing**

The Registry continued its efforts towards the creation or adoption of standards to facilitate electronic filing into the court. As part of a Government On-Line (GOL) Pathfinder project, an Electronic Filing Project Advisory committee (EPAC) was established. In May of 2001, a conference was held for EPAC members with speakers from across North America. The purpose of this conference was to bring into focus what the Federal Court was attempting to accomplish with its project and to enlighten committee members by showcasing a number of electronic filing initiatives that were currently underway. The conference was attended by 70 individuals representing 32 organizations and was very successful in meeting its goals.

The EPAC membership has held face-toface meetings and uses an electronic list server to communicate and discuss various issues that are integral to the standards setting effort and to electronic filing in general.

As this project has progressed, it has garnered substantial attention from vendors, other courts, boards, commissions and tribunals, the Bar and the provinces. The Registry has entered into a cooperative agreement with the Supreme Court of Canada, QuickLaw Inc, Juricert Systems and the Société Québécoise d'Information Juridique (SOQUIJ) to examine the feasibility of an XML-based approach to offering secure, low cost e-filing through private sector service providers. QuickLaw is currently working with its partners to develop a prototype system based on the LegalXML Court Filing 1.0 standard.

A Web Site was created to explain the purpose of EPAC and the Federal Court's project and to act as a resource for EPAC members. It can be located at <u>http://epac.fct-cf.gc.ca</u>.

#### Federal Court of Canada On-Line Decisions database

The Registry has assumed responsibility for the Federal Court of Canada On-Line decisions database that was previously maintained by the Office of the Commissioner for Federal Judicial Affairs. This database is now accessible directly from the Federal Court's website at <u>http://</u><u>www.fct-cf.gc.ca</u>. Assuming responsibility for this database has dramatically decreased the time taken to have decisions posted and has fostered improved communication with those using the database. The Registry will continue to investigate methods for improving this service.

# Infrastrucutre and Corporate systems

### i) Network Switches

In preparation for electronic filing and other Information Technology initiatives the Informatics Services section within the Registry has acquired new networking equipment to augment bandwidth within each Registry location. The deployment of this equipment has commenced and will continue through the coming year.

# ii) Groupware upgrade

The Registry's groupware system was successfully upgraded from GroupWise 4.1 to GroupWise 5.5 in 2001. Training was made available to all staff and judges. This new system has made it much easier for judges and staff to connect to their mailboxes from regional offices and makes it possible for access via the Internet from anywhere in the world.

### iii) Human Resource Information System - HRIS

HRIS is a government approved shared system which was implemented by Informatics and Human Resources services in 2001. Human Resource staff have been inputting information into this system so that the existing Human Resources system, HRMIS, can be phased out. The new system offers better reporting capabilities, increased access to information and tools for managers and staff and, most importantly, is supported by an organization that is funded by Treasury Board.

## iv) Salary Management system - SMS

SMS is a government approved system which was implemented by Informatics and Financial services in 2001. SMS replaces the antiquated HR Planner from FreeBalance Corporation. SMS provides better reporting facilities and allows greater access to information and tools by management and staff.

## v) FreeBalance Financial Management System - FMS

FMS, a government approved system, underwent a number of upgrades in 2001. These upgrades were necessary to ensure compliance with the Federal Government's Financial Information Strategy (FIS). The upgrades were implemented by Informatics in conjunction with Financial services staff.

# 5.6 Registry

2001 marked the launch of the Registry Officer Development Program (RODP) as an external recruitment initiative aimed at providing a combination of practical and theoretical training as well as comprehensive instruction in the technical, interpersonal and conceptual skills required of Registry Officers. The program includes training modules addressing subjects ranging from operational procedures to responsibilities and mandate of the Registry of the Federal Court of Canada. The first graduates from the program are anticipated to be ready for appointment to working level Registry Officer positions in 2002.

