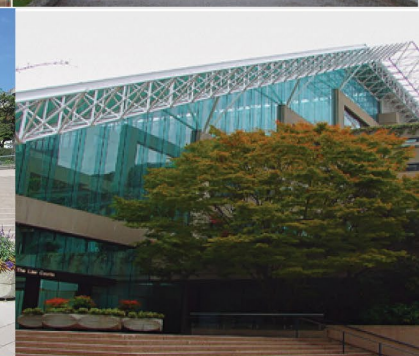


PROVINCIAL COURT OF BC ANNUAL REPORT 2015/16





CONTACT THE OFFICE OF THE CHIEF JUDGE

If you have general questions about the Provincial Court of British Columbia or about judicial administration, please contact:

Office of the Chief Judge

Suite 337 - 800 Hornby Street

Vancouver, British Columbia, Canada

V6Z 2C5

Phone: (604) 660-2864

Fax: (604) 660-1108

info@provinciacourt.bc.ca

Responses from the Office of the Chief Judge are for information only and cannot be used as authority in court proceedings or for other purposes.

For information about a case, contact the [Court Registry](#) at the relevant location. The Office of the Chief Judge cannot provide legal advice. If you require legal advice in British Columbia, you can contact the Lawyer Referral Service, a service established by the [British Columbia Branch of the Canadian Bar Association](#). You may also wish to contact the [Legal Services Society](#), [University of British Columbia Law Students' Legal Advice Program](#), or [The Law Centre](#) - a service of the University of Victoria Faculty of Law.

The Office of the Chief Judge also administers all complaints regarding the conduct of Judicial Officers of the Provincial Court. To file a complaint, please use the [Complaint Process](#).

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MESSAGE FROM THE CHIEF JUDGE

This report describes the ongoing efforts of the Provincial Court of British Columbia and its judicial officers and staff to deliver an accessible, fair, efficient, and innovative forum of justice for British Columbians, during the fiscal year 2015/16.



A significant accomplishment in this fiscal year was the successful implementation of the Provincial Court Scheduling Project, a major undertaking designed to enhance the efficient, effective and equitable use of judicial resources. Project components, including simplified front end case management, expanded authority of Judicial Case Managers, Assignment Courts, and delayed assignment of Judges, rapidly began to show some noticeable benefits. The Office of the Chief Judge will continue to monitor and evaluate the project's reforms, and changes will be made as necessary. I wish to acknowledge Associate Chief Judge Nancy Phillips whose vision and leadership were integral to the project's success.

I am pleased to report that there was improvement in the Court's ability to offer trials in a timely manner in 2015/16. The number of cases adjourned due to lack of court time and the average delay for most types of trials decreased. Although factors

like the number and complexity of new cases are beyond our control, we will continue to work to reduce times to trial.

There was a 4% increase in the number of court appearances by self-represented litigants in this fiscal year, reversing a previous trend. The Court continues to work to assist people appearing without lawyers by providing helpful resources for the public on its website, and providing judges with resources to help them deal effectively with self-represented litigants.

The Court continued its commitment to innovation and community engagement. Considerable time was spent this past year with First Nation communities discussing their interest in First Nation courts. We expanded our videoconferencing capability to achieve savings in prisoner and witness transportation.

We will continue taking action to make our processes more accessible, effective and consistent, using innovative methods but also learning from experience elsewhere. By maintaining this approach, I believe the Court can offer British Columbians a justice system worthy of their confidence.

The Court's judicial complement (the number of judges) remained almost constant in this fiscal year. We welcomed the appointment of fifteen new judges, but eight judges elected to work part time in the Senior Judges Program and nine retired. Sadly, the Court also lost two exceptional judges in 2015 when Judge Anne Wallace of Kelowna and Judge Russell Mackay of Chilliwack passed away in October and December respectively. Both are sorely missed for the uncommon energy, positive attitudes, compassion, and good humour they shared.

Transparent and open access to the Court and its judicial officers is crucial to maintain confidence in the judiciary. Judges are accountable through appeals of their decisions to higher courts and through disciplinary processes under the *Provincial Court Act*. In this report I share the results of investigations of complaints about Judges and Judicial Justices made in 2015. When litigants' concerns are brought to my attention they serve as valuable corrective and learning opportunities for the judicial officers involved and for me. They can also indicate areas where Court-wide judicial education would be helpful.

I am proud of the large number of Judges and other judicial officers who volunteer considerable portions of their own time to serve on Court committees and justice-related organizations, contribute to the education of their colleagues, and volunteer in their own communities. A few of them have been featured in eNews articles but there are many, many more whose contributions are unsung.

The Court's Judges, Judicial Justices and staff are dedicated to public service and committed to delivering justice in more than 80 Provincial Court locations around B.C.. Each year my appreciation for their hard work, commitment and dedication grows.

Thomas J. Crabtree
Chief Judge

EXECUTIVE SUMMARY

The Provincial Court of British Columbia Court strives to serve the public by providing an accessible, fair, efficient and innovative forum for justice in criminal, family, child protection, civil, traffic and bylaw matters.

During the 2015/16 fiscal year the Court made progress in its unceasing efforts to provide timely trials. As implementation of the Court's trial scheduling reforms was completed, early data indicates the number of cases adjourned due to lack of court time and the average time to trial for most types of trials decreased. Although factors like the number and complexity of new cases are beyond its control, the Court continues to work to reduce times to trial.



Robson Square, Vancouver

THE COURT'S JUDICIAL OFFICERS

Provincial Court Judges, Judicial Justices, and Justice of the Peace Adjudicators are appointed by the government of British Columbia to exercise powers given to them under federal and provincial laws.

Judges

In the 2015/16 fiscal year:

- the average daily number of full-time equivalent Judges (the number of judges adjusted to reflect the part-time work done by Senior Judges) was 124.49, the second lowest in the last five fiscal years;
- appointments of male and female Judges in the last 36 months were almost even;
- most Judges were aged between 51 and 65, with an overall average and median age of 60.

Judicial Justices and other Judicial Officers

- there were 12 full-time and 22 part-time Judicial Justices, who hear traffic and ticketable offence trials, bail and search warrant applications, and preliminary matters in specialized courts, as of March 31, 2016.
- there were also 9 part-time Justice of the Peace Adjudicators who hear simplified civil trials in Vancouver and Richmond.
- trial scheduling reforms expanded the duties of the Court's 44 full-time and part-time Judicial Case Managers to include presiding in Assignment Courts in the province's seven busiest courthouses.

THE COURT'S CASELOAD

New cases initiated in 2015/16 increased by 2% over the previous fiscal year. This marks the second year in a row in which caseload volumes have increased, although this year's volume is still 3% lower than that in 2011/12.

- the Court handled approximately one new case per 40 British Columbians in 2015/16.
- excluding traffic and bylaw matters generally heard by Judicial Justices, criminal cases have accounted for more than half the Court's new caseload, family cases just over a third, and small claims cases just over a tenth during the past five years. That distribution continued in 2015/16.
- the volume of new adult criminal and child protection cases increased while that of youth criminal, family, small claims, traffic, and by-law cases declined.
- In total, 198,953 new criminal, family, child protection, youth, civil, traffic and by-law cases were commenced in the Provincial Court this year.

Using telephone and videoconferencing, the Provincial Court's Justice Centre provides access throughout the province to Judicial Justices for bail hearings seven days a week from 8:00 a.m. to 11:00 p.m. Judicial Justices are also available 24 hours a day for search warrant applications. In 2015/16, 8909 warrants were issued and 22,652 bail hearings were held through the Justice Centre.



Vernon

OPERATIONAL COURT STANDARDS

There was improvement in the Court's ability to offer trial dates in a timely manner. Except for lengthy adult criminal trials, the average weighted¹ time to trial for all types of trials in 2015/16 was shorter than in the previous year. In most areas of the province, the Court met or surpassed time to trial targets for criminal cases. While time to trial in family and small claims matters have decreased, the Court continues to work to bring them within its standards².

While the number of overall pending criminal cases increased, the proportion of pending cases that exceed the court's standard decreased from the previous year.

The Court improved its ability to hear cases on the day they are schedule to commence. The number of cases that had to be adjourned for lack of court time decreased for family and small claims cases for the third straight year. There was a slight increase from the previous year in the number of criminal cases adjourned for lack of judicial resources.

SELF-REPRESENTED LITIGANTS

The number of court appearances by self-represented litigants increased by 4% over the last fiscal year. This reverses the previous trend in which self-representation rates had declined in all types of cases except small claims during the past five years.

THE COURT'S GOVERNANCE AND COMMITTEES

A variety of committees assist the Chief Judge in his administrative duties. Those committees and some of their work in 2015/16 included:

- Governance Committee - policy and planning advice;

¹ See explanation of weighting in [Appendix 5](#).

² See [Appendix 5](#) for time to trial standards and definitions.

- Judicial Administration Committee - advice on operational matters, various initiatives to increase the Court's administrative efficiency and improve its information systems;
- Judicial Justice Administration Committee - implementing an improved records management plan, addressing traffic court backlogs and Justice Centre workload increases;
- Judges' Education Committee - planning and organizing two annual education conferences on family, civil, and criminal law issues and "Trauma – Informed Judging";
- Judicial Justices' Education Committee - planning and organizing programs on topics including resources available to help people with mental health, poverty, and substance abuse problems;
- Criminal Law Committee - drafting standard terms for bail and probation orders and developing training materials for new judges;
- Family Law Committee - updating standard Family Law Act orders, developing best practices for Notice of Motion and Without Notice hearings, serving on the editorial board of the National Judicial Institute's Family Law Electronic Bench book, and participating with government and others

in a working group to redraft family court rules;

- Civil Law Committee: preparing for a smooth transition of cases from the Civil Resolution Tribunal once it is operational and assisting self-represented litigants with trial preparation.

INNOVATION

Access to Justice BC

The Court continues to develop action orientated ideas designed to innovate and improve access to justice for the people of the province.

Specialized Courts

The Court's specialized courts continued to see positive results.

- Vancouver's Downtown Community Court dealt with 12,146 individuals in 2015. Through its programs significant numbers of people found housing, were referred to various training programs, and performed work service for the community.
- on average, 48 to 50 people participated in the Drug Treatment Court program each





The Provincial Court Scheduling Project begun in 2013 was fully implemented province-wide by March 31, 2016.

month. Thirteen participants successfully completed all four phases of the program and graduated.

- Victoria Integrated Court dealt with 84 individuals in 2015/16, fewer than in previous years. A working group met to consider the possibility of expanding the client base.
- Domestic Violence Courts in the Cowichan Valley and Nanaimo continued to blend expedited case management with problem-solving and treatment, while expedited case management continued in domestic violence cases in Kelowna, Penticton and Kamloops.
- First Nations Courts continued to operate in Kamloops, Duncan, New Westminster and North Vancouver. This year there have been initial consultations with a number of First Nation Communities including in Hazelton, Merritt, and Williams Lake, to explore the feasibility of similar courts in those communities.

Trial Scheduling

The Provincial Court Scheduling Project begun in 2013 was fully implemented province-wide by March 31, 2016. While early outcomes are positive, the Court will continue to monitor the long-term effect.

Video Appearances

The ongoing use of video technology saved 29,505 transports for prisoners required to appear in court for preliminary matters. Video conferencing capability was expanded and further expansion is contemplated.

Communications Initiatives

With the addition of new resources for self-represented litigants and ongoing updating, the Court's public website www.provincialcourt.bc.ca saw its 2015 traffic increase by 12% over the previous year.

The short, informal eNews articles published weekly on the website and the Court's Twitter account [@BCProvCourt](https://twitter.com/BCProvCourt) received positive feedback nationally and internationally.



222 Main Street, Vancouver

FINANCES

With a budget of \$55,556,000 for 2015/16, the Court's actual expenses were \$54,785,390, largely attributable to salaries and related expenses (most other court system expenses are paid by other branches of the provincial government). Delays in judicial appointments and staff hirings created budget savings.

CONFIDENCE IN THE JUSTICE SYSTEM

Our justice system is founded on public confidence that judicial decisions are fully heard and fairly made. The Court's complaints process is essential to maintaining that confidence by giving people the means to criticize judicial officers formally if they believe their conduct was inappropriate.

The Office of the Chief Judge received 204 letters of complaint in 2015. On assessment, 164 were found not to be matters the Chief Judge could review. Most of these amounted to appeals from a judicial decision which must be taken to an appeal court. Examinations of the remaining complaints were initiated. [Appendix 3](#) provides summaries of these complaint investigations and their outcomes.

THE PROVINCIAL COURT OF BRITISH COLUMBIA

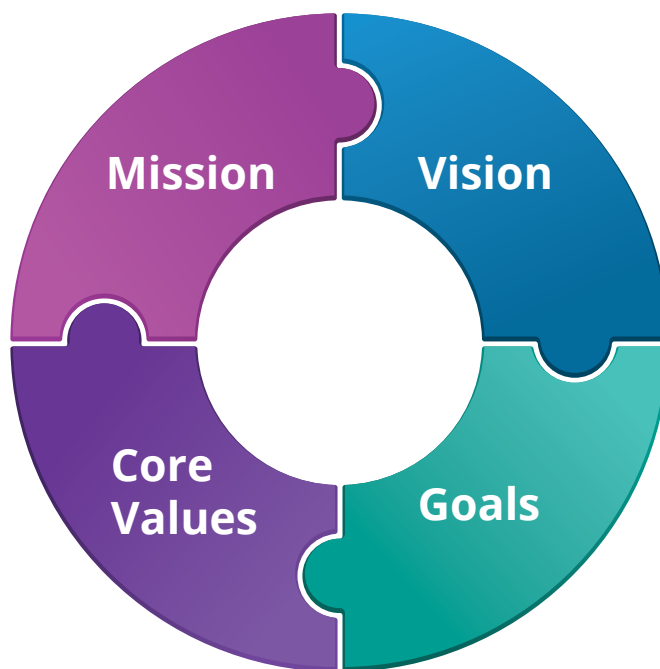
The Provincial Court is a statutory court created by the [Provincial Court Act](#). Judges of the Court are appointed by the provincial government and exercise powers given to them by laws enacted by the federal and provincial governments.

The Provincial Court of British Columbia strives to serve the public by providing an accessible, fair, efficient and innovative system of justice. We are committed to providing a forum for justice that:

- is independent, impartial and consistent;
- ensures equal access for all;
- maintains respect for the rule of law;
- enhances confidence in the administration of justice; and
- reflects the core values of independence, fairness, integrity and excellence.

The mission, vision, core values and goals of the Provincial Court of British Columbia guide the judicial officers and administrative staff in all our dealings with the public and those participating in the justice system.





MISSION

As an independent judiciary, the mission of the Provincial Court of British Columbia is to impartially and consistently provide a forum for justice that assumes equal access for all, enhances respect for the rule of law, and builds confidence in the administration of justice.

VISION

To provide an accessible, fair, efficient and innovative system of justice for the benefit of the public.

CORE VALUES

Independence • Fairness • Integrity • Excellence

GOALS

- Excel in the delivery of justice
 - Enhance meaningful public access to the Court, its facilities and processes
 - Anticipate and meet the needs of society through continuing judicial innovations and reform
 - Ensure that administration and management of the Court is transparent, fair, effective and efficient, consistent with the principles of judicial independence
-

“ Every Canadian has the constitutional right to have his or her legal issues decided by fair and impartial judges

JUDICIAL INDEPENDENCE - THE CORNERSTONE

British Columbia's system of government has three branches: judicial, executive, and legislative. The function of the judicial branch is to interpret the law, resolve disputes, and defend the Constitution including the Canadian Charter of Rights and Freedoms. This role requires that the judiciary be distinct from, and operate independently of, all other justice system participants, including the other two branches of government.

Every Canadian has the constitutional right to have his or her legal issues decided by fair and impartial judges. In Canada, and in British Columbia in particular, our courts enjoy a high level of public confidence because an independent judiciary has been firmly established.

Judicial independence has many definitions, but ultimately it means that judicial officers of the Court have the freedom to decide each case on its own merits, without interference or influence of any kind from any source. While judicial decisions rarely result in everyone being happy, our justice system is founded on a public confidence that decisions, whether popular or not, are fully heard and fairly made. It is crucial that the judiciary both be independent and appear to be independent so that there is public confidence that judicial decisions are made without bias.

To guarantee the right to an independent and impartial judiciary, the law in Canada has

constitutional protections or “essential conditions” that ensure judicial independence. These are security of tenure, financial security, and administrative independence.

Security of tenure prevents the arbitrary removal of judges. Financial security provides an arm's length mechanism, through a special remuneration commission, for determining the salaries and benefits of judges. Administrative independence enables the Court to manage itself, rather than be managed by others. While these protections pertain to judges, they are for the benefit of the public. They allow courts to apply the rule of law that Canadians, through the electoral and legislative processes, have decided should govern them.

- [Statement on Judicial Independence from the Courts of British Columbia](#) - March 15, 2012

JURISDICTION - THE COURT'S WORK

The Provincial Court is one of two trial courts in British Columbia - the Supreme Court of British Columbia is the other. Justices of the Supreme Court of B.C. (who are appointed by the federal government) also hear appeals of some Provincial Court decisions, but appeals or further appeals of Provincial Court decisions may also be taken to the Court of Appeal of British Columbia and the Supreme Court of Canada.

Cases heard in the Provincial Court fall into five main categories:

CRIMINAL MATTERS

Over 95% of all criminal cases in the province are heard in Provincial Court. Under the [Criminal Code](#) of Canada, Provincial Court Judges can conduct trials of all criminal matters except adults charged with murder and a few rare offences such as treason and “alarming Her Majesty.”

FAMILY MATTERS

Provincial Court Judges deal with two main areas of family law.

Family Law Act - People seeking court orders for guardianship of children, parenting arrangements, and child and spousal maintenance under the [Family Law Act \(FLA\)](#) may go to either the Provincial Court or the Supreme Court of British Columbia, since the courts have “concurrent jurisdiction” (shared legal authority) in those matters. However, only a Judge appointed by the federal government can make orders about divorce and division of a family’s property, so the Supreme Court of B.C. has “exclusive jurisdiction” (sole legal authority) in those matters.

Child Protection - All child protection matters under the [Child, Family and Community Service Act \(CFCSA\)](#) are dealt with in the Provincial Court, although protective intervention orders and restraining orders can also be obtained in the Supreme Court.

YOUTH COURT MATTERS

In Youth Court, Provincial Court Judges deal with young persons aged 12 through 17 who are charged with criminal offences, applying the [Criminal Code](#), and the special procedures for young people established by the Youth Criminal Justice Act. The [Youth Criminal Justice Act](#) designates the Provincial Court as the Youth Court for British Columbia.

SMALL CLAIMS MATTERS

The Provincial Court has jurisdiction to hear civil lawsuits involving a monetary claim of up to \$25,000. The [Small Claims Act](#) and [Small Claims Rules](#) establish procedures intended to resolve claims in a just, speedy, inexpensive and simple manner, so that people may launch and defend lawsuits without lawyers if they choose. In addition to conducting trials of civil lawsuits and hearing applications, Provincial Court Judges conduct settlement conferences where Small Claims litigants are given the opportunity to settle their disputes by agreement.

TRAFFIC & BYLAW MATTERS

The Provincial Court has jurisdiction (legal authority) in all traffic and bylaw offences, as well as all other provincial and municipal offences prosecuted under the [Offence Act](#) and the [Local Government Act](#). Many of these offences are prosecuted by way of a violation ticket or municipal ticket information. Most traffic and bylaw matters are overseen by Judicial Justices (as opposed to Judges), and are typically reported separately from other new cases for this reason.



The Provincial Court’s judicial officers work in more than 80 locations throughout the province to hear about 200,000 cases per year (including traffic and bylaw matters).

The Provincial Court’s judicial officers work in more than 80 locations throughout the province to hear about 200,000 cases per year (including traffic and bylaw matters). Figure 1 illustrates the five administrative regions and sitting court locations throughout the province.

FIGURE 1 - FIVE ADMINISTRATIVE REGIONS OF THE PROVINCIAL COURT OF BRITISH COLUMBIA

Sitting Locations of the Provincial Court - By Region



JUDICIAL OFFICERS

The roles and authority of all judicial officers of the Provincial Court are distinct and well-defined.

CHIEF JUDGE

The head of the Provincial Court is the Chief Judge who is its official spokesperson. The Chief Judge is responsible for the judicial administration of the Provincial Court, with assistance from two Associate Chief Judges, five Regional Administrative Judges, two Administrative Judicial Justices and personnel in the Office of the Chief Judge (OCJ).

Under section 11 of the [Provincial Court Act](#), the Chief Judge has the power and duty to supervise judicial officers, including Judges, Judicial Justices, Justices of the Peace and Judicial Case Managers. This includes the power to:

- designate the case or matter, or class of cases or matters, in which a judicial officer is to act;
- designate the court facility where a judicial officer is to act;
- assign a judicial officer to the duties the Chief Judge considers advisable;
- look into complaints about the conduct of judicial officers; and
- exercise the other powers and perform other duties prescribed by the Lieutenant Governor in Council.

