



Judicial Council of BC

ANNUAL REPORT 2018



JUDICIAL COUNCIL
OF
BRITISH COLUMBIA

SUITE 337, 800 HORNBY STREET
VANCOUVER, B. C. V6Z 2C5
(604) 660-2864

June 26, 2019

The Honourable David Eby, QC
Attorney General
Ministry of Attorney General
Office of the Attorney General
PO Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Attorney General:

I am pleased to provide you with the Judicial Council of British Columbia's 2018 Annual Report.

The Council's primary responsibility is to recommend candidates with the highest qualifications for judicial office. The work of the Judicial Council during the past year included reviewing applications and interviewing applicants seeking appointment to the Provincial Court.

The number of applications for appointment as a Provincial Court judge decreased to 27 in 2018 from 63 in the previous year. Including applications from 2017, the Council reviewed 46 applications for appointment as a Provincial Court judge, interviewed 34 applicants, and recommended 18 for the bench. The Council also reviewed applications for appointment as judicial justice and justice of the peace.

The Judicial Council strives to make the application process as transparent as possible and encourages applications from candidates of diverse backgrounds. In 2018, 13 out of the 27 applications received included information pertaining to diversity. The Council's efforts toward transparency, recognized by the Canadian Bar Association in 2013, will continue to be a priority.

In 2017, the Judicial Council completed the transition process from a printed application form to an electronic, online application form. The online application form became available on the Provincial Court website on September 5, 2017. Applicants' survey results confirm that there has been improvement in the speed and ease of submitting applications. Further enhancements to the online system are continuing, based on users' feedback.

This report is published in keeping with the Council's tradition of accountability, transparency, and public access to information. It is accessible on the Provincial Court website at www.provincialcourt.bc.ca.

The members of the Judicial Council are listed in the full report. I wish to express my appreciation to them for their many contributions to the work of the Council during this past year. To the departing members, I offer my sincere thanks and appreciation for all of their dedicated service to the public during their time on the Council.

Sincerely,

Melissa Gillespie
Chief Judge, Provincial Court of British Columbia
Presiding Member, Judicial Council of British Columbia

Table of Contents

Judicial Council of British Columbia

TWENTY-SECOND ANNUAL REPORT 2018

2018 Judicial Council Annual Report: Summary	6
Introduction and Membership of the Judicial Council	8
Meeting Schedule and Business Conducted	18
Appointment Process for Provincial Court Judges	19
Appointment Process for Judicial Justices	30
Appointment Process for Justices of the Peace	32
Judicial Education	35
Judicial Ethics	36
Complaints	37

Table of Contents

Financial Expenses Incurred by the Judicial Council	39
Other Matters	40
Public Access to the Judicial Council	40
Appendix A: Analysis of Applications to the Judicial Council	41

2018 JUDICIAL COUNCIL ANNUAL REPORT: SUMMARY

The Judicial Council of British Columbia was established by the provincial government in 1969 and given the responsibility to improve the quality of service provided by the judicial officers of the Provincial Court. The Court's judiciary is made up of judges, judicial justices, and other judicial officers with specific roles. (See [page 8](#) for information on the types of judicial officers and their roles.)

The main functions of the Judicial Council are to recommend and advise the Lieutenant Governor in Council (the provincial cabinet) on the appointment of Provincial Court judges, judicial justices, and justices of the peace; to oversee the delivery of education for judicial officers; and when necessary, to undertake inquiries into the conduct of judicial officers.

Each year, the Judicial Council reports to the Attorney General on its activities. This report summarizes the membership and activities of the Judicial Council in 2018.

Members of the Judicial Council

The Judicial Council is composed of judges, lawyers, and lay persons, representing perspectives from both within and outside the judiciary. Four of its nine members are appointed by the Lieutenant Governor in Council. The other members include the Chief Judge, an Associate Chief Judge, the president of the Provincial Court Judges' Association of BC, and the presidents (or their nominees) of the Law Society of BC and the Canadian Bar Association BC Branch.

