



# Office of the Registrar of the Supreme Court of Canada

2018-19 Departmental Results Report

**Supplementary Information**



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## Supplementary information

### Raison d'être, mandate and role

#### **Raison d'être**

Created by an Act of Parliament in 1875, the Supreme Court of Canada is Canada's final court of appeal. It serves Canadians by deciding legal issues of public importance, thereby contributing to the development of all branches of law applicable within Canada.

The independence of the Court, the quality of its work and the esteem in which it is held both in Canada and abroad contribute significantly as foundations for a secure, strong and democratic country founded on the Rule of Law. The Supreme Court of Canada is an important national institution, positioned at the pinnacle of the judicial branch of government in Canada, separate from and independent of the executive and legislative branches of government.

The Office of the Registrar of the Supreme Court of Canada provides all necessary services and support for the Court to process, hear and decide cases. It also serves as the interface between litigants and the Court.

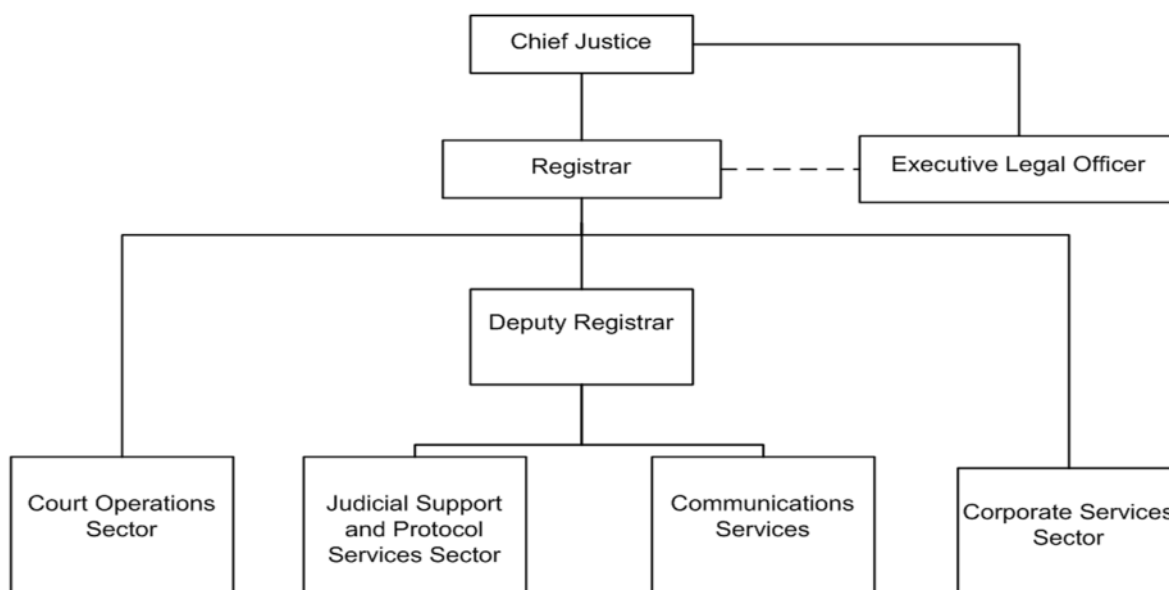
More detailed information on the Court's responsibilities, the hearing process and judgments is available on the [Supreme Court of Canada website](#).

#### **Mandate and role**

In accordance with the *Supreme Court Act*, the Court consists of nine judges, including the Chief Justice of Canada, all of whom are appointed by the Governor in Council. The Court hears appeals from the decisions of the highest courts of final resort of the provinces and territories, as well as from the Federal Court of Appeal and the Court Martial Appeal Court of Canada. In addition, the Court provides advisory opinions on questions referred to it by the Governor in Council. The importance of the Court's decisions for Canadian society is well recognized. The Court assures uniformity, consistency and correctness in the articulation, development and interpretation of legal principles throughout the Canadian judicial system. Its jurisdiction is derived from the *Supreme Court Act* and other Acts of Parliament, such as the *Criminal Code*.