The Chief Judge also supervises the Office of the Chief Judge staff and Judicial Administrative Assistants, administers a budget, and facilitates continuing education for all judicial officers. In addition, the Chief Judge is the Chair of the Judicial Council of BC.

Former Chief Judges have helped shape the duties and underscore the prominence of the Chief Judge's position, and all have contributed to the current structure and administration of the Court. The current Chief Judge is the Honourable Thomas J. Crabtree.

ASSOCIATE CHIEF JUDGES

Under section 10(1) of the [Provincial Court Act](#), Associate Chief Judges (ACJs) are designated by the Lieutenant Governor in Council, usually for a term of three years, which may be renewed. Subject to the direction of the Chief Judge, an Associate Chief Judge has the same powers and duties as the Chief Judge. In 2015/16 the Provincial Court's Associate Chief Judges were the Honourable Gurnail S. Gill and the Honourable Nancy N. Phillips.

REGIONAL ADMINISTRATIVE JUDGES

Under section 10(1) of the Provincial Court Act, Regional Administrative Judges (RAJs) are appointed by the Chief Judge for a term of up to three years which may be renewed. In 2013 the Provincial Court reorganized its 12 districts to form five regions: Vancouver Island, Vancouver, Fraser, Interior and Northern. In addition, the Office of the Chief Judge administers certain small courts in remote locations.

PROVINCIAL COURT JUDGES

The Lieutenant Governor in Council appoints Provincial Court Judges on the recommendation of the [Judicial Council of B.C.](#), pursuant to section 6(1) of the [Provincial Court Act](#). The Judicial Council's annual reports provide details of the appointment process and analysis of application trends. When appointed, each Judge is assigned an office in a particular judicial region, though many Judges are required to travel regularly to other areas, in order to meet the demand for Judges in the more than 80 locations where Provincial Court is held.

Most Provincial Court Judges work full-time. However, Judges aged 55 or older, with at least 10 years of service, may apply to the Senior Judges

Program and elect to hold office as a part-time Judge for a period of seven years.

Judges conduct trials and other proceedings in criminal, youth, family, and civil matters. They also perform judicial mediation in family and civil settlement conferences. Judges also do considerable work outside the courtroom – researching law, judgment writing, public speaking and committee work. See [Appendix 1](#) for a complete list of all Provincial Court judges as of March 31, 2016.

JUDICIAL JUSTICES

Appointed under section 30.2 of the [Provincial Court Act](#), Judicial Justices may be assigned a variety of judicial duties by the Chief Judge. Some Judicial Justices preside in court throughout the province, hearing traffic matters and ticketable offences under provincial legislation. Others are assigned judicial duties at the Justice Centre, where they consider search warrant applications and hear applications for judicial interim release (bail). Still others conduct criminal arraignment hearings and deal with applications under the Criminal Code in one of the province's specialized courts.

Under section 11 of the [Provincial Court Act](#), the duties of the Administrative Judicial Justice include assisting the Chief Judge with administrative matters relating to Judicial Justices. In 2015/16 there was an



New Westminster



Powell River

Acting Administrative Judicial Justice for the Justice Centre and another for the Traffic division that is located at the Violation Ticket Centre. [Appendix 1](#) lists all Judicial Justices as of March 31, 2016.

JUSTICE OF THE PEACE ADJUDICATORS

Justice of the Peace Adjudicators are senior lawyers appointed on a part-time (per diem) basis under the [Provincial Court Act](#). They hear civil cases having a monetary value up to \$5,000 in the Robson Square and Richmond courthouses. As of March 31, 2016, there were nine Justice of the Peace Adjudicators of the Provincial Court and they are listed in [Appendix 1](#).

JUDICIAL CASE MANAGERS

Judicial Case Managers (JCMs) are responsible for providing effective, efficient court scheduling

and coordination of all matters within a particular judicial region. Judicial Case Managers manage the flow of all Provincial Court appearances and ensure that judicial resources are effectively utilized in a manner that minimizes court downtime and is consistent with the policies and practices of the Court.

Judicial Case Managers must hold a Justice of the Peace Commission and exercise judicial discretion and authority within their assignment. Trial scheduling reforms expanded their duties to include presiding in Assignment Courts in the province's seven busiest courthouses in addition to presiding in Initial Appearances Courts. As of March 31, 2016, there were 30 full-time and 12 part-time JCMs, as well as one auxiliary JCM. See [Appendix 1](#) for a complete list.

“ Judges conduct trials and other proceedings in criminal, youth, family, and civil matters. They also perform judicial mediation in family and civil settlement conferences. Judges also do considerable work outside the courtroom... ”

OFFICE OF THE CHIEF JUDGE AND GOVERNANCE

The Office of the Chief Judge (OCJ) is the administrative headquarters for the Provincial Court, and is located at the Robson Square courthouse in downtown Vancouver.

Areas of responsibility of the OCJ include:

- governance administration;
- scheduling administration;
- Justice of the Peace administration;
- judicial resources and business intelligence;
- oversight of the Judicial Justice division;
- finance management;
- human resources; and
- information technology.

The OCJ is traditionally the location where Swearing-In Ceremonies are held for new judicial officers. These are private ceremonies for the family, close friends and associates of new appointees.

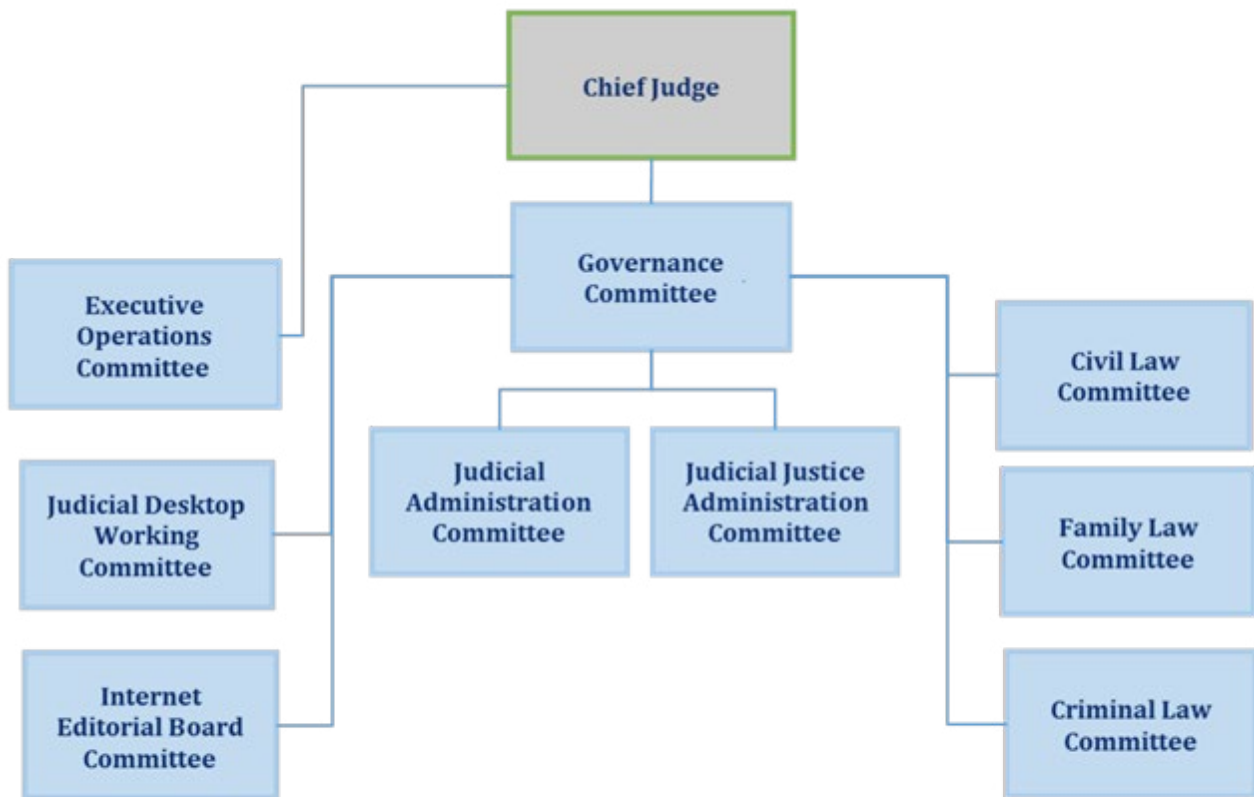
The OCJ is also the meeting location of the Judicial Council of British Columbia. Information regarding Judicial Council is available on the Court's public [website](#).

GOVERNANCE

The administrative headquarters for the Provincial Court is the Office of the Chief Judge (OCJ). The Chief Judge is responsible for the judicial administration of the Court. The primary function of the OCJ is to support the Chief Judge in the assignment of judges and cases, as well as to support judicial officers in the exercise of their judicial function. The OCJ is also responsible for engaging with government agencies, media, individuals and organizations that wish to communicate with the Court.

The administrative work of the Provincial Court is conducted primarily by four committees: Governance Committee; Judicial Administration Committee; Judicial Justice Administration Committee; and the Executive Operations Committee. These administrative committees are in turn supported by a number of court committees comprised of Judges and Judicial Justices. See the [Court Committees](#) section for more information.

FIGURE 2 - GOVERNANCE STRUCTURE OF THE PROVINCIAL COURT



Governance Committee

The Governance Committee provides strategic direction and decision-making for the Court on administrative and management matters, as well as issues concerning the administrative independence of the Court.

It is chaired by Chief Judge T. Crabtree and includes:

- Associate Chief Judges N. Phillips and G. Gill
- The Executive Director of Organizational Services, Mr. C. Wilkinson
- The five Regional Administrative Judges designated by the Chief Judge, Judges M. Brecknell (Northern Region); R. Smith (Interior Region); R. Higinbotham (Vancouver Island Region); R. Hamilton (Fraser Region); and R. Low (Vancouver Region).

Judicial Administration Committee

The Judicial Administration Committee (JAC) provides advice to the Chief Judge on emerging issues occurring in judicial regions, policy proposals and other administrative matters. JAC videoconferences are scheduled bi-weekly along with four in-person meetings held during the year at the OCJ and one at the spring judges' conference. It has the same members as the Governance Committee and was chaired by Associate Chief Judge G. Gill.

In the 2015/16 fiscal year, the JAC:

- oversaw the clarification and better coordination of the roles and responsibilities of Judicial Case Managers, Regional Administrative Judges, and the OCJ as they pertain to the Court's scheduling function;
- set internal milestones to better support the preparation and publication of court calendars;
- provided necessary guidance for greater consistency in the application of the Court's various policies;
- undertook an analysis to improve the allocation of the Court's administrative support; and
- employed improved information systems and statistical dashboards to better facilitate the analysis and management of the Court's performance measures.



Members of the Court's Governance and Judicial Administration Committees

Back row left to right: Chief Judge T. Crabtree, Executive Director of Organizational Services C. Wilkinson, RAJ R. Hamilton, RAJ R. Smith. Front row left to right: ACJ G. Gill, RAJ R. Low, RAJ M. Brecknell, ACJ N. Phillips.

Missing from photo: RAJ R. Higinbotham.

Judicial Justice Administration Committee

The Judicial Justice Administration Committee provides advice to the Chief Judge on administrative issues involving the Judicial Justice Division. The committee is chaired by the Executive Director of Organizational Services, Mr. C. Wilkinson. It includes Associate Chief Judge G. Gill; Administrative Judicial Justice G. Hayes; the Justice Centre Manager, Ms. L. Hicks; and the Justice of the Peace Administrator, Mr. K. Purdy.

Executive Operations Committee

The Executive Operations Committee consists of the Chief Judge, Associate Chief Judges and Executive Director of Organizational Services. It meets to support the day-to-day administration of the Court.

JUDICIAL COMPLEMENT

The term “judicial complement” refers to the number of judicial full time equivalents (JFTEs³) available to the Provincial Court. This is distinct from the number of Judges because some Judges work part time in the Senior Judges’ Program.⁴ As of March 31, 2016, there were 108 full-time Judges (FT), 36 Senior Judges (S), and one Judge sitting part time in the Provincial Court.⁵ This equates to 124.8 Judicial Full Time Equivalents (JTEs) - the second lowest in the past five fiscal years.

During the 2015/16 fiscal year:

- 15 Judges were appointed;
- 9 Judges retired;
- 8 Judges elected to participate in the Senior Judges Program; and,
- 2 Judges passed away.

Changes to the provincial complement are reported every month on the Court’s website. Figure 3 lists the Judges appointed during 2015/16. A list of complement reductions appears in [Appendix 2](#).



Vancouver

³ JFTE is calculated based on the number and status of Provincial Court Judges. Full-time Judges are counted as 1, Senior Judges are counted as 0.45, and any part time Judges are counted according to their sitting time as a proportion of a full-time Judge. This total does not include Judges on long term disability.

⁴ This program allows Judges to continue sitting on a part time basis.

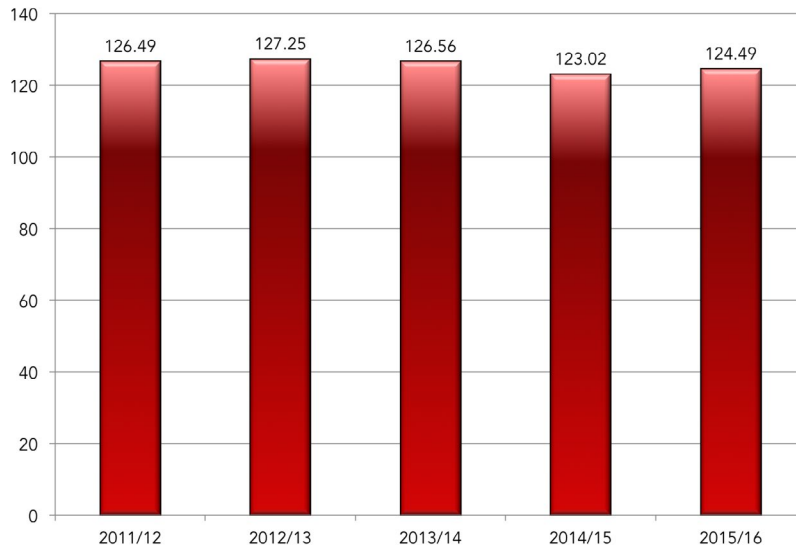
⁵ Judges are listed in [Appendix 1](#).

FIGURE 3 - JUDGES APPOINTED IN 2015/16

JUDGE	JUDICIAL REGION	DATE
Judge Laura Bakan	Vancouver	2-Apr-15
Judge Dwight Stewart	Northern	18-Apr-15
Judge Patrick L. Doherty	Fraser	23-Apr-15
Judge Valli Chettiar	Fraser	31-Jul-15
Judge Kathryn Ferriss	Fraser	31-Jul-15
Judge Christine Lowe	Vancouver Island	4-Aug-15
Judge Jay Solomon	Fraser	7-Aug-15
Judge Danny Sudeyko	OCJ	17-Aug-15
Judge Deanne Gaffar	Fraser	4-Dec-15
Judge Robert Brown	Interior	7-Dec-15
Judge Judith Doulis	Northern	7-Dec-15
Judge Alexander Wolf	OCJ	7-Dec-15
Judge Philip Seagram	Interior	11-Jan-16
Judge Wilson Lee	Vancouver	14-Jan-16
Judge Gene Jamieson	Fraser	24-Feb-16

The monthly complement reports of the Court represent a snapshot in time, which can be influenced by the timing of appointments or retirements. As such, the Court has begun looking at average complements over a period of time. The average daily complement for 2015/16 was 124.49, the second lowest in the past five fiscal years.⁶

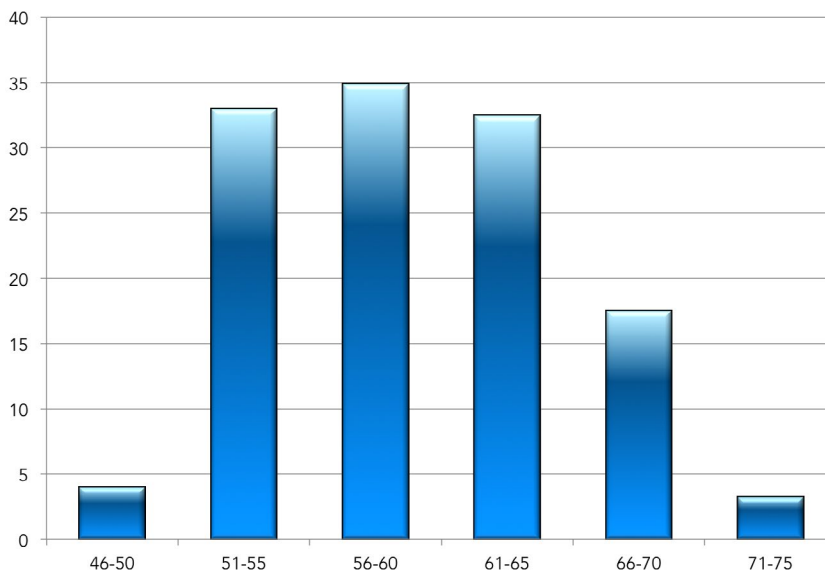
⁶ As these figures are averages across each fiscal year, the reported JFTE for 2015/16 will differ slightly from that reported in the demographic charts in this section (which use complement data as at March 31, 2016).

FIGURE 4 - TOTAL JUDICIAL COMPLEMENT, 2011/12 - 2015/16

DEMOGRAPHICS OF JUDGES

Age

As of March 31, 2016, most Provincial Court Judges were between the ages of 51 and 65, with an overall average and median age of 60. Figure 5 shows the number of Judges by five-year age groups.^{7,8}

FIGURE 5 - JFTE BY AGE CATEGORY

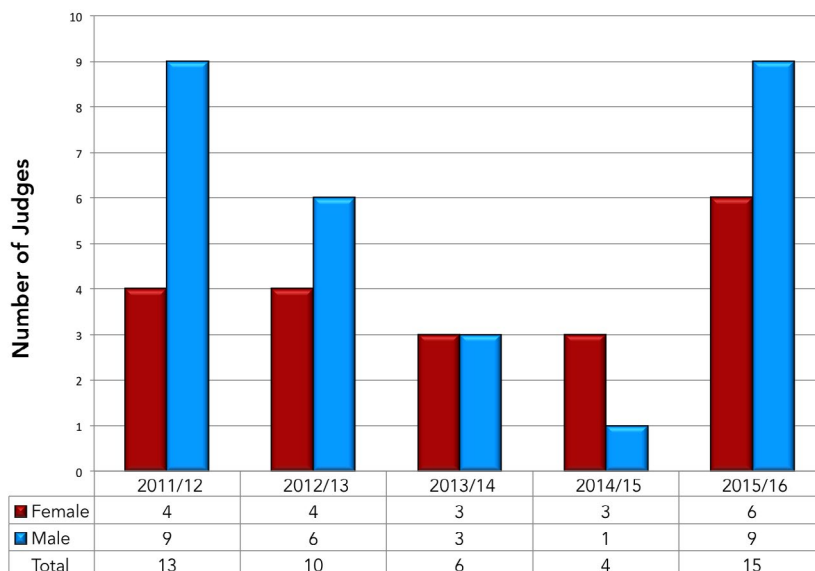
⁷ While there is a greater number of Judges in the 61-65 age category, JFTE declines with age as more Judges choose to participate in the Senior Judges Program (a Senior Judge is counted as 0.45 of a JFTE).

⁸ Age and JFTE are as at March 31, 2016

Gender

Appointments of male and female Judges have been about even over the past three fiscal years combined (12 female Judges versus 13 male Judges were appointed), more so than in fiscal years 2011/12 and 2012/13 (8 female Judges versus 15 male Judges).

FIGURE 6 - JUDGES BY GENDER AND YEAR OF APPOINTMENT⁹



Male Judges continue to outnumber female Judges of the Provincial Court by slightly less than 2:1. The gender disparity is less pronounced among full time Judges, as can be seen from the table below.

