

Judicial Independence, Scheduling, Roles and Responsibilities in *Provincial Offences Act* Courts

Chief Justice Sharon Nicklas

Associate Chief Justice Jeanine LeRoy

Regional Senior Justice of the Peace Samantha Burton

Roles and Responsibilities within the Court System

Senior Associate Chief Justice Jeanine LeRoy

Judicial Independence and the Judiciary

- Judicial independence exists to protect the public and ensure impartial adjudication.
- The components of judicial independence are:
 - security of tenure,
 - financial security, and
 - administrative independence.
- Administrative independence exercised by the Chief Justice and her delegates

Prosecution and Police

- Prosecutorial independence refers to the independent decision-making powers of a prosecutor to determine which charges should be pursued.
- Fundamental principle of the rule of law.
- Applies to all prosecutors regardless of employer (e.g., municipal prosecutors, Crown Counsel, etc.).
- Must be independent of the executive branch (e.g., mayors and city councilors, Ministers), courts admin, police, the judiciary, etc.
- The role of police and provincial offences officers is to investigate offences.

Courts Administration and Court Management

- Courts administration has an essential role to ensure that courts operate fairly, effectively, and independently.
- Maintains public confidence in the justice system by ensuring public access and a fair and timely process.
- Supports and preserves judicial independence (e.g., by implementing judicial scheduling directions, providing staff and resources to support impartial adjudication).
- Makes decisions about the efficient use of public resources with respect to staffing, facilities, infrastructure, etc.

Scheduling

Regional Senior Justice of the Peace Samantha Burton

Scheduling

- Scheduling is an essential component of judicial independence (*Valente v. the Queen*, [1985] 2 SCR 673)
- Scheduling includes:
 - assignment of judges/justices of the peace,
 - control over sittings of the court and court list,
 - allocation of courtrooms (as it relates to assignments and court sittings), and
 - direction of admin staff carrying out these functions.

Legislative Authority in Ontario

- *Courts of Justice Act* indicates scheduling of all cases in Ontario Court of Justice is to be directed and supervised by the Chief Justice (s. 36(1)).
- The Regional Senior Justice (RSJ), subject to the authority of the Chief Justice, exercises these duties in their region (s. 36(2)).
- The *Justices of the Peace Act* further clarifies these responsibilities as they relate to justices of the peace.

Legislative Authority in Ontario

- Under the direction of the Chief Justice, the RSJ directs and supervise the sittings of the Justices of the Peace in their region and the assignment of judicial duties (s. 15(1), *Justices of the Peace Act*).
- These functions may be delegated to the Regional Senior Justice of the Peace (RSJP) (s. 15(3), *Justices of the Peace Act*).
- This includes:
 - The determination of the sittings of the Justices of the Peace, and the assignment of Justices of the Peace to those sittings;
 - The assignment of cases and other judicial duties to individual Justices of the Peace;
 - The determination of sitting schedules and places of sittings for individual Justices of the Peace; and
 - The preparation of trial lists and the assignment of court rooms, to the extent necessary to control the determination of who is assigned to hear particular cases.

Trial Coordination

- Although the Trial Coordinators/Trial Schedulers are employed by their respective courts, they take their direction for scheduling from the RSJP.
- That means that only the RSJP or their designate have the authority to direct the Trial Coordinator/Trial Schedulers to close lists and to manage lists.
- The Scheduling Assistant at the RSJP Office shall be involved in the decision to close any list as that person has the overview of all of the court sittings in each jurisdiction and is also directed by the RSJP.
- Thus, presiding judicial officers, prosecutors and court staff may propose lists to be closed but only the RSJP sets the parameters and make decisions about closing POA lists.
- General guidelines as to priorities for scheduling have been created to assistance in building lists.

Jordan Compliant Scheduling

- Ontario Court of Justice Scheduling Direction: *Jordan*-Compliant Scheduling in *Provincial Offences Act* matters, effective March 30, 2026
- *Provincial Offences Act* Judicial Pre-Trial Practice Direction, effective March 30, 2026

Court managers also received:

- Direction to Trial Coordinators In *Provincial Offences Act* matters



THANK YOU