Interview with the Honourable Chief Judge Ryan Rolston*

BRYAN P. SCHWARTZ,
DARCY L. MACPHERSON

Bryan P. Schwartz (BPS): Just beginning at the beginning**,** were you somebody grew up wanting to be a criminal lawyer?

Ryan Rolston (CJRR): Well, yeah, good question. No, I grew up wanting to be a, a professional hockey player, to be honest with you. I grew up in, in Summerland, BC[1], which is in between Penticton and Kelowna and in the beautiful Okanagan Valley. My family is not in the legal profession. My father was a cattle farmer, and my mother stayed at home and raised me and my eight brothers and two sisters. I'm the second youngest of a large family comprised mostly of boys, and so I think most of my youth was spent trying to figure out how not to be a cattle farmer and how to perhaps find fame and fortune as a as an NHL goalie [Laughs]. That didn't really work out too well but certainly ended up here.

Darcy MacPherson (DM): Okay, I have to ask … everything I've heard about goalies says goalies are different, right?

CJRR: Goalies are different [laughing]! That's a fair comment, Darcy.

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* The interview of Ryan Rolston was conducted over Zoom on June 19, 2025.

1 Summerland, BC is a district municipality on the west side of Okanagan Lake. It is approximately 50 kilometers south of Kelowna, BC and 18 kilometers north of Penticton, BC.

DLM: Was that your experience? Did you go into the locker room thinking "I'm not like the rest of these guys,"? Or is that something that comes from being a goalie? Volunteering to get yourself hit by something traveling 60 miles an hour doesn't seem like a fun activity for most people, but you were obviously okay at it.

CJRR: Yeah, well, it's funny because most of us boys played hockey and two of my brothers are actually goalies as well, so maybe we were the ones that were dropped on our heads when my mother was looking after the other boys or something, I don't know.

[All laugh]

RR: I guess there is a little bit of a different mentality for a goalie, for sure, but at the same time my best friends were my teammates in Summerland because we had such a small group and it's not— I mean, by Manitoba standards Summerland … I guess it would have been a medium sized city. It was 8000 people at the time, but we all played on the same hockey team, so it was a lot of fun growing up with that group. They were a good group of guys.

DM Okay, so you're born in Summerland, you're growing up on the farm, and you're big into sports. Where in your background — looking back obviously — did you start to get this hankering? Obviously not only to do something else, as you mentioned, but to do law … like that law might be a thing?

CJRR: I'll just fill in a little bit of the gaps as to … and it sort of speeds into how I ended up on the prairies. So, I was good enough at hockey to move away from the Okanogan and I ended up going to high school at a

school in Saskatchewan called Notre Dame[2], which is a Catholic private school that is well known to produce hockey players. So, I got recruited to go out there. I was relatively successful as a young goalie, probably because by the time I was 13 years old, I was 6-feet tall. The problem is, at 17 I was also 6-feet tall, so I grew early, I was successful early, and then by the time I got to my teens, everybody else was catching up. From Notre Dame — I was playing Junior A[3] there — I got traded to the Winnipeg South Blues[4], which is a Junior A team in the city here. At the time I had started to, you know, I did fairly well academically and I was sort of thinking that it looked pretty cool to be a lawyer. I watched a lot of American TV like everyone else, and back then it was *LA Law*[5] that I thought was pretty cool. I thought it looked ... it would be fun to go in and, you know, be a courtroom lawyer. I love *To Kill A Mockingbird*[6]. You know, I thought that being a lawyer was like the penultimate thing to do, and when I came here the GM [general manager] of the hockey team was a local lawyer by the name of George Ulyatt[7]. Now, George was a family lawyer mostly. He was at the firm Wolch, Pinx, Tapper, Scurfield at the time. Part of the premise of my trade — because I had really only been to Winnipeg once before I

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2 The Athol Murray College of Notre Dame in Wilcox, SK is home to one of the most prestigious men's hockey programs in the world and has produced over 200 players that have been drafted by or signed to NHL teams.

3 Junior A hockey refers to leagues for youth players aged 16-20. This is a level below "major junior", which is considered a development league for the National Hockey League (NHL) Wilcox, SK is home to a Junior A team, the Notre Dame Hounds (the same as that of the school), in the Saskatchewan Junior Hockey League (SJHL).

4 The Winnipeg South Blues were a Junior A hockey team in Winnipeg playing in the Manitoba Junior Hockey League (MJHL). The team changed ownership after the 2009-10 season and are now the Winnipeg Blues.

5 *LA Law* was an American legal drama series airing for eight seasons from 1986 to 1994.

6 Harper Lee, *To Kill a Mockingbird* (Philadelphia: JB Lippincott & Co, 1960).

7 George Ulyatt (1949-2022) was a family lawyer and general manager of the Winnipeg South Blues from 1981 to 1997. He served as President of Hockey Manitoba from 1995 to 2001, and was awarded the Hockey Canada Order of Merit in 2006, which is an award given for those who have made outstanding contributions to amateur hockey.

got traded here —was that he would help me find a job when I got here during the hockey season. That never panned out, so I just sat around a lot and played hockey. But at the end of the hockey season, after George and I got to know each other a little bit, I told him, "You know, I really would like to be a lawyer as well. What's it like?"

And he said, "Well, you know our firm needs a filing clerk for the summer, if you're interested in a summer job." Back in those days, as you can imagine, every statement of claim had to be filed. Every statement of defence, every affidavit, had to be physically filed at the Registry, here at the courthouse. Back then, land titles searches were done by hand at the Land Titles Office, which was in the Woodsworth Building.[8] You had to do corporate searches, personal property searches ... all of that was done by hand, so I spent the summer learning how to do that and basically doing whatever I was told by the lawyers atWolch, Pinx, Tapper, Scurfield. The very first job that I got, which was sort of hooked me, was the at that time, at Wolch, Pinx, Tapper, Scurfield was in the building at 444 Saint Mary Ave. and Grapes Uptown was the restaurant on the main floor.
And the day that I started Hersh Wolch[9] was giving a press conference on the release of David Milgaard[10] from jail, and he needed his — Hersh sometimes was a little bit forgetful — he forgot his press release, so I was told to run this press release down to Hersh. I went and found him — I didn't know who Hersh Wolch was at that point — gave him the press

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8 The Woodsworth Building is located at 405 Broadway in Winnipeg, Manitoba. It is now home to Manitoba's Provincial Prosecutions Division and houses the Head Office for Corrections.

9 Hersh Wolch (1940-2017) was a Manitoban lawyer who was a Manitoba Crown Attorney from 1965-1971, a federal Crown Attorney from 1971-73, and was made Queen's Counsel (as it then was) in 1983. He was a founding partner of Wolch, Pinx, Tapper, Scurfield, a lawfirm in the city of Winnipeg

10 David Milgaard (1952-2022) was wrongfully convicted of the rape and murder of Gail Miller in Saskatoon, Saskatchewan, and was imprisoned from 1969 to 1992 before being fully exonerated in 1997.

release, and I stood there and watched this press release from the back of the restaurant. And that, I guess to answer your question in a long way, that's really what got me engaged in not just the law, but in doing criminal defence work. At that time, the firm, Wolch, Pinx, Tapper, Scurfield had some tremendous criminal lawyers. Tim Killeen[11] was there, Sheldon Pinx[12] was there Hersh was there, David Asper[13] was still, of course, there working on the the Milgaard file. John Scurfield[14] at that time was doing a lot of MPI work because it was not no fault at that time, so he sort of branched into the civil realm but was a tremendous mentor and personality. There were a lot of good lawyers there, Norm Cuddy[15] was there, Robert Tapper[16]—

BPS: Had you started university when you were still playing Junior A?

CJRR: That's a great question and that sort of takes me— So, the end of the summer … now, here I am, I'm a student, I've stayed. I basically phoned my parents as an 18-year-old and said, "you know what, I want to try this. I want to see what it's like to work in a law firm." That was after

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11 The Honourable Timothy "Tim" Killeen is a former lawyer and was a Manitoba Provincial Court Judge from 2012-2023.

12 Sheldon Pinx, KC (1947-2025) was a Manitoban criminal defence lawyer, known as one of the finest cross examiners in the history of the Manitoban Bar.

13 David Asper, KC is a Canadian lawyer, businessman, and son of Canwest founder Israel Asper (1932-2003). He served as the University of Manitoba Faculty of Law's Acting Dean in 2020. He is now head of the Asper Foundation.

14 The Honourable John Scurfield, QC (1951-2009) was a Manitoban lawyer and a Justice of what was then known as the Manitoba Court of Queen's Bench (now the Manitoba Court of King's Bench) from 2002 to 2009. He was appointed Queen's Counsel (as it was then known) in 1989.

15 Norman "Norm" Cuddy (1950-2016) was a Manitoban lawyer from 1975 until his retirement in 2014, and was a founding partner of Tapper Cuddy LLP.

16 Robert Tapper, KC is a founding partner of the firm Tapper Cuddy LLP. He was appointed Queen's Counsel (as it was then known) in 1992.

high school, and at that point, I wanted to go to U of M[17] as well. So, I went to Tim Killeen, who was the managing partner at the time, and I said to Tim — and I thought he was going to tell me to take a hike, to be honest with you — "I can arrange all of my first-year university courses on Tuesday and Thursday if you'll let me work Monday, Wednesday, and Friday at the firm."

And Tim said, "Yeah, I think that's a great idea. We'd love to do that. We'll make that work."

So, I did my undergrad in criminology at the University of Manitoba by going to school on Tuesday, and Thursday, doing summer courses, doing night courses, doing whatever courses I could. I have to say, University of Manitoba, at that time and I believe this to be true still, was tremendously good at allowing … I wasn't a mature student per se, but they certainly had flexibility in the way that you could schedule courses. So, that's how I did my undergrad. I worked at the firm, and I did my studies, and after I got my degree , my hockey career died. [Laughs]. It sort of ended because I was now changing my focus and I started to work at becoming a lawyer. I really wanted to be a lawyer, and wrote the LSAT, and got into law school, and at that point said to the firm, you know, "I think I'm going to be really busy at law school now, so thank you very much." And we parted ways for about three or four months until I went back to them and said, "I could really use some money, is there anything you could have a first-year law student doing?"

And Tim Killeen said, "Yeah, I have this new file that's just come into my office called *R v Mentuck*[18] and I could really use some help on that."

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17 This is a reference to the University of Manitoba.

18 *R v Mentuck*, 2000 MBQB 155.

So, I started to work on the *Mentuck* case that that ended up in the Supreme Court of Canada years later after several trials.[19] I went through law school working a little bit for that firm, but in in my second year of law school Tim Killeen, Sandy Chapman[20], and Wanda Garrick[21] decided they were going to leave and form their own boutique criminal law firm, and I said to them, "I'd really like to come with you."

And they said, "We'd love to have you."