FIGURE 7 - PERCENTAGE OF JUDGES BY GENDER AND STATUS¹⁰

GENDER	FULL TIME JUDGES (FT)		SENIOR JUDGES (S)		JFTE	
	#	%	#	%	#	%
Males	65	60%	28	78%	77.6	62%
Females	43	40%	8	22%	46.6	38%

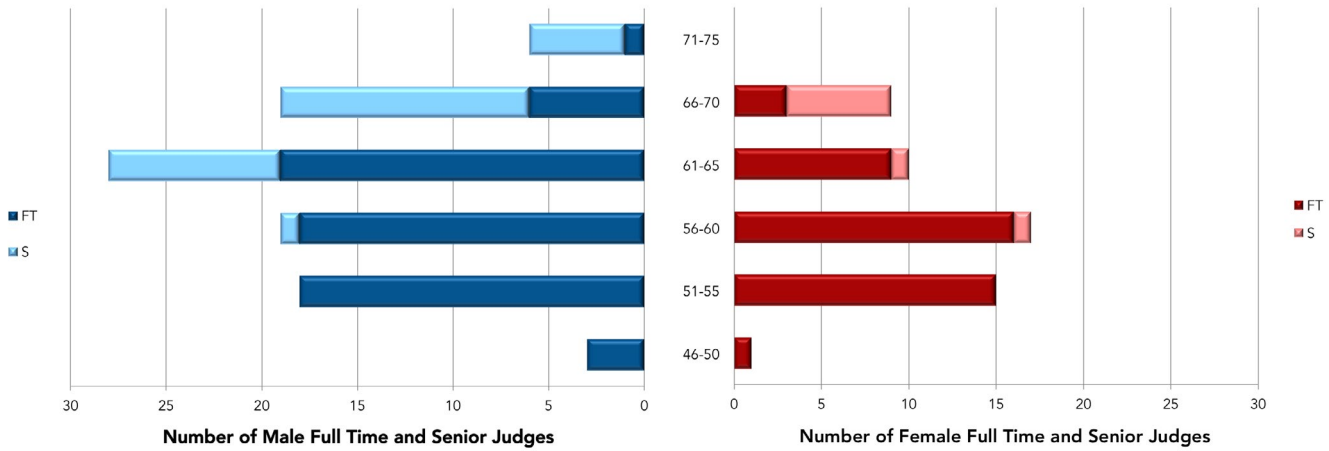
While male Judges outnumber female Judges in every age category, the difference is especially pronounced for active¹¹ Judges over the age of 60. The average female Provincial Court Judge is slightly younger than the average male Judge (59.0 vs. 61.1 years of age). Figure 8 shows the distribution of Judges by age, gender and status.

⁹ Year of appointment is measured as at the effective date of the judicial appointment.

¹⁰ The number of Judges is as at March 31, 2016. The (female) part time Judge is not included in this table.

¹¹ The term “active” Judges excludes those on long term disability.

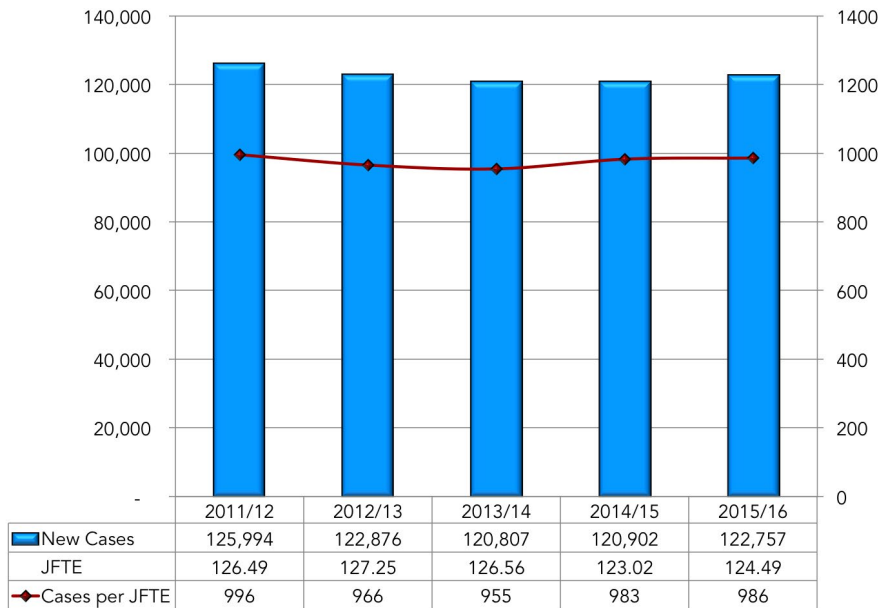
FIGURE 8 - PROVINCIAL COURT JUDGES BY AGE, GENDER AND STATUS¹²



Judges' Caseloads

Figure 9¹³ shows the five year trend in new cases, as well as new cases per JFTE. The latter has risen for the past three years (although only slightly this year over last). The average number of new cases per JFTE for the past five years has been 977, making this year's figure of 986 slightly above average.

FIGURE 9 - NEW CASES AND NEW CASES PER JFTE, 2011/12 - 2015/16¹⁴



¹² Age is measured as at March 31, 2016.

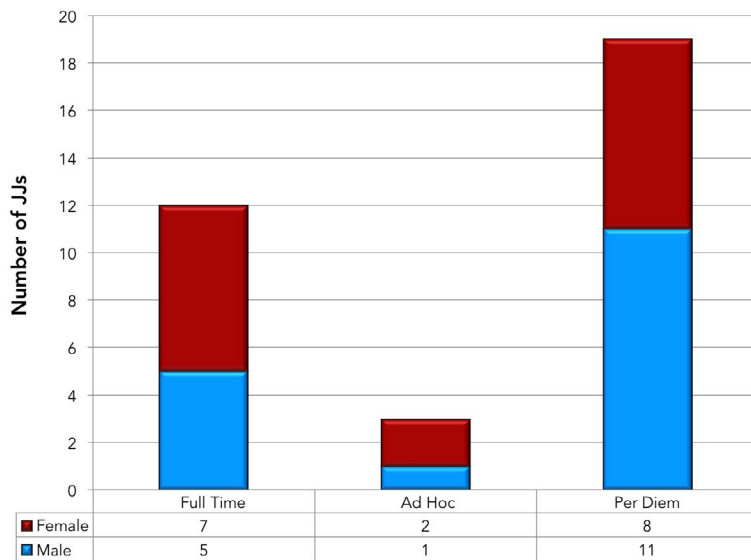
¹³ Provincial Court Judge Complements are as of March 31 of each fiscal year. JFTE = Judicial full-time equivalent positions. This includes all full-time Judge positions (1 JFTE) + all Senior Judge positions (0.45 JFTE) province-wide. This total does not include Judges on long-term disability. Information regarding the current complement can be found on the Court Reports page of the Court's [website](#).

¹⁴ The methodology for defining cases changed in April 2015. Please consult [Appendix 4](#) for details. New case numbers do not include traffic and bylaw cases, as these are not typically overseen by a Judge.

DEMOGRAPHICS OF JUDICIAL JUSTICES

Figure 10 outlines the complement of Judicial Justices (JJs) as of March 31, 2016, including 12 full-time and 22 who work in a part-time (ad hoc or per diem) capacity. There is gender parity within the total complement of 34 Judicial Justices.

FIGURE 10 - GENDER DISTRIBUTION OF JUDICIAL JUSTICES, 2015/16



“ Appointments of male and female Judges have been about even over the past three fiscal years combined (12 female Judges versus 13 male Judges were appointed)...

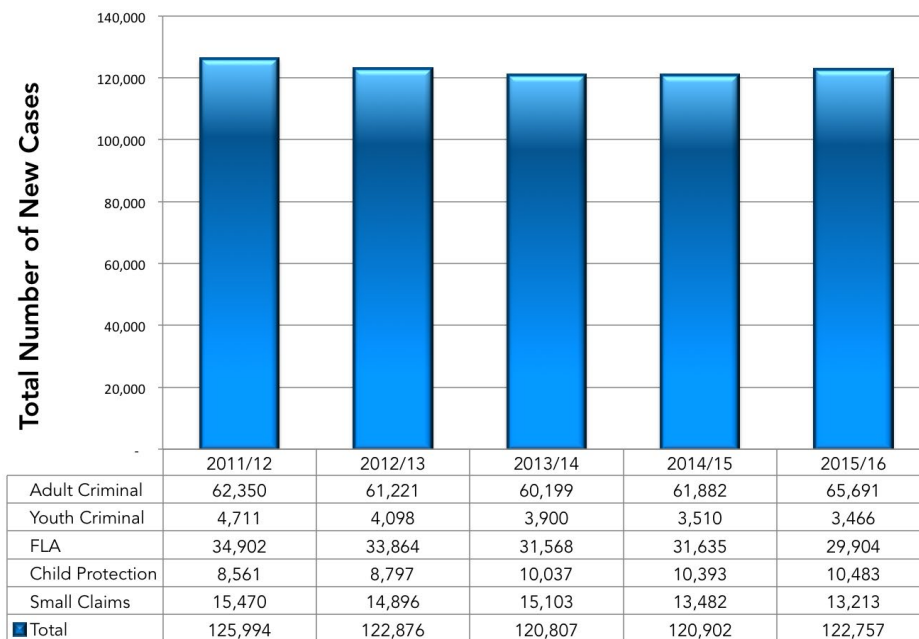
THE COURT'S CASELOAD

NEW CASES BY DIVISION

There were 122,757 cases, excluding traffic and bylaw cases, initiated in the Provincial Court of British Columbia in 2015/16. This is a 2% increase over last fiscal year (a difference of 1,855 cases). Though the increase is slight in percentage terms, this marks the second year in a row in which caseload volumes have increased.^{15,16} Figure 11 below shows Provincial Court caseloads over the last five fiscal years.^{17,18}

The population of British Columbia was estimated at 4,720,923 on April 1, 2016.¹⁹ Taking that as our basis for 2015/16 would mean that the Court handled approximately 26 new cases per 1,000 people, during this fiscal year.

FIGURE 11 - NEW CASES BY DIVISION, 2011/12 - 2015/16



15 At this time last year the comparison between fiscal years 2013/14 and 2014/15 showed a slight decline. The figures for both years have since been adjusted upwards in the Ministry of Justice's Criminal BI Database, with 2014/15 coming to overtake the previous year. This is within the range of normal behaviour for the database.

16 Readers may note that new case counts for all years are slightly above the totals listed in last year's report. In order to ensure that the numbers included in the annual report are as accurate as possible, it is the practice of the Court to request updated numbers for a five year period to include in each year's annual report. Numbers may differ from previous totals for a variety of reasons, including process changes and data latency.

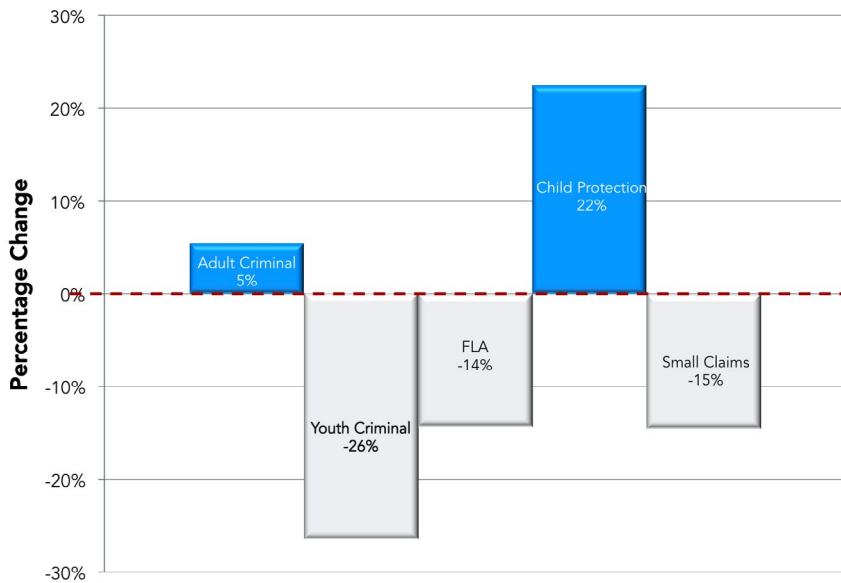
17 The methodology for defining cases changed in April 2015. Please consult [Appendix 4](#) for details.

18 New case counts include all such cases typically overseen by a Judge (i.e. they include subsequent applications in the family division and exclude traffic and bylaw cases).

19 Quarterly Population Highlights Issue #16-01, BC Stats, <http://www.bcstats.gov.bc.ca/StatisticsBySubject/Demography.aspx>

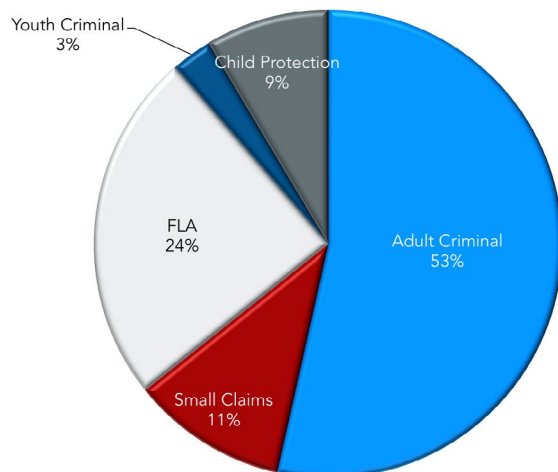
To put the five year outlook in perspective, there were 3% fewer new cases in 2015/16 than in 2011/12. However, looking at total caseload volumes may obscure trends within divisions. Figure 12²⁰ shows that the change in caseload volumes over the past five years has not been evenly distributed. New child protection cases have risen every year since 2011/12, and new adult criminal cases have risen for two years in a row. These increases have offset decreases in other areas of the Court’s responsibility.

FIGURE 12 - PERCENTAGE CHANGE IN NEW CASES BY DIVISION BETWEEN 2011/12 AND 2015/16



Excluding traffic and bylaw matters, over the past five years criminal cases have made up over half of the Court’s new caseload volume, family cases have made up just over a third, and small claims have made up just over a tenth. The distribution between these three divisions was similar in 2015/16. Figure 13 provides a detailed breakdown.

FIGURE 13 - PERCENTAGE BREAKDOWN OF NEW CASES BY DIVISION 2015/16

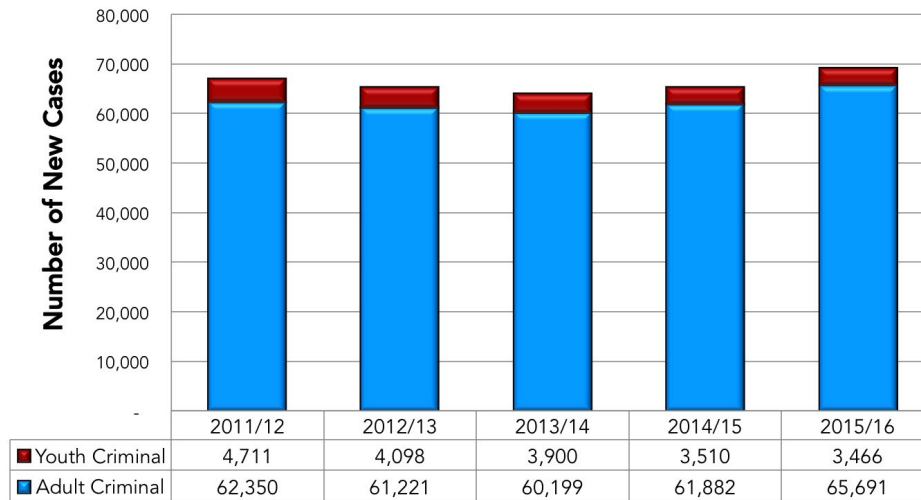


²⁰ The methodology for defining cases changed in April 2015. Please consult [Appendix 4](#) for details.

CRIMINAL

Adult criminal cases increased by 5% since 2011/12, and are at their highest level in five years. Youth criminal cases decreased in every year since 2011/12, for a cumulative decrease of 26%.

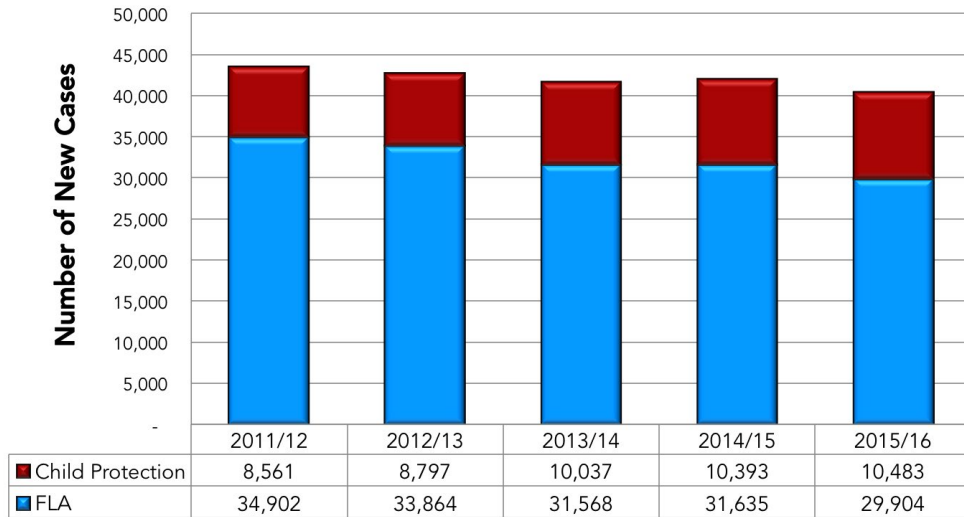
FIGURE 14 - NUMBER OF NEW CRIMINAL CASES, 2011/12 - 2015/16



FAMILY

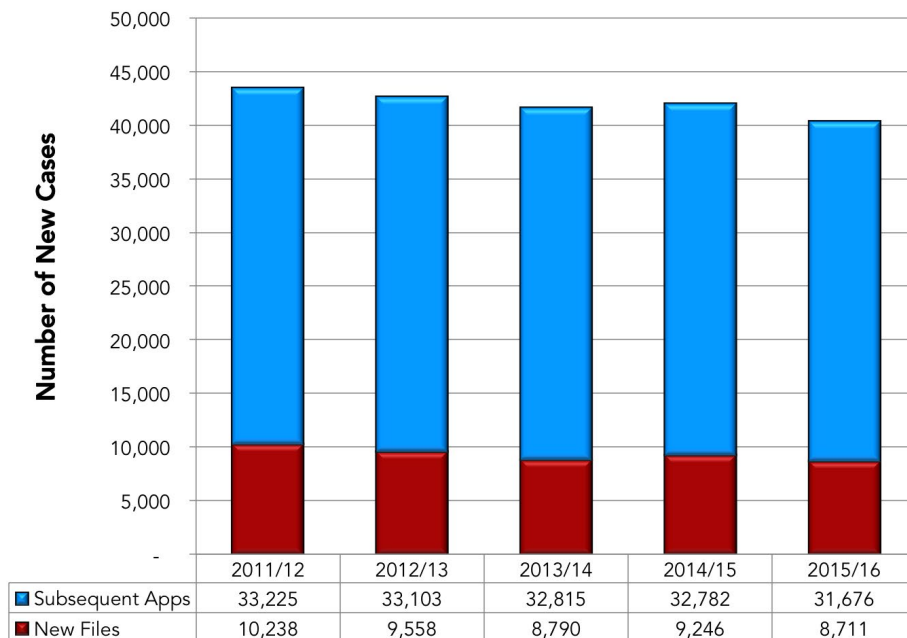
The majority of family law cases in Provincial Court are governed by the [Family Law Act](#) (FLA) or the [Child, Family and Community Service Act](#) (CFCSA). New CFCSA cases increased in every year since 2011/12, for a cumulative increase of 22%. New FLA cases decreased in almost every year since 2011/12, for a cumulative decrease of 14%.

FIGURE 15 - NUMBER OF NEW FAMILY CASES, 2011/12 - 2015/16



The bulk of the new family caseload comes from subsequent applications²¹. Over the past five years, 78% of new cases in the family division have been subsequent applications on existing files. The percentage of new cases from subsequent applications has been higher in CFCSA cases (84% versus 76% for FLA) over the past five years.

FIGURE 16 - NUMBER OF FAMILY CASES FROM SUBSEQUENT APPLICATIONS, 2011/12 - 2015/16

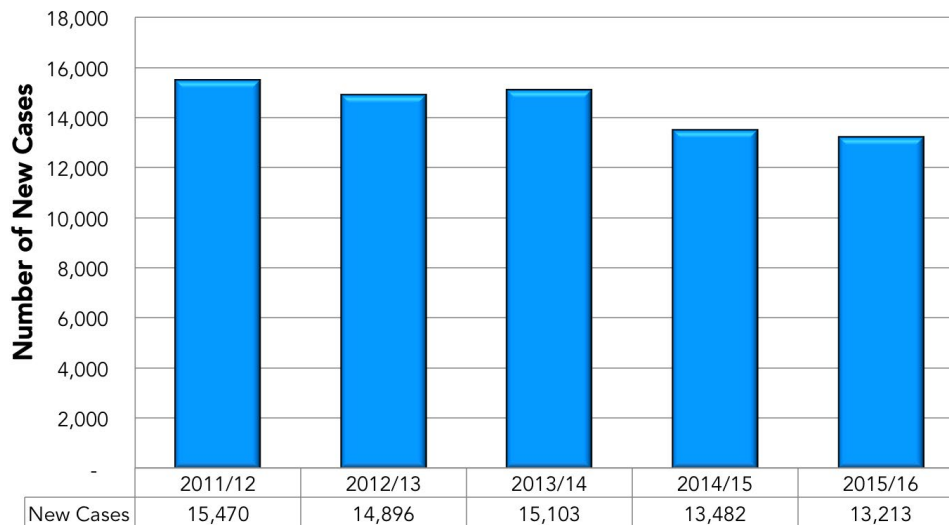


²¹ Subsequent applications are any additional motions or applications filed in a case after the initial application is filed. Examples of subsequent FLA applications are applications to change or enforce an order. Under the CFCSA, subsequent applications are required to determine custody of a child who is not returned to a parent.