Judicial Appointments

In Canada, judges are appointed to provincial courts by the province's Lieutenant Governor in Council (the Lieutenant Governor acting on the advice of the provincial cabinet). In British Columbia, the Judicial Council screens and recommends candidates for appointment to the judiciary. The provincial Attorney General selects from the candidates approved by the Judicial Council and makes recommendations to cabinet for appointments.

The Judicial Council has established [criteria](#) for judicial appointments that include a wide range of specific competencies. These competencies help to ensure that the candidates appointed are exceptional individuals who unquestionably demonstrate the highest professional qualifications, temperament, ability, and community standing. In order to ensure this high standard, the Judicial Council requires detailed applications and requests the assistance of the BC Branch of the Canadian Bar Association and the Law Society of BC to investigate each applicant. The Council reviews applications, conducts interviews, and recommends the most capable candidates to the Attorney General.

The Judicial Council attempts to ensure that the diversity of BC's population is reflected on the Provincial Court bench. It analyzes factors such as the applicants' gender, age, ethnicity, residential region, and type of practice. While the Judicial Council considers these factors in its overall assessment of applicants, it does not assign any specific weights to them.

In 2013, the Council revised the judicial application forms to include information relating to the applicants' ethnic or cultural background on a voluntary basis. In 2018, 13 of the 27 applications included ethnic and cultural information. Three applicants were Aboriginal, 11 applicants indicated they were members of an ethnic or minority group, and eight indicated they were members of a diverse group.

In 2018, applications were received from throughout the province. The Council recommended nine men and nine women from all regions for full-time appointment to the Provincial Court bench. It recommended four applicants for appointment as judicial justices, and 33 applicants for appointment as Court Services Branch justices of the peace

Judicial Education

The Judicial Council supports judges, judicial justices, and other judicial officers in ongoing judicial education. For Provincial Court judges, this includes new judges' programs, court observation and mentorship by experienced judges, travel to various districts in the province, and fall and spring conferences.

Judicial education is currently organized on behalf of the Judicial Council of BC with support from the Office of the Chief Judge (OCJ), by the education

committee of the Provincial Court Judges' Association, and the education committee of the Judicial Justices' Association, along with volunteer judges and judicial justices. The Provincial Court's **Annual Report** lists the education opportunities available to judicial officers.

In addition, the Judicial Council supports the training and education of other judicial officers through conferences, courses, and on-the-job training.

Other Matters

In addition to recommending applicants and overseeing judicial education, the Judicial Council is responsible for certain other matters respecting judges and judicial justices. These include improving judicial service, investigating complaints when necessary, and preparing a judicial code of ethics. In December 2014, the Judicial Council adopted the **Ethical Principles for Judges** published by the Canadian Judicial Council (CJC). It provides a general framework of values and considerations to guide judicial officers in their conduct. The full text of the Ethical Principles is located on the CJC website.

For more information on the operation of the Provincial Court of British Columbia, please refer to the Court's [website](#) and the [Court's Annual Reports](#).

In 2018, the Judicial Council received **27** applications for appointment as a Provincial Court Judge, interviewed **34** applicants, and recommended **18** candidates for the bench.

INTRODUCTION AND MEMBERSHIP OF THE JUDICIAL COUNCIL

Role of the Judicial Council

Established in 1969, the Judicial Council of British Columbia is a statutory body with the main object of improving the quality of service provided by the judicial officers of the Provincial Court of British Columbia. The *Provincial Court Act*, R.S.B.C. 1996, c. 379 (the “Act”) continued the Council and gave it functions including:

- Screening candidates applying for appointment as judges, judicial justices, justices of the peace, and retired judges applying for re-appointment;
- Conducting inquiries regarding the conduct of judicial officers;
- Considering proposals for improving the Court’s judicial services;
- Continuing the education of judicial officers;
- Preparing and revising a code of ethics for the judiciary; and
- Reporting to the Attorney General on matters he or she considers necessary.