I was very fortunate to have the opportunity to go and work directly for them. I articled with them and then eventually became an associate with them. So, I spent most of my second and third year on call for that firm, you know, as a law student, and then started practicing with them after I was done law school. Practiced with the firm until Wanda left, she went to the Crown. She had spent some time with the provincial Department of Justice, and she went to the feds and then she got appointed to the Bench. Sandy Chapman was appointed to the Bench after that, and at that point, we picked up Gerri Wiebe[22] as an associate, so it was Killeen Rolston Wiebe. And then Tim got appointed to the bench. And about … I'd have to check, but I think about 2012 and just before I got appointed to the Bench, our long time assistant who had started when Killeen Chapman Garrick started came to me and said that she had done something awful and I thought, "what, what did you do?"

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19 *R v Mentuck*, [2001] 3 SCR 442.

20 The Honourable Sandra Chapman is a former lawyer. She was appointed as a Judge of the Provincial Court of Manitoba on August 4, 2009.She was designated as a Senior Judge of the same court on February 3.2023.

21 The Honourable Wanda M. Garreck was appointed as a Judge of the Provincial Court of Manitoba on November 18, 2008.

22 Gerri Wiebe, KC is a criminal defence lawyer in Winnipeg who was appointed King's Counsel in 2022.

And she said, "I applied at Chambers and I'm so sorry. They want to talk to you about me before I accept the position." So, she left us, left me because at that point it was Rolston and Associates, and came to the Judges' Chambers.. Within six months, I got appointed to the Bench. So, everybody ended up at the Provincial Court, including our assistant from that group. That's sort of my journey to where I am now. Sarah is my assistant right now she's sort of worked her way through, and she's sort of the lead judicial assistant here now so.

BPS: Okay, if we can go back to the earliest days there. So, right from the start, you have to manage a lot of things simultaneously, like you're in high school and you did well, even though you must have spent a lot of time with the sports – road games and all that stuff. And then you went to university while working a couple days a week. So, you were always doing multiple tasks with a lot of running around. Is that a skill that you learned or are you just wired to be able to handle all that?

CJRR: I think, honestly, I would credit my upbringing with my family. As much as I didn't like working on the farm, I worked on the farm from a young age. That was sort of required. My dad had a tremendous work ethic that I think rubbed off on me and, frankly, my dad was a pretty amazing person … and so was my mom for that matter. They both were pretty, pretty amazing people. They, I think, taught us to pull our own weight and to work hard and to, you know, focus on our studies. I think in a lot of ways— I think the boys pushed each pushed each other as well, too. I guess it all came from that.

BPS: So, when you start practice, you're practicing criminal law. I mean, there's talk now it's getting harder and harder in 2025 to sustain the defence bar. There's just so many things are difficult about it. You know,

the economics of it, no provincial government's really enthusiastic about — and times are always tight in Manitoba, when it comes to putting more money into financing criminal defence bar. Even though *LA Law* defence lawyers are portrayed as glamorous and admirable, it's not the way they show up in the newspapers or necessarily public opinion. I'm just wondering, how was it was back then? I mean, we had giants of the profession doing criminal law full time. These names — well, they'll be very familiar to me and Darcy, maybe another generation it won't —you were dealing with folks who were just giants of the profession. Very well known throughout the province, not just in the legal profession. Was there anything about it that was better than it is now? Or was it always really tough?

CJRR: I would say probably yes to both of those things. Like of course we all, I think, in life ... everybody harkens back to the good old days. You probably do the same, Bryan and you look back at some of the people that you've taught with over the years — and I didn't have the good fortune of being in any of your classes — but, you know, I think we all sort of sometimes reflect back and go, "I had such great mentorship," and I really did. You're absolutely right there. There is never gonna be another Hersh Wolch, you know? Tim Killeen, for me, was the ultimate mentor because I think personality wise and the way that we carried ourselves was more similar. Boy did I learn a lot from him. I learned so much from Sheldon Pinx, who was not like me. His personality is a little different but had such tremendous skill. Sandy Chapman is amazing lawyer ... same with Wanda. So yeah, I mean we ... there was a certain way that particularly the criminal lawyers in that firm were taught how to conduct a case, how to conduct themselves in a case, how to do a murder case, how to do a more complicated case and I got the benefit of learning all of those things from some really amazing lawyers. It was still tough, though. You know, it was, back then, I don't know what you get these days for a Category C guilty

plea in Legal Aid. It's probably not improved that much, and it wasn't much back then. It was always a grind to try and get clients. I think maybe the Bar, sitting where I sit now as Chief Judge, I have a lot of empathy for the defence bar because I think it's, in many ways, so much harder to practice as a defence lawyer because these days there's so many requirements for lawyers to be so much more on top of their files. You can't just wait and you know, as they say, "lie in the bushes" anymore and sort of spring your defence at the 11th hour. These days, you have to be so much more keen to the rules of evidence and the, you know, various obligations you have as counsel. It seems to me because there are fewer defence lawyers that maybe there's lots of work for everyone. I don't know whether that's fact or fiction, but it seems like maybe that's the case because I just don't see the volume of lawyers there anymore. I think it's so much harder to practice now than it was when I was a young lawyer.

BPS: In terms of managing the stresses of criminal defence work, it's the highest stakes work anybody does as a lawyer. I mean, from my perspective anyway, a $20 million deal is $20 million; it's not the same as going to jail, losing your career, and all that stuff. In criminal defence law you lose a lot. You win a lot, but you lose a lot too. You're a hockey player, you must have been very competitive and winning and losing was important. Did you have a culture there that that taught you how to deal with your wins and losses? You know, you're committed but sometimes you win, sometimes you lose. Losing is tough for every lawyer in every case. How did you deal with that in in criminal defence? You want to be invested in your clients, but if you took everything as existential, you're not going to last very long there because it's day after day of high stakes stuff. How did being a sports player help you deal with that?

CJRR: I think it probably did. I think that there's certainly a parallel there. I mean, I certainly would say that the, you know, adversarial system is very

much like a sports arena in some ways. There are certainly some parallels there. In terms of handling the losing and not getting the results you want, I would probably credit the mentorship that I had as a main factor in whatever success that I have for what it was. We were taught— I was taught … and so were my colleagues — Ms. Wiebe would be the same way — by our mentors that there's a way to do a case. You know, you're there to protect your client and you do that within the confines of ethics and the rules of the system. But you do it to the best of your ability. If you do that and you give it your all, then the results are going to be the results and ultimately, without sounding dramatic or corny about it, the right results happen because that's the way the system's designed to work, right? Did it make it easier explaining to people what happened when they were maybe sentenced to a long sentence? No. But I think the one thing that I'm proud of as a former defence lawyer is that … I could always look clients in the eye and said I did what I could for you. I did the best I could and this is the result of whatever I could do for you.

BPS: It seems to me you're not from the easiest background in terms of not being born into wealth or leisure or anything, but it sounds to me like you dealt with cultures that were very high functioning. Like people were successful at sports, you have a strong family background. In criminal law you're dealing with people, to put it mildly, that have a lot of life problems … some of them from cultures that you can't even imagine until you're first exposed to them. This is not to be judgmental or negative. It's just you don't realize what kind of lives people lead. What was that like, being introduced to these all these folks from whole other cultures, and worlds, and difficulties, addictions, all the background circumstances that go into criminal defence work?

CJRR: So, the Okanagan in the 1980s when I was there, was pretty homogeneous in terms of the surroundings. You know, there is an

Indigenous population there that I can't say that I interacted a lot with. There were a few Indigenous kids in the schools I went to, but not tons. There was some, you know, a few different cultures mixed in, but it was pretty … it was a pretty white place. My family was not particularly well off. I was fortunate because I had a skill at a young age that allowed me to sort of go places where I probably wouldn't have … that our family wouldn't have been able to afford for me to go to, so I thought that I was poor relative to my surroundings. When I came to Winnipeg, my perspective certainly did change, I'll say that. Winnipeg is a much more cultural, multicultural environment than the Okanogan was back then. The one thing I will say about my parents, though — and I give them the credit for this — is, you know, we were raised to not look at a person's background, a person's cultural background, their race. We were just taught to treat people like people, and so I think I sort of took on their approach to life. They welcomed people in their home and they treated them well regardless of where they came from, and I think I took that a little bit into my practice. You know, the one thing I will say as a defence lawyer, and this might sound a little counterintuitive, but when you're a defence lawyer and you're retained to represent someone, you're there representing them and you're fighting for that one person, and you what you see is that person. Of course, you see them and they may not be wealthy, they may be Indigenous, they may be from a variety of other cultures, but whatever it is, and particularly with the Indigenous culture, all of the horrible things that we now know about the Residential School system and the child-welfare system and how Indigenous people have been treated in a strange way, wasn't as an apparent to me as a defence lawyer. I was fighting for a client who had specific problems that I saw, but I didn't put that into the mix. Even though I did that repetitively with many, many, many different clients who are Indigenous, who may have been Legal Aid clients, it wasn't until I became a judge that I really began to see the horrendous trauma and impact of colonialism on Indigenous people. It sounds weird, but it's

true because when you're in there fighting for them on a case, you just fight for them, that individual, and when you sit back as a judge and you get it time and time again, you start to see the patterns in a little bit different way and the impacts in a little bit of a different way, if that makes sense.

BPS: Oh, it does. When I started teaching law school versus the beginning of major presence of Indigenous students and this whole trajectory. Yeah, the world has changed. When I started, Indigenous law was about how the mainstream dealt with Indigenous communities. We didn't have the sense that they're autonomous communities with their own legal systems; it's been a period of relentless change.

I just have one reflection before we go on. It has to be tough for a lot of young— Let's face it, most people who are extremely good at hockey still aren't going to make it . The odds are so, so difficult. Must be very difficult for a lot of 18-to-20-year-olds who've spent their whole life with this dream and everybody's telling you if you dream it, you can make it happen. Well, for most people it won't., I always say if you're the best hockey player in in Manitoba, it still might not be good enough that year to make it into the bigs. But you had the advantage that you could go into a parallel world where you saw stars in another arena; you were dealing with the very top people in criminal law. **CJRR:**
Yeah

You're "on the ice" a lot because nobody gets to court more than the criminal lawyers, it had the competitive elements, so in some ways it must have been an easier transition than I would think for some folks. You come from hockey, hockey, hockey. "What do I do the rest of my life? Hey, there's this whole other track where I can excel where I can be with

star players. I can be 'on the ice.'" Just seems like it was a really good fit for you to go from the one to focusing on the other.

CJRR: It was a great fit. It was still hard to leave hockey, I'm not going to lie. I found that very, very difficult. But you know what, they call it "friendly Manitoba."[23] When I came to Manitoba, I had so many people who treated me so well, and I've mentioned some of them. You know, at Wolch, Pinx, Tapper, Scurfield, as a staff member in that law firm there was about 30 support staff who treated me like their child … who treated me extremely well. So many people did so much for me to help me move along. I was pretty lucky to have that transition and to, as you say, transition to something that really grabbed me and fueled that passion for competing … for seeing people who were, you know, functioning at a very high level, who were excellent at their job. It did drive me to want to be like them for sure.