SMALL CLAIMS

New Small Claims cases have decreased by 15% since 2011/12, and are at their lowest level in five years.

FIGURE 17 - NUMBER OF NEW SMALL CLAIMS CASES, 2011/12 - 2015/16



THE JUSTICE CENTRE

The Provincial Court operates a [Justice Centre](#) in Burnaby to provide 24 hour, seven-days-a-week access throughout British Columbia to Judicial Justices. Using telephone and sophisticated video conferencing methods, Judicial Justices at the Centre preside over bail hearings seven days a week from 8:00 a.m. to 11:00 p.m.. Judicial Justices also consider applications for federal and provincial search warrants and production orders in person or by telephone 24 hours a day. Police throughout the province rely on the Justice Centre to obtain search warrants and other orders in a timely manner and bring people who have been arrested and detained before a Judicial Justice as soon as possible.

Approximately 25 Judicial Justices work through the Justice Centre, either on site or remotely. A full-time staff of 11 and four auxiliaries supports the Judicial Justices. The Centre hears over 20,000 bail hearings per year and processes over 8,000 applications for search warrants and production orders. Figures 18 and 19 represent the caseload for search warrants and bail hearings conducted through the Justice Centre in the last fiscal year.

Reports on judicial interim release matters dealt with by the Justice Centre during the preceding weekday are provided on the Court's website, subject to the conditions stated there, at [Justice Centre Daily Judicial Interim Release Results](#).

FIGURE 18 - SEARCH WARRANTS ISSUED THROUGH THE JUSTICE CENTRE, 2015/16

MONTH	ALL	ALL / # OF DAYS	487 CCC	PRODUCTION ORDER	SEALING ORDER	UNSEALING ORDER	OTHER
Apr 2015	760	25	238	160	172	0	190
May 2015	687	22	227	174	112	1	173
Jun 2015	816	27	261	170	186	0	199
Jul 2015	684	22	243	160	122	0	159
Aug 2015	644	21	231	125	133	1	154
Sep 2015	693	23	250	136	130	0	177
Oct 2015	666	21	248	160	121	0	137
Nov 2015	677	23	218	141	145	0	173
Dec 2015	641	21	192	114	145	0	190
Jan 2016	722	23	253	148	147	0	174
Feb 2016	946	33	264	226	203	0	253
Mar 2016	973	31	282	203	213	0	275
Max	973	33	282	226	213	1	275
Average	742		242	160	152	1	188
YTD	8909		2907 (32.6%)	1917(21.5%)	1829 (20.5%)	2 (0%)	2254 (25.3%)



The Centre hears over 20,000 bail hearings per year and processes over 8,000 applications for search warrants and production orders

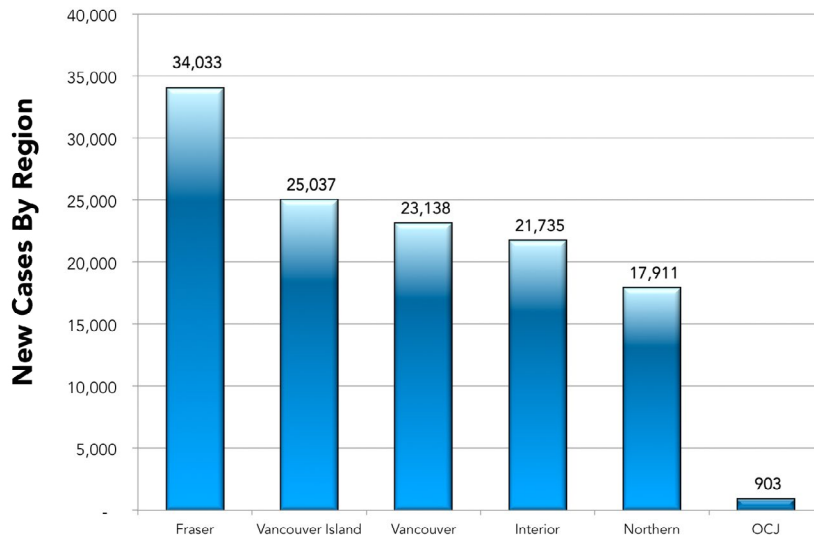
FIGURE 19 - BAIL HEARINGS CONDUCTED THROUGH THE JUSTICE CENTRE, 2015/16

MONTH	JUDICIAL INTERIM RELEASE (BAIL)	REMAND	RELEASE	VIDEOBAIL
Apr 2015	1739	1177	567	735
May 2015	2185	1476	726	851
Jun 2015	1755	1152	612	735
Jul 2015	1967	1376	652	786
Aug 2015	1972	1353	614	745
Sep 2015	1799	1214	571	686
Oct 2015	1833	1251	588	685
Nov 2015	1947	1317	639	678
Dec 2015	1773	1271	552	668
Jan 2016	2025	1462	618	840
Feb 2016	1686	1166	560	675
Mar 2016	1971	1306	690	683
Max	2185	1476	726	851
Average	1888	1293	616	731
YTD	22652	15521	7389	8767

NEW CASES BY REGION

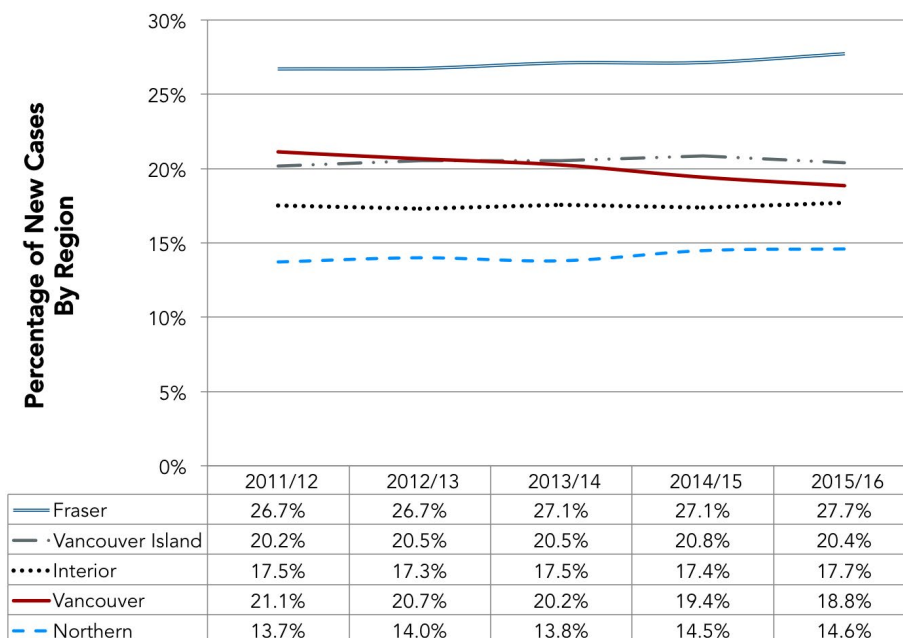
The highest new caseloads in 2015/16 were in the Fraser Region, with the small, remote locations administered by the Office of the Chief Judge (OCJ) having the lowest.

FIGURE 20 - NEW CASES BY REGION²² 2015/16



The distribution of new cases filed by region has been relatively stable over the past five fiscal years. The one exception is in the Vancouver region, which has been on a steady (albeit, slight) decline relative to the rest of the province, as seen in Figure 21.²³

FIGURE 21 - DISTRIBUTION OF NEW CASES BY REGION, 2011/12 - 2015/16

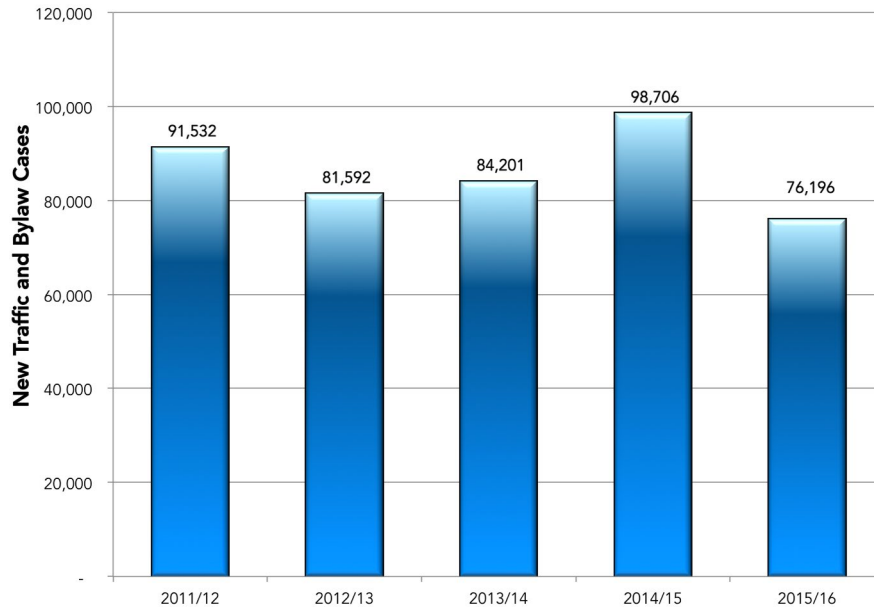


²² The methodology for defining cases changed in April 2015. Please consult [Appendix 4](#) for details.

²³ The OCJ region had less than 1% of total new cases in each of the past five years and is not included in the chart.

In addition to the criminal, family, and small claims cases typically overseen by Judges, the Provincial Court also handles traffic and bylaw cases. These are typically adjudicated by Judicial Justices. In 2015/16 there were 76,196 new traffic and bylaw cases. Figure 22²⁴ shows the number of new traffic and bylaw cases filed over the past five fiscal years.

FIGURE 22 - NUMBER OF NEW TRAFFIC AND BYLAW CASES, 2011/12 - 2015/16



²⁴ The methodology for defining cases changed in April 2015. Please consult [Appendix 4](#) for details.

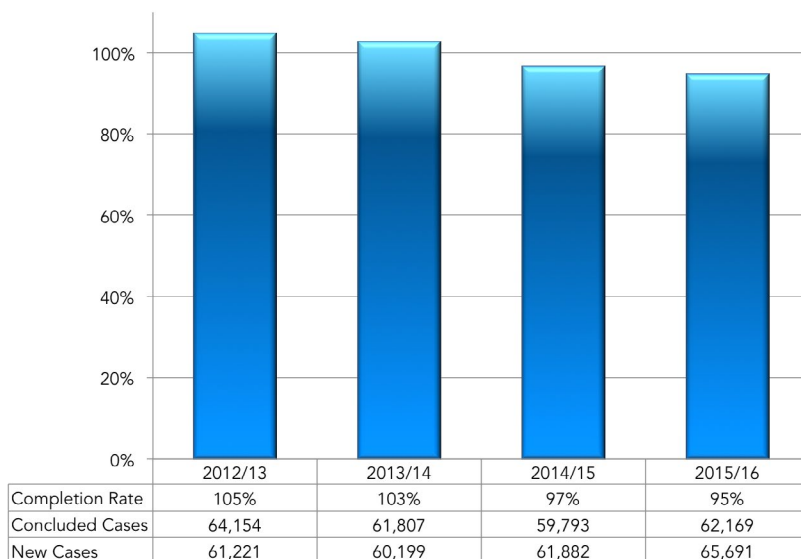
OPERATIONAL COURT STANDARDS

Starting in 2004 the Office of the Chief Judge developed operational standards to assess the ability of the court to effectively manage its caseload. The ability of the court to meet these standards impacts access to justice and public trust and confidence in the provincial court. Where standards are not met the Office of the Chief Judge examines underlying causes, monitors trends, and takes appropriate steps including reallocating available resources where possible.

ADULT CRIMINAL CASE COMPLETION RATE

The court standard for adult criminal case completion rate is 100%. Over the past four years the number of concluded cases has roughly equaled the number of new cases in the adult criminal division. However, completion rates do show a slight downward trend, as an increase in concluded cases over last fiscal year was not enough to offset increasing caseload volumes. The Office of the Chief Judge will continue to monitor this trend.

FIGURE 23 - ADULT CRIMINAL CASE COMPLETION RATES²⁵ 2012/13 - 2015/16



²⁵ Data Source: Criminal BI Database. Rates are calculated by dividing the total number of concluded cases in a fiscal year by the total number of new cases in that year. If the numbers are equal, the conclusion rate is 100%. These figures are only available for the criminal division.

ADULT CRIMINAL PENDING CASES

A pending case is a case that has not yet been completed and for which a future appearance has been scheduled. The 'pending' status of a court case is distinct from the age of the case. However, the two measures are linked, as pending cases that exceed a certain age may become subject to a stay application due to unreasonable delay.

A criminal case is deemed concluded (and therefore no longer counted as a pending case) when one of the following terminal events occurs:

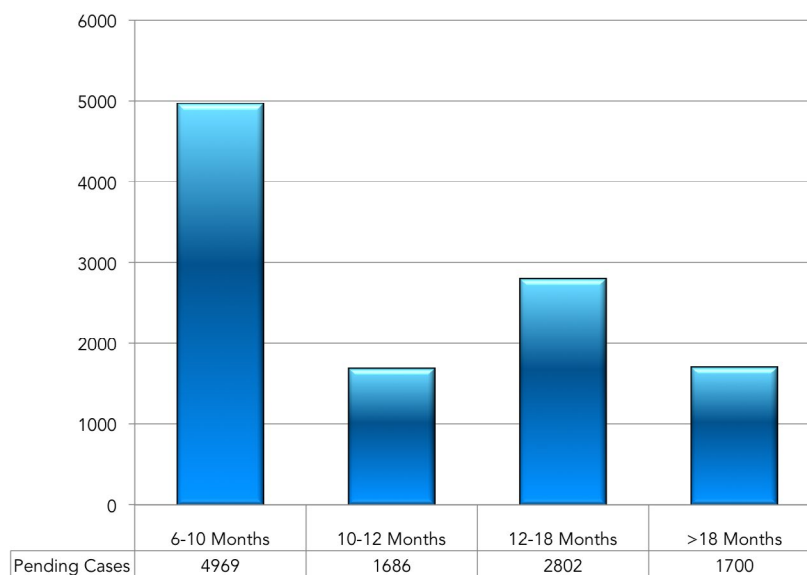
- an acquittal;
- a sentencing (in the case of a finding of guilt or a guilty plea); or
- other terminal event (such as a stay of proceedings).

In the event of a successful appeal a case is reactivated as though the terminal event never occurred, with all previous active time in the provincial court counting towards the age of the case. For criminal cases, the Court's standard for timely processing is conclusion of 90% of cases within 180 days.²⁶

As of March 31, 2016 there were 25,181 adult criminal pending cases, of which 11,157 (44%) had been pending for more than 180 days (that is, for six months since the information was sworn), and therefore exceeded the Court's case age standards.

Figure 24²⁷ shows the number of adult criminal cases in the Provincial Court system on March 31, 2016 pending for 180 days or more, broken down into age categories.

FIGURE 24 - ADULT CRIMINAL CASES PENDING MORE THAN 180 DAYS.

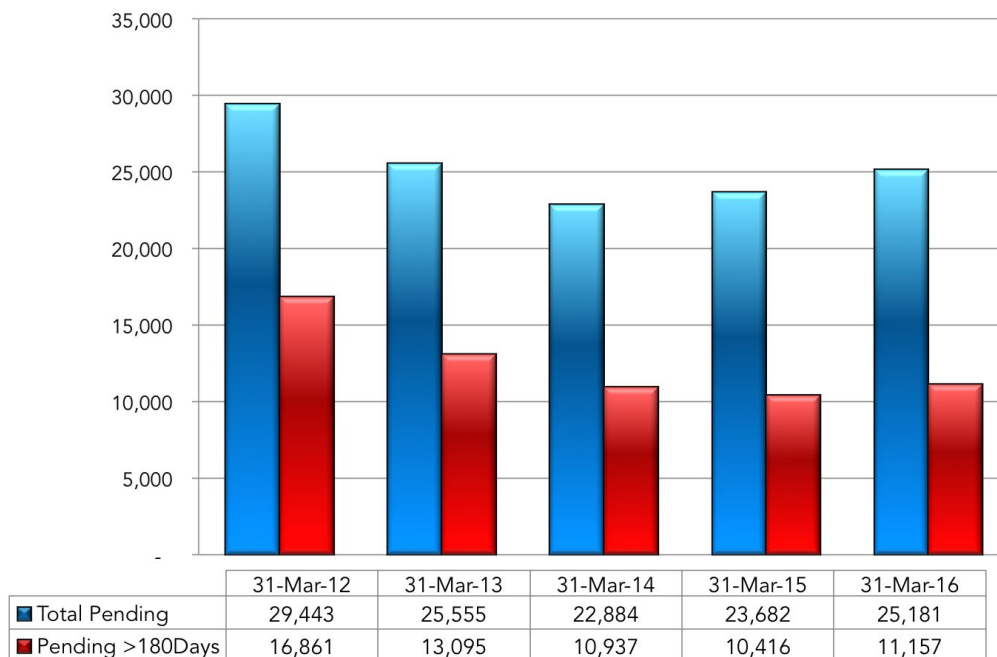


²⁶ The definition is the percent of Judge cases reaching a final or important interim outcome (disposition or significant event) within established timelines. For adult criminal cases, the standard is a 90% conclusion rate within 180 days.

²⁷ Data Source: Criminal BI Database. A Provincial Court Pending Case is a case that has not been completed, where the number of days between the date the information was sworn and the next scheduled appearance is over 180 days, and excludes inactive time (e.g. bench warrants). The current report is a snapshot as of March 31, 2016. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data. These figures are only available for the criminal division, as there is no agreed upon definition of case conclusion in the family and small claims divisions.

Last year (March 31, 2015) the number of cases pending more than 180 days fell to a five-year low. On average over the past five years, just under half (49%) of adult criminal pending cases have exceeded the Court’s standard. While the *number* of pending cases has increased this year, the proportion of cases that exceed the Court’s case age standard has continued to decline (44%). These trends are shown in Figure 25.

FIGURE 25 - ADULT CRIMINAL PENDING CASES OVER TIME



The number and age of pending cases provides a general indication of the court’s ability to process criminal cases in a timely manner. There are many external and internal factors impacting this data. Anticipated improvements in data systems may assist the court in better understanding these trends.

PROVINCE-WIDE TIME TO TRIAL

In 2005, the Court endorsed a number of standards to measure whether dates were being offered for trial in a timely manner.²⁸ The Court measures time to trial from the date a request or order is made for a conference or trial to be set to the date when cases of that type can typically be scheduled. In order to provide the most accurate data, other cases waiting to be scheduled are factored into these estimates. “Fast track” or openings created when other cases collapse are not considered, as these dates are not an accurate reflection of when the case would typically be scheduled.²⁹

The average weighted³⁰ time to trial for all divisions was lower in this fiscal year than in 2014/15. The exception to this is lengthy adult criminal trials where the time to trial increased slightly (7.2 to 7.6 months), but is still within the Court standard. In most areas of the province, the Court met

28 A detailed explanation of time to trial definitions, calculations and standards appears in [Appendix 5](#)

29 In order to meet the OCJ standard, 90% of cases must meet the listed time to trial.

30 See explanation of weighting in [Appendix 5](#).

or surpassed its time to trial standards with respect to criminal cases. While time to trial in family has decreased, the Court continues to work to bring this within standard. Average weighted results for small claims trials are within standard for the first time in the past three years.