The *Supreme Court Act* provides that the Registrar shall, under the direction of the Chief Justice, superintend the officers, clerks and employees of the Court, report and publish the judgments of the Court, as well as manage and control the library of the Court. The Registrar is appointed by the Governor in Council and heads the Office, being responsible for the management of its

employees, resources and activities. The organization of the Office is depicted in the following diagram and further explained in the paragraphs below.



**Judicial Support and Protocol Services Sector:** The Judicial Support and Protocol Services Sector is responsible for the delivery of all judicial support services to the Chief Justice of Canada and to the judges of the Court, including protocol matters and facilitating the Court’s international role, as well as the development and delivery of integrated judicial support programs and services, judicial support administration and the Law Clerk program.

**Communications Services:** The Communications Services Branch develops and implements communication strategies, plans and programs to increase public awareness and understanding of the Supreme Court of Canada, as well as responds to requests for information and provides guided tours of the Court building. It also works to enhance internal communications within the Court.

**Court Operations Sector:** Composed of the Law Branch, Reports Branch, Registry Branch, Library Branch, and Information Management Branch, this sector is responsible for the planning, direction and provision of legal advice and operational support for the judges of the Court in regard to all aspects of the case management process, from the initial filing to the final judgment on an appeal. This includes processing and recording proceedings, scheduling of cases, legal and

jurilinguistic services, legal research and library services, legal editing services and the publication of the *Canada Supreme Court Reports*. Information management services include case-related and corporate records information. The Registry is the point of contact between the Court and litigants and provides information and services to counsel and litigants, including unrepresented litigants.

**Corporate Services Sector:** Administrative and operational support for all the Court’s judges and staff is provided by the Corporate Services Sector, which is responsible for: strategic, business and resource planning; corporate reporting; management accountability; integrated risk management; finance; procurement; accommodations (including telecommunications, mail and printing services); human resources; security; health and safety; emergency management and preparedness; IT services; as well as business continuity planning.

## Operating context and key risks

### Operating context

The operating environment of the ORSCC is continuously evolving. The focus in recent years has been on business process improvement, information management and enhancing electronic access for litigants and the public. As the ORSCC prepares for a building rehabilitation initiative for the Supreme Court of Canada Building, resources are dedicated over the short and long term to ensure that pressures related to the aging Court building and operational facilities are managed effectively. In collaboration with Public Services and Procurement Canada, work is continuing on planning all aspects of the building.

In recent years, the Court has seen relative stability in its caseload, but there continue to be operational pressures on the ORSCC. These arise from the requirement to (i) provide more services to the Court, litigants, and the public; (ii) meet the needs of a significant number of self-represented litigants; and (iii) maintain operations in aging facilities with limited resources.

There is a continued focus on the electronic exchange of information between or from the judges, Court staff, the legal community and the public, and an expectation that electronic tools and processes can be used to obtain or provide Court information, as well as to file documents. The 2019 amendments to the *Rules of the Supreme Court of Canada* allow parties to serve all documents by e-mail, provide hyperlinks instead of photocopies of supporting documents, reduce the requirement to file paper copies of some documents, and permit the electronic management of specified processes, by allowing for facsimile signatures on orders. These and other amendments enhance the efficacy of the Court’s leave application and appeal processes, including the scheduling of hearings and the publication of reasons in appeals where there are sealed documents, sealing orders, confidentiality orders and publication bans. As well, there is a

continued focus on improving case information available online, such as the completion of the digitization of all volumes of the Supreme Court of Canada Reports (S.C.R.).

In 2018, self-represented litigants brought 22% of the applications for leave to appeal, which represents a significant percentage of its filings. This underlies the continuous need for the Registry Branch to enhance its resources for self-represented litigants, who require sustained assistance from Court staff.

The Court is also facing heightened concerns about physical and information security, which must be balanced with the need to provide a secure environment in the context of the operational requirements of a court which is accessible to the public. As well, when responding to demands by government for operational efficiencies by way of the consolidation of various services, the ORSCC must ensure the protection of judicial and institutional independence.

The operating environment is also evolving from an outreach perspective. There is increased public interest in the Court's cases and growing visibility of the SCC judges in Canada and abroad. As a leader in court administration, the ORSCC must support the Court in that role.