BPS: Was criminal law as much about plea bargaining then as it is now? I used to teach a lot of labour law and that was radically transformed: it went from everything went to arbitration to almost nothing ever makes it to arbitration. Almost everything gets settled, which is, on the whole, an improvement I think, but was criminal law then more into the plea bargain mode with small fraction getting to court? Or was it more stuff you just took it for granted this was going to end up in front of a judge?

CJRR: Yeah, I think a little bit of both. The good law firms and the good lawyers back then, I think, were able to understand the strengths and weaknesses of the Crown's case, assess, and advise clients on whether you needed to fight. But the really good criminal lawyers are not the ones that

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[23] "Friendly Manitoba" is a common nickname for the province due to the perceived amiable nature of its residents and local communities. The slogan is also printed on Manitoba license plates.

can just do that, it's the ones who also then go, "There isn't a fight to be had as far as the trial goes, so how do I damage control this situation?" That's where you see, I think, lawyers who really earn their money. So, does this person— If this case is related to, let's say, domestic violence just as an easy type of an example. Okay, well, what do I need to do? Let's say there's a strong case to say my client's guilty of that offence, what do I have to do to control the damage here? What's important for my client? Is it the criminal record? Is it some other component? Is it an order that he's not to see his children? What are the important elements that I have to focus on and how do I minimize the damage or give that person the best chance to avoid the consequence? I think that, back then, along with learning all of the rules of evidence, and the law part of it, the courtroom advocacy part of it, the other great skills that that were imparted on me were "Okay, how do we how do we solve this person's life problem right now and get them out of this with without the damage?" Back then plea bargaining certainly did happen. There was certainly a lot of it, but a lot of the work that we did had to do with just, you know, getting people to programming, getting them to paint themselves in the best picture possible so that if we had to go to a sentencing or we had to go into a negotiation with the Crown, we could say these things have been addressed by this person so this is what we're looking for by way of a result.

BPS: And when you're dealing with life changing stuff like that, it sounds to me it must be incalculably helpful to be in the collegial environment you were, right?

CJRR: Yeah. Oh 100%, yeah.

BPS: You can talk to somebody who's been doing this for 20 years and, you know, knows social worker might help or knows an expert or just knows what the odds are. Somebody might be charming when you

interview them as a client, and an experienced lawyer knows who's going to fall apart and who's not. That, I would think, in criminal law where the demands and the stresses being in the environment that you were, it must have just made the burden of that responsibility more bearable that you had, collectively, hundreds of years of experience and wisdom and the best people to draw on.

CJRR: Yeah, I'll add to that and I agree with you on that, Bryan. I think the really special part about the group that I had is they just had this sort of really deep understanding about where I was at as a lawyer and where I was in my own journey in development. So, I would have a case and my mentors — and effectively my bosses — knew about my cases and they knew enough to know when to intervene and when not to intervene. There were times where, you know, I might be going to my first … I remember my first jury trial Sandy Chapman letting me do what I needed to do, but at the same time she was there at the right times to be able to help me through it. That's pretty … pretty special when you have people like that to guide you.

DLM: I want to step back a little bit because we didn't talk about law school at all. I was curious what your memories, besides working in the law firm which sounds like it took a lot of time, but what characters do you remember from the law school and what your experience at Robson Hall was at that time?

CJRR: My time at Robson Hall was great. I very much enjoyed it. It was a lot of hard work, partly because I was working as well, but I certainly did meet a lot of classmates who, you know, I stay in touch with even today, who I very much enjoyed going through that experience with. The

professors at that time, you know, people like Cliff Edwards.[24] He was a legend [smiling]. You know, John Irvine[25] was, you know, was a legend. You know, Phil Osborne[26] was a very, very good professor. Lee Stuesser[27] was there at the time. Lee Stuesser actually was probably one of my favourite professors, and I actually took a class with him in undergrad because I took a criminology degree, so he was doing some sort of a quasi-course. I was just taken by his teaching style. I thought he was an excellent teacher, and I really enjoyed picking up with him again in Robson Hall. David Deutscher[28] was there at the time, who was an excellent professor. Heather Leonoff[29] was teaching as a sessional instructor who I knew from the law firm, but also from her teaching. So, there was some really, I thought, quite top-notch professors who, you know— Some of them I interacted with more than others. As a student, I was somebody who sort of kept my head down and did my work. I wasn't super interactive with a lot of the professors at the time, but I certainly appreciated their skill and

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24 Clifford "Cliff" H.C. Edwards (1924-2008) served as the final dean of the Manitoba Law School (when the law school was a standalone entity jointly connected to both the Law Society of Manitoba and the University of Manitoba. He was also the first Dean of the Faculty of Law of the University of Manitoba. His collective deanship ran from 1964-1979. He played a key role in making the Faculty of Law part of the University of Manitoba, the E.K. Williams Law Library, and the Robson Hall building.

25 John Irvine, , is a law professor at the University of Manitoba, and has been since 1970, with only a brief interlude at the University of Calgary.

26 Philip H. Osborne is a Professor Emeritus at the University of Manitoba, Faculty of Law where he taught from 1974 to 2017.

27 Lee Stuesser is a former Professor at the University of Manitoba, Faculty of Law, where he taught from 1988-2008. He went on to be the Founding Dean of the Bora Laskin Faculty of Law at Lakehead University in Thunder Bay, Ontario from 2012-2015.

28 David Deutscher was a Professor in the Faculty of Law at the University of Manitoba from the mid-1970s to the early 2010s.

29 Heather Leonoff was the Director of the Constitutional Law Branch of the Attorney General of Manitoba. She was also formerly an instructor University of Manitoba Faculty of Law sessional instructor from 1980-1981. She later became.

expertise. Donna Miller[30] did Constitutional Law, she was excellent. Yeah, there's some really good profs I've just said. They're the names are coming back to me now [wrought with nostalgia] as I go through and there's some pretty, pretty big people there at the time.

DLM: Okay, now you ran your own law firm at some point, right? You mentioned Rolston and Associates. So, you've talked a lot about the mentors that you had at the law firm previously, and then they all went to the Bench and you're going "OK? Guess I'm the last guy standing …:"

CJRR: Yeah. Pretty much, yeah.

DLM: And you're going, "Okay, guess I'm the last guy standing," and now you've now you've got to manage *and* be a mentor to the associates in Rolston and Associates. What did you learn running the law firm that you say to yourself, "I'm Chief Judge now, I'm going to need to lean into this aspect of what I learned when I was at the law firm,"?

CJRR: I don't know if I learned it as a business owner. First of all, I think one of the things that I will say is I don't didn't really love running the business part, to be honest [Laughs]. I like being a lawyer, which is a bit ironic given where I am now because I'm sort of in more of that business role, in a way, now. But, you know, my approach has always been to treat people how you want to be treated. So, I think that's how I ran the business back then. I think we had a very collegial group. I always, even when I was a student at that firm and when I was an associate at that firm, I always — and this is the farm boy attitude coming out — made sure as the

[30] Donna Miller is the Executive-in-Residence at the Manitoba Institute for Policy Research and was the Associate Deputy Minister of Justice for Canada from 2005-2010. She also served as the Clerk to the Executive Council of Manitoba, the first woman to serve as the province's top bureaucrat.

first one there and I always made sure I was the last to leave. That was the way that I approached things. I wanted to be there for … especially as the business owner, I wanted to be there to able to have the younger lawyers learn from me the way that I got that benefit from Tim, and Sandy, and Wanda, and others. It was very interactive. Lots of involvement of juniors on files and things of that nature … I hope they would say that. That was just my approach. I think that's my approach to life, I like working in a team environment. That's my background, right? That's a team sports environment. I, as Chief Judge, I have a little team of Associate Chief Judges and we work very closely together.

BPS: I think the hardest thing in management is dealing with somebody who's *not* shaping up or has been a performance failure. We're Canadians, it's hard to deal with in a direct way, anyway. You want to be compassionate, but you're pulled in all these directions, right? The clients are depending on your lawyers to perform, so what's merciful to your underperforming junior is not living up to what the client needs. And you got to run a business, so these folks have to be covering the overhead and stuff. How did you deal with conflictual situations? I asked this with genuine interest because I know we're not that good at it at the at the law school [laughing].

CJRR: I wouldn't say that I'm real great at it, either. One of the things that was told to me as a young lawyer that I tried to convey to the junior lawyers and in my firm was that, "If you become a good lawyer, the money will come later on." Focus on doing [your job] right and it might take you a while to get traction, but once you figure out how to do it right, then you're going to be able to extrapolate that and be successful financially. And I think that, for the most part, did work. That doesn't really answer your question though, Bryan, because I think that there's always going to be, you know, different levels of performance amongst people who are ,

for lack of a better word, subservient to you, I guess. I guess the approach that I take is I try to understand what it is that I can get out of this person because some employees — if you will — may not be, you know, super hard workers, but they might have skills in other ways that you can utilize to try and offset that, or to try and be as successful as you can. I think, in order to get the most out of people, you have to understand who they are and how what their skills are or maybe what their downfalls are. If you have a— In a team environment, if you have a good variety of people, you're going to be able to draw different skills from different people to hopefully get by at the very least … hopefully be successful, but at least get by [chuckling].

BPS: Just looking at you, I'm leaping ahead a bit, but you saw the last of an earlier generation. That's when you started: there was experienced lawyers from a generation or even two generations earlier.**CJRR:** Sure.

Now you've got lawyers appearing before you who've just come out of our law school. And I'm not buying into this idea that there was a "Golden Age." You know the *Bye Bye Birdie* song? What's the matter with kids today? Why can't they be like us, we were perfect in every way?"[31] But in a broad sense there seems to be some differences. One of them is, say maybe two generations ago, you just took for granted everybody was going to yell at you. Managing partners would yell at you, the judge would yell at you.

CJRR: Yeah.

BPS: A lot of that was tamped down by … professional standards about those kinds of bracing forms of feedback. We now have a generation that's

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[31] *Bye Bye Birdie* was a Broadway musical originally mounted in 1960. It was also a film released in 1963 with a remake in 1994. The quoted lyrics are from the original song "What's the Matter with Kids Today?"

very sensitive to criticism, more difficult to give feedback to without people feeling demeaned, or not being able to have the self-confidence to withstand negative feedback. Have you noticed generational change? I know these are very broad generalizations, but is there a difference between your generation, before your generation, and the people are coming out now?

