

# University NEWSBEAT

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## Selected issues examined

# Osgoode reassesses Canadian judicial system

John and Mary had been happily married for several years, when things started to deteriorate. After a period of breakdown, John ran off with another woman, never to return.

Mary bravely shouldered her responsibilities and analyzed her situation. She wanted two things: support for her two children, and a divorce.

The support payments were obviously the most immediate need, so she hired a lawyer and made application to the family division of the provincial court.

When time came for the divorce action, she was surprised to find she had to go to Superior or County Court.

Two different courts, two different actions, different sets of court costs, waiting periods, possibly even two different lawyers: the overlapping jurisdictions of courts is one of the things a group of jurists and legal scholars will examine next weekend at the sixth annual Osgoode Hall Law School lecture series.

Conference on the Canadian Court System: A Reassessment will be held February 17 and 18 at the Law School.

Mary's problem is a constitutional one: the British North America Act divided the powers of the judiciary between the federal government and the provinces.

Further complications sometimes are caused by the divisions within the federally appointed courts.

In one of the conference topics, the possibility of merging the Superior, County, and District courts into one large court with various specialized branches will

be discussed.

At present, both Superior and County or District courts have trial jurisdiction, but some criminal charges can be tried only in the Superior Court. As well, any civil action involving more than \$7,500 must go to the higher court, unless all parties to the action agree otherwise.

According to Osgoode professor S.N. Lederman, Conference Chairman, there is a question of whether we really need two levels of trial courts.

There might be advantages, he said, to developing specialized courts and judges, with some judges, for example, hearing only matrimonial disputes and others hearing only particular criminal offences.

Lederman sees the Reassessment conference as a follow-up to last year's conference, which focussed on the role of the judge and his performance of his responsibilities.

"We're taking a broader look this year," he said, "examining the system and the different courts within it."

"There are a number of pressing concerns confronting each level of the courts. Selected concerns will be examined by the conference speakers in depth."

The high volume of cases, perhaps one of the most prominent of the concerns, will be examined in regard to the provincial courts, where the problem is particularly acute.

This topic will open the conference at 9:30 a.m., Thursday, February 17, with a talk by Frank Jones, Dean of the Faculty of Law, University of Alberta. Dean Jones is

Chairman of the Alberta Provincial Court Reorganization Committee.

Commenting on Dean Jones's talk will be Chief Judge Fred Hayes of the Ontario Supreme Court's Criminal Division, Chief Judge Alan B. Gold of the Provincial Court of Quebec, and Chief Judge Allan Cawsey of the Provincial Court of Alberta.

The issues of merger and specialization of the Superior, County and District courts will be discussed in the afternoon by Dr. Ian Scott, Director of the Institute of Judicial Administration in England.

The commentators for that topic will be Associate Chief Justice James Huggess, Superior Court of Quebec; Judge Gordon Killeen, Senior County Court Judge, Ontario; Peter Russell, professor of political economy, University of Toronto.

The third topic, The Role of an Appeal Court, will be discussed in the evening by Professor Paul Carrington, Faculty of Law, University of Michigan.

This topic may include some discussion of whether the current right of a litigant to appeal the decision of a lower court ought to be continued, or whether there might be some advantage to a screening body which would limit the number of appeals.

The Honourable Arthur Kelly, Chairman of the Committee on the Appellate Jurisdiction of the Supreme Court of Ontario, and Professor Adrian Popovici, Faculty of Law, University of Montreal, will comment. Mr. Justice Kelly is a former Justice of the Ontario Court of Appeal.

Two topics to be discussed on the

second day of the conference, Friday, February 18, are related.

In the morning session, Professor David Mullan, Faculty of Law, Dalhousie University will discuss the Federal Court of Canada. The Federal Court was created in part to provide an opportunity for judicial review — in effect, an appeal process — of decisions of federal administrative bodies.

Administrative tribunals, such as the Ontario Labour Relations Board or the Canadian Radio-Television Commission, are one of the alternatives to the court system. A look at those alternatives is the focus of the afternoon topic, Are We Over-Judicialized?

"It is a peculiarly North American reflex," said Lederman, "to throw every kind of dispute to the courts for solution."

The greater use of arbitration and conciliation in disputes might, he feels, alleviate some of the overcrowding in courts and provide greater satisfaction to the parties involved.

"Even some criminal offenses might be better dealt with on the basis of mediation and restitution between offender and victim."

The speaker for the "Alter-

natives" session will be Mr. Justice Antonio Lamer, Chairman of the Law Reform Commission of Canada, with comment by Chief Justice W.Z. Estey, Supreme Court of Ontario; Dean Harry Arthurs, Osgoode Hall Law School; Fred Vaughn, professor of political studies, University of Guelph; Professor Francis Snyder, Osgoode Hall Law School.