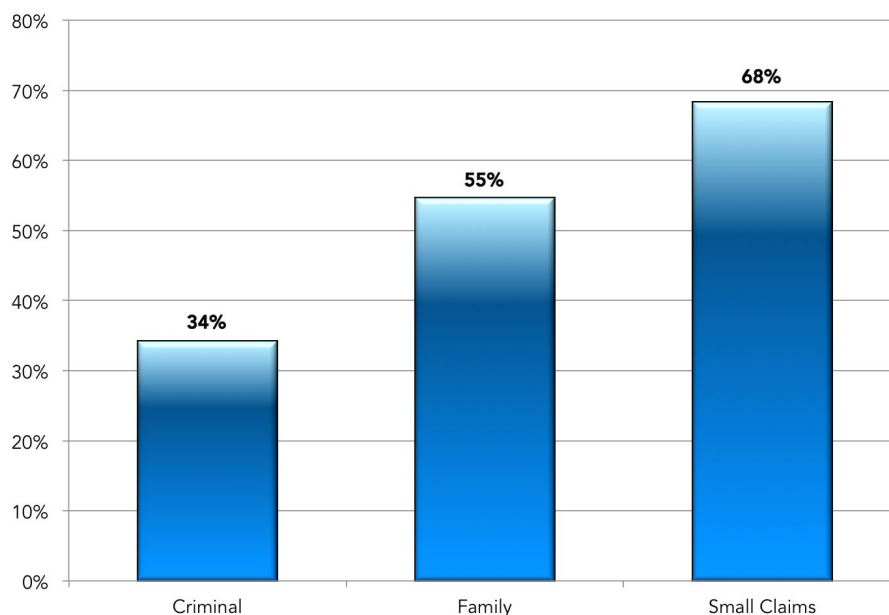
The Court produces comprehensive time to trial reports twice a year and posts these on the Court Reports page of the Court's website. The reports of September 30, 2015 and March 31, 2016 can be found at <http://www.provincialcourt.bc.ca/news-reports/court-reports>.

TRIAL COLLAPSE RATES

The Court tracks outcomes for all cases set for trial that were still on the court list on the first day of trial.³¹ There are several possible outcomes on the day of trial, one of which is that the trial proceeds.³² Where a trial does not proceed, this is referred to as a collapse. There are a number of reasons a trial might not proceed on the day it was scheduled. The Court has not established standards for collapse rates but will continue to collect and monitor this data, with particular attention paid to the number of cases adjourned for lack of court time.³³

Proceeding rates capture the percentage of trials that began as originally scheduled (even if they concluded later that same day). There are persistent differences in proceeding rates between divisions. Figure 26 shows the rate for each division in 2015/16.³⁴

FIGURE 26 - PROCEEDING RATES BY DIVISION



³¹ In other words, results for cases that collapsed due to adjournment, resolution or another reason before their first trial date are not captured under this system.

³² Defined as proceeding for trial as scheduled, with evidence or a witness being called - the eventual outcome of the trial is irrelevant from the perspective of whether or not that trial proceeded.

³³ Lack of court time refers to a situation in which the court has insufficient judicial resources with which to hear a case on the day it was scheduled.

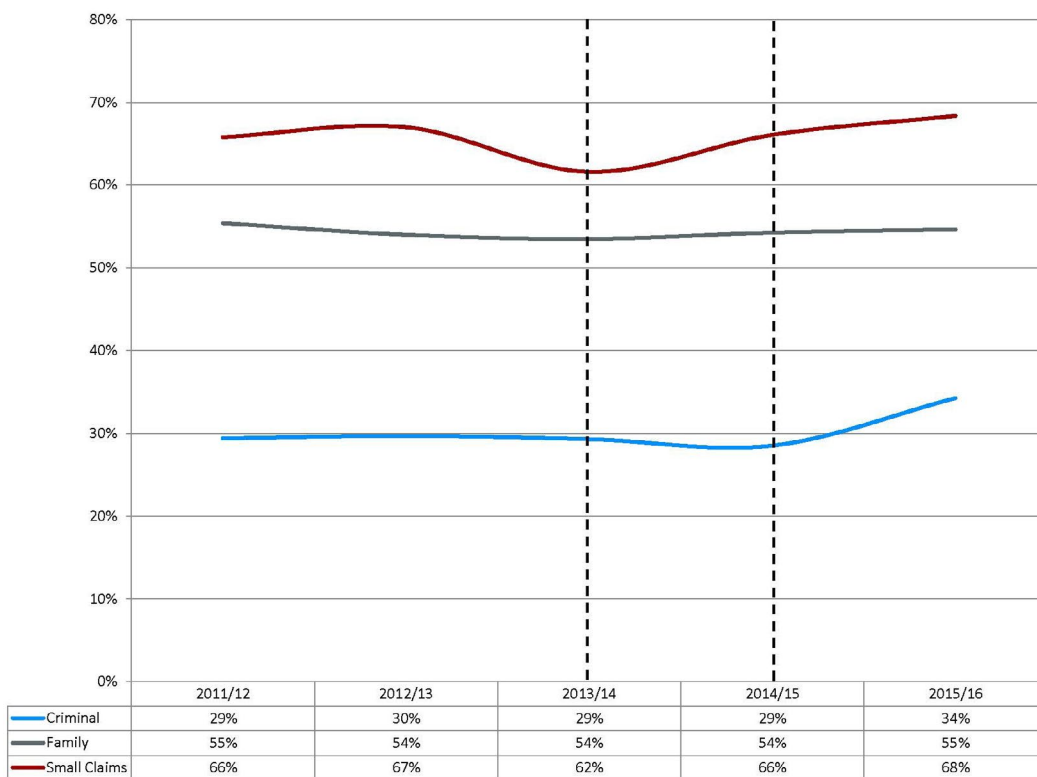
³⁴ The Court created an interim tool for the capture of trial results (known as 'trial tracker') as part of a broader data capture project relating to the launch of assignment courts in seven locations. Elsewhere in the province, trial tracker existed as a stand-alone application providing less contextual information. As of mid-March 2016, results for all locations are captured in the Provincial Court Scheduling System (PCSS) software application, resulting in a blended dataset including a small amount of PCSS data for 2015/16.

“ The Court produces comprehensive time to trial reports twice a year and posts these on the Court Reports page of the Court’s website.

The proceeding rate for criminal cases in the past fiscal year was slightly higher than normal, whereas the rates for family and small claims were in line with five year norms.

Figure 27 shows proceeding rates over time.³⁵ The two dotted lines represent the beginning of process changes under the Provincial Court Scheduling Project, and the end of the transition year in which all locations adopted the new programs (respectively).

FIGURE 27 - PROCEEDING RATES BY DIVISION, 2011/12 - 2015/16



Lack of Court time (LOCT) rates capture the percentage of trials that were adjourned because the Court did not have sufficient judicial resources to hear a given trial on the day it was scheduled to begin.

³⁵ This figure includes blended data from three sources: stand-alone trial tracker application, interim tool for assignment court, and Provincial Court Scheduling System (PCSS). This data is now being captured solely through PCSS, but historical reporting will continue to rely on other sources.

FIGURE 28 - LACK OF COURT TIME RATES BY DIVISION³⁶

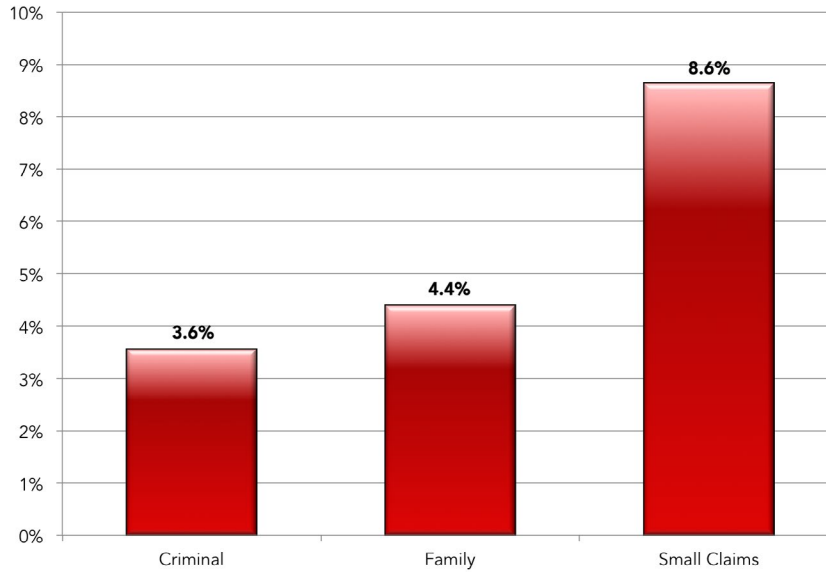
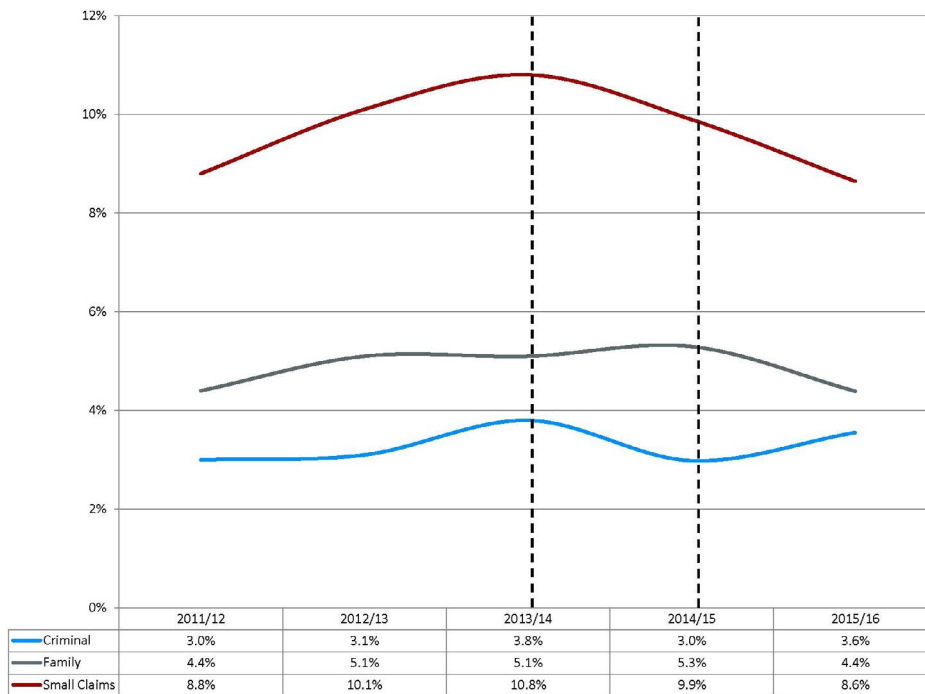


Figure 29 below shows LOCT rates over time. LOCT rates in all divisions were trending upwards before the introduction of the process changes associated with the Provincial Court Scheduling Project (represented by the first dotted line on the chart below). These rates appear to have peaked in 2013/14 or 2014/15, depending on the division.

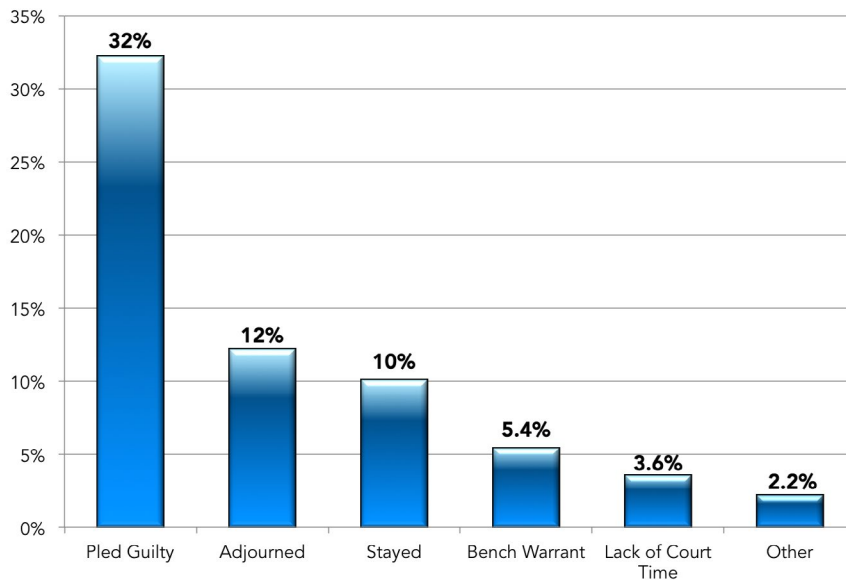
FIGURE 29 - LACK OF COURT TIME RATES BY DIVISION, 2011/12 - 2015/16



³⁶ This figure includes blended data from three sources: stand-alone trial tracker application, interim tool for assignment court, and Provincial Court Scheduling System (PCSS). This data is now being captured solely through PCSS, but historical reporting will continue to rely on other sources.

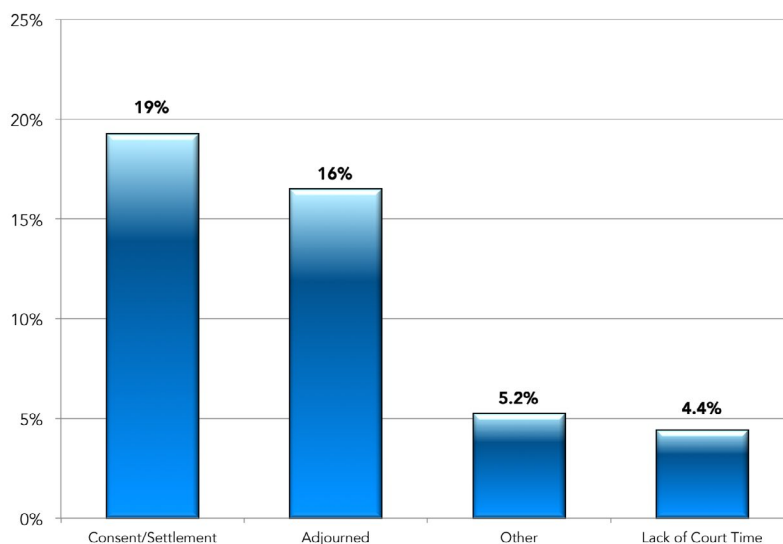
As mentioned previously, a trial that does not proceed is said to have collapsed. Lack of court time is one of the reasons a given trial may collapse on the day it was scheduled to begin. The other reasons and their relative prevalence differ by division. 34% of criminal trials proceeded on the first day of trial in 2015/16. For those that did not proceed, a guilty plea was by far the most common reason, with adjournments a distant second. A stay of proceedings occurs when the Crown Counsel elects not to proceed with a prosecution. A bench warrant may be issued by a Judge in the event that an accused fails to attend their trial.

FIGURE 30 - COLLAPSE RATES OF CRIMINAL TRIALS BY COLLAPSE REASON³⁷



The majority of family trials - 55% - proceeded on the first day of trial in 2015/16. Those that did not, for the most part ended by consent (either in the form of an agreed upon order, or a withdrawal) or were adjourned.

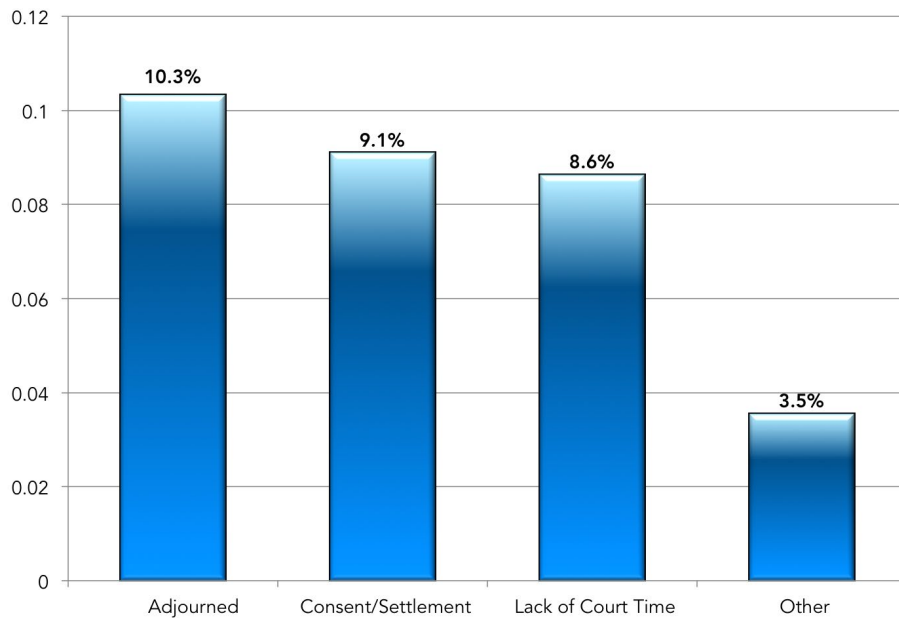
FIGURE 31 - COLLAPSE RATES OF FAMILY TRIALS BY COLLAPSE REASON



³⁷ This figure includes blended data from three sources: stand-alone trial tracker application, interim tool for assignment court, and Provincial Court Scheduling System (PCSS). This data is now being captured solely through PCSS, but historical reporting will continue to rely on other sources.

The majority of Small Claims trials - 68% - proceeded on the first day of trial in 2015/16. Small Claims trials that did not proceed were more equally distributed among the various collapse reasons as compared to other divisions. Small Claims is also the only division for which Lack of Court time was a major factor in 2015/16.

FIGURE 32 - COLLAPSE RATES OF SMALL CLAIMS TRIALS BY COLLAPSE REASON³⁸



³⁸ Blended data from three sources: stand-alone trial tracker application, interim tool for assignment court, and Provincial Court Scheduling System (PCSS). This data is now being captured solely through PCSS, but historical reporting will continue to rely on other sources.

SELF-REPRESENTED LITIGANTS

The Court oversaw a total of 135,663 self-represented appearances in 2015/16.³⁹ This represents a 4% increase over the last fiscal year, and is the first increase in the past five years.



Rosslund

³⁹ A self-represented appearance is one in which at least one of the parties is not represented by counsel. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled prior to the appearance or that do not have any appearance duration recorded.

FIGURE 33 - SELF-REPRESENTED APPEARANCES OVER TIME

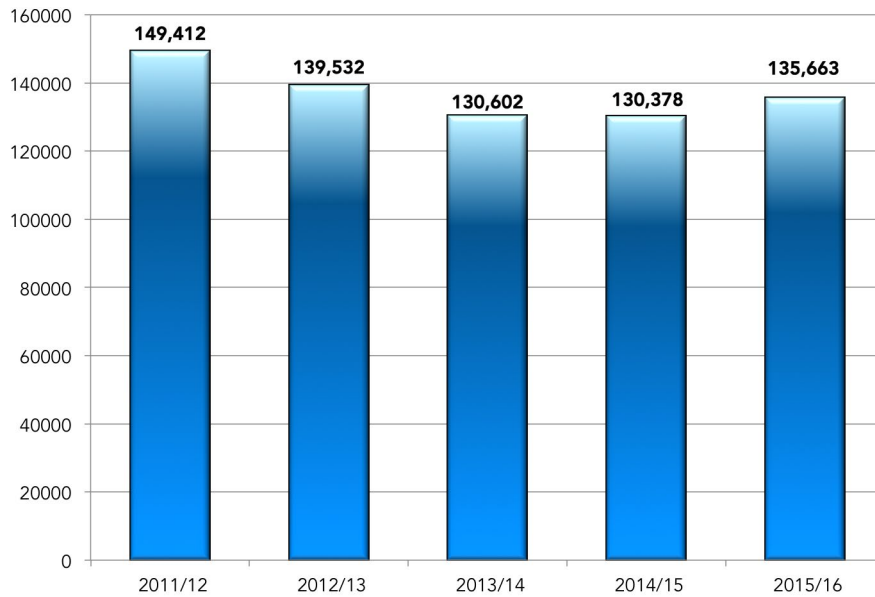
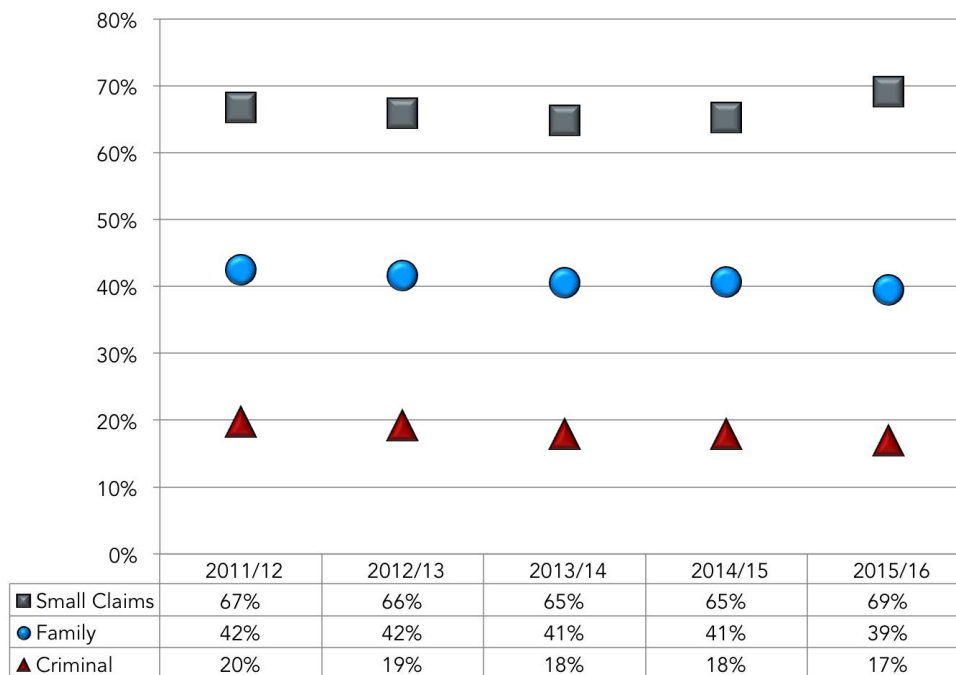


Figure 34 shows each division’s self-representation rate for the past five fiscal years.⁴⁰ With the exception of small claims, self-representation rates have been gradually trending downward. The increase in small claims combined with the increase in new cases appears to have driven the increase in total self-represented appearances this year.