Furthermore, an orientation to the Registry Officer Development Program was offered to select students registered in the Court and Tribunal Administration Program at Seneca College in Toronto, the *Techniques Juridiques* program at Ahuntsic College in Montreal, the Law Clerk Program at Algonquin College in Ottawa and the Legal Assistant Program at Vancouver Community College in Vancouver. The aim of this program is to expose college students to employment possibilities in the courts administration system generally but also to serve as a recruitment pool for the Registry's RODP.

The Registry of the Federal Court of Canada's achievements are noteworthy in

creating a workplace conducive to employment equity. Concrete measures have been taken to integrate designated group members at the recruitment stage through participation in career fairs intended for employment equity designated groups. There is good representation of women, aboriginal peoples, persons with disabilities and efforts continue regarding increasing representation of visible minorities in accordance with the *Embracing Change Action Plan* of the Task Force on the Participation of Visible Minorities in the Federal Public Service.

As of March 31, 2001, out of a total workforce of 418 Registry employees, the representation of designated groups was:

273 women (65.3%)
27 persons self-identified with disabilities (6.5%)
22 employees self-identified as visible minorities (5.3%)
8 self-identified persons of the aboriginal group (1.9%)

In 2001, the Registry participated in trainthe-trainer Diversity courses sponsored by Health Canada, in preparation for delivery to our employees in 2002. The Registry continues to heighten the awareness of Aboriginal and Inuit cultures through attendance of staff at Indian and Northern Affairs Canada awareness sessions.

All buildings accommodating the offices of the Federal Court of Canada are wheelchair accessible and most elevators have been equipped with braille coding and audible floor indicators. Hearing and speech impaired clients communicate with the Registry through TDD access in the National Capital Region and in all federallystaffed local offices. Special assistive devices such as telephone volume amplifiers, telecommunication devices for hearing and speech impaired (TDD and TYY) and enhanced computer equipment have been provided for employees and judges requiring these devices. The Registry encourages its employees to access the Enabling Resource Centre at the Public Service Commission to view available equipment to assist employees with disabilities.

Harassment awareness sessions were provided to employees of the Registry in many locations this year. The balance of sessions planned will be provided in the coming year. Staff Relations for Managers/ Supervisors training was also provided to improve communications between managers and employees, to clarify rights and responsibilities and to discuss interpretation and application of collective agreements.

With respect to Official Languages, currently 67.5% (324) of the total positions in the Registry are designated bilingual. 52.8% (265) of the total positions are held by anglophones while 47.2% (237) are occupied by francophones. Employment opportunities continue to be offered equally to both anglophones and francophones and opportunities for mobility remain a possibility for both groups through deployments, assignments, and developmental programs such as the Career Assignment Program (CAP) and the Management Trainee Program (MTP). We are still experiencing an underrepresentation of anglophones in Quebec and of francophones in the rest of Canada (excluding the National Capital Region-NCR) however this represents a logical distribution and does not impact on the delivery of bilingual services in these areas. In the NCR, the representation is 45.6% (161) anglophone and 54.4% (192) francophone employees.

Furthermore, training was provided to managers on modern comptrollership which is one of the key priorities set out by the Government of Canada to modernize management practices for the 21<sup>st</sup> century.

### 5.7 Financial Management

Treasury Board, together with Public Works Government Services Canada (PWGSC), developed a government-wide Financial Information Strategy (FIS) based on the adoption of full accrual accounting. The Registry complied with the April 1, 2001 deadline which was imposed. Financial services staff identified and ensured FIS related training was provided to managers and staff. Connectivity to all PWGSC accounting systems was tested and implemented for April 1, 2001. Since this date, electronic compatibility difficulties in production mode were identified and corrected and trial balances were submitted successfully each month.

In addition to the changes to the Financial Management System, a fully automated Salary Management System was adopted and implemented.