CJRR: I think so. I think also the work-life balance is different. My sense, and again it's just my sense from making observations of people, I wonder sometimes if when the lawyers come into the profession now, whether they even view this to be their ultimate, lifelong profession. Some of them, you know, it's almost like they're going to be here for a minute and then, if they don't like it, they're going to go somewhere else, which is not necessarily a bad thing. It just seems … there seems to be more of a life license to be open to switching careers, and part and parcel with that I think what I see now in the younger generation is a mentality of "I have to take care of myself, my mental health, and my time is my time." That's a hard balance to strike in the context of criminal law because, as you know, most of the crime that is committed or most of the time people get arrested is not during the 8:00 AM to 4:00 PM hours. It's usually from 4:00 PM to 4:00 AM and as a as a young lawyer, you're usually the person who's dealing with that; that kind of intake, those kinds of work hours. So, I have noticed a difference. I'm not sure how that is handled by the principals, by the law firms, the criminal law firms, in today's day and age. Frankly, I don't know how the young lawyers are dealing with it either, but it is definitely something I see.

BPS: Fortunately, I don't have to deal with the economics of it, there's nobody I'm managing. What I hear, though, is 40 years ago a partner says, "We have to get this motion in by the middle of Monday, so I guess we're going to be here all weekend." Okay! I guess I'm here all weekend! And

now it's like, "yeah, but I I'm going on a canoe trip. This is not up for negotiation, I've scheduled a canoe trip and I'm going." I mean, I think a lot of things have changed. I'm still trying to figure it out. I don't fully understand it myself.

CJRR: Yeah, "Here I am", yeah.

BPS: I think part of the social contract is not there anymore. It used to be, "I will do my 80 hours a week for below minimum wages and then eventually I will rise up and then it's my turn. I'll be at the top of the apex," and people don't count on that anymore. And they're right. There's less economic [Chief Judge Rolston signals agreement]stability. So, it's kind of like if I'm loyal, I will eventually be repaid. I think people are rightly more skeptical of that. I think the delayed child rearing means that people have more flexibility and less responsibility for a longer period of making choices. Another very senior jurist we interviewed said he was telling his daughter, something like "It's not only about two or three jobs in your life; you're probably going to have two or three careers, and some of that won't be by choice." I mean, the AI revolution is coming. I don't know how that's going to affect opportunity [Chief Judge Rolston signals agreement]. A lot of stuff has changed. Now, again we want to be cautious about the whole "everything was better in the old days," cliché. Some people complain that this generation is not as good at communications – so they're used to texting and stuff, and so the demands of formally elegantly saying something, they're thinkibf, "why would I do that? I can. I can send an emoji. I can send a quick text. What are you being fussy about language for?" [Chief Justice Rolston signals agreement.] Another one — I don't know if this is true and I'm just saying what's reported — is reduced people skills. Like, just knowing how to deal with people, and when you can be tough, and who you have to be more respectful to in these formal situations that you're dealing with it. People are saying that our students

don't have the same social skills that they did earlier; do you have any observational views on that?

CJRR: You were talking about the concept of plea bargaining and that's changed dramatically. So back— And again, not to go back to "the good old days," but that's got to be the starting point. Generally speaking, back when I started, first of all, the file assignments at the Crown's office were different, so we were generally dealing with the same Crown attorney multiple times on most files or a trial unit, a group of Crown attorneys, and you would develop a relationship with them, and that relationship would feed into how well you could negotiate your files. Once a month, because we had a screening court system, I would take literally three or four big briefcases full of files over to the Crown's office, and I'd plop myself down, and I would sit there across the desk from the Crown attorney and we would literally go through the files. Like, "Hey, I don't have the police officer's notes on this file, you got them?"

"Oh, yeah, they're right here, I'll photocopy them right now! Here we go! What do we want to do with this file?"

So, there was a physical interaction and a relationship that was built. That evolved — and I was still practicing when this evolution happened — to where the Crowns went away from this unit system that they had and they went to a file assignment system. So, now you're dealing with one of, back then, 74 Crowns ... right now there's 204. Back then, though, one of about 70 Crowns, and at that time it was more that the e-mail relationship started, but those emails were still very formal and they would get printed out and they'd be put on files and then they might find their way into an affidavit or whatever if there were delay issues, or what have you. That's where— Probably around the time I got appointed to the bench after that. Now we're into electronic disclosure. We're into probably a lot more of the

texting relationships that you see. So, if I can expand from just negotiations with the Crowns, what I hear often is that there are chat groups, you know, "Oh, Judge Rolston's sitting in bail court today. Just a heads up," which is, you know, a good community mode of communication. But I think that things have gotten a lot less formal than they used to and because of that — and I think you've hit on it — the length of communications have gotten shorter and when you shorten length of communications, they become less formal. So, what you see, I think, is a challenge that we're all going to face, that Robson Hall will face, the profession will face this. How do we accommodate this? You know, how do we bring formality back into the courtroom itself while still being sensitive to things like, you know, gender differences and gender identities? Our court has, like many others,, moved to making sure that people state their pronouns to try and be all inclusive. But you know, as we move forward there, I anticipate there's going to be, you know, likely challenges to the way that people dress in court. King's Bench won't have that problem as much because you're still in a robe, but now that those [gender] lines are less precise than they used to be, there may be some people who identify as male, but they don't want to … they don't feel comfortable in a suit, and that's not appropriate to the to their mode of dress. It's a challenge. And I don't view myself to be a traditionalist, but sometimes I wonder, you know, maybe we should be a little bit more adherent to the formalities and the traditional formalities of court. Maybe the answer to all this is to have everybody wear tabs and robes so that everybody looks exactly the same. I don't know if that's the answer, I query that only because, from my perspective, it's not about the lawyer, it's about the client, it's about your legal argument, and your role in the courtroom as a lawyer is to advocate for somebody who's not you. So, your personal choices really shouldn't be a distraction to this whole process. That may be off on a tangent, but interesting challenges.

BPS: No, I mean, yeah, I think you've touched on a lot of important trends here ... volume counts. So, the Toronto Bar was always ... formal, but not fun to deal with, not friendly, very adversarial. Winnipeg, you had to be nicer because you were dealing with the same people over and over again; what goes around comes around. There's a difference between dealing with the same Crowns and "I know all these people, we established a relationship, and which one of 220 people is it today?" And then our students like, yeah, you can communicate wearing your pyjama bottoms attending a class now and then all of a sudden you're in an environment where you're physically instantiated and what you wear actually might matter, and the body language matters and the formality matters.

CJRR: Yeah.

BPS: We went through a whole COVID period where people were not physically interacting for a long time. There's some reason to believe that the human animal, in those 200 million years of evolution, wired us to pick up the physical cues, and body language and tone of voice. Now we're an era where we largely deal with ourselves in disembodied form, and then when you try and go into the more formal environment people don't necessarily know what you're talking about or why you're doing this. The formalities matter, of course, because now in the House of Commons, even if you're screaming, you have to address your screaming to the Speaker, which has a certain restraining effect, and so does referring to where the constituency is, not naming the Member by last name. I think some of those formalities have a substantive effect on limiting some of the personal animosities or focusing more on the merits [Chief Judge Rolston signals agreement]. So yeah, we're going to have to deal with all these cultural changes and they're undoubtedly happening.

DLM: I wanted to follow up on your question, Bryan, because I find certainly — I've been teaching for or over 20 years now — there's a very different thing many students refer to me by my first name without ever talking to me about whether that's appropriate or not. I mean, it's not that I am like a very formal person the rest of the time, but when there are certain people who are referring to me by my first name and think that that's appropriate and other people are going, "Well, this is Professor MacPherson." Do you want to encourage people to talk to you informally? I've had both in terms of professors, I've had professors who said Dianne Pothier[32] said to me said to everybody, "Call me Dianne, that's what I want." And then I've had professors who said, "I'm your professor, there is a hierarchy, deal with it," right? That's part of the lines that there are, and I think that we're getting away from that and I don't know if that's a good thing. I guess my follow up question is, do you experience that? I mean, I'm assuming that most people know that when they walk into your office, it's not "Hey, Ryan, how you doing"? I'm assuming that, but I don't know.

CJRR: You know what, let me just say, first of all, I'm a very informal person. Like, I don't love the deference that I sometimes get. But at the same time, I recognize the necessity of it, and it sort of goes along with what you're saying. So, from my perspective the whole, you know, "Chief" and "Your Honour" thing? It's not for me personally, it's for the office, and that's how it has to be treated, right? And so I do sometimes run into it and it's ironically not necessarily the lawyers, it's not necessarily members of the public, it's actually usually the students from the from the university that tend to quickly graduate to first name basis. And I appreciate it. It's not disrespect. I don't get insulted by it. It's not

[32] Dianne Pothier (1954-2017) was a Professor Emirita at the Schulich School of Law at Dalhousie University where she was on faculty from 1986-2012.

disrespect. It's the informalities of, I think, a new generation that I think we're going to, as a society, have to grapple with that at some point.

BPS: Yeah. I was at a meeting the other day and a student who I think just finishing first year doesn't know me is calling me by first name, which doesn't insult me. It's just a— You know, what struck me is just that I don't think that student ever had it occur to them that there might be formalities, that maybe you want to check how you address it, and it was just not on the radar screen at all [Chief Justice Rolston signals agreement]. That that to me was interesting. I don't think it was like a calculated democratic statement. I think it was just, "What? There's formalities?" I think, to some extent, the culture has changed so much. The things that we might have been very concerned about are just so totally different that they're not even considered again. Yeah, I don't think when people are calling you Darcy, they're not even thinking about it, though, right? It's not like it registered on them, " how do I address him? Professor MacPherson or Darcy?" It's just not a thing. [All signal agreement.]

DLM: A lot of them, I think, don't believe very much in hierarchy: you're a person, I'm a person, your name's Darcy or Ryan or whatever. Okay, by addressing the office, as you put it — and we have an office too — you recognize the hierarchy and you think it's important. For these students, I don't think it is. I think they're probably in for a rude awakening, and they're lucky they didn't get the Joe O'Sullivans[33] of the world.

BPS: [laughs]

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[33] Joseph "Joe" O'Sullivan, QC (1927-1992) was appointed Queen's Counsel (as it then was) in 1970 and served as Manitoba Court of Appeal Justice from 1975-1992.

CJRR: Yeah, it's a different time and not to segue intentionally, but on the flip side of it when I got appointed to the Bench talking, going, and saying to Judge Pullan[34] for the first time "Heather" or Marvin Garfinkel[35], "Marvin," as opposed to "Judge Garfinkel" or Judge,

CJRR: was an extremely off-putting thing because and part of it is, it's not just the office. I had a tremendous amount of respect for some of those very senior judges of our court. So definitely I think the mentality has changed because our generation for whatever reason it is here in this group, in this meeting, I think that would be more common to us [to think about formality] as opposed to what we're seeing now, which is what you're talking about.

DLM: Let's move on. You went to the Crown at some point, right?