The Judicial Council is not directly involved in the management or administration of courts or cases. For details on the operation of the Provincial Court of British Columbia, please refer to the [website](#) and the Provincial Court’s [Annual Reports](#).

Judicial Officers

The Judicial Council has responsibilities regarding various judicial officers. Those officers’ roles are as follows:

- Judges are judicial officers appointed to conduct trials, hearings, and conferences in the Provincial Court of British Columbia.
- Judicial justices are judicial officers appointed and assigned a variety of judicial duties, including presiding in court to hear traffic and other ticketable offences, some municipal bylaw matters, payment hearings in Small Claims Court, and applications for bail and search warrants at the [Justice Centre](#).
- Justice of the peace adjudicators are lawyers holding a justice of the peace commission who conduct simplified trials for civil claims from \$5,001 to \$10,000 in the Vancouver and Richmond Provincial Court locations.
- Judicial case managers are judicial officers responsible for providing efficient court scheduling and coordination of all matters within a judicial region. They hold a justice of the peace commission and may preside as a justice in uncontested, non-adjudicative appearances before trial.
- Court Services justices of the peace are individuals who hold a justice of the peace commission and swear informations, do remands, and issue summonses and warrants of arrest. They also approve sureties, perfect bail, and decide on the

detention of seized property. In addition to these duties they hold various administrative positions in the BC Ministry of Attorney General Court Services Branch including court manager, administrator, and court clerk.

Membership of the Judicial Council

The members of the Judicial Council, as prescribed by the *Provincial Court Act* are:

- The Chief Judge as presiding member;
- An Associate Chief Judge as alternate presiding member;
- The president of the Provincial Court Judges' Association of British Columbia or her or his designate;
- The president of the Law Society of British Columbia or a person nominated by the president;
- The president of the British Columbia Branch of the Canadian Bar Association or a person nominated by the president;
- Not more than four other persons appointed by the Lieutenant Governor in Council for a term not longer than three years.

The members of the Judicial Council in 2018 were as follows:

- The Honourable Chief Judge Thomas Crabtree, presiding member until May 4, 2018;
- The Honourable Chief Judge Melissa Gillespie, presiding member from May 4, 2018;
- The Honourable Associate Chief Judge Susan Wishart, alternate presiding member;
- The Honourable Judge D. Mayland McKimm, president, Provincial Court Judges' Association of British Columbia (2018);
- Ms. Miriam Kresivo, QC, president, Law Society of BC;
- Mr. H. William Veenstra, QC, president, Canadian Bar Association BC Branch;
- Ms. Patricia Schwartz;
- Ms. Karin Kirkpatrick until July 2018;
- Mr. Gordon McRae;
- Mr. Patrick Kelly;
- Mr. Alan Kazuta from November 15, 2018.

JUDICIAL COUNCIL 2018



Judicial Council of British Columbia 2018

Back row, left to right: Mr. Gordon McRae; Ms. Patricia Schwartz; Mr. Alan Kazuta; Judge D. Mayland McKimm

Front row, left to right: Mr. H. William Veenstra, QC; Ms. Miriam Kresivo, QC; Chief Judge Melissa Gillespie; Associate Chief Judge Susan Wishart

Not pictured: Mr. Patrick Kelly, Ms. Karin Kirkpatrick, Chief Judge Thomas Crabtree

The Honourable Chief Judge Thomas Crabtree, Presiding Member

Chief Judge April 8, 2010 - May 4, 2018

Chief Judge Thomas (Tom) Crabtree (now the Honourable Justice Crabtree) was born in London, England but grew up in British Columbia's Fraser Valley. He received a BA from the University of British Columbia in 1978 and a Bachelor of Law degree from the University of Victoria in 1983. After being called to the BC bar in 1984, he practised criminal and civil litigation in the upper Fraser Valley.

Appointed a Provincial Court judge in 1999 and Chief Judge in 2010, he was active in judicial education, serving on and chairing the Court's education committee, chairing its education review committee, and representing the Court on the BC Continuing Legal Education board. In addition, he chaired the education committee of the Canadian Council of Chief Judges and was a member of the board of governors of the National Judicial Institute.

