



**FEDERAL COURT LABOUR LAW, HUMAN RIGHTS, PRIVACY AND
ACCESS REVIEW LIAISON GROUP**

MINUTES AND SUMMARY OF DECISIONS
Meeting of March 6, 2012

Present: Chief Justice Crampton, Justice Zinn (Chair), Andrew Raven, Dougald Brown (represented by Chris Rootham), Philippe Dufresne, Sandy Graham, Chris Rugar, Harvey Newman (represented by Dora Benbaruk), Tom Brady, Emily McCarthy, Patricia Kosseim, Andrew Baumberg, Jaro Mazzola.

Absent: Justice Mactavish, Justice de Montigny, Justice Bédard, Barbara A. McIsaac, Q.C., Nathalie Daigle.

Subject	Discussion	Decisions/Action
1. Approval of Agenda	Members agreed to rearrange the agenda, beginning with the introduction of newly appointed Chief Justice Crampton and his welcome remarks.	
2. Introduction of the Honourable Chief Justice Crampton and welcome remarks.	Chief Justice Crampton welcomed members of the Committee noting that he welcomes feedback from the Bar.	
3. Reading and adoption of the Minutes of the October 12, 2010 meeting.	The minutes were approved without changes.	
4. Introduction of New Members: The Honourable Madam Justice Marie-Josée Bédard, Federal Court Emily McCarthy, General Counsel Office of the Information Commissioner of Canada Patricia Kosseim, General Counsel Office of the Privacy Commissioner of Canada.	Justice Zinn noted that Justice Bédard was unable to attend and proceeded to introduce the other new members of the Committee: Patricia Kosseim acting for the Office of the Privacy Commissioner of Canada; and Emily McCarthy, now acting for the Office of the Information Commissioner of Canada.	
5. Common List of Authorities: Are there additions required? e.g. <i>Newfoundland Nurses'</i> decision How do we keep it current?	Justice Zinn noted that the Common List of Authorities has been accepted and is on the Federal Court website.	It was agreed that the list would be reviewed as part of the annual meeting on the second Tuesday of every June.

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	<p>Andrew Baumberg explained that although the Notice was issued and sent for distribution, it was not distributed due to an administrative error.</p> <p>Regarding updates, it was noted that the list should be evaluated on an annual basis at Committee meetings, with it being a standard item. The key criterion for inclusion is frequency of citation, not relevance.</p> <p>Mr. Brady suggested a maximum number of cases which can be included in the List (i.e. never more than 50 cases). This suggestion was not elaborated upon and no comments were made.</p>	<p>Everyone will informally consider cases which should be included or removed from the List of Authorities.</p> <p>Justice Zinn will send a reminder prior to the next meeting and changes should be circulated informally by May.</p>
<p>6. Early Hearing Dates Has it been used and is it working?</p>	<p>Justice Zinn asked whether litigants had used the mechanism available in this notice.</p> <p>Ms. McCarthy noted that she had made a request in July 2011 on consent for a one-day hearing. Although the request was properly processed, it was not scheduled to be heard any sooner; it is scheduled for April 2012 (T-146-11 / T-147-11).</p> <p>Justice Zinn noted that in cases where the Court is not able to meet the request, a clear message should be provided to counsel.</p>	<p>Chief Justice Crampton made a note of the report and said he would follow-up with the Judicial Administrator.</p>
<p>7. Information Item <i>Global Review of Federal Courts Rules</i></p>	<p>Justice Zinn provided an update regarding the on-going amendment process for the <i>Federal Courts Rules</i>. He invited members of the Committee to provide him formal or informal commentary and suggestions on the Rules.</p> <p>There was a question whether amendments to Rule 7 are being considered (re: extension of time on consent). It was suggested that it be increased to the original time frame to avoid the need for multiple motions.</p> <p>Chief Justice Crampton introduced a discussion on vexatious litigants and the Crown's apparent reluctance to resort to the Rule. Mr. Rupar explained that the Crown is reluctant to use the vexatious litigant Rule because it is something of a "hammer" with serious consequences; the removal of the right to pursue legal rights in Court except with leave.</p> <p>There was some discussion of the current e-filing practice before the Court. Justice Zinn provided an example of electronic filing of a very large file at the Federal Court of Appeal whereby the parties were allowed to file documents in PDF, with the requirement that they make available 30 days before the hearing a paper compendium of evidence that</p>	<p>Justice Zinn will discuss amendments to Rule 7 with the Rules Committee.</p> <p>As for vexatious litigants, Mr. Rupar said that he would discuss the issue with the Department of Justice and get back to the Committee.</p>

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	<p>would be cited in the Court. A similar approach could be considered for a case with very large documents before the Federal Court.</p> <p>Chief Justice Crampton noted that the Court was considering a move of motions-day from Monday to Tuesday and to extend the time-frame for filing of materials so there is less pressure on the Court. Everyone was in favour of providing extra time for the preparation and filing of motion records.</p> <p>There was no opposition to the possibility of moving motions days from Mondays to Tuesdays.</p>	
<p>8. Adjournment and date for the next meeting.</p>	<p>Justice Zinn noted that the next meeting would be held on the second Tuesday of June 2013.</p> <p>The meeting was adjourned.</p>	