CJRR: I didn't go to the Crown, but what I did do was I did some contract work for the Crown's Office. So, there were two things, two different things, one was for the Manitoba Prosecution Service, and back then it was, I'm not sure if I 'trend' is the right word, but the practice at those in those days was that where somebody who has had some association with either Prosecutions or people in Prosecutions got into trouble, they would they would farm out the prosecution to a private bar lawyer. So, I prosecuted mostly police officers because that's generally where you would see that happen, but sometimes, there was just like somebody's cousin got into trouble or something, and they wanted to send it off, so I did some

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34 The Honourable Heather R. Pullan was appointed as a Judge of the Provincial Court of Manitoba on December 21, 1994.

35 The Honourable Marvin Garfinkel was appointed a Judge of what now the Provincial Court of Manitoba on December 5, 1979, He was designed a Senior Judge of the same court on July 31, 2014. By law, Judge Garfinkel would have had to retire at the age of 75. See *Provincial Court Act, The*, CCSM, c C275, s 6.5(1)

prosecutions that way. Then right before I got appointed, probably, you know, to be honest, I think I did two or three dockets only, but we had been granted a contract to do drug prosecutions from the Federal Department of Justice. For a brief time my firm did that and the offshoot of my firm, or remnants of my firm, actually still do that work now. So, I did a little bit of drug prosecutions.

DLM: Okay. And was there a big mental shift to do that? Or was it just "It's all criminal law?"

CJRR: Fascinating shift. There was a mental shift, absolutely there's a mental shift! As a Crown attorney, of course, you're a Minister of Justice and you're looking out for the public interest. That was very much at the forefront of my mind whenever I [did this work]— Especially when you're dealing with authorizing charges against police officers, that's a pretty dramatic change in their life and so you have to be very certain that if you're going to lay the charge, you're going to follow through with it. One of the advantages of being a contract counsel in that scenario was you would; it was your file from beginning to end. So, there's definitely a shift. There's a shift in that you're driving the case as opposed to responding to it. You had to make sure you had your ducks in a row as far as witnesses go, and subpoenas go, and disclosure goes. So, I think for anybody who wants to be in in criminal practice, I think it's super beneficial to be able to sit on both sides of the courtroom and to have had the opportunity to represent both the federal Department of Justice through that contract, and then the provincial [Crown], and then also do defence work. It was really enlightening for me and I think it made me a better lawyer.

DLM: Okay, now one of the reasons that some people make the shift from defence lawyer — in some of our previous conversations with people in this series — is they go to the provincial government because there are *resources*.

There's not just money for them, it's "I've got a secretary, and they're going to be there. I've got everything I need to be able to do the job, and I'm not paying for it or paying overtime when it's at whatever time. That's all dealt with." But I'm assuming, in your experience because it was a contract to your firm or to you personally at the Bar, there was no shift in the outside help that you had to conduct what you were doing?

CJRR: Yeah. No, there wasn't. For me, it was all about— I took on that work because I saw the value in doing it, and I saw the value added to my own personal knowledge base. I did it for that reason. It wasn't a philosophical thing or anything like that. It was just really about my personal development and my professional development.

DLM: And when did you do that? You said it was right before you were appointed.

CJRR: Yeah. So, Sandy Chapman was doing some of the contract work for the Province of Manitoba and I just took over her files when she was appointed [to the Bench] and then they kept retaining me. It was sort of a bit of an offshoot of her work. [36] And then the federal stuff. It was a little bit of a … it started out with a as a casual conversation with somebody who was at the federal Department of Justice saying, "hey, would you ever do this?"

"No, I probably wouldn't do that."

"Hey, would you do this, do you think?"

"Well, maybe I'll think about it,"

and then it's sort of evolved from there and eventually we sought that contract and I think it was a good move. I thought it was very interesting.

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[36] S*upra* note 20, (August 2009)..

DLM: Okay, so at this point you're fairly successful on both sides of the aisle of the criminal law you're in. You've been in private practice for a good 10 years at this point.

CJRR: About that, yeah,. I was called in 2000, so I got appointed in 2014 … so 14 years, I guess, yeah.

DLM: What's the thing that makes you think, "Listen, I've done this for 13 years; I think I might want to be a judge."? Was there a specific event or was there something in your private life or your professional life? You seem to be a guy who likes a new challenge!

CJRR: Yeah. Well, everybody was leaving my firm to go to the Bench, I guess I just followed them! [Laughs]. Yeah, I don't know, it was something I guess I could— Oh, let me just take a step back to answer the very first question I think you asked in this interview: I never in a million years thought I would be a judge. That was something that was not even in my realm of thinking as a, you know, farm kid from British Columbia working as really literally a fly on the wall for to some of the best criminal lawyers in the city and in the province. I would go to work every day and I would go, "I just want to be like them." That's what I thought to myself. And when I started to think about it — because I did see my mentors slowly working that way — I guess I started to think about, you know, "What would it look like for me?" I think because of the approach that I take to the way that we do our job as lawyers, I thought I could do that well. I thought it would be a new challenge, and I guess I just started to think about it, and sort of through … I threw my name in.

DLM: Okay, so you get to that point. You're like, "I'm going to do this," and you throw your name in thinking what's going happen? I ask this

because you also seem to be a bit of a planner. [Chief Judge Rolston signals agreement]You like new challenges, but you also like to plan it out. So, what's the process in your head when you're thinking about the possible Bench appointment?

CJRR: Well, I mean I, you know, honestly it was a difficult time in that respect because I also employed lawyers, right? That's difficult because if you disclose to lawyers "I'm going to apply to the Bench," what are they thinking? They're thinking, "I'm going to leave," right? Because I don't have a stable job here, so that's half of it. The other half of it is, if you sit there and think "I'm going to get appointed to the Bench," you're never going to get appointed to the Bench. It's something you put your name in and then you put your nose down and you go back to your work, right? That's the way I approached it as I put my name in and I thought, "okay, maybe this will happen, maybe it won't, but I've got to first of all focus on my clients and second of all, I've got to enjoy what I do, and do my job." And I did.

The day that I got appointed was actually a funny day because at 11:30 I walked down to the courthouse here to courtroom 413 for the annual general meeting of the Criminal Defence Lawyers Association, and I was nominated to the Presidency of that organization at about 11:45. At the conclusion of the meeting, which was about 12:15, I was walking back to my office with a salad from Subway and sat down at my desk and the phone rang, and it was the Minister of Justice telling me I'd been appointed to the Bench. So, I was president of the CDLA for about 40 minutes, I think roughly give or take!

[All laugh]

So, you're appointed now. I've always wondered; about what effect that

had in your personal life —because the reality is that judges are people too, right? And this is a big shift in family life at this point.

CJRR: I mean it sure is, especially when you go from the defence bar where you're taking calls at all hours to a bit of a different lifestyle where when you're at work, you do your work, not to say that judges don't do lots of after-hours work even back then, but it does change quite a bit. I think the two things that I didn't like about practice was the business side of it all, the billing and stuff like that, and the second thing was the calls in the middle of the night. So, I'll say that my wife certainly liked the fact that those things were gone. In terms of my private life, you have to, of course, watch yourself. But I think you do anyways, as a professional in a town the size of Winnipeg. I think the things that strike me as thinking back was, you know, having people recognize you in public as a judge. It's sort of off-putting. For example, I'd go through security at the Jets[37] game and back then, [the Jets]were … wanting people and sometimes those people were Sheriff's officers who were, you know, working a side job or whatever, and they would they would be hesitant to wand me [with a handheld metal detector]. And then you look at the face, and you would say, "Oh, you're a Sheriff's officer!"

And they're like, "Your Honour , well, I don't know what to do." And I would say: "

Well, just do whatever your job is …", you know what I mean? You know, those kinds of interactions reminded you that not only—I don't really walk around, even now, thinking that people know who I am. I just think I'm a face in the crowd … but then every once in a while you'll interact with somebody who knows who you are; you get jolted back into your job like,

[37] This is a reference to the Winnipeg Jets of the National Hockey League (NHL).

"Oh, yeah, right. People do pay attention and you are a face that sometimes is around in public that people know." So yeah, I guess those things sort of changed a little bit, but I also purposely tried to do some things that are the same. I've played in the Lawyers Hockey League for … since I was a student. I still play in the Lawyers Hockey League because. I think it's important. It's a privilege for me to interact with the Bar in that way, in that environment, and have some fun with people. I would play in the slo-pitch league too, but my kids are into sport so I followed them a lot. I still coached hockey because I enjoyed coaching hockey, so I coached all of my kids at hockey and other sports as well. All of those things I tried not to change because I think it's important to be who you are, right?

BPS: One of the reasons I never applied to be a judge, I'm not saying that I would have gotten it, and you're absolutely right that anybody's planning their life around being a judge is a little bit misguided there. If it happens, it happens. You have to apply but, you know, you shouldn't get all fussed about every single thing. But the constraint always worried me. I went into my job partly so I could express an opinion, explore ideas, and I said, "Well, wait a minute. If I'm a judge, I can't go around saying wild and crazy things [Chief Judge Rolston signals agreement.]. I can't indulge my black sense of humor. I can't be as contrarian as I would usually be . What if I say something at a social event? I'm at a hockey game, I say something about a politician or legislation or something and now, all of a sudden, it's an issue." Is that actually a problem in the real world? Is that something you have to worry about?

CJRR: I think you have to. It has to be in the back of your mind, for sure. You know, I try to be myself. I have a small close-knit group of friends that are not in the legal profession that don't really care what I do for a living to be perfectly frank! [chuckling] They think of me as a bad hockey player these days. and a guy to hang out with, or a bad golfer, or whatever I am.

So, you know, I'm lucky in that respect that they keep me grounded, as does my family. But yeah, you still have to be mindful of those things. I mean, I'm not a big, you know, in public … I don't … I try not to get too much into that.

But in my world, when you watch what's going on in London, Ontario with those five hockey players right now,[38] it's hard not to have those conversations because it strikes at every aspect of your life. It strikes your life as a father, it strikes your life as an athlete, and a former hockey player, and a current hockey player, as a coach, as a professional, as a judge, as a lawyer. You're thinking about it from so many different angles. It's hard *not to* talk about that case I'm not going to lie to you!. I would say, Bryan, of all of the potential, you know, 'jackpots' [said with irony]that you could say that you could get into in this respect, that case has been probably the hardest for me to just keep my mouth shut on.

BPS: That's fair.

CJRR: Yeah.Yeah, yeah, no, but it's that one. That one's been hard. That one's been hard. I have to say.

So, when you were appointed to the Bench,how much education did you get? I'm guessing you needed less than a lot of folks, because you've been a criminal defence lawyer and you've done a little on the other side of the aisle. It's not like you needed a huge briefing on how hearsay works or a lot of things that. Let's face it, a lot of people get appointed to judicial positions who might have a more restricted practice or might not have

[38] The trial of five former members of the Canada's National Men's Junior team that represented the country at 2018 World Junior Hockey Championships on charges of sexual assault occurred at approximately the same time as the conduct of the interview (in the summer of 2025).

practice at all. I'm guessing it was more comfortable for you than most folks. It wasn't like you were swimming in a whole new pond.