In light of all the factors described above, the ORSCC continues to dedicate ongoing efforts aimed at ensuring that all resources are used in the most efficient and effective manner possible.

### **Key risks**

The ORSCC's operating environment is assessed regularly in terms of its capacity to deal with key high-level risks linked to the achievement of organizational objectives, core responsibility and results. Mitigation measures are also monitored continually to ensure that they are adequate and fully implemented.

The following table outlines the key risks and risk response strategies faced by the organization:



## Key risks

Risks	Risk response strategy	Link to the department's Core Responsibilities	Link to mandate letter commitments or to government-wide or departmental priorities)
<p><b>IT Security (cyber threats)</b></p> <p>Unintentional or unauthorized access, use, manipulation, interruption or destruction (via electronic means) of electronic information held by the Court and the electronic and physical infrastructure used to process, communicate and/or store that information. Risk to the security and confidentiality of judicial information and data.</p>	<ul style="list-style-type: none"> <li>• IT security action plans</li> <li>• IT security awareness plans/staff awareness</li> <li>• Periodic vulnerabilities assessment and penetration testing</li> <li>• Regular IT Threat and Risk Assessments</li> <li>• Key investments in security software and systems</li> <li>• Sensitive information is clearly identified, classified and stored</li> </ul>	<p>The administration of Canada's final court of appeal</p> <p>Internal Services</p>	<p>Organizational priority: Security and facilities management</p>
<p><b>Security (persons, building, information, infrastructure)</b></p> <p>Threats to the safety of judges, staff or visitors, and to the security of the building, information and infrastructure. Balancing security measures required for the protection of judges, staff and visitors with the principle of an open court (the Supreme Court of Canada building is a high volume tourism destination).</p>	<ul style="list-style-type: none"> <li>• Security governance structure</li> <li>• Security Action Plan</li> <li>• Security Risk Register</li> <li>• Policies and procedures updated regularly</li> <li>• Security audits/threat and risk assessments</li> <li>• Business Continuity Plan</li> <li>• Staff awareness</li> <li>• Effective relationship with the RCMP</li> <li>• Enhanced physical security measures</li> </ul>	<p>The administration of Canada's final court of appeal</p> <p>Internal Services</p>	<p>Organizational priority: Security and facilities management</p>

Risks	Risk response strategy	Link to the department's Core Responsibilities	Link to mandate letter commitments or to government-wide or departmental priorities)
<p><b>Aging legacy IT systems and applications</b></p> <p>Failure of aging legacy systems and applications, such as the Case Management System (CMS), as evidenced by system downtime or failure, flexibility of systems to handle new requirements or integrate with newer products, lack of ability of Court staff to address technical issues and to interface systems and data, and systems becoming obsolete and unmanageable if the Court waits too long to redesign and port to a new platform.</p>	<ul style="list-style-type: none"> <li>• Threat and Risk Assessments</li> <li>• Back-up operations and tools kept-up-to-date</li> <li>• In-house expertise available to support CMS and operational systems</li> <li>• Identification of key significant upgrades in the Investment Plan (capital replacement), and provision of sufficient funding to meet requirements</li> <li>• Business Continuity Planning and Disaster Recovery plans</li> <li>• Ongoing maintenance of systems and equipment/ systematic checks</li> </ul>	<p>The administration of Canada's final court of appeal</p> <p>Internal Services</p>	<p>Organizational priority: Business Transformation</p>

Despite being stable over time, the ORSCC does have ongoing risks which require constant vigilance, as identified in the table above. In response to these risks, the ORSCC is continuing to implement enhanced security measures at the Court – both physical and IT security. These investments enable the ORSCC to increase its security posture and address security vulnerabilities.

The failure of aging legacy IT systems remains a key risk for the ORSCC. The ORSCC dedicates resources (both human and financial) to maintain its asset base and ensures that the core assets that support the Court Administration program are replenished. Investment planning is key in planning for these infrastructure investments. Progress is achieved by ensuring that resources are allocated to maintaining these systems (back-up operations, updated tools and ongoing monitoring systems). As well, regular threat and risk assessments are conducted and business continuity plans are being developed.