

Subject: RE: Follow Up

From: MAG Analytics & Evidence Branch <AskAEB@ontario.ca>

Date: 2023-09-28, 1:50 p.m.

To: Michael <michael@michaelsfirm.ca>

CC: MAG Analytics & Evidence Branch <AskAEB@ontario.ca>

Good day Michael,

As per the direction from the FOI letter (dated June 19, 2023), the following questions 20-29, 32, 34, and 35 were not processed. For a response to these questions please follow the direction previously received in the FOI letter.

The Superior Court will consider all requests for court information derived from its case management system FRANK. Your requests for information that are not captured by the Court's case management system and/or that has the potential to undermine judicial independence are denied. Additionally, the Superior Court is not in a position to answer a number of your questions and should be directed to the Ministry of the Attorney General.

Q1. To confirm that in 2022, there were 203 full time Superior Court Judges (<https://www.fja.gc.ca/appointments-nominations/judges-juges-eng.aspx#on>).

A1. On December 31, 2022, the Superior Court of Justice had 256 full-time judges. The court's judicial complement fluctuates as, for example, new judges are appointed. For that reason, the figure provided is as of a single point in time.

Q2. To determine the number of full-time equivalent Judges from the Super-numeraries (i.e. if two Super-numerarie Judges each work half time, that would be the equivalent of one full time Judge. In the event actual days worked is not tracked, that data can be extracted from taking the amounts paid to all Super-numarie Judges, dividing by their daily rate, then further dividing the result by the average number of days worked by Superior Court Judges each year).

A2. The number of the court's supernumerary judges as of August 1, 2023 is available on the Office of the Commissioner for Federal Judicial Affairs' [website](#).

Q3. To confirm that 21 Superior Court Judge positions remained vacant throughout 2022 (or to provide the average for the year were there slight fluctuations in the number of vacancies).

A3. In 2022, the court's judicial vacancies varied and, on a quarterly basis, were as follows:

- as of March 31, 2022 – 25
- as of June 30, 2022 – 13
- as of September 30, 2022 – 21
- as of December 31, 2022 – 22.

Q4. For a breakdown of the number of Judges assigned by region, along with a breakdown of the number of full time equivalent Super-numeraries assigned by region, i.e. that the Central East Region had 11 Judges plus 2 full time equivalent Super-Numaries for instance.

A4. The number of judges appointed to each region is available on the court's [website](#).

Q5. For a breakdown of the number of Judges and full time equivalent Super-numeraries by region, assigned to criminal, family and civil cases, i.e. Central East Region, 8 Judges assigned to criminal, 1 full time equivalent Super-numerary assigned to criminal, 1 Judge to family and 1 to civil.

A5. Aside from the court's family patent judges, the court's judges are appointed as generalists.

Q7. To list the total number of Associate Judges for the Superior Court of Justice in 2022, and to provide a breakdown as to how many are assigned to each judicial region, and how many are assigned to criminal, family and civil cases within each region.

A7. On December 31, 2022, the court had 16 Associate Judges. The regions to which they are assigned are

available on the court's [website](#).

Q8. To identify the number of cases received and disposed of in 2020, 2021 and 2022, for criminal, family, civil and small claims, by judicial region.

A8. See attached report (pg. 1 & 2) for cases received in the areas requested, as well as criminal cases disposed.

As for cases disposed in all other areas, the accuracy and reliability of the information within the courts' case management systems depends on whether and how the information was entered. In this case, the number of pending proceedings for Civil, Family and Small Claims within FRANK is misleading given, among other reasons, the fact that, during the COVID-19 pandemic, proceedings that ordinarily would have been subject to dismissal for delay were not dismissed pursuant to regulations enacted under the Emergency Management and Civil Protections Act. This problem added to the pre-existing and ongoing reality that parties often settle their disputes without informing the court or, likewise, commence proceedings they later abandon. Both types of cases are also still identified within FRANK as being pending. Moreover, even after a legal dispute is disposed, court staff can enter that disposition in FRANK in multiple ways, a significant portion of which still leave the matter captured by a search for all pending matters. As a result, it is impossible to use FRANK to generate an accurate and reliable report of all pending or disposed proceedings in Civil, Family and Small Claims.