CJRR: But you are, and I'll say why. So, in the Provincial Court, there are two what we call "New Judges Schools." One is on more substantive law, and then the other one's more on just courtroom conduct and things of that nature. All of the Provincial Court new appointments from the last year or whatever end up going to these two conferences and there is an imposter syndrome[39] that is with you from the moment you're appointed. If somebody tells you that that doesn't exist, they're lying to you, because everybody feels it, right? Again, I don't look at myself even at that point as a judge or a jurist in any respect. I think of myself as a farm kid from British Columbia who's like basically won the lottery. I have to tell you, I love what I do. I love being a judge. Even then, I knew I would love being a judge. I was very excited. But then you see these people and they're super smart from all across the country. You know, one of my classmates in that was Justice Sopinka's[40] daughter, who's a lovely person, by the way, very friendly. And you think , "I am in over my head." And then you get into it a little bit, you realize everybody's sort of feeling that way and everybody has things that they know and some things that they maybe are learning for the first time. There are all sorts of different backgrounds. You sort of start to feel a little bit more comfortable and you realize that they these people are going to be new friends that you're going to have for a long time going forward, and many of them have been. But there's definitely an imposter syndrome that comes along with the, you know, heavy burden that is judging other people for their actions. Who amongst

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39 Imposter syndrome is a psychological pattern where individuals doubt and downplay their own accomplishments and qualifications while in deep, persistent fear they will be exposed as a fraud despite ample evidence of their competence and qualifications.

40 The Honourable John Sopinka (1933-1997) served as a Justice of the Supreme Court of Canada from May 24, 1988 until his death on November 24, 1997.

us really has the right to do that, right? As much as you know the law and you know the rules of evidence, it's pretty bewildering to be appointed, for sure.

BPS: David Deutscher used to tell me, "everybody knows the tariff."

CJRR: Yeah.

BPS: In terms of how scary it is to be a judge,. is it actually true that you sort of know, given these facts, this is two to three years and we're more arguing about within a limited range or is it more open-ended than that, for sentencing? Again, I ask this genuinely not knowing because in the United States now they have formal sentencing guidelines to try and limit the parameters. Do you at least have the comfort that you everybody sort of knows the ballpark or is it more scary than that sometimes?

CJRR: Yeah, yeah you do [have a sense], but be careful not to get too comfortable with that too, because everything's evolving so much. So, Alberta for example, they're big proponents of starting-points. and they have a bit of a different way of dealing with that part of sentencing. Let's look at drug sentencing. It's interesting because that's where you see it the most. Like, the latest hard drug is always super high early [in terms of the sentence imposed for possession or distribution of the drug]. So, cocaine used to be, when I started the big drug. If you were caught with cocaine, it was a big problem. Well then, cocaine bumps down because now we have what's next these days? It's fentanyl and meth. Those are the big drugs that really are damaging society in a profound way that we've never seen before. So, the sentencing tariffs are not static; they do change. There's also been, I think, a tremendous amount of development in terms of how we view Indigenous offenders, how we deal with other racialized offenders, vulnerable people, people with mental illness, and people with drug

addictions. All of those things have become more prevalent and more structured in the sentencing process. Yeah, you still do have … you can call it a starting-point, or you can call it a range. Generally, you know commercial break in is two years, whatever it is, but that's only just a small part of the analysis. Frankly what also happens too — especially when you've been sitting in the chair I'm in now as Chief Judge— is you forget sometimes what the range is for a certain offence if you haven't seen it for a while.

BPS: I'm always interested in stylistics, in the way people communicate. I want to ask you about your written style and oral style. The second one is very unexplored in the academy; most of the work in Provincial Court, I would think is real-time, oral, not written and there's a whole science to that which I'm not really familiar with. That's what I want to ask you about.

CJRR: Sure.

BPS: In terms of written style — I was telling Darcy before the interview — I think your style would be in the vein of retired Chief Justice Chartier.[41] It's succinct, it'll state a proposition and use one authority not 56, it

[41] The Honourable Richard J.F. Chartier is a former judge in Manitoba. He was appointed as a Judge of the Provincial Court of Manitoba on August 16, 1993. He would serve in this role until November 22, 2006. On that date, he was appointed as a Justice of the Manitoba Court of Appeal. He would serve in this role until March 8, 2013. On that date, he was appointed as the Chief Justice of Manitoba, a position in which he would serve until his retirement in October, 2022. The Manitoba Law Journal has done two separate interviews with Chief Justice Chartier. The first was done not long after he was appointed Chief Justice. See the Honourable Richard J. Chartier, Chief Justice of Manitoba, "Keynote: An Interview with the Chief Justice of Manitoba" (2013), 37:1 Manitoba Law Journal 43. The second was completed just months prior to his retirement. See the Honourable Richard J.F. Chartier, Darcy L. MacPherson, and Bryan P. Schwartz, "Interview with the Honourable Richard J.F. Chartier" (2025), 47:1 Manitoba Law Journal 1.

doesn't get into philosophical or personal musings. Like: this is law, these are the factors, conclusion. Very systematic, very organized, and dispassionate. I don't think anybody reading your judgments would know whether or how you're invested personally. I say all these things admiringly, but is that the standard thing you're taught in judges school? Did you have a particular mentor for that style? Where did it come from?

CJRR: Well, first of all, thank you for that, I'm very pleased to be compared to the former Chief Justice. Yeah, you know what, I think for me it's partly a personal style. I think everybody has a little bit of their own way and I'll go back to even just being— talking about, you know, the style of lawyering and make that comparison. I have to be myself. I can look at a sample of writers work, and I can think, "that person's like me." In the context of lawyering, Tim Killeen was who I identified with because I liked his approach and the way he did things, and I thought that fit my personality. Sheldon Pinx had a different style that I couldn't envision myself trying to emulate because it wasn't my personality, and I'd look like a fool if I tried to copy it but there were things about Sheldon's style that I liked, and I could say the same thing about writing. When you read enough judgments — as you know, both of you probably read so much more than I do — of a variety of different justices and judges, there are things that I think, "Oh, I like the way that they've set that up." They do teach what we call a 'point first' style; it's much more succinct, more issue based as opposed to narrative-based and it's attractive to me to do it that way. I think it makes a lot of sense and I do try to follow that. In terms of oral decision making, You know, one of the things that really stuck with me in in New Judges School came from somebody who wasn't a lawyer or a judge, and it was a lady who was there to just teach. She was actually an actress who was teaching about just oratory and speaking. And she related that the one time she'd ever been before a judge, she was so nervous. She was so fixated on the experience that she didn't remember anything about

what the judge said. But what she did take away from it is how she was made to feel by the judge; that always stuck with me. I could relate to that because one of my early experiences, one of the people who I really looked up to a lot was Bruce Miller[42], former Associate Chief Judge of our Court. When Bruce Miller spoke., he spoke to the person. It was like there was nobody else in the room. If he was talking to the accused, he was so fixated on the accused and so genuine with that accused person that he made you feel like he cared about you, about what was going on in your life, why you were there, what this was all about. I've always, in terms of my oral judgments, tried to make that connection because I know that sometimes you have to speak for the Court of Appeal, sometimes you have to speak for the media, sometimes you have to speak for the lawyers, sometimes you have to do a little bit of all of that, but really, the important people in the room are the accused and the victim, if they're there. Those are the people that I really want to connect with. That's sort of how I focused on my oral decisions.

BPS: Right. . Well, anybody who has read my stuff knows that's my theory of judging. It's about the immediate people in the room. It's not about what the *Winnipeg Sun* says or the Court of Appeal or and so on. But is that tough?

CJRR: Yeah, but then sometimes it is, though. It is tough. It's toughest in cases where, if you're dealing with a high-profile case, there is something that you want out there in the public realm and sometimes that you have to be very purposeful about saying something in a way that you know it's going to be written down and reported as a quote from you. You want to

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42 The Honourable Bruce H. Miller (1950-2004) is a former Judge of the Provincial Court of Manitoba. He was appointed on December 21, 1994.He was appointed an Associate Chief Judge of the same court on March 15, 1995. He held these positions until his death on April 13, 2004.

try and do that because the public needs to know the "why," of what's going on here. I think it is important to sometimes be mindful of that. Having said that, I agree with you; I think it is all about the people in the room.

BPS: Did they talk about that at New Judges' School? It seems to me it's one of the toughest things as a judge. Sometimes, you got to do stuff, and you know why, and it makes sense, but it's not the way it's going to get show up in social media. It's not the way it's going to get reported. It's maybe not the way the Court of Appeal sees it [Chief Judge Rolston signals agreement.]. But that willingness to do the right thing, even if you're going to get slammed this way or that way, is that something you just have to come to the court with? Do you get mentored on that? There's just so much pressure now, so much visibility on judges in light of different social movements and stuff. Where does that come from? Is it something you just have to have? This inner voice of conscience that says, "I know I'm going to get slammed, but as this is what justice requires in this case."?

CJRR: Yeah, I'd say that's something where I'm not sure that they *necessarily* focus on in New Judges School, but it's something we do definitely internally here in our Bench. We're very mindful of that and we encourage mentorship with our judges. So, when a new judge is appointed, we encourage them to take on a mentor in a more senior judge. We have little mentorship groups that that we encourage judges to participate in because it can be a mentally taxing job when you get into some of those cases. And it seems like we're wading into them more and more these days in our courts, so it's definitely something that's on our mind. It's a challenge. It doesn't matter how many times a judge encounters that controversy or gets into that, you don't get used to it. It's

just ... it's hard and I am an emotive person, so I think sometimes it gets to me more too, I don't know.

DLM: My question sort of follows on from that. Sometimes the media or whomever else goes out into the public and they've just misunderstood what you've said or what you've written. Even if they put the words down right, they really didn't understand why that happened. How does one deal with that? Or how do *you* deal with the idea that, "I've tried my best to either say or write this correctly. I've probably done it to the best of anybody's ability, but for reasons outside of me it's been taken somewhere that I never would have intended."? I'm assuming this happens a lot to judges.

