

CIAJ and Its Annual Conference

The Honourable Mr. Justice James M. SPENCE*

The conference which gave rise to the proceedings published in this volume was held in October of 1997 in Toronto under the auspices of the Canadian Institute for the Administration of Justice (CIAJ). The annual October conference of the CIAJ provides a valuable meeting place for those concerned with the administration of justice in Canada.

CIAJ is the only national organization dedicated to providing organized opportunities for reasoned discussion in French and English of issues concerning the administration of justice. It is the only Canadian organization concerned with the administration of justice that is open to everyone who shares that concern, without regard to any special role that person may play in the arena. It expresses no opinion on issues. Its purpose is to ensure that all relevant arguments are heard and considered together in reasoned dialogue.

CIAJ is independent of government and of all interest groups. Its members support its work by membership fees and contributions of both time and money. Its educational and research projects pay for themselves, through registration fees and contributions from those who consider the project of sufficient importance to warrant their support.

Our annual conference is an important undertaking for us, in our effort to fulfill our mandate as a continuing meeting place for the consideration of justice issues. At the conference, we endeavour to bring together a wide cross-section of persons concerned with the working of the justice system. We draw to the annual conference, and to our other programs and conferences both CIAJ members and others. Those who participate in the life and work of CIAJ include judges, academics, lawyers, including Crown counsel and legislative counsel, notaries, court administrators, members of administrative tribunals, police officers and social workers.

This past year our annual conference was held in Toronto. I am very grateful that Dean Marilyn Pilkington of the Osgoode Hall Law School of York University served as co-chair of the conference with me. The many compliments which CIAJ received about the excellence of the sessions are a tribute to the fine work she provided in the selection of the topics and speakers and the organization of the sessions.

* Ontario Court of Justice (General Division), Toronto, Ontario.

This conference was one in a continuing series which CIAJ has been engaged in for some years now, examining different aspects of the administration of justice in the context of contemporary issues. In October 1995 we examined public perceptions of the justice system. In 1996 we considered human rights in a Canadian and global context. Later this year, in October in Saskatoon, the CIAJ annual conference will focus on the changing demands imposed on the justice system in Canada, with particular reference to the kinds of coordination issues that arise between different institutions and elements in the system.

Our focus for the conference in Toronto was on the administration of justice in commercial disputes. A national conference on commercial law was held in Banff in 1975 I believe, and in the 22 years since that time, there have been many important changes and developments that called for our attention.

Comme nous l'avons dit dans le programme du colloque, les questions de droit commercial prennent beaucoup de temps et de ressources au sein du système juridique, mais font rarement l'objet d'une étude structurée au-delà de certains domaines spécialisés. Il y a beaucoup de facteurs qui démontrent que le temps est venu de soulever ces questions. Par exemple, la discrétion donnée aux tribunaux, la nouvelle priorité donnée aux responsabilités fiduciaires et des pressions créées par de très importantes causes commerciales. Nous devons explorer ces sujets par rapport au rôle de la théorie et des questions de Charte et des perspectives des modifications au système de justice civil au Canada. Et nous devons situer nos discussions dans le contexte international.

With all of these matters, along with class actions, ADR and consumer interests, we had a full and demanding agenda for the conference.

I am pleased to take this opportunity to express the gratitude of CIAJ to all those who helped with the conference and the preparation of this volume. The list of all the people who contributed would be a very long one indeed : we had the benefit of early consultations with many people senior in their areas of responsibility and expertise; we received enthusiastic and well-prepared participation from all of our speakers and panel chairs; institute staff were unfailingly helpful and the conference registrants took part in the proceedings with an invigorating interest.

I want to thank the contributing law firms for the generous support they gave to the CIAJ for the holding of this conference. Because of their support, we were able to invite law students from Ontario law schools to take part in the conference with us. We are grateful to the contributing firms for making this valuable educational initiative possible. This strong support confirms the conviction that with the assistance which is provided so readily by all of those concerned with the administration of justice in Canada, CIAJ will be able to carry out its mandate in a manner that responds to changing circumstances and needs.