Details of the programmes and financial performance of the Registry are published in the Main Estimates tabled in Parliament and in the Registry's Annual Performance Report to the Treasury Board Secretariat (TBS). Copies of the Estimates are available from the Canada Communications Group or from Associated Bookstores. The following is a summary:

(thousands of dollars)	Main Estimates 2002-03	Main Estimates 2001-02	Actual 2000-01
Personnel			
Salaries and wages	23,039	20,334	24,632
Contributions to employee benefit plans	<b>4,608</b>	3,965	4,030
Sub-total	27,647	24,299	28,662
Goods and Services			
Transportation and communications	2,274	1,787	2,013
Information	239	97	174
Professional and special services	5,027	4,069	4,510
Rentals	479	298	409
Purchased repair and upkeep	479	397	480
Utilities, materials and supplies	1,676	1,390	1,463
Minor capital*	1,796	1,886	1,618
Other subsidies and payments			2
Sub-total	11,970	9,924	10,669
Total Requirements	39,617	34,223	39,331

\* Minor capital is the residual after the amount of controlled capital has been established. In accordance with the Operating Budget principles, these resources would be interchangeable with Personnel and Goods and Services expenditures.

### 5.8 Security

The Court and Registry are reviewing the degree of security required to meet threats and risks posed by changes in the Court's mandate occasioned by the *Anti-terrorism Act* and other legislation, and to implement the revised Government Security Policy (GSP). To provide the necessary level of readiness and protection for judges and Registry staff, a professional security program will be developed over the coming years to integrate elements of:

- general administration: procedures, training and awareness; identification of assets;
- security risk management

- security screening
- physical security, and protection of judges, employees and the public while on Court or Registry premises
- information technology security
- security in emergency and threat situations
- business continuity planning
- security in contracting
- security investigations

The Court and its Registry are also designated as an Emergency Preparedness Centre (EPC). Consequently, the Federal Court of Canada must continue to perform its judicial duties in the event of an emergency.

# Appendix 1

#### OFFICES OF THE FEDERAL COURT OF CANADA

#### **PRINCIPAL OFFICE - OTTAWA**

Ottawa, Ontario K1A 0H9 http://www.fct-cf.gc.ca

#### **Appeal Division**

Telephone: (613) 996-6795 Facsimile: (613) 952-7226

#### **Trial Division**

Telephone: (613) 992-4238 Facsimile: (613) 952-3653

#### LOCAL OFFICES

ALBERTA - CALGARY Dan Buell District Administrator 3rd Floor 635 Eighth Avenue S.W. Calgary, Alberta T2P 3M3

Telephone:(403) 292-5920Facsimile:(403) 292-5329

#### BRITISH COLUMBIA - VANCOUVER

Gail MacIver Regional Director, Western Pacific Centre, P.O. Box 10065 701 West Georgia Street Vancouver, British Columbia V7Y 1B6

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#### NEW BRUNSWICK - FREDERICTON Willa Doyle District Administrator Westmorland Place 82 Westmorland Street, Suite 100 Fredericton, New Brunswick E3B 3L3

Telephone: (506) 452-3016 Facsimile: (506) 452-3584

*NEWFOUNDLAND - ST. JOHN'S* Louise King District Administrator The Court House Duckworth Street, P.O. Box 937 St. John's, Newfoundland A1C 5M3

Telephone: (709) 772-2884 Facsimile: (709) 772-6351 *ALBERTA - EDMONTON* Michael D. Holt District Administrator Tower 1, Suite 530 Scotia Place, P.O. Box 51 10060 Jasper Avenue Edmonton, Alberta T5J 3R8

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#### MANITOBA - WINNIPEG Terry Johnston District Administrator 4th Floor 363 Broadway Street Winnipeg, Manitoba R3C 3N9

Telephone: (204) 983-2509 Fascimile: (204) 983-7636

#### *NEW BRUNSWICK - SAINT JOHN* George S. Thériault District Administrator Room 413, Provincial Building 110 Charlotte Street Saint John, New Brunswick E2L 2J4

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#### NORTHWEST TERRITORIES - YELLOWKNIFE Robin Anne Mould District Administrator The Court House 4905, 49th Street Yellowknife, Northwest Territories X1A 2L9