As presiding member of the Judicial Council, he oversaw the development of its ground-breaking reporting of statistics on the application process, including on the diversity of applicants.

On May 4, 2018 Chief Judge Crabtree was appointed a justice of the Supreme Court of British Columbia, ending his term as Chief Judge of the Provincial Court and presiding member of the Judicial Council.

On June 23, 2018 William Veenstra, president of the Canadian Bar Association BC Branch, awarded its President's Medal to Justice Crabtree, citing his commitment as Chief Judge to innovative court communications and expansion of Indigenous Courts, and his tireless dedication to being the face of the Court, working to improve access to justice, and supporting and encouraging positive interactions with the bar.



The Honourable Chief Judge Melissa Gillespie, Presiding Member

Appointed Chief Judge October 19, 2018

Chief Judge Melissa Gillespie was born and grew up in Calgary, Alberta. She obtained a Bachelor of Commerce from Queen's University in Kingston, Ontario in 1985, an LLB from the University of Toronto in 1989, and was called to the BC bar in 1991. For more than 20 years Chief Judge Gillespie served as Crown counsel in the Fraser region of British Columbia, working primarily in Surrey and New Westminster. In 2005 she became Regional Crown Counsel, and in 2009 she was appointed Queen's Counsel.

Chief Judge Gillespie was appointed to the Provincial Court in 2012, sat in Surrey and the Fraser Valley, and was appointed an Associate Chief Judge of the Provincial Court in 2016, Acting Chief Judge on May 7, 2018, and Chief Judge on October 19, 2018.

For many years she has represented the Court on the board of directors of the BC Justice Education Society (JES). Since 2015 she has travelled with JES to Guyana to provide ongoing education and training to police, prosecutors, and magistrates in order to strengthen the Guyanese justice system.

Chief Judge Gillespie also served on the BC Provincial Court Judges' Association executive and participated in a number of Court committees including the Criminal Law Committee. She is now a member of the Canadian Council of Chief Judges where she chairs its Court Performance Committee.

In addition, she has been involved in providing education for members of the judicial and legal communities including programs hosted by the Continuing Legal Education Society of BC, Trial Lawyers Association, the Advocates Society, Canadian Bar Association, Criminal Defence Advocacy Society, National Judicial Institute, and the Canadian Institute for the Administration of Justice.



The Honourable Associate Chief Judge Susan Wishart, Alternate Presiding Member

Appointed to the Judicial Council July 1, 2016

Associate Chief Judge Wishart was appointed to the Provincial Court of British Columbia in March of 2009, serving Victoria, Duncan, and the Western Communities. In November of 2014 she was elected president of the BC Provincial Court Judges' Association and in that capacity served as a member of the Judicial Council for the year 2015.

In May 2016, Judge Wishart was appointed Associate Chief Judge and re-appointed to the Judicial Council in July 2016. As Associate Chief Judge, she serves on various committees including access to justice initiatives, court technology, and business intelligence. She is also involved with the specialized courts across the province including Indigenous and First Nations sentencing courts, the Aboriginal Family Healing Court Conference child protection project in New Westminster, Drug Treatment and Downtown Community Courts in Vancouver, and Victoria Integrated Court.

The Honourable Judge D. Mayland McKimm, President, Provincial Court Judges' Association

Appointed to the Judicial Council January 1, 2018 - December 31, 2018

Judge McKimm was called to the bar of British Columbia in 1984, after obtaining his Juris Doctor in 1983 from Northwestern School of Law in Chicago. He worked in private practice from 1984 to 2011 in Sidney and Victoria, focusing on matrimonial and criminal law. During his career he conducted trials in the Provincial and Supreme Courts of British Columbia and the Ontario High Court of Justice. He also appeared in the Court of Appeal of British Columbia and the Supreme Court of Canada.