FIGURE 34 - SELF-REPRESENTATION RATES BY DIVISION, 2011/12 - 2015/16



⁴⁰ A self-represented appearance is one in which at least one of the parties is not represented by counsel. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled prior to the appearance or that do not have any appearance duration recorded.

COURT COMMITTEES

Many Judges and Judicial Justices volunteer their time to serve on various committees to provide advice and assistance to the work of the Court and its judicial officers.

JUDGES' EDUCATION COMMITTEE

The Education Committee of the Provincial Court Judges' Association, with support from the Office of the Chief Judge, plans and organizes two education conferences each year for the Judges of the Court. These conferences help Judges inform themselves about changes in the law and judicial practice, as well as scientific and social developments that may affect their work.

In the 2015/16 fiscal year, the committee members were:

- Judge R. Bowry (Chair)
- Judge H. Dhillon
- Judge P. Janzen
- Judge T. Wood
- Judge M. Shaw
- Judge J. Bahen
- Judge S. Frame
- Judge R. Harris
- Judge P. MacCarthy
- Chief Judge Thomas Crabtree

The spring conference in May 2015 was held in Penticton and covered an assortment of issues in family, civil and criminal law. The keynote address, by Chief Justice Robert J. Bauman of the British Columbia Court of Appeal, presented a topic that was well received by its audience, "In Praise of Trial Judges". The following day, among other programs, Judges took part in an interactive ethics session entitled, "What would you do?" led by Judge K. Skilnick of the Provincial Court of B.C.

The fall conference in Vancouver focused on topics related to "trauma". Attendees heard a riveting, thoughtful and touching presentation from Justice Murray Sinclair about his journey and the journey of residential school survivors through the process of The Truth and Reconciliation Commission. The conference ended with a session on "Trauma - Informed Judging", which included topics such as post-traumatic stress disorder and the effects of trauma on credibility. B.C. Provincial Court Judge R. Callan, a veteran who served with the Canadian Armed Forces in Afghanistan and Sudan, shared his insights with his colleagues.

Other sessions included:

SPRING CONFERENCE	FALL CONFERENCE
<ul style="list-style-type: none"> ■ the causes and treatment of addictions ■ criminal law: review of appellate decisions ■ when a judge becomes seized or unseized ■ personal injury: liability and damages ■ contract and construction law tool kit ■ family law and Child, Family, and Community Service update: trends and developments 	<ul style="list-style-type: none"> ■ vicarious trauma and judicial resilience ■ best practices for bail and probation orders ■ listening to children ■ "without notice" motions

JUDICIAL JUSTICES' EDUCATION COMMITTEE

The Judicial Justices of B.C. are actively involved in education, attending national conferences, voluntary education nights, watching webinars and attending bi-yearly conferences that focus directly on the day-to-day needs of the Court.

The 2015-2016 year incorporated training with the new extended electronic law library, an education night with B.C. Court of Appeal Justice David Frankel who spoke about current issues, and tours of the downtown east side generously provided by Dr. Bill MacEwan and Mr. Jack Bibby to demonstrate the available resources and difficulties faced by people with mental health, poverty and drug abuse challenges. Other topics addressed at the Judicial Justices' conferences included: learning to better understand the concerns of lay litigants; current case law and upcoming amendments to the Criminal Code; provincial acts and regulations; and issues relating to civil and criminal courts.

Many Judicial Justices are involved in organizing and presenting education programs; however, they are predominantly coordinated by Judicial Justice Kathryn Arlitt, with assistance from Chief Judge Crabtree and the Conference Coordinator at the OCJ, as well as Administrative Judicial Justice Gerry Hayes and the Judicial Justice Association Education Chair Hunter Gordon.

CRIMINAL LAW COMMITTEE

Since its formation in 2014, this committee has worked actively on a number of projects.

In order to improve the clarity and enforceability of the various sentencing, bail and ancillary orders made by the Court, the Criminal Law Committee is engaged in preparing standard wording for common terms.

The Committee has also devoted considerable energy to the support of newly appointed Judges as they commence their work in criminal courts. It is a goal of the Committee to deliver that support in a comprehensive and effective manner that can be a model for the Court for years to come.

Every year there are significant legislative changes to the [Criminal Code](#) and this year was no different. The new [Victim Rights Act \(Bill C-32\)](#) led the Committee to consider and then advise the Chief Judge of its implications for the practice of judicial interim release (bail).

Other areas of the Committee's work included: reviews of case management practices; prospective legislative changes; and the dissemination of the decisions of the Court.

The Committee met six times during the fiscal year. Its members are:

- Judge A. Brooks (Chair)
- Judge E. Burdett
- Judge R. Harris
- Judge C. Cleaveley
- Judge D. Weatherly
- Judge B. Craig
- Judge G. Koturbash
- Judge M. Gillespie
- Judge C. Rogers

FAMILY LAW COMMITTEE

The Family Law Committee provides advice and assistance to the Chief Judge and members of the Court on matters relating to family law, including the [Family Law Act](#), the [Child, Family and Community Service Act](#), the [Family Maintenance Enforcement Act](#), the [Interjurisdictional Support Orders Act](#), the [Adult Guardianship Act](#) and any other matters relating to children and the family.

Members of the Committee are:

- Regional Administrative Judge M. Brecknell (Chair)
- Judge P. Bond
- Judge G. Brown
- Judge J. Saunders
- Judge M. Shaw
- Judge R. Raven
- Judge M. Takahashi
- Judge J. Wingham
- Judge L. Wyatt

In the 2015/16 fiscal year, Committee members undertook activities including:

- updating standardized Family Law Act orders;
- reviewing best practices for conducting Notice of Motion hearings;
- preparing of an updated Without Notice Application form for litigants;
- presenting at the Fall Education Conference on Without Notice Applications;
- attending at and considering the recommendations of the Justice Summit on Family Law Proceedings;
- participating as members of the National Judicial Institute's Family Law Electronic Bench book editorial board;

- advising on a practice direction for emergency after-hours applications and acting as the designated judges to hear such applications;
- advising on Hague Convention protocol issues;
- surveying judges and preparing best practices guidelines for conducting family case conferences by electronic means; and
- responding to queries raised by members of the Court;
- updating and editing materials on the Court's Intranet and Public websites.

Some members of the Family Law Committee continue to work with government, representatives of the bar and the public on a comprehensive re-drafting of the Provincial Court Family Rules and Forms. They expect the work to be concluded within two years.

CIVIL LAW COMMITTEE

The mandate of the Civil Law Committee is to provide advice and assistance to the Chief Judge and the Court on matters relating to the Court's jurisdiction in civil law and procedure. The Committee considers those matters referred to it by the Chief Judge and the Governance Committee. The role of the Committee is advisory in nature and the Committee reports to the Chief Judge.

The members of the Civil Law Committee in 2015/16 were:

- The Honourable Judge J. Milne (Chair)
- The Honourable Associate Chief Judge N. Phillips
- The Honourable Judge J. Challenger
- The Honourable Judge S. Frame
- The Honourable Judge J. Lenaghan
- The Honourable Judge D. Senniw
- The Honourable Judge G. Sheard
- The Honourable Judge K. Denhoff
- The Honourable Judge K. Skilnick

In 2015/16, the Committee met to consider a number of matters, including the implementation of the Civil Resolution Tribunal and related changes to the Small Claims Rules, as well as trial preparation by self-represented litigants.

INNOVATION

The Provincial Court of B.C. is committed to continually improving the justice system, with a focus on providing timely, effective and equitable justice for the citizens of the province. With this goal in mind, several key initiatives began or moved forward during the 2015/16 fiscal year.

ACCESS TO JUSTICE BC

Access to Justice BC is British Columbia's response to a national call for action to make family and civil justice more accessible. Chief Judge Crabtree serves on the committee with leaders from all major justice system organizations, other sectors like health and municipalities, and groups representing users of the system.

Committed to fostering action rather than reports, and using innovative, multi-disciplinary approaches, in 2015 the committee identified family justice as its initial priority. It developed a Framework for Action and sub-committees met to work on planning, strategy, and communications. Early in 2016 it identified several concrete ideas for exploration, and participants committed to working on ten specific initiatives to improve family justice.

The Provincial Court is an active participant in Access to Justice BC. The Court believes it can and must make significant contributions to this important endeavour. It is the court British Columbians are most likely to have contact with, and it has a history of innovation and continuing efforts to improve accessibility.

For more information see [AccesstoJusticeBC](#).

SPECIALIZED COURTS

The Court has undertaken initiatives to address certain community problems, particularly through innovative approaches to criminal sentencing procedures. Through consultation and collaboration with social and health services agencies, the Provincial Court has developed several specialized courts to address the needs of offenders with mental health and substance-abuse issues, as well as cases involving domestic violence. In consultation with local First Nations and their wider communities the Court has developed First Nations Courts that provide holistic support and healing to assist in rehabilitation and reduce recidivism. With these specialized courts, the Court can address the needs of these groups in more effective ways.



Cranbrook

DRUG TREATMENT COURT OF VANCOUVER

Created in 2001, the Drug Treatment Court of Vancouver (DTCV) provides a fully integrated treatment program for all its participants.

The DTCV provides an alternative to the regular criminal court process for individuals who commit drug offences or minor [Criminal Code](#) offences arising from their addiction to cocaine, heroin or other controlled substances.

The program's goal is to help offenders achieve:

- abstinence from illicit drug use;
- reduced or eliminated future contact with the criminal justice system;
- improved overall well-being, including improved housing;
- employment and education; and,
- pro-social use of their time.

For a minimum of 14 months, DTCV participants undergo drug addiction treatment, supervised by a DTCV judge. The participants receive services from addiction counsellors, case managers, a psychologist, a physician who specializes in addictions medicine, a nurse and a financial assistance worker. Drug use is monitored through random urine screening. The participants move through four phases of the program (pre-treatment, recovery skills, stabilization and seniors group). At

the end of the 14-month period, the participants may be eligible to "graduate" from the program and receive either a non-custodial sentence or have the Crown stay (not proceed with) their charge.

To graduate, participants must have done all of the following:

- abstained from consuming all intoxicants for the three-month period immediately prior to graduation;
- secured stable housing, approved by the DTCV judge;
- not been charged with a new criminal offence in the six months immediately preceding graduation; and,
- engaged in secure employment, training or volunteering for the three months immediately preceding graduation.

In the 2015/2016 fiscal year, DTCV approved 41 new intakes as eligible to participate in the drug treatment program. Of this cohort, 14 were women. The average monthly number of participants in the treatment program was between 48-50 persons. Seven persons from outside the lower mainland were accepted into the Court's program on charges waived into Vancouver Provincial Court from other jurisdictions. Of note, 13 participants completed all four phases of the program and graduated from the treatment program in fiscal year 2015/2016.

Additional information about the Drug Treatment Court of Vancouver can be found on the Provincial Court [website](#).



In 2015, DCC saw 17,411 files relating to 12,146 offenders (“clients”)...

DCC clients sentenced to perform community work service provided the community with 3,250 hours of work...

VANCOUVER’S DOWNTOWN COMMUNITY COURT

Canada’s first community court, the Vancouver Downtown Community Court (DCC), coordinates with multiple agencies to effectively address the root causes of crime in the region, notably mental illness, addiction and poverty. Opened in September 2008 as a collaboration between the Office of the Chief Judge and the Government of British Columbia, it focuses on a Vancouver catchment area including the downtown and Downtown Eastside.

The DCC attempts to prevent criminal activity and address the risks posed by offenders, while also supporting their health and social needs, through a partnership of justice, social and health care services. Together, they provide a timely, coordinated and meaningful response to treating and sentencing offenders. The needs of victims of crime are also addressed with an onsite

victim support worker available to provide information, support and referrals to programs and services.

In 2015, DCC saw 17,411 files relating to 12,146 offenders (“clients”). Clients at DCC can be referred into three programs: The Case Management Team, the Mental Health Program, and the Diversion or Alternate Measures Program, which includes Aboriginal programs. In 2015, these programs resulted in 224 clients finding housing through BC Housing.

DCC clients sentenced to perform community work service provided the community with 3,250 hours of work, of which 1,220 benefitted local non-profit agencies. This work service links clients to outside agencies like the Downtown Eastside Women’s Centre, Coast Mental Health, and the Carnegie Centre.

DCC also offers programs on site to connect clients to beneficial classes including Self-Management and Recovery Training, Conflict Resolution, Anger Management, and Life Skills. In 2015, DCC referred 1,733 clients to these programs.



Campbell River

As the first and only community court in Canada, DCC continues to serve as a model of court innovation both nationally and globally. In 2015 it hosted not only many high school and university students, but delegations seeking ways to address the root causes of crime from New South Wales, Australia; London, England; and a delegation of judges from Turkey.

Additional information about the Downtown Community Court can be found on the Provincial Court [website](#).

VICTORIA INTEGRATED COURT

Since 2010, the Victoria Integrated Court (VIC) has focused on addressing the health, social and economic needs of chronic offenders; improving public safety; and holding offenders accountable for their actions in a timely manner.

VIC commenced after the Provincial Court responded to a community-led initiative to address street crime in Victoria by adopting an integrated approach to chronic offenders with mental health and substance-abuse issues. A small number of homeless people with these problems were responsible for many police encounters, health care interventions and court appearances. Integrated teams of police, health, social workers and community corrections service providers began to deliver emergency and health services to these people. VIC deals, for the most part, with people supported by one of these teams.

VIC is not a trial court, but eligible individuals may have bail hearings or plead guilty and be sentenced in VIC. Those who plead not guilty are tried in the regular court system, but if found guilty and given a community sentence, they may have that sentence supervised in VIC. In the Integrated Court, judges are told about housing, medical and other issues affecting an offender, and they hear recommendations for orders to help a team support and supervise the offender, including engaging in treatment and in community service.

Teams that include community outreach workers, social workers, probation officers and police meet weekly with the dedicated Crown counsel and defence counsel to plan support and supervision in the community. The teams closely monitor the participants and review them as needed in a Court hearing, a unique feature of VIC that contributes



Kelowna

to its effectiveness.

Victoria Integrated Court saw 84 individuals in 2015/2016. Seven persons were referred for psychiatric reports or were certified in cells under the Mental Health Act. The number of individuals coming to the Court is lower than in previous years, perhaps due to previous clients successfully moving away from the behaviours that brought them to Court. A Working Group of the Court has been meeting to analyze the decrease in caseload and the possibility of expanding the client base of the Court.

More information about VIC, including previous reports, is available on the Court's [website](#).

DOMESTIC VIOLENCE COURTS

The Cowichan Valley Domestic Violence Court Project has operated in Duncan since March 2009. It was the first dedicated system in B.C. courts to address issues of domestic violence.

This court blends an expedited case management process with a treatment or problem-solving court. By bringing domestic violence cases to the disposition stage as soon as possible, either by plea or by trial and sentence, the project can target several goals: it helps reduce the rate of victim recantation or other witness related problems; it offers a less punitive approach for those willing to accept responsibility for their actions and seek treatment; and it ensures the safety of victims and the public.

Along with sharing relevant information among all



Nelson

participants, the process ensures that the accused and the complainant receive services that will provide them the best opportunity to avoid future violence.

Partners in this project include specially trained and dedicated Crown counsel, RCMP, probation officers, community-based victim services, an Aboriginal court worker and a child protection social worker.

In 2013 a similar court was established in Nanaimo through the collaborative effort of the local coordinating committee for domestic safety. In Kelowna, Penticton and Kamloops, particular days are scheduled for domestic violence cases to ensure that they receive early trial dates and can proceed through court without delay.

More information can be found on the [website](#).

FIRST NATIONS COURT

Four First Nations Courts continue to operate throughout British Columbia:

- New Westminster (established in 2006)
- North Vancouver (2012)
- Kamloops (March 2013)
- Duncan (2013).

First Nations Courts are developed in consultation with local First Nations, the community at large, the police, community corrections, Crown counsel, the

defense bar, and many other support service groups including the Native Courtworker and Counselling Association of British Columbia. The approach of the First Nations Court is holistic, recognizing the unique circumstances of First Nations offenders within the framework of existing laws.

This year there have been initial consultations in a number of communities including in Hazelton, Merritt, and Williams Lake, to explore the feasibility of such an approach in these locations.

The ongoing intent in the restorative approach is to address criminal matters for offenders with a First Nations background. The Court provides support and healing to assist offenders in their rehabilitation and to reduce recidivism. It also seeks to acknowledge and repair the harm done to the victims and the community. The Court encourages local First Nations communities to contribute to the proceedings. The success of this initiative is due in large part to the effort of a number of stakeholders, including the community as a whole and Legal Services Society groups of the Court. Additional information regarding First Nations Courts can be found on the Provincial Court website.

In addition work has begun with a group of elders, representatives from the Ministry of Child and Family Development, Ministry of Justice, Ministry of Aboriginal Relations and Reconciliation, non-government organizations and the Court to explore the feasibility of an initiative to improve the outcomes for aboriginal children that either are about to or have been taken into care. This initiative is in the early stages of development.

Find more information on the Court's [website](#).

PROVINCIAL COURT SCHEDULING PROJECT

The Provincial Court Scheduling Project (PCSP) begun in 2013 was successful in implementing simplified front end case management, expanded authority of JCMs, Assignment Court in seven locations and Delayed Assignment throughout the rest of the province. Staff from the Office of the Chief Judge continue to adjust the model and supporting technology and monitor the outcomes of the changes to scheduling. A formal evaluation is still planned within the next 1-2 years but in the meantime noticeable benefits continue, including:

- improved communication between lawyers and Judicial Case Managers (JCMs) before trial dates, and between JCMs and Court Services about staffing and other requirements;
- more trials start on time because trial judges no longer need to canvas long lists and parties and their counsel are ready to proceed;
- more trials are proceeding as scheduled and fewer cases are being adjourned due to lack of court time;
- more court time is available for family and small claims trials; and
- short trials of all types are scheduled in summary proceedings courtrooms, providing earlier hearing dates and garnering positive feedback from all stakeholders

VIDEO APPEARANCES

To accommodate remote bail hearings, the Court continues to use video technology that connects the Justice Centre in Burnaby to other locations where links have been established. Video technology also allows Judicial Case Managers and Judges to hear preliminary matters from a remote location. In addition, video technology allows most court locations throughout the province to accommodate remand appearances and bail hearings by persons charged with offences appearing from a remand or custody centre.

In 2015/16, the use of video technology saved 29,505 prisoner transports for persons required to appear in court for preliminary matters. The last year has seen new videoconference expansion into four communities that have previously not had this technology and increased capacity at four other communities. Infrastructure upgrades are now complete, increasing call security and broadening access to the Court from many previously unreachable geographic locations. Continued expansion and increased capacity are contemplated, since the Court continues to believe that video in all staffed courthouses and most circuit locations would enhance access to justice and save operational expenses by reducing prisoner and witness transport costs.



Port Alberni

“

More trials are proceeding as scheduled and fewer cases are being adjourned due to lack of court time...



Prince George

UBC INTERN PROGRAM

Since January 2007, the Provincial Court and the Peter A. Allard School of Law at the University of British Columbia have partnered in a Judicial Externship Program. The program provides an opportunity, unique in Canadian law schools for third-year students (eight students in each of the fall and winter terms) to spend a term working with Provincial Court Judges for credit towards the completion of their law degree.

Students are assigned to a courthouse (or a rotation of courthouses to ensure exposure to all aspects of the Court's work) and work with Judges from Monday through Thursday of each week. Friday mornings are devoted to a workshop held at UBC. Students receive training from judges on topics including judicial independence, judgment writing, sentencing, Youth Court, and child protection. Students' work includes research, memorandum preparation, attendance at trials and other judicial processes, and other tasks to assist the judiciary.

Of particular note, and a very rewarding part of the program is that each student accompanies a presiding Judge and court party to a remote registry in British Columbia for a "Circuit Court." This opportunity broadens the students' education, exposes them to legal practice outside the Lower Mainland and offers insight into the Court as a "problem-solving" court that operates in geographic areas with significant variations in extra-legal resources. The eNews article posted on March 15, 2016 entitled, "[An intern's perspective on Circuit Court](#)" provides a first-hand account.

The Court has been very fortunate to receive ongoing funding from the Law Foundation of British Columbia to cover the costs of student travel and accommodation while on circuit, and gratefully acknowledges its contribution in that regard.

