

NEWS

Parties unite to pass mega-trial reform

Reforms aim to control large, unwieldy criminal trials of multiple accused

CRISTIN SCHMITZ OTTAWA

The all-party support that propelled procedural mega-trial reforms into the *Criminal Code* this month may be the closest the new 41st Parliament ever comes to a love-fest.

For election-weary MPs fleeing Ottawa for the summer recess, it was a satisfying climax to the session that began June 2.

"I have been the [NDP justice] critic now for eight years and I can't remember one time when we have had such unanimous support for a bill," enthused MP Joe Comartin, who had urged the Conservative government to fast-track the *Fair and Efficient Criminal Trials Act* (Bill C-2).

The longtime Windsor, Ont. criminal lawyer told *The Lawyers Weekly* that "other than some nitpicking around the edges I just can't remember having a time where you saw the judiciary, the prosecutorial side and the defence Bar reach a consensus on these kind of changes."

Justice Minister Rob Nicholson told *The Lawyers Weekly* that notwithstanding some reservations about the bill expressed by the Canadian Bar Association, he is confident that Bill C-2's amendments will streamline and speed



PHOTO COURTESY OF PATRICK WALTON / DEPARTMENT OF JUSTICE

OTTAWA: Justice Minister Rob Nicholson talks to reporters June 13 about his reintroduction of the mega-trial bill. Beside him (r) is Vancouver lawyer and MP Kerry-Lynne Findlay, one of his two new parliamentary secretaries.

a process which most agree has failed abysmally.

"I think [the CBA] may find themselves in a minority because the feedback that I have gotten since last fall is positive on this," Nicholson noted. "Let's implement it. Let's have a look at it and I think they will be pleased."

At press time Bill C-2, introduced June 13 by Nicholson and passed without amendment by the Commons June 22, was expected to get Senate approval and receive royal assent before month's end. (C-2 duplicates Bill C-53, originally introduced last November, which died on the order paper due to the spring

federal election.)

The reforms are aimed at rationalizing the large and unwieldy trials of multiple accused charged with serious offences, such as gang-related crimes and terrorism. In a May 31 decision which is under appeal, for example, a Quebec judge stayed charges against 31 alleged Hells Angels accused of drug offences because of anticipated unreasonable delays in their trials.

A key reform in Bill C-2 (which Comartin suggests could assist the Quebec Crown's appeal of that decision) permits a case management judge to be

appointed on application by the Crown or defence, or at the behest of the judiciary itself.

The case management judge can impose deadlines on the parties, help them narrow issues and make admissions, and make binding rulings on preliminary matters involving issues such as the admissibility of evidence, expert witnesses, change of venue, severance of accused or counts on the indictment and Charter and disclosure motions. Many of these tasks could previously only be carried out by the trial judge.

Criminal Lawyers' Association
See [Mega-trial Page 8](#)

CONTENTS