During his legal career he had the honour of serving on the executive of the British Columbia Branch of the Canadian Bar Association from 1994 to 2001 and as its president from 1999 to 2000. He also served on the board of the Legal Services Society of British Columbia from 2005 to 2011 and as chair of that board from 2008 to 2011.

He was appointed to the Provincial Court of British Columbia in 2011, served on the executive of the Canadian Association of Provincial Court Judges from 2012 to 2018, and as its president in 2016 and 2017.

He has also served as a member of the executive of the British Columbia Provincial Court Judges' Association from 2011 to the present and as the president of that Association from 2017 to 2018. It was as the Association's president that he had the privilege of serving on the Judicial Council.

Ms. Patricia Schwartz, Member

Appointed to the Judicial Council
December 31, 2010

Patricia Schwartz has extensive experience in the Provincial Court of British Columbia, having served as the acting operations manager at the Office of the Chief Judge and as a judicial case manager before being appointed a judicial justice in 2001. She then presided in Traffic Court and at the Justice Centre, and also served as administrative judicial justice for a number of years until her retirement.

In the community, she has served on the board of directors for City Hall Daycare, the École Pauline Johnson After School Care program, and the Vancouver Skating Club. She attended Capilano University, has completed government management courses, and attended bi-annual seminars for judicial justices.

Ms. Schwartz retired after 35 years of working in the Provincial Court. She is proud to continue her work on the Judicial Council as a lay member.

Ms. Karin Kirkpatrick, Member

Appointed to the Judicial Council July 8,
2011 - July 2018

Karin Kirkpatrick joined Family Services of Greater Vancouver, a BC wide social-services organization employing 500 staff over 90 programs, as chief executive officer (CEO) in January of 2017.

She was previously the CEO of the Private Careers Training Institutions Agency, a provincial crown corporation regulating the private post-secondary sector; and CEO of the Real Estate Foundation of British Columbia, a grant making organization supporting non-profit groups in sustainable housing projects. She also spent six years as assistant dean at the Sauder School of Business at the University of British Columbia and subsequently served as an adjunct faculty member in the Organizational Behaviour division.

Ms. Kirkpatrick is a director on the board of Family Services of Canada, a member of the Civic Affairs Committee and a sub-committee member of the Women's Leadership Circle at the Greater Vancouver Board of Trade. She spent seven years as a provincial appointee to the Judicial Council of British Columbia, having previously served on the boards of the Vancity Community Foundation and the BC Council for International Education.

She holds a Master of Laws (LLM), International Law and Practice from the University of Edinburgh, a Master of Business Administration (MBA), Human Resource Management from Royal Roads University, and both a Chartered Professional Accountant (CPA) and Certified Management Accountant (CMA) designation. In 2012 Ms. Kirkpatrick was the recipient of the Queen's Diamond Jubilee Medal.

Mr. Gordon McRae, Member

Appointed to the Judicial Council
November 7, 2016

Gordon McRae retired from the Royal Canadian Mounted Police (RCMP) in June 2009 after a 40 year career. He was appointed to the Immigration and Refugee Board of Canada in January 2010 and served until March 2016 as an adjudicator in the Refugee Protection Division and later the Refugee Appeals Division.

Before his retirement from the RCMP, Mr. McRae was the superintendent in charge of the economic crime section for British Columbia. Previously he served as an inspector for the North Vancouver Department, inspector for the economic crime section in Newfoundland, and staff sergeant for the commercial crime section in Saskatchewan.

He was seconded to the United Nations in 2000 and served as the Canadian Contingent Command and Director of Operations for the United Nations Mission in Kosovo (2000-2001).

Mr. McRae is a recipient of the Order of Merit for Police Forces (2007), the RCMP Long Service Medal, the Canadian Peace Keeping Medal, the United Nations Medal (Kosovo), and received the Deputy Commissioner's Commendation. Mr. McRae holds his Bachelor of Human Justice (Criminology) from the University of Regina.