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NOVA SCOTIA - HALIFAX François Pilon District Administrator 1801 Hollis Street, 17th Floor Suite 1720 Halifax, Nova Scotia B3J 3N4

Telephone: (902) 426-3282 Facsimile: (902) 426-5514

Courtroom: The Law Court Building 1815 Upper Water Street Halifax, Nova Scotia B3J 187

PRINCE EDWARD ISLAND -CHARLOTTETOWN E. Dorothy Kitson District Administrator Sir Henry Louis Davies Law Courts 42 Water Street, P.O. Box 2000 Charlottetown, P.E.I. C1A 8B9

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Telephone: (514) 283-4820 Facsimile: (514) 283-6004

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YUKON TERRITORY - WHITEHORSE Thomas E. Ullyett Acting District Administrator Andrew A. Phillipsen Law Centre 2134 Second Avenue, P.O. Box 2703 Whitehorse, Yukon Territory Y1A 5H6

Telephone: (867) 667-5441 Facsimile: (867) 393-6212



# Appendix 2

#### Some statutes under which the Federal Court exercises jurisdiction

Access to Information Act Agriculture and Agri-Food Administrative Monetary Penalties Act Anti-Personnel Mines Convention Implementation Act Anti-terrorism Act Atomic Energy Control Act Bank Act Bankruptcy and Insolvency Act Broadcasting Act Budget Implementation Act, 1998 Canada Agricultural Products Act Canada Deposit Insurance Corporation Act Canada Elections Act Canada Evidence Act Canada Grain Act Canada Labour Code Canada Lands Surveyors Act Canada Marine Act Canada Oil and Gas Operations Act Canada Pension Plan Canada Petroleum Resources Act Canada Shipping Act Canada Transportation Act Canadian Environmental Protection Act Canadian Human Rights Act Canadian International Trade Tribunal Act Canadian National Railways Act Canadian Ownership and Control Determination Act Canadian Security Intelligence Service Act Canadian Space Agency Act Cape Breton Development Corporation Act Charities Registration (Security Information) Act Citizenship Act Civil International Space Station Agreement Implementation Act Coasting Trade Act Commercial Arbitration Act Competition Act Competition Tribunal Act Cooperative Credit Associations Act Copyright Act Corrections and Conditional Release Act Criminal Code Crown Liability and Proceedings Act Cultural Property Export and Import Act Customs Act Defence Production Act Department of Human Resources Development Act Divorce Act Dominion Water Power Act Emergencies Act *Employment Equity Act* Employment Insurance Act Energy Supplies Emergency Act Escheats Act

Excise Act Excise Tax Act Expropriation Act Farm Credit Canada Act Financial Consumer Agency of Canada Act First Nations Land Management Act Fisheries Act Foreign Enlistment Act Foreign Publishers Advertising Services Act Hazardous Materials Information Review Act Immigration Act Income Tax Act Indian Act Industrial Design Act Insurance Companies Act Integrated Circuit Topography Act International Boundary Waters Treaty Act International Sale of Goods Contracts Convention Act Labour Adjustment Benefits Act Marine Liability Act Motor Vehicle Safety Act National Energy Board Act North American Free Trade Agreement Implementation Act Northern Pipeline Act Northwest Territories Waters Act Nuclear Safety and Control Act Office of the Superintendent of Financial Institutions Act Official Languages Act Patent Act Payment Clearing and Settlement Act Pension Benefits Standards Act Personal Information Protection and Electronic Documents Act Petroleum and Gas Revenue Tax Act Plant Breeders' Rights Act Postal Services Interruption Relief Act Privacy Act Proceeds of Crime (Money Laundering) Act Public Servants Inventions Act Public Service Employment Act Radiocommunication Act Railway Safety Act Royal Canadian Mounted Police Act Special Import Measures Act Status of the Artist Act Supreme Court Act Tax Court of Canada Act Telecommunications Act Timber Marking Act Trade Marks Act Trust and Loan Companies Act United Nations Foreign Arbitral Awards Convention Act Yukon Surface Rights Board Act Yukon Waters Act