Q9. To identify the number of outstanding cases at the end of 2022 for criminal, family, civil and small claims, by judicial region.

A9. See the attached report (pg. 3) for active pending criminal cases. As for the cases pending in the other requested areas, see answer immediately above.

Q10. To list the number of motions filed per judicial region for 2022, broken down for criminal, family and civil.

A10. See attached report (pg. 4).

Q15. In each of the 3 regions where civil mediation is mandatory, for the years 2022, 2021 and 2020, how many such cases were mediated in each, and of those, how many mediations were successful.

A.15 See attached report (pg. 5).

Q17. To provide the number of decisions rendered in 2022, for criminal, family and civil.

A. 17 Given the varying types of decisions that are made daily in the court, and the fact that our current case management system does not capture all decisions made, this request can not be facilitated.

Q18. To provide the number of appeals in 2022 for criminal, family and civil, and for each, the number that were successful.

A. 18 See attached report (pg. 6) for appeals filed.

Q19. To identify the total budget of the Superior Court of Justice for 2022, separating Provincial and Federal contributions (i.e. including amounts paid for by the Federal Government for Judicial salaries, plus any other amounts paid for by them, along with all amounts paid for by the Provincial Government, plus any amounts paid for by revenues generated by the courts).

A. 19 You may wish to visit the Expenditure Estimates for the Ministry of Attorney General and Public Accounts, specifically as they relate to its Court Services Program, available here: [2022-2023 Court Services Program – vote 305](#) and [2021-2022 Court Services Program – vote 305](#). You may also wish to see the province's 2021-2022 Public Accounts (Actual Expenditures), specifically as they also relate to its Court Services Program (see p. 2-44), available here: [2021-2022 Public Accounts](#).

Q33. For the number of criminal cases dismissed by the Superior Court for delay in 2020, 2021 and 2022 (i.e. per sec. 11(b) of the Charter).

A. 33 This data is not collected in Court's operational case management system.

*The data is being provided “as is” for the specified purpose with the consent of the Superior Court of Justice **and may not be reused for any other purpose or shared beyond the original intended audience without seeking further approval of the Court.** The Ministry of the Attorney General collects this data on behalf of the Court, and as such, the Superior Court of Justice cannot confirm the accuracy or the completeness of the data. The Court takes no position, nor make any comment upon any inferences, interpretations, projections, or analysis resulting from the use of this data.*

Regards,
Analytics & Evidence Branch

From: MAG Analytics & Evidence Branch <AskAEB@ontario.ca>
Sent: July 5, 2023 3:27 PM
To: Michael <michael@michaelsfirm.ca>
Cc: MAG Analytics & Evidence Branch <AskAEB@ontario.ca>
Subject: RE: Follow Up

Good day Michael,

Thank you for contacting the Analytics & Evidence Branch of the Ministry of the Attorney General. We acknowledge receipt of your request of June 25, 2023 with the direction provided to you by Freedom of Information and Protection of Privacy Services.

Please note: The Ontario Superior Court of Justice (SCJ) and Ontario Court of Justice (OCJ) have exclusive ownership over all court data contained in the case management systems or other programs. Accordingly, the release of court data is subject to the approval of the Court(s).

Regards,
Analytics & Evidence Branch
[Internal Reference – 2023-4930]

From: Michael <michael@michaelsfirm.ca>
Sent: June 25, 2023 6:00 PM
To: MAG Analytics & Evidence Branch <AskAEB@ontario.ca>
Subject: Follow Up

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Dear AES:

Can I please get an update on my most recent request (May 15, 2023) for court records, all of which I believe I should be entitled to via the open courts principle and via the Canadian Judicial Council's "[Model Policy for Access to Court Records in Canada](#)? I attach the Ministry's response, indicating that the majority of records sought cannot be produced by the AG, and hence my request to the Analytics and Evidence branch. I await your prompt response to this request.

Michael Lesage

----- Forwarded Message -----