

REED, MPP

Courts review shows crisis

In October 1976, the Ministry of the Attorney General issued a White Paper on Courts Administration, based upon the premise that justice in Ontario may be seriously undermined by the caseload crisis facing the courts of this province. This White Paper reports that it was clear by 1968 that great discrepancies existed in facilities and services available in various parts of the province, and only a systematic approach would ensure adequate facilities and level of service for all Ontarians. A major change in courts administration took place in 1968 when the province and the Ministry of the Attorney General assumed, for the first time ever, responsibility for courts administration.

In 1970 the whole question of how traditional and ancient methods of courts administration could best be adapted to 20th Century needs was referred to the Ontario Law Reform Commission. The Commission's Report, completed in 1973, was endorsed by the government, although some concern was expressed about specific operational proposals.

A regional developmental project to test feasibility of various court reform proposals was initiated for which purpose the Central West Region, a group of ten counties and judicial districts clustering around Hamilton, was selected, providing as it does a microcosm of the entire province. The objective of the project was to provide a setting for developing and testing administrative methods and services for the courts.

The Project Management Team concentrated on the following areas:

- a) development of office standards for Provincial Courts (Criminal and Family Divisions);
- b) general management of the court offices by the management team;
- c) development of more effective techniques for allocating the work of court reporters and the preparation of transcripts;
- d) development of statistical analysis methods and techniques;
- e) development of evaluative criteria and standards related to court productivity;
- f) case flow management.

According to the White Paper, in all but one crucial area, the Project Team achieved considerable success. The development of administrative support services permitted the project team to:

- a) monitor the effectiveness of individual offices;
- b) allocate administrative resources more effectively and efficiently;
- c) develop a uniform response, throughout the area, to administrative changes in court operations.

However, the present divided administrative structure of the courts prevented any real progress in the key area of case flow management.

One of the most important initiatives taken by the Project Management Team, with the approval of the Advisory Committee, was the development of a case flow management system in the Provincial Court (Criminal Division) in Halton County. Its objective was to re-arrange the work of the criminal courts to make maximum use of judicial and other resources and increase the convenience of the public.

The proposal for a case flow management system involved the complete re-scheduling of all the business of the criminal courts, the changing of the time of commencement of various courts, the re-allocation of duties between Provincial Judges and Justices of the Peace, a change in the procedure for setting trial dates, a change in the in-take procedure for scheduling first appearances of cases not previously dealt with a change in adjournment procedures, a change in the number and location of various court sittings, the development of a new system for streaming certain types of case into different courts, and the allocation of specific blocks of judicial time for the disposition of certain types of case.

The Central West Project has, apparently, proved that case flow management is a key to effective court reform, and if effective management is to be attained, the present management must be unified.

The White Paper concludes that the Central West Project demonstrated that in our courts administration system judicial and administrative function are so interwoven that any system which attempted to confer control on the basis of the distinction would fail to meet the goals of effective court reform. The only way to achieve any unified managerial control over case flow is to place overall control in the hands of a central authority with the ability to develop and apply case flow management standards upon individual courts.



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