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A spokesman for Justice Minister Jody Wilson-Raybould says 'judicial appointments alone will not solve the issue of court delays.' CHAD HIPOLITO/THE CANADIAN PRESS

## THIS COURT IS NOT IN SESSION

**Ontario's Superior Court is struggling as many judicial appointments go unfilled**

**Jacques Gallant**  
LEGAL AFFAIRS REPORTER

The appointment of six new judges to Ontario's Superior Court of Justice last week has lawyers — and the court itself — wondering why the federal justice minister didn't fill all 20 judicial vacancies as the system struggles to meet stricter deadlines for hearing criminal cases.

There are now 17 vacancies, taking into account the new

appointments, recent retirements and one Superior Court judge being elevated to the Court of Appeal. That number will climb again by the end of this month unless more appointments are made, with four more vacancies expected by Sept. 30 — all in the GTA.

"This means that despite receiving six excellent new judges in August, our court will be no further ahead by the end of September," said Norine Nathanson, senior counsel in the office of the chief justice of the Superior Court.

The court, which currently

has 235 full-time judges and 99 semi-retired judges, has been publicly and privately pleading with Justice Minister Jody Wilson-Raybould for over a year to quickly fill judicial vacancies. It did so again recently in a letter from Chief Justice Heather Smith, Nathanson said.

The shortage comes in the wake of the Supreme Court's 2016 Jordan decision, which set strict timelines to bring a criminal case to trial: 18 months in provincial court and 30 months in Superior Court. If the timeline is breached, the case is tossed for violating an accused person's

right to be tried in a reasonable time, unless the Crown can prove

**"OUR COURT  
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**Norine Nathanson**  
from Office of the Chief Justice

there were exceptional circumstances for the delay.

But while the court says it desperately needs more judges to handle an increasingly heavy and complex caseload, Wilson-Raybould's office says there's more to the problem than just staffing the bench.

"We know that judicial appointments alone will not solve the issue of court delays," said David Taylor, a spokesman for Wilson-Raybould. "The Supreme Court in its Jordan decision called for a culture change in our justice system, a change that requires all actors to heed the court's call to work more efficiently."