COMMUNICATIONS INITIATIVES

Judge Ann Rounthwaite assumed responsibility for the Court's digital communications in 2014 and continued this work after her retirement in October 2015. Her responsibilities have included:

- website maintenance and updating;
- weekly eNews articles posted on the website;
- tweeting for the Court; and,
- building a new intranet for the Court's internal communications.

WEBSITE

Traffic to the Provincial Court's public website in 2015 increased by 12% over the previous year. Figure 35 depicts the site's web analytics for 2015 as reported by the [Justice Education Society](#).

FIGURE 35 - THE NUMBER OF VISITORS TO THE PROVINCIAL COURT WEBSITE IN 2015

UNIQUE VISITORS	TOTAL VISITORS	PAGE VIEWS	AVERAGE TIME ON SITE
270,869	467,465	1,206,910	2.6 Minutes



Prince Rupert

Improvements to the Court's website were made by preparing and posting documents to help self-represented litigants and improve access to justice. The Court initiated and collaborated with [Courthouse Libraries BC](#) and [Clicklaw](#) to produce handouts to help people with online legal research about Provincial Court matters. The project is described in a September 17, 2015 Clicklaw [blog post](#). Detailed templates showing court hours for each type of sitting in most courthouses, along with phone numbers for enquiries in smaller locations, were also added.

ENEWS

Weekly eNews stories describing Court projects and procedures, judicial officers' activities, and related community resources are available at www.provincialcourt.bc.ca/eNews.

The varied eNews articles posted on the Provincial Court website in 2015/16 include a 3-part series on domestic violence courts and a report on dogs in the justice system. A series on the Court's circuit courts proved popular, with readers from around the world commenting on the life of a judge in B.C.'s Northern Region and lawyers in the Lower Mainland expressing surprise at this aspect of Provincial Court Judges' work. eNews articles on Judges and Social Media, and Judicial Notice garnered considerable interest on Twitter.

The eNews page on the website was converted to a "blog" format featuring indexing by category and email subscription capability, with the assistance of the Justice Education Society. This makes past articles more accessible and allows the tweeting of links to individual articles.

TWITTER

Having begun in January 2015, Judge Rounthwaite (retired) continued to tweet for the Court from [@BCProvCourt](#). The conversational tone of the Court's Twitter account and its practice of sharing links to interesting or useful articles, in addition to Court information and news, have been well-received.

Twitter followers increased gradually to 419 on March 31, 2016 and the Court received positive comments for its communications engagement and openness.

FINANCIAL REPORT

Responsibilities of the Finance Department include:

- implementing and updating the OCJ finance policies and procedures;
- reconciling and processing monthly bank purchase and travel card statements;
- processing professional development allowance claims for Judges and Judicial Justices;
- processing and reconciling all travel claims (iExpense);
- completing travel authorization forms for out-of-province government travel;
- processing operational invoices for the entire province; and,
- maintaining up-to-date files on balances with suppliers.

Figure 36 demonstrates the expenses incurred by the Provincial Court during the 2015/16 fiscal year.



Nanaimo

FIGURE 36 - PROVINCIAL COURT 2015/16 FINANCIAL REPORT

	BUDGET	ACTUAL	VARIANCE	
Salaries	\$39,507,000	\$38,178,356	\$1,328,644	(1)
Supplemental Salaries	\$84,000	\$122,663	(\$38,663)	
Benefits	\$9,774,700	\$9,579,253	\$195,447	(2)
Judicial Council/Ad Hoc/Per Diem	\$1,853,000	\$2,012,168	(\$159,168)	(3)
Travel	\$1,434,000	\$1,428,566	\$5,434	
Professional Services	\$545,100	\$789,714	(\$244,614)	(4)
Information Systems	\$357,200	\$610,951	(\$253,751)	(5)
Office Expenses	\$1,072,000	\$1,415,407	(\$343,407)	(6)
Advertising	\$3,000	\$0	\$3,000	
Utilities and Supplies	\$94,000	\$165,242	(\$71,242)	(7)
Vehicles	\$98,000	\$55,170	\$42,830	
Amortization	\$457,000	\$332,519	\$124,481	(8)
Tenant Improvements	\$0	\$77,395	(\$77,395)	(9)
CAPCJ Grant	\$8,000	\$0	\$8,000	(10)
Library	\$260,000	\$17,986	\$242,014	(11)
General Expense	\$9,000	\$0	\$9,000	
Total Operating Expenses	\$55,556,000	\$54,785,390	\$770,610	

VARIANCE ANALYSIS

(1) Savings due to delays in both appointments and staff hirings as a result of retirements

(2) Related to salary savings

(3) Increased costs for mileage, airfare and accommodation

(4) Professional service contracts related to judicial resources

(5) Maintenance of information systems, computer software and licenses

(6) Professional development costs, temporary staffing to fill hiring lags, training

(7) Court attire replenishment

(8) Core government policy change in accounting for amortization calculation

(9) Unexpected minor repairs to judicial chambers across the Province

(10) Canadian Association of Provincial Court Judges

(11) Anticipated changes not materialized, therefore funding agreement under review

COMPLAINTS

Our justice system is founded on public confidence that judicial decisions are fully heard and fairly made. The Court's complaints process is essential to maintaining that confidence by giving people the means to criticize judicial officers formally if they believe their conduct was inappropriate. Under the *Provincial Court Act*, all complaints about judicial officers are made in writing to the Chief Judge, and there are three stages to the judicial conduct complaints process: (1) examination, (2) investigation, and (3) inquiry.

If the complaint raises an issue asserting judicial misconduct, it is examined by the Chief Judge. As part of the examination, the judicial officer who is the subject of the complaint is provided with a copy of the complaint and an opportunity to respond. The Chief Judge, after examining the complaint, any other relevant materials and any response received from the judicial officer, may determine that: (a) the complaint is outside the authority of the Chief Judge; (b) the complaint can be resolved through corrective or remedial measures; or (c) that a formal investigation is warranted. The Chief Judge is required to advise the complainant and the judicial officer of the result of the examination.

During the period from January 1, 2015 to December 31, 2015, the Office of the Chief Judge received 204 letters of complaint. On assessment, 164 matters were found not to be complaints within the authority of the Chief Judge. Most of these amounted to appeals from a judicial decision, and the complainants were sent appropriate information about appealing. Examinations were commenced in the remaining matters. Including complaints carried over from 2014, 19 examinations⁴¹ were completed and all resolved at the examination stage during 2015.

Summaries of the completed complaint examinations can be found in [Appendix 3](#). Figure 37 tracks complaint statistics and outcomes for the last decade. Since 2007, all complaints have been resolved at the examination stage.

⁴¹ Note: an examination may have dealt with more than one letter from a complainant or more than one complaint about the same matter.

FIGURE 37- COMPLAINTS STATISTICS (2006 TO 2015) ⁴²

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Letters received	144	258	216	245	280	272	227	253	273	204
Non-complaints (those found not to be within Section 11 of the PCA)	123	205	169	207	225	239	206	225	254	164
Examinations of complaints performed to December 31, 2015	19	*53	45	*35	*29	*39	*21	*20	*28	*19
Investigations of complaints performed	1	0	0	0	0	0	0	0	0	0
Files unresolved by December 31, 2015	0	0	0	0	0	0	0	0	11	23

Complaints statistics are reported on a calendar-year basis, as that was the practice before 2004, when such statistics and summaries were reported in the Annual Report of the Judicial Council of British Columbia. As explained in the 2004/05/06 Annual Report of the Judicial Council, the decision was then made to report complaints in the Provincial Court's Annual Report, rather than in the Judicial Council's Annual Report, because the Judicial Council has a limited role in processing complaints.

For a more detailed explanation of complaints received during 2015, see [Appendix 3](#).

⁴² * Indicates that an examination may have dealt with more than one letter from a complainant or more than one complaint about the same matter.

APPENDIX 1: JUDICIAL OFFICERS

FIGURE 38 - LIST OF JUDGES AS OF MARCH 31, 2016

PROVINCIAL COURT JUDGES, 2015/16	STATUS
OFFICE OF THE CHIEF JUDGE	
Chief Judge Thomas Crabtree	
Associate Chief Judge Gurmail Gill	
Associate Chief Judge Nancy Phillips	
Judge Margaret Rae	Senior
Judge Alexander Wolf	Full Time
FRASER REGION	
Regional Administrative Judge Robert Hamilton	
Judge Therese Alexander	Full Time
Judge Kimberley Arthur-Leung	Full Time
Judge Patricia Bond	Full Time
Judge Marilyn Borowicz	Full Time
Judge Gregory Brown	Full Time

PROVINCIAL COURT JUDGES, 2015/16	STATUS
Judge Richard Browning	Full Time
Judge Andrea Brownstone	Full Time
Judge Marion Buller	Full Time
Judge Valli Chettiar	Full Time
Judge Gary Cohen	Full Time
Judge Pedro de Couto	Senior
Judge Patrick Doherty	Full Time
Judge Paul Dohm	Full Time
Judge Shehni Dossa	Full Time
Judge Kathryn Ferriss	Full Time
Judge Harvey Field	Senior
Judge Deanne Gaffar	Full Time
Judge Donald Gardner	Full Time
Judge Melissa Gillespie	Full Time
Judge Ellen Gordon	Full Time
Judge Peder Gulbransen	Senior
Judge Brent Hoy	Senior
Judge Gene Jamieson	Full Time
Judge Patricia Janzen	Full Time
Judge John Lenaghan	Senior
Judge Rick Miller	Senior
Judge Jennifer Oulton	Full Time

PROVINCIAL COURT JUDGES, 2015/16	STATUS
Judge Steven Point	Full Time
Judge Deirdre Pothecary	Senior
Judge Rose Raven	Full Time
Judge Edna Ritchie	Full Time
Judge Jill Rounthwaite	Part Time
Judge Kenneth Skilnick	Full Time
Judge Garth Smith	Full Time
Judge Jay Solomon	Full Time
Judge Anthony Spence	Senior
Judge Daniel Steinberg	Full Time
Judge Danny Sudeyko	Full Time
Judge James Sutherland	Full Time
Judge Rory Walters	Full Time
Judge Thomas Woods	Full Time
Judge Wendy Young	Full Time
INTERIOR REGION	
Regional Administrative Judge Robin Smith	
Judge Robert Brown	Full Time
Judge Ellen Burdett	Full Time
Judge Jane Cartwright	Senior
Judge Bradford Chapman	Senior

PROVINCIAL COURT JUDGES, 2015/16	STATUS
Judge Chris Cleaveley	Full Time
Judge Edmond de Walle	Senior
Judge Roy Dickey	Full Time
Judge Stella Frame	Full Time
Judge Stephen Harrison	Full Time
Judge Richard Hewson	Full Time
Judge Vincent Hogan	Senior
Judge Wilfred Klinger	Senior
Judge Gregory Koturbash	Full Time
Judge Len Marchand	Full Time
Judge Mayland McKimm	Full Time
Judge Dennis Morgan	Full Time
Judge Philip Seagram	Full Time
Judge Meg Shaw	Full Time
Judge Grant Sheard	Full Time
Judge Gale Sinclair	Senior
Judge Donald Sperry	Senior
Judge Mark Takahashi	Senior
Judge Jim Threlfall	Senior
Judge Ronald Webb	Full Time
Judge Lisa Wyatt	Full Time

PROVINCIAL COURT JUDGES, 2015/16	STATUS
NORTHERN REGION	
Regional Administrative Judge Michael Brecknell	
Judge Elizabeth Bayliff	Senior
Judge Christine Birnie	Full Time
Judge Richard Blaskovits	Full Time
Judge Rita Bowry	Full Time
Judge Randall Callan	Full Time
Judge Marguerite Church	Full Time
Judge Brian Daley	Full Time
Judge Judith Doulis	Full Time
Judge Victor Galbraith	Full Time
Judge Michael Gray	Full Time
Judge William Jackson	Full Time
Judge Shannon Keys	Full Time
Judge Herman Seidemann III	Senior
Judge Dwight Stewart	Full Time
Judge Calvin Struyk	Full Time
Judge Randy Walker	Full Time
Judge Daniel Weatherly	Full Time
Judge Terence Wright	Full Time

PROVINCIAL COURT JUDGES, 2015/16	STATUS
VANCOUVER REGION	
Regional Administrative Judge Raymond Low	
Judge Conni Bagnall	Full Time
Judge James Bahen	Full Time
Judge Laura Bakan	Full Time
Judge Elisabeth Burgess	Full Time
Judge Joanne Challenger	Full Time
Judge Patrick Chen	Senior
Judge Bonnie Craig	Full Time
Judge Kathryn Denhoff	Full Time
Judge Harbans Dhillon	Full Time
Judge Bryce Dyer	Senior
Judge Ronald Fratkin	Senior
Judge Joseph Galati	Full Time
Judge Rosemary Gallagher	Full Time
Judge Judith Gedye	Senior
Judge Maria Giardini	Full Time
Judge Thomas Gove	Senior
Judge Reginald Harris	Full Time
Judge Frances Howard	Senior
Judge Wilson Lee	Full Time

PROVINCIAL COURT JUDGES, 2015/16	STATUS
Judge Jane McKinnon	Full Time
Judge Maris McMillan	Full Time
Judge Malcolm MacLean	Full Time
Judge Steven Myles Merrick	Full Time
Judge Paul Meyers	Full Time
Judge John Milne	Full Time
Judge Douglas Moss	Senior
Judge Gregory Rideout	Full Time
Judge William Rodgers	Senior
Judge Valmond Romilly	Full Time
Judge Donna Senniw	Full Time
Judge Lyndsay Smith	Full Time
Judge David St.Pierre	Full Time
Judge Carlie Trueman	Full Time
Judge Karen Walker	Full Time
Judge Catherine Warren	Full Time
Judge Jodie Werier	Full Time
Judge James Wingham	Full Time
VANCOUVER ISLAND REGION	
Regional Administrative Judge Robert Higinbotham	
Judge Evan Blake	Senior

PROVINCIAL COURT JUDGES, 2015/16	STATUS
Judge Adrian Brooks	Full Time
Judge Loretta Chaperon	Senior
Judge Douglas Cowling	Senior
Judge Roger Cutler	Full Time
Judge Peter Doherty	Senior
Judge Barbara Flewelling	Full Time
Judge Ted Gouge	Full Time
Judge Jeanne Harvey	Senior
Judge Brian Klaver	Senior
Judge Ronald Lamperson	Full Time
Judge Christine Lowe	Full Time
Judge Parker MacCarthy	Full Time
Judge Lisa Mrozinski	Full Time
Judge Brian Neal	Senior
Judge David Pendleton	Senior
Judge Ernest Quantz	Senior
Judge Carmen Rogers	Full Time
Judge Justine Saunders	Full Time
Judge Roderick Sutton	Full Time
Judge Susan Wishart	Full Time

FIGURE 39 - LIST OF JUDICIAL JUSTICES AS OF MARCH 31, 2016

JUDICIAL JUSTICES, 2015/16	
SITTING DIVISION (FULL TIME)	ASSIGNMENT
Judicial Justice Kathryn Arlitt	Justice Centre/Traffic
Judicial Justice Irene Blackstone	Traffic
Judicial Justice Joseph Chellappan	Justice Centre/Traffic
Judicial Justice Brad Cyr	Justice Centre
Judicial Justice Patrick Dodwell	Traffic
Administrative Judicial Justice Gerry Hayes	Justice Centre/Traffic
Judicial Justice Joan Hughes	Traffic
Judicial Justice Susheela Joseph-Tiwary	Traffic
Judicial Justice Maria Kobiljski	Traffic
Judicial Justice Zahid Makhdoom	Traffic
Judicial Justice Dawn North	Office of the Chief Judge
Administrative Judicial Justice Patricia Schwartz	Traffic
PER DIEM DIVISION	ASSIGNMENT
Judicial Justice Brent Adair	Justice Centre/Traffic
Judicial Justice Bradley Beer	Justice Centre/Traffic
Judicial Justice Edward Bowes	Justice Centre/Traffic
Judicial Justice Anna-Maya Brown	Justice Centre
Judicial Justice Brian Burgess	Justice Centre/Traffic
Judicial Justice Norman Callegaro	Justice Centre

JUDICIAL JUSTICES, 2015/16	
Judicial Justice Alison Campbell	Justice Centre
Judicial Justice Brenda Edwards	Justice Centre/Traffic
Judicial Justice Hunter Gordon	Justice Centre/Traffic
Judicial Justice Fraser Hodge	Justice Centre
Judicial Justice Tim Holmes	Justice Centre
Judicial Justice Laurie Langford	Justice Centre/Traffic
Judicial Justice Holly Lindsey	Justice Centre/Traffic
Judicial Justice Christopher Maddock	Justice Centre/Traffic
Judicial Justice Carmella Osborn	Justice Centre/Traffic
Judicial Justice Debra Padron	Justice Centre
Judicial Justice Carol Roberts	Justice Centre
Judicial Justice Richard Romano	Justice Centre
Judicial Justice David Schwartz	Justice Centre
AD HOC DIVISION	ASSIGNMENT
Judicial Justice Dave Maihara	Justice Centre
Judicial Justice Linda Mayner	Traffic
Judicial Justice Candice Rogers	Justice Centre

FIGURE 40 - LIST OF JUSTICE OF THE PEACE ADJUDICATORS AS OF MARCH 31, 2016

JUSTICE OF THE PEACE ADJUDICATORS, 2015/16
Bryan Baynham
Frank Borowicz
Barbara Cornish
Kenneth Glasner
Lawrence Kahn
Karen Nordlinger
Marina Pratchett
Dale Sanderson
Karl Warner

FIGURE 41 - LIST OF JUDICIAL CASE MANAGERS AS OF MARCH 31, 2016

JUDICIAL CASE MANAGERS, 2015/16	STATUS
OFFICE OF THE CHIEF JUDGE	
Administrative JCM	Vacant
JCM Supervisor Yvonne Hadfield	Full Time
FRASER REGION	
JCM Michelle Danyluk	Part Time
JCM Marylynn deKeruzec	Part Time
JCM Sheryl Gill	Auxiliary
JCM Doreen Hodge	Full Time

JUDICIAL CASE MANAGERS, 2015/16	STATUS
JCM Heather Holt	Full Time
JCM Lana Lockyer	Part Time
JCM Lila MacDonald	Full Time
JCM Amy Mitchell	Part Time
JCM Andrea Schultz	Full Time
JCM Maureen Scott	Full Time
JCM Suzanne Steele	Full Time
JCM Sandra Thorne	Full Time
JCM Bianca West	Part Time
JCM Julie Willock	Full Time
INTERIOR REGION	
JCM Kathy Bullach	Full Time
JCM Sandra Hadikin	Part Time
JCM Dalene Krenz	Full Time
JCM Arlene McCormack	Part Time
JCM Sheila Paul	Full Time
JCM Lori Stokes	Full Time
JCM Betty Vincent	Auxiliary
JCM Marj Warwick	Full Time
NORTHERN REGION	
JCM Donna Bigras	Full Time
JCM Faye Campbell	Full Time

JUDICIAL CASE MANAGERS, 2015/16	STATUS
JCM Crystal Foerster	Part Time
JCM Ronda Hykawy	Full-Time
JCM Sherry Jasper	Auxiliary
JCM Sarah Lawrence	Full Time (Maternity Leave)
JCM Lyne Leonardes	Full Time
JCM Hillary Lewis	Full Time (Temporary Assignment)
JCM Sharon MacGregor	Part Time
JCM Deb Pillpow	Auxiliary
VANCOUVER ISLAND REGION	
JCM Christine Ballman	Part Time
JCM Alison Bruce	Full Time
JCM Delaine Carey	Auxiliary
JCM Shannon Cole	Full Time
JCM Deborah Henry	Full Time
JCM Yvonne Locke	Full Time
JCM Veronica Mitchell	Full Time
JCM Arlene Sutton-Atkins	Part Time
VANCOUVER REGION	
JCM Kelly Butler	Full Time
JCM Laura Caporale	Part Time
JCM Rachel Fujinami	Part Time
JCM Candace Goodrich	Full Time

JUDICIAL CASE MANAGERS, 2015/16	STATUS
JCM Teresa Hill	Full Time
JCM Suzanne McLarty	Full Time
JCM Jovanka Mihic	Part Time
JCM Judi Norton	Full Time
JCM Barbara Sayson-Brown	Full Time

APPENDIX 2: CHANGES TO THE JUDICIAL COMPLEMENT

FIGURE 42 - LIST OF JUDGES WHO RETIRED, ELECTED TO SIT PART-TIME OR PASSED AWAY AS OF MARCH 31, 2016

REDUCTIONS IN THE JUDICIAL COMPLEMENT, 2015/16			
JUDGE	JUDICIAL REGION	DATE	REASON
Judge Michael Hicks	Fraser	30-Apr-15	Retirement
Judge Patrick Chen	Vancouver	30-Apr-15	Senior Election
Judge Jane McKinnon	Vancouver	31-May-15	Retirement
Judge Loretta Chaperon	Vancouver Island	31-May-15	Senior Election
Judge Suzanne MacGregor	Fraser	12-Jun-15	Retirement
Judge Anne Wallace	Interior	29-Oct-15	Deceased
Judge Ann Rounthwaite	Fraser	31-Oct-15	Retirement
Judge Russell MacKay	Fraser	22-Dec-15	Deceased
Judge Brian Saunderson	Vancouver Island	18-Jan-16	Retirement
Judge Mark Takahashi	Interior	31-Jan-16	Senior Election
Judge Jim Jardine	Fraser	31-Jan-16	Retirement

REDUCTIONS IN THE JUDICIAL COMPLEMENT, 2015/16			
JUDGE	JUDICIAL REGION	DATE	REASON
Judge Evan Blake	Vancouver Island	31-Jan-16	Senior Election
Judge Bradford Chapman	Interior	31-Jan-16	Senior Election
Judge Bryce Dyer	Vancouver	31-Jan-16	Senior Election
Judge Peder Gulbransen	Fraser	31-Jan-16	Senior Election
Judge Frances Howard	Vancouver	1-Feb-16	Senior Election
Judge Ron Fabbro	Interior	1-Mar-16	Retirement
Judge William MacDonald	Fraser	15-Mar-16	Retirement
Judge Wayne Smith	Vancouver Island	31-Mar-16	Retirement

APPENDIX 3: COMPLAINT SUMMARIES

COMPLAINTS AGAINST JUDGES

Complaint: The complainant asserted that during an adjournment application before the Judge, the Judge mocked him, “cut [him] short, acted in a “prejudicial manner”, and stated “we wasted enough time on you”. He further asserted that “[he] was near [thrown] in jail for “Acts of aggression”.