CJRR: Yeah. I hope it doesn't happen a lot. It does happen and I think that for the most part, by the way, I think the media does a fairly good job in Manitoba of getting it right. I know that they're dedicated to that; they're professionals. I think part of the problem that we also face these days that we can't sort of overlook is the fact that there's the media that are that are trained to be media, that have ethical guidelines, and then there's everybody else on the internet who feels like they want to start a blog or talk about what's going on in the courthouse. That's becoming a bigger problem. How do we deal with it? As an individual sitting—

DLM: I mean,, do you just go home and say, "Time for a good stiff drink."? [Laughs]

CJRR: Sometimes, sometimes, yeah. I think that that's probably a fair comment. I think if it's a glaring error a lot of times I might address it as Chief Judge, I might do a media interview. Sometimes we talk to the Canadian Bar Association or the Manitoba Bar Association and they'll represent our interests and they may sometimes comment because they

can comment in a way that's a little bit more objective to give another perspective. So, those avenues are there for us, but sometimes you just got to eat it. Making that decision of whether to eat it or to carry on the conversation is a tough one and it's usually made in conjunction with the Chief's Office. I certainly have waded into those with judges from time to time to discuss "do we make a statement on this? Do we ask the Bar Association to make a statement, or do we just let this die?" Really, from my perspective, the driving force behind that is, are we educating the public? Is there a need to educate the public here and set the record straight?

DLM: Okay, now I'm going to go back a little bit. You start as a Provincial Court Judge, what's the most rewarding thing of sitting in those cases? I'm not asking for a specific example, but I'm talking more generally about— For me, I've thought about being a Provincial Court Judge, but part of me goes it's the worst 20 minutes of somebody's life over and over again, like *Groundhog Day*.[43] What's the rewarding bit? What's the flip side where you go, "this is why I do what I do."?

CJRR: Well, you know this is going to sound really naive, but I think that for me at least I can say that … I have the ability to maybe make a difference for somebody in those cases. We see so many poor souls out there and, you know, as a defence lawyer fighting for them, for those poor souls, there's a poor soul that's on the other side of that case too. I think sometimes just being that person who's listened and heard the parties to me is the most rewarding part of it. To convey that back that I've heard you, I may not give you the decision you wanted, but I was here and I heard you and I and I'm a dispassionate third party who's giving you a

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[43] *Groundhog Day* is a 1993 comedy film starring Bill Murray in which his character, Phil Connors, is forced to relive the same day over and over again.

decision and some finality on this. You know, there's lots of rewarding parts. I've sat in Mental Health Court and I find that tremendously rewarding because you have a chance to connect with people. I've found doing challenging cases to be rewarding for a different reason because you're engaged in the law and you're maybe interpreting the law in a unique way; I find that rewarding too. So, there's different aspects about it that are rewarding for me but yeah, there's some difficult parts too, for sure.

DLM: Now here's an unusual question; I ask this question because it happened to me when I was being called. I made a judge laugh in open court. I was sitting in front of Justice Simonsen[44] in the Court of King's Bench who was giving me my call in 2009. I'd been here for, you know, about seven years and I decided that I wanted to be called in Manitoba. At one point, they said, "please rise," and I'm in an electric wheelchair and I literally hit a button and it starts going upward. [Jovially]

[All laugh]

DLM: I start rising and she did exactly what you did. It's not a mass call. So there's two people that she's looking at, we're standing side by side and one of them is doing this [makes slow rising motion with hand] and she starts to laugh. So, I'm always curious has there ever been a time where you're sitting on the bench and something happens in court where you just can't help it, it's *funny*, and you just start laughing at it?

CJRR: That's great. Yeah, absolutely. I think laughter is actually an

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44 The Honourable Karen I. Simonsen was appointed as a Justice of the Court of Queen's Bench (as it then was) on December 9, 2004. She served in this position, until August 31, 2018, when she was elevated to the Manitoba Court of Appeal as a Justice. She served full-time, until she elected to become supernumerary on October 8, -2022.

essential part of a court process in the right circumstances because it breaks the tension, right? As to your comments earlier, it can be the people's worst day and I think that by having a little bit of laughter in the right way, sometimes that shows that people are human, and I think there can be a time and a place for that. In every lengthy case that I've ever done, there is a there is a character that brings some … unique aspect to the case that sometimes it's just like, yeah, that that was just completely unexpected or that was sort of funny or whatever. As a judge, you have to be careful about that. The last thing I ever want to do is laugh at someone else's expense. So, usually if I'm going to bring humor into the courtroom, it's going to be self-deprecating and it's coming at me. I'll sometimes make a comment that is self-deprecating in an effort to try and just break a little bit of tension for somebody who's uncomfortable because I think it's healthy and it's sometimes a good way to let people just relax a little bit. I'm happy that you were able to do that in the right circumstances.

BPS: I just want to finish off the stylistics part because when I was reading about what goes into judge training, I started to realize that there's formal training in oral communications, oral decision making. I'd imagine there's a science to that which is very not obvious. I mean, any of us who've read our transcripts in court know that we sound terrible: run on sentences, umms, too many subordinate clauses. What is the art of giving reasons or a sentence when you're delivering it orally? Is it about short sentences and simple language? What is the science of that?

CJRR: Good question. Actually, I would even refine it just one more step than that and that is there are oral decisions and then there are decisions off the Bench that are oral. So, I could reserve or I could give an oral decision. There are tricks that we use. In the scenario where you're deciding something off the bench, you know, immediately after submissions usually we'll sort of have structures that will follow, that are

that are common. I find for myself usually what that means is that there's about the first two lines of it and then I kick into what I call my "Judge Mode," where I just freewheel and sometimes it's successful; other times it's not because I'm, again, trying to connect with the person that's in front of me. I think the lawyers often will get sick of me because I'll go through things very methodically, like I'll repeat, you know, "This is what's going to happen. You've just plead guilty. This is what we're going to do right now. First, I'm going to hear from the Crown attorney. They're going to tell me what happened. They're going to recommend a sentence. Then the defence lawyer is going to ,.." and I don't think a lot of my colleagues do that. First of all, I want this accused person, this now offender, to have the impression that I think they're coming here for the first time, whether they're in the prisoner's box with a [a long record]or not I still treat them as if this is their first time through the process. I want it to be about them and so I will simplify my language, use shorter sentences, and I'll either follow a script or if I've reserved overnight, then usually there'll be a little bit more structure.

BPS: I haven't read your transcripts. I've read your written decisions and — I say all of this admiringly — it doesn't sound to me like you spent a lot of time scolding offenders. I've seen judges in Provincial Court— It's bad enough that you're going to get this fine or imprisonment, but there's this whole denunciatory speech. I don't know if that's particularly helpful. I think it might be helpful to understand what's happening and why and why this is serious, but kind of the finger wagging? I don't know, maybe that's why I wouldn't be a good judge. What do you think about the— What is the message you're trying to send to the offender at the sentencing part? Is it explaining what's happening and why? Is it about sending the hope of rehabilitation? What is the tenor of what you're trying to do there?

CJRR: It depends on who I have, right? So, let's talk about like the

impaired driver. If you have an impaired driver before you, that's the kind of time where, when I do it, I will usually say, "What could have happened here?" Or, , "Turn around.; Your mother is sitting in the courtroom right now and she's here in support of you. What would it have been like had she lost you that night because you, you killed yourself?" Or "What about the person you would have killed," or "How old's your kid?"
"14 years old."

"Oh, does your 14-year-old know about this? Do you know your 14-year old's going to be driving in two years and what's going to happen when they go out in a vehicle? Are they going to drink and drive or are they going to be killed by a drunk driver?"

Those are the kinds of things. There are different ways; I'm not doing it to scold them to make them feel bad but I'm trying to make them understand the moment that they're in and this is where we are— there are some jurisdictions, I'll point to Ontario, where you're starting to see a little bit of a problem arising because they're doing a lot of Teams Court.[45] They're having trouble getting people into court. There's a time and a place for it, don't get me wrong. Especially in.a province like Mantoba, I'd like to see a little but more, but having said that, there's nothing like having somebody in your courtroom. Seeing the courtroom, seeing all of the people who have an interest in this case, and speak looking at them in the eye and saying these things, right?

BPS: In preparing for this, I'm reading the annual reports from the Provincial Court and there are statistics and there are objectives. A lot of them are administrative, of course, because individual cases have to be

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45 "Teams Court" refers to the practice of holding hearings online using software such as Microsoft Teams or Zoom.

judged on their merits. But how many times do you have to appear before final disposition? What is the length of time between initial appearance? What kind of cases are we doing, and so on and so forth? Do you have any other thoughts ...— say If somebody gave you the opportunity to reform the system and all its policies at the systemic level, whether it's more remote court, less remote, triaging, plea bargaining, what do we need to make this system work better?

CJRR: Hmm. Work better. That's a great question and it's not theoretical because it is something that I take very seriously and it's something that we're working on right now. So, in Manitoba — and, I think, elsewhere — I'll go back to my experience as a lawyer; the legal system, the criminal legal system's been used effectively as a diary system for as long as I've been in the system, and probably as long as you've been in the system. I don't know of any other way that it's been done. So, you know, case comes in, it gets adjourned from time to time. It used to be every two weeks and then it went to every month, but it gets adjourned from time to time. Accused people come, they sit in a courtroom, a packed courtroom. All that's happening in that environment is it's getting adjourned because what we're waiting for disclosure, or we're trying to set dates and the lawyers haven't talked, or there's still plea bargaining going on. Number one: that system has to go by the wayside because it's our system is becoming too burdened to be able to accommodate just being a diary system for the lawyers anymore. So, over the last several years, our court — and this started just before I took office as Chief Judge — has worked pretty hard on creating a system that offloads that from the from the judge's responsibility and puts it on to Staff Justices of the Peace. What we've done is we've said, "Okay rather than every two weeks, we're going to have you appear, make sure you get your lawyer, and they get some of those fundamental early-stage things done, but once you're lawyered up we're not just going to adjourn you. We're going to do a new timeline, which is six

weeks. At the end of six weeks, come and make a plea. We expect, that in that time, the lawyers are going to talk, they're going to make sure that the disclosure is fulfilled, they're going to do whatever they have got to do, and you're going to enter a plea at the end of that. The result of that, notionally, is that we're going to free up more time for judges to do real, substantive judging. So, the Provincial Court has evolved over the last probably about 20 years or so, but particularly in about the last 10 or 11 years we've gone from being a summary-conviction court that deals with high volume of short cases, summary cases, to a court that deals with all sorts of cases. The reason for that is largely because of the increase of the maximums on some of the summary conviction offences and hybrid offences, so that the Crown will opt more into our court. They've also eliminated the preliminary inquiry in a lot of cases, so there's no point in in the two-stage process that used to be prevalent when I started. As a result of that … the sexual assault cases are the most common. You used to do a preliminary inquiry to have a bit of a dry run and understand the complaint's evidence. Now you can't do that, so they're going straight to trial in these cases in our court. Many of those trials have become very, very complex because of the so-called "Ghomeshi Rules"[46] and some of those disclosure pieces that go around the way that people communicate these days. As a result of that, our trials are not summary, one-day matters anymore. They're sometimes two-week trials, they're with motions and all sorts of Charter challenges, so things have changed dramatically and as a result of that we've had to adapt and that's how we've chosen to adapt.