Commentators in the morning session will be Gordon Henderson, Q.C.; Professor John Evans, Osgoode Hall Law School; Professor Patrice Garant, Faculty of Law, Laval University.

The conference is presented in cooperation with the Canadian Institute for the Administration of Justice and will close Friday evening with a special dinner sponsored by that organization.

The dinner speaker will be Dr. J.A. Corry, former Principal of Queen's University, commenting on the relationship between the Canadian court system and the public. More information on the conference may be obtained from Madeleine Smith, Conference Secretary, at Osgoode Hall Law School. Telephone 667-3996.

## Footnotes

### Laurentian finds Best is best

Henry B.M. Best, associate professor of history and joint coordinator of Canadian studies, Atkinson College, has been named president - elect of Laurentian University, Sudbury, Ontario.

He assumes the new position July 1. During his thirteen years at York University, Best served in a number of administrative posts: assistant to the President, director of student services, associate dean of Atkinson College.

While at York University, Best organized the Canadian studies programme at Atkinson College, and has regularly taught courses in Canadian identity, culture and history.

He is the author of numerous papers; the most recent "The Scot in Canada during the Old Regime" was included in the Scot in Canada, edited by Professor W. Stanford Reid of the University of Guelph.

Best, 42, was educated at Upper Canada College, the University of Toronto, Université Laval. He received a Doctorat de l'Université en Histoire, cum laude, from Laval in 1969.

### Who has seen W.O. Mitchell

Canadian author W.O. Mitchell will speak on Thursday evening, February 17, at the Tenth Annual Reading Conference sponsored by The Centre for Continuing Education at York University.

W.O. Mitchell, former vagabond, advertising salesman, fiction editor at Maclean's magazine and writer - in - residence at the University of Alberta and the University of Toronto, is the author of the superb novel "Who Has Seen the Wind".

The Ginn and Company Award will be presented on the same evening by Mr. Frank Watson, President of Ginn and Company, to the person selected by Reading '77 as someone who has made an outstanding contribution in the reading field.

For the first time in history of the Conference, a Course for Leaders will be offered on Monday, February 14 and Tuesday, February 15. The Course for Leaders in reading education will feature presentations on language skills, the organization and administration of the reading programme, the instructional challenge of multiculturalism, and reading methodology.

### CYSF plans Midnight special

The Council of York Student Federation (CYSF) presents recording artist, Ray Matherick and MIDNIGHT MATINEE in concert on Friday, March 4 at 7:30 p.m., in Burton Auditorium. Also performing will be vocalist Bill Hughes.

Tickets are \$4 for CYSF members and \$4.50 for the general public. Call the Burton box office at 667-2370 or the CYSF office at 667-2515 for further information.

### Escape while there's still time

Tuesday, February 15 is the last day to withdraw from full courses in the Faculty of Arts without receiving a grade (withdrawal without academic penalty). Last one out, turn off the lights.

## Double debut marks opening of THEATRE GLENDON this week

THEATRE GLENDON, a newly - built multi-use space on the Bayview campus, opens Saturday night with *Good-Bye Pompeii*, a comedy in two acts written for the Glendon College Dramatic Arts Program by Robert Wallace, associate professor of English.

The play is scheduled for a 12-day run. Performances begin at 8:30 p.m.

The play explores the relationship of a group of students living communally in a house in the Cabagetown section of Toronto. The conflicts and fears which they try to suppress suddenly erupt on their last night together. Playwright Wallace describes it as "a comedy about real people."

*Good - Bye Pompeii* is Robert Wallace's third play, although it marks his Toronto debut. His second play, *No Deposit, No Return*, was produced off - Broadway in New York in 1975.

He explained that the production of his latest play is in keeping with the goal of the Glendon Dramatic Arts Program to have an annual preview of a new Canadian play.

Wallace has been at York since July 1968 when he joined the Glendon English department.

Since then he also has served as course director for the Living Theatre, part of the Centre for Continuing Education (1972-1973), and as seminar leader for Shakespeare Seminars conducted by McMaster University at the Stratford Festival, Stratford, Ont. (summer 1972).

THEATRE GLENDON, scheduled to be completed before autumn, also will be used for lectures, concerts, conferences and other cultural events. It is the first new facility built since the college's inception.

Following *Good - Bye Pompeii*, the Performing Arts Studio will present *La Lecon* from March 2 through 6, and *King Lear*, March 15 to 24.

Because of the delay in opening the theatre, productions have been tightly scheduled, Wallace said,



Robert Wallace

and have taken precedence over other scheduled activities.

A performance by the York Winds from the Faculty of Fine Arts also is scheduled for Saturday night. It will be a special benefit with proceeds designated for the Friends of Glendon Scholarship Fund.

The official name of the new theatre is written in capital letters so that French accent marks may be dropped.