Review: Review of the audio recording of the proceeding did not support the complainant’s assertions and characterization of his interactions with the Judge or the conclusion that the Judge acted in a manner that could be fairly described as judicial misconduct. A Judge presiding over a proceeding has significant discretion in the management of the case. This includes the Judge’s decisions to actively direct parties in the presentation of their argument and to not tolerate aggression in the courtroom. The Judge’s actions fell within the accepted bounds, and judicial misconduct was not established in the circumstances. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: It came to the attention of the Chief Judge that the Judge was periodically absent from the Courthouse following the early completion of the court list.

Review: The Associate Chief Judge discussed this concern with the Judge. The Judge committed to not departing from the Courthouse without speaking with the Judicial Case Manager to confirm there is no other work requiring judicial attention. A closing letter was sent to the Judge summarizing the discussion and thanking the Judge for the forthright manner in which the matter was addressed. The file was closed on that basis.

Complaint: Concerns regarding a Judge's management of court time and conduct came to the attention of the Chief Judge. These concerns included that the Judge took frequent and unexplained extended breaks during the court day and that he would often make negative comments or "rant" inside and outside of the courtroom about the volume or files on his list or question why or how matters have appeared on his list.

Review: The audio recording of the proceedings was reviewed, as well as a sincere and reflective response from the Judge. He met twice with the Associate Chief Judge and consulted his family doctor to resolve that his health was unrelated to his conduct. He also apologized for his conduct. The Judge was encouraged to consider educational programming that may assist him with respect to any of the issues. The file was closed on that basis.

Complaint: The complaint arose out of a family hearing. The complainant said that the Judge made comments in his Reasons for Judgment that were "felt to be in poor taste and clearly shows a bias against women".

Review: The Reasons for Judgment were reviewed and did not support the conclusion that the Judge was biased or otherwise acted in a manner that could be fairly described as judicial misconduct. The complainant was so advised in a closing letter.

Complaint: The complaint arose out of a small claims hearing and asserted that the Judge "never gave [him] a chance to speak or to call [his] second witness" and that the Judge "lectured [him] about the ethics of [his] job and how [he] should do [his] job". The complainant said that "the Judge thought he had more rights than the average citizen and that [he] had no dignity", that he was berated for speaking out of turn, and that he "felt intimidated and powerless".

Review: The complaint was found to be largely in the nature of an appeal. Review of the audio recording did not support the assertions that the Judge lectured or berated the complainant or the conclusion that the Judge acted in a manner that could be fairly described as judicial misconduct. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: The complainants asserted that the Judge was "unable to keep the dates that he set to appear in court on at least five different occasions" and that "on most occasions, he did not notify the lawyers, the parties concerned or even the Court Clerk of his changes, causing extreme hardship, increased legal fees, loss of wages, [and] travel expenses".

Review: The conduct asserted may have raised an issue within the Chief Judge's authority; however, the letter did not provide details as to when the "five different occasions" occurred or specifics of the assertions to enable the complaint to be examined. A copy of the letter was provided to the Judge for his information, and the complainants were invited to write again to provide specifics. They did not write again, and the complaint was closed on that basis.

Complaint: The complainant appeared before the Judge at a family hearing and asserted that the Judge did not provide him with an opportunity to make submissions before he made his determination and that the Judge asked the Sheriff to remove him from the courtroom.

Review: The audio recording of the proceeding was reviewed, as well as a response from the Judge. Review of the audio recording confirmed that the interaction between the Judge and the complainant was unpleasant and that the Judge's conduct was not consistent with the type of judicial conduct to which Judges aspire in dealing with self-represented litigants. This was brought to the attention of the Judge to assist him in avoiding being perceived in the same way in future cases. The file was closed on that basis.

Complaint: The complainant, the applicant in a family matter, alleged that the Judge had "acted in a biased and degrading manner towards [her]", yelled and spoke to her in an unsettling manner, "was rude and demeaning, and went so far as to call [her] names in the courtroom", and that "the judge continually lost his temper in court and yelled".

Review: The audio recording of the proceedings was reviewed, as well as a response from the Judge. Review of the audio recording did not support these assertions; however, review of the audio recording did reveal that there were times during the course of the proceedings when the Judge showed he was frustrated and raised his voice. The Judge in his response expressed regret over how he was perceived by the complainant and sincerely apologized for speaking strongly and for any feelings the complainant may have had of being treated poorly. It is the responsibility of judicial officers to maintain serenity, calm and courtesy, even in the face of frustrating circumstances. This responsibility was brought to the Judge's attention. Though there were times when the Judge's serenity was broken, a review of the record of proceedings in total led to the conclusion that further action on the complaint was not warranted. The complainant was so informed, as well as provided a copy of the Judge's response, and the complaint was resolved on that basis.

Complaint: The complaint arose out of a small claims hearing. The complainant alleged that: the Judge "got [him] so flustered by telling [him he] had to "speed up" ... when the claimant would go on endlessly"; the Judge was helpful only for the claimant; he was "criticized for presenting [his] case in a field that [he] was totally unfamiliar with", and the Judge did not consider the information impartially.

Review: Review of the audio recording of the proceeding did not support the claimant's assertions or the conclusion that the Judge acted in a manner that could be fairly described as judicial misconduct. Instead, review of the audio recording confirmed that both parties were provided and took the opportunity to give evidence and that, while the Judge did appropriately ask the claimant to move on from unfocused, overly detailed, and repetitive areas of the cross examination, he did so respectfully. Further, the Judge was polite, patient, and professional throughout the proceeding, explained the entire small claims trial process, and asked the complainant if he had any questions. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.

Complaint: The complainant, the mother of the victim in a criminal matter, said that the Judge at a sentencing hearing made a “deplorable, insensitive, and grossly hurtful comment”. The complainant also asserted that the Judge was “humiliating the defence lawyer by sarcastically picking and poking at every word he said”.

Review: The audio recording was reviewed, as well as a response from the Judge. Nothing about the Judge’s interactions with either counsel could be fairly described as sarcastic or humiliating. Further, the “grossly hurtful comment” did not occur as it was characterized by the complainant. A copy of the correspondence was provided to the Judge for her information, and the file was closed on that basis.

Complaint: The complainant stated that the Judge was verbally abusive and showed open disrespect towards him. He further asserted that the Judge “started the first day of trial with the statement, “So this... is a man entitled to respect and you are a man entitled to disrespect”.

Review: The audio recording of the beginning of the trial was reviewed and did not support the complainant’s characterization and, instead, confirmed that the Judge said that both parties were entitled to respect. The complainant did not provide evidence of instances that the Judge may have been verbally abusive or disrespectful. The complainant was notified by letter that it was open to him to write again to this office with particulars of his complaint. He did write again; however, the letter was largely in the nature of an appeal and again did not provide details of the alleged verbal abuse or disrespect. A copy of the correspondence was provided to the Judge for his information, and the file was closed on that basis.

Complaint: The complainant asserted that the Judge disrespected, humiliated and criticized her, raised her voice, and pointed a finger at her.

Review: Review of the audio recording did not support the complainant’s assertions or the suggestion that the Judge acted in a manner that could be described as disrespectful, humiliating, abusive or aggressive. The complainant was so advised in a closing letter.

COMPLAINTS AGAINST JUDICIAL JUSTICES

Complaint: The complainant appeared before the Judicial Justice at a payment hearing and asserted that the Judicial Justice “belittled”, “victimized”, “publicly humiliated”, “interrogated”, and “shamed” her and that she felt “sad” and “disheartened”. She further asserted that the Judicial Justice “had a climate when entering the morning proceedings that was cold, calculated and absolutely horrific for any person standing before her”.

Review: The audio recording was reviewed as well as a response from the Judicial Justice. Review of the audio recording confirmed that the Judicial Justice did demonstrate calmness at significant points throughout the hearing but at times showed she was frustrated with the complainant, was abrupt, and raised her voice. While these expressions of frustration were not ideal, they were understandable in the circumstances. The Judicial Justice stated in her response that “it was very unfortunate that [the complainant] was uncomfortable in court that day and [she is] sorry she felt that way”. Review of the events in total did not warrant further examination, a report was sent to the complainant, and the file was closed on that basis.

Complaint: It came to the attention of the Chief Judge that the Judicial Justice had allegedly phoned a number of her colleagues, as well as police agencies, yelling at them to stop calling her, and on occasion swearing, slurring her words, and saying things that did not make sense.

Review: The Judicial Justice met with the Associate Chief Judge and the Senior Legal Officer to discuss these concerns. The Judicial Justice disclosed that she was seeking treatment for alcoholism and was placed on administrative leave. After receiving recommending letters from her doctors and counsellors, it was agreed that the Judicial Justice could return to work on terms, including a commitment to abstinence, continuing treatment, and regular alcohol screening. Her doctors and counsellors were also to provide regular updates, and the agreement was to be reconsidered after six months. The Judicial Justice complied with these conditions but eventually resigned, and the file was closed on that basis.

Complaint: It came to the attention of the Chief Judge that the Judicial Justice had erroneously edited his Reasons for Judgment for a conviction for speeding.

Review: Two versions of the Reasons for Judgment provided to the Office of the Chief Judge were reviewed and demonstrated that the editing did in fact go beyond what is permissible under the current state of the law. Excerpts from an Ontario Court of Appeal decision which contained helpful observations with respect to the practice of editing Oral Reasons for Judgment were provided to the Judicial Justice and a response was sought from him. The Judicial Justice explained that his intention in editing his Reasons for Judgment was “to clarify the true position; [while] at the same time affording readability and fluidity of language and construction”. The Judicial Justice expressed appreciation for the common law related to editing of decisions. Further action on the complaint was not warranted, and the file was closed on that basis.

COMPLAINTS AGAINST JUSTICE OF THE PEACE ADJUDICATORS

Complaint: The complaint arose out of a small claims hearing before a Justice of the Peace (JP) Adjudicator. The complainant asserted that the JP Adjudicator engaged in “cutting [him] off, refusing to let [him] explain [his] position or present [his] facts and essentially using a high-handed stance to bully [him].”

Review: The audio recording of the proceeding was reviewed, as well as a response from the JP Adjudicator. Review of the audio recording did not support these assertions. However, the JP Adjudicator was provided a copy of the closing letter and encouraged to be mindful of the manner in which he was perceived by the complainant when approaching future cases. As no judicial misconduct was substantiated, the file was closed on that basis.

Complaint: The complainant, the claimant in a small claims matter, complained that the JP Adjudicator “demonstrated gender discriminat[ion] against [her] from the moment proceedings began”, was “dismissive of [her] knowledge of construction and contracting due to being female”, and “was not fully attentive during proceedings”. She further asserted that the JP Adjudicator allowed the defendant “to laugh, name call and give his opinion on [her] being a demanding, aggressive client”.

Review: Review of the audio recording did not support any suggestion that the JP Adjudicator discriminated against the complainant, especially on account of her gender or that he allowed the defendant to be disrespectful. Instead, review of the audio recording confirmed that the JP Adjudicator asked the defendant to stop laughing and provided both parties the opportunity to give evidence and cross examine each other. A report was sent to the complainant with a copy provided to the JP Adjudicator for his information, and the file was closed on that basis.

COMPLAINTS AGAINST JUSTICES OF THE PEACE

Complaint: It came to the attention of the Chief Judge that a Court Services Branch (CSB) JP had been arrested and charged with assault and uttering threats.

Review: The CSB JP was suspended for ten days without pay by the Court Services Branch after which time he went on leave to attend a treatment program. He was then relieved of his Justice of the Peace Commission and duties until the matter could be examined following the conclusion of the criminal proceedings. The charges were subsequently stayed, and the JP successfully returned to work. Court Services Branch wrote to the Chief Judge commending the JP’s progress and supporting the reinstatement of his JP Commission. It was then disclosed that the JP had filed for bankruptcy which further impacted his candidacy for judicial office. The JP was advised that he could potentially be reinstated upon discharge of his bankruptcy. However, the JP resigned, and the file was closed on that basis.

Complaint: The complainant, a lawyer representing a party in several small claims matters, asserted that he had not received any filed copies of the Defendants' documents from the Court Registry. He inquired with the Registry and spoke with a Court Services Branch JP who said that he would receive a call from someone at the Registry about the status of the files. He did not hear from the Registry and later received a voicemail that his actions had been dismissed because he was not present for the Settlement Conferences. He alleged he never received the Notices of Settlement Conference. He attended at the Court Registry and was told by the same JP that she could not confirm the documents or notices had been sent to him but that he could easily make an application to have the dismissal orders set aside. He perceived her to be "unperturbed" and "nonchalan[t]".

Review: A response was sought from the JP to the allegations made by the complainant, as well as a copy of the examination conducted by Court Services Branch. Court Services Branch concluded that the JP provided an adequate explanation for the events and that sufficient procedures have been put in place to prevent the situation from reoccurring. It was concluded that the JP remained calm during the interaction and that the description provided by the complainant was an unfortunate mischaracterization. A letter was sent to the complainant explaining that it was apparent that the JP's efforts to remain calm were misperceived, that the incident served as a learning experience for her, and on that basis the file would be closed.

APPENDIX 4: REVISED METHODOLOGY FOR REPORTING CASES

CHANGE IN PROVINCIAL CRIMINAL COURT CASE DEFINITION

Historically, criminal adult and youth court caseloads in Provincial Court have reflected principally a document count, which has been a useful metric for reflecting workloads within the Court Services Branch of the BC Ministry of Justice. Specifically, the definition was defined by one accused on one initiating document. In other words, any new initiating document filed against an accused on the same court file created a new court case. This restrictive definition can fragment a single criminal matter into multiple seemingly unrelated matters, which makes it challenging to properly assess justice system performance (e.g. case timeliness).

As the justice system strives for improved reporting on workloads, performance, and impacts of justice reform initiatives, it has been imperative to refine the way criminal court caseloads are defined and reported. Effective April 1, 2015, Court Services Branch (CSB) changed the way it reports criminal court caseloads for the Provincial Court. This change was applied to all historical data.

The new definition of a criminal court case differentiates between substantive information for an accused and subsequent documents sworn or filed after a case has been initiated, but related to the same alleged offence. Now, a new case is triggered by substantive information only. Subsequent documents, such as applications, transfers between locations, and re-laid informations, are treated as being part of the same case.

For example, an information is sworn against a single accused person by police alleging theft over \$5,000. On review, suppose a new information is laid by Provincial Crown Counsel and the alleged offence is changed from theft over \$5,000 to theft under \$5,000. In the past, this scenario would have generated 2 criminal cases, with the original case being stayed by the Crown and the new case continuing through the court system. The new criminal case definition now considers this a single case; the initial police sworn information is the substantive document that initiates the case and the re-laid information sworn by Crown is treated as being a subsequent document on the same file.

A separate document count metric will capture the volume of all subsequent document filings on a criminal court case (for workload measurement and other purposes).

This new definition better represents the lifecycle of court activity for a single accused person approved to court. This in turn supports an end-to-end vision for justice system performance measurement and provides improved information for justice reform analysis. This process also provides an opportunity to improve the way other court metrics are reported as well.

Based on the new case methodology, the following observations will be seen with criminal caseload metrics:

- Fewer cases than historically reported – reporting gap will be represented by a new criminal document count;
- More appearances reported to reach a true deemed concluded date;
- Longer median days to disposition;
- Decrease in volumes of cases stayed and “other” findings; and
- Overall new caseload trends should remain relatively constant when comparing historical caseloads and caseloads based on the new case methodology.

CHANGE IN PROVINCIAL CIVIL AND FAMILY COURT CASE DEFINITION

Since 1994, when an initial filing or transferred case was received by a court registry, it triggered a new case count.

On April 1, 2015, the Provincial Civil and Family new case definition changed and no longer counts files transferred between court registries. This definition more closely aligns with other justice system measures and focuses on cases that are new to the justice system, rather than new to a particular court registry. Recent historical new case counts (after Civil Electronic Information System (CEIS) implementation) are recalculated.

Based on the new case methodology, the following impacts will be seen with historical caseload metrics:

- Reduction in the number of new cases by roughly 6% in Provincial Family and 0.6% in Small Claims compared to historically reported counts;
- Court registries that receive more transferred cases than they send to other registries will be impacted more than others;
- More consistency and comparability between civil and criminal new case counts; and
- Elimination of double-counting.

New case trends that exclude transferred cases will not be available prior to 2004.

The [September 30, 2015 Time to Trial Report](#) restates historical data using the revised methodology. As a result, the numbers used may not be directly comparable with those in previous reports.

APPENDIX 5: TIME TO TRIAL DEFINITIONS, WEIGHTING AND STANDARDS

The Court collects information on two different lengths of trial - 1/2 Day or less, and 2 day or more - across four different divisions - small claims, CFCSA (family), FLA (family), and adult criminal. Information is also collected on youth criminal trials. This information is collected through surveys of the judicial case managers, who report when events of various types (listed in the 'measures' column) can typically be scheduled.

DIVISION SPECIFIC TIME TO TRIAL DEFINITIONS

Time to trial for criminal trials is defined as the number of months between an Arraignment Hearing/Fix Date and the first available court date for typical trials of various lengths. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date.

Time to trial in the family division is defined as the number of months between a family case conference and the first available court date for typical family (FLA and CFCSA) trials of various lengths. Results for time to a family case conference count from the fix date.

Time to trial in the Small Claims division is defined as the number of months between a settlement conference and the first available court date for typical small claims trials of various lengths. Results for settlement conferences count from the date of the reply. These results do not take into account the time between the filing of a reply and the settlement conference.

WEIGHTED TIME TO TRIAL CALCULATIONS

This information is then weighted using each location's fiscal year caseload. This is done at both the regional level and at the provincial level. So, for example, if a location has 50% of its region's caseload and 11% of the provincial caseload in a given division, their results in that division are multiplied by 0.5 during the calculation of the regional weighted time to trial, and by 0.11 when calculating provincial weighted time to trial.

STANDARDS

The Court uses a set of standards to determine whether various events in the life of a case (trials, conferences, etc.) are being scheduled in a timely fashion. In order to meet the standard, 90% of cases must be scheduled within the times listed below in the OCJ standard column.

FIGURE 43 - OCJ TIME TO TRIAL STANDARDS BY DIVISION AND MEASURE

DIVISION	MEASURE	OCJ STANDARD
Small Claims	Settlement Conference	2 months (from close of pleadings)
	½ Day Trial	4 months (from conference)
	2 Days or more Trial	6 months (from conference)
Family (CFCSA)	FXD	1 month
	FCC	1 month (from direction by PCJ to fix FCC)
	½ Day Trial	3 months (from FCC)
	2 Days or more Trial	4 months (from FCC)
Family (FLA)	FXD	1 month
	FCC	1 month (from direction by PCJ to fix FCC)
	½ Day Trial	3 months (from FCC)
	2 Days or more Trial	4 months (from FCC)

DIVISION	MEASURE	OCJ STANDARD
Criminal	½ Day Adult Trial	6 months (from A/Hearing)
	2 Days or more Adult Trial	8 months (from A/Hearing)
	Youth Trial	4 months (from A/Hearing)