The other, I think, significant component, in my mind, has to do more with something I alluded to from my criminal practice and that is leaving

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[46] "Ghomeshi Rules" refer to a set of evidence rules in sexual assault cases regarding the disclosure of private records. These rules are amendments to the *Criminal Code* that aim to protect sexual assault complainants from being ambushed by private communications like text messages during trial that were not previously disclosed.

aside the issue of guilty or not guilty … if you look at the chunk of people who are coming before the court who are not contesting, that's changed dramatically as well. We have a bigger awareness of the prevalence of Indigenous people in our court system right now. What I would like to do— And we get heavily criticized in Manitoba, by the way, for our failure to address Indigenous issues because we don't have an Indigenous Court, whereas if you go to downtown Toronto, they have their Indigenous Court and they're trying to do something different. Some people will argue, "Well, every court in Manitoba is an Indigenous court because it only has Indigenous people in it." But that's not an Indigenous court either. What I would like to do is re-evaluate how we're dealing with people when they enter the court system, and look at more therapeutic methods. So, what does that look like? Oh, I'm not exactly sure, to be honest with you, but I know sort of what it looks like. I know what it looks like in some environments. In Peguis[47], for example, for many years, we've had a court where the judge sits with Elders and the Elders give input as to what happens. There's a lot of cases that are referred out to restorative justice that happen within that community. That might be good in more communities within Manitoba. There are other communities who may say, "we want to sit in a circle and what we want to do is different than what Peguis is doing." What we need to do, I think, as a system, is we need to have a better conversation with those communities with Chief and [Band] Council, with Elders, with the communities to say, "one day there's going to be a different justice system for Indigenous people." I think that's probably going to happen somewhere in the future. That is unlikely to happen in my seven years as Chief Judge, but what I can do in my seven years as Chief Judge is I can move the yardsticks a little bit more towards a system that looks like that, and utilize some of those principles which are

47 Peguis First Nation is the largest Indigenous community in Manitoba, with a population of over 12,000. It is located approximately 200 kilometers north of Winnipeg.

very good: restorative justice, holistic healing instead of focusing on, you know, victim, offender, and whatnot. Look at the whole big picture, look at families, look at healing in a more profound way, and then maybe we can start to change the way that we administer justice in the province.

When I look at the City of Winnipeg, and maybe Brandon[48], and definitely Thompson[49], we're seeing so much in the way of addictions and mental health and the intersection of those two things with homelessness. Methamphetamine and fentanyl are extremely toxic drugs that are super addictive, that are destroying lives, and by processing people in the way the courts have traditionally done, I think we're just feeding into the problem as opposed to being a part of a solution. So, you know, I'm a big proponent of community courts. I would like to see— I was just at the Indigenous day celebration at the Leg[50] and there was a young Indigenous man who, at eight-years-old got a call from his father who was in jail saying, "You're not going to see me for a long time. You've got to be the man of the house." And he talked about his experience, about how he stepped up to be the man, and I was thinking to myself, "that's a victim of crime." We talk about the victims of crime on the other side of the aisle in the courtroom; that's a victim of crime that we've never attended to before. What if we had a system where when that happens, somebody's attending to that eight-year-old and his now single mother to try and get them through that? It's on the court system and it's on society to try and solve some of the perpetual problems that we're seeing and the overrepresentation of Indigenous people in the jails. Those are the kinds of focuses that I want to see happening, so, the first phase of that is to become more efficient in terms of some of the scheduling stuff, which

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48 Brandon is the second largest city in Manitoba. It is approximately 200 kilometers west of Winnipeg.

49 Thompson is a city in Northern Manitoba, over 750 kilometers north of Winnipeg.

50 This is a reference to the Manitoba Legislative Building in Winnipeg.

we're working on. Then to start to delve into some of the — what I believe to be — revolutionary changes in the way that we're conducting our courts in Indigenous communities, but also looking at, you know, community justice, community courts, therapeutic courts in the city and in other regions.

DLM: You said you didn't like the administration of running your own law firm, yet you're sitting somewhere in 2022 and you go, "Okay., I'm a highly respected Provincial Court Judge, I think I'll throw my hat in the ring to be Chief Judge," which is a fair amount of administration replacing being in the courtroom as the presiding judge. Talk me through how your brain did that analysis.

CJRR: When I was a lawyer, we had this computer system called PCLaw[51]. I was in the books and the computer would only move to the next step in PCLaw if the dollars and cents worked out, if they properly balanced, right? It was a foolproof thing and I was $0.10 out because a number was mis-entered into somewhere that system, and I'm sitting there on Sunday night at 5:00, not with my family going, "What am I doing here? This is just ridiculous that I'm doing this," but that's the kind of thing as a as a business owner that you sometimes have to focus on. You need to make sure that the I's are dotted and the T's are crossed.

In 2022, when I was talking about and thinking about putting my name forward as the Chief, I was the Co chair of our Judicial Education Committee. I'm very, very heavily invested in judicial education. It's important to me. I've, at this point, been a judge for eight or nine years and I've watched and been smacked in the face by what's happening with

51 PCLaw is a legal practice management software that assist firms with billing, accounting, and trust account management.

Indigenous populations in our province in a new way that hadn't really impacted me in the same way as a defence lawyer. And I just thought to myself I could maybe make a difference if I put my name forward. I don't just do that on a whim. I talked to a lot of people and I, found that a lot of my colleagues encouraged me to put my name forward. I looked at Tracey Lord[52] and Lee Ann Martin[53], both are dear friends of mine; they're both Associate Chief Judges and I really did like the idea of working with the two of them. Then Donovan Dvorak[54]
is the ACJ in Brandon; he's retiring, but certainly also a very, very good person to work with. So, you know, it just sort of lined up for me and I decided to do it, and it's been fascinating. Fascinating! I feel like I have a lot of *Forrest Gump*[55] moments where— Early on, this is just one of several examples, but I'm sitting beside Marianne Rivoalen[56] and she's the first female Chief Justice in the history of the Province of Manitoba, and I'm sitting beside her as she's giving that speech and just going like, "What is the farm boy from BC doing sitting here right now?" I have those moments all the time, I probably had one this week, you know, I probably

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52 The Honourable Tracey M. Lord was appointed as a Judge of the Provincial Court of Manitoba on November 19, 2008. She was appointed as an Associate Chief Judge of the same court on July 2, 2019, with a seven-year term.

53 The Honourable Lee Ann M. Martin was appointed as a Judge of the Provincial Court of Manitoba on September 17, 2007. She was appointed as an Associate Chief Judge of the same court on September 14, 2022, 2019, with a seven-year term.

54 Donovan J. Dvorak was appointed as a Judge of the Provincial Court of Manitoba on February 27, 2013. He was appointed as an Associate Chief Judge of the same court on January 19, 2022. He served in this role until August 4, 2025. He was designed as a Senior Judge of the same court on September 2, 2025.

55 *Forrest Gump* is a 1994 film starring Tom Hanks as the title character.

56 The Honourable Marianne Rivoalen was appointed as a Judge of the Court of Queen's Bench (Family Division) on February 2, 2005. She was Appointed Associate Chief Justice (Family Division) of the Court of Queen's Bench on May 22, 2015. She was appointed as a Judge of the Federal Court of Appeal on September 20, 2018. Finally, she was appointed as the Chief Justice of Manitoba on May 31, 2023. The Manitoba Law Journal has completed an interview with Chief Justice Rivoalen, which we expect to have ready for publication shortly.

had one today actually going over and taking part in the Indigenous Day celebrations at the Leg. So, it's pretty fascinating and I'm pretty lucky.

DLM: Now, you said that judicial education is important to you. What got you so invested in it?

CJRR: Well, you know, legal education has always been important to me. I've gotten involved fairly early in my career in a lot of that stuff, probably because I needed it, I felt like I needed it more than everyone. I've never been, I was never— And you could go check my transcripts, I wasn't a rock star in law school, I'll tell you that! [Laughs]

So, for me it was just important. Again, at that time, Robin Finlayson[57] was the education chair when I got appointed to the bench and he encouraged it. I think I'm a closet teacher too, I've always wanted to be a teacher. I enjoy being in front of people and exchanging ideas, especially adult education because you get , that back and forth and the challenge of engaging people is exciting to me. Finding new ways and creative ways to engage with people is fun. So yeah, all of those things.

DLM: Now, you sound like a systems guy. Am I right about that? You worry about systems. You have a big picture in your head a lot of the time about a lot of things.

CJRR: Sure.

DLM: Okay, so I'm going to hand you the magic wand for a second and you can fix one thing about the Provincial Court of Manitoba. The other

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57 The Honourable Robin A. Finlayson was appointed as a Judge of the Provincial Court of Manitoba on January 31, 2006. On August 23, 2018, when he was designated a Senior Judge of the same court.

thing you can do is never touch something, say "leave it, don't touch it, if it ain't broke don't fix it." I'm going to ask you to comment on both of those at whatever level you want: systems, individual, the people you're thinking of, and all of that.

CJRR: So the one thing I could change? I think it would have to be the Indigenous justice piece, the movement towards something that's more aligned with reconciliation, like that whole piece that I described earlier would be what I would change if I could change that today. If I leave this office and I've even made a — and I have pretty big ambitions on that — if I even get a part way there, and somebody else takes up on it, I'll be very pleased. What was the other one that you asked? The thing I'd never change?

DLM: There's something that occurred to me and maybe I'll ask the question a different way. When we've talked to other people in this series, there's often been a recognition that there are groups of people or individuals who really don't get enough credit for the stuff that they do. You know, the judges get some credit for things that go right, they get the blame when it doesn't, but there's a bunch of people behind the scenes that don't get enough credit. Would you want to make sure that people knew anything about those groups? Or do you want to say anything about the JJPs [Judicial Justices of the Peace], the administrative staff, all of that?

CJRR: Yeah, 100%. We could come full circle on this in terms of my foray into my legal career: I was a court runner and I met so many good people in this system and as I've come along those people have championed me and encouraged me, and they do their job day in and day out and they're in every corner of 408 York[58] and every courthouse in this

[58] 408 York Avenue is the home of the Provincial Court of Manitoba in Winnipeg.

province. It's the not just the clerks, it's the intake staff, it's the Staff Justices of the Peace, the coordinators, the managers who manage those people. They work so hard to make the system work. There's so much that goes on behind the scenes here. The life of an information from the time the police lay it to the time that it gets into my hands? There are so many things that can go wrong, and if we don't have those people working the way they do, who really do care about the justice system, that don't get paid nearly as much as they should, we'd be lost without those people, so that would be the thing that I wouldn't change, for sure. That their existence would endure forever. Sheriff's officers as well. We can't forget that side of it too, like so many people in the system that really do a great job.

BPS: This has been just great for us. It's very informative, very, very thought provoking.

CJRR: Oh, that's great. This has been a privilege and I really appreciate it's been a great conversation. Actually, it's been a lot of fun.

DM: Thank you so much.

CJRR: Yeah. Thanks a lot.