Mr. Patrick Kelly, Member

Appointed to the Judicial Council
December 31, 2016

Patrick Kelly is a member of the Leq:amel First Nation in the Sto:lo Nation. He was appointed to the Judicial Council of BC in December 2016 and as director of the BC Oil and Gas Commission in November 2018. He was also board chair and chief executive officer of the Coastal First Nations from 2000 to 2018.

Mr. Kelly operates a consulting business and was a senior advisor to a renewable energy company and to the Lieutenant Governor of BC. Previously, he was director, Strategic Planning and Communications, British Columbia region with Indian and Northern Affairs Canada. In addition, Mr. Kelly was manager, Cultural Relations and Corporate Training in BC Hydro's Aboriginal Relations department and executive director of the BC chapter of the Canadian Council for Aboriginal Business.

Active in the community, Mr. Kelly is past board chair, Victoria Foundation, immediate past president of British Columbia Golf, co-chair of the Indigenous Program Council of the Banff Centre, a member of the International Advisory Board of the University of Victoria Gustavson School of Business, and Advisor to the Sauder School of Business, University of British Columbia.

In March 2019, Mr. Kelly was elected to the board of Golf Canada. He has held executive positions with the Mission Chamber of Commerce, the Mission Heritage Association, the Mission Indian Friendship Centre, and the Coqualeetza Cultural Centre. He is the founding president of the BC Aboriginal Golf Association. Previously, he served as a bencher of the Law Society of BC, a director of the BC Buildings Corporation, and a governor with Vancouver Community College. In 1982, he attended dinner with Queen Elizabeth II as a young achiever for Canada at the ceremony to repatriate Canada's constitution. In 2009, Mr. Kelly was the recipient of the BC Community Achievement Award.

Mr. H. William Veenstra, QC, President, Canadian Bar Association BC Branch

Appointed to the Judicial Council January
1, 2018 - December 31, 2018

William Veenstra is a lawyer with the firm of Jenkins Marzban Logan LLP in Vancouver. His practice focuses on dispute resolution in the areas of real estate law, construction law, and commercial and contract law. He has extensive experience in complex litigation matters, and in the resolution of disputes through mediation, arbitration, and trial proceedings.

Mr. Veenstra was born in Saskatchewan but grew up in Vernon, BC. After completing an engineering degree at the University of British Columbia, he graduated from the University of Victoria law school in 1990, served as a law clerk with the British Columbia Court of Appeal in 1990 to 1991, and was called to the bar in 1992, spending the first several years of his career as an associate and then partner of a large national firm. He was appointed Queen's Counsel in 2018.

Mr. Veenstra served as president of the Canadian Bar Association BC Branch (CBABC) in 2017 and 2018. Before that, he was involved in a number of CBA roles including as chair of the National Civil Litigation Section (2013-2014), as a long-serving member of the CBABC's legislation and law reform committee, as a spokesperson for the CBABC on access to justice issues, and as an active member of the CBABC's Truth and Reconciliation Working Group.

In the community, Mr. Veenstra has been active in minor hockey, serving three years as a director of BC Hockey and two years as president of the Vancouver Thunderbird Minor Hockey Association. He was also a volunteer leader for many years with Scouts Canada, serving as a Cub leader, Scout leader, and Venturer advisor, and was a founding director of the Voci Crescendi Society which operates a children's choir.

Ms. Miriam Kresivo, QC, President, Law Society of BC

Appointed to the Judicial Council January
1, 2018 - December 31, 2018

Miriam Kresivo has had a varied and successful legal career in private practice and as corporate counsel. She has also contributed to and been engaged in the legal profession and the community. She was the secretary/treasurer of the Vancouver Bar Association for approximately 12 years. In 2012 she was elected a bencher of the Law Society of BC, then became vice president and ultimately president in 2018. Ms. Kresivo chaired many significant Law Society committees, including discipline, finance, and governance. She has also been a member of the board of the BC Pavilion Corporation, the owner and operator of BC Place, and the Vancouver Convention Centre. She is a director of the Hamber Foundation.

Called to the bar in 1983, Ms. Kresivo spent several years practicing as a litigator at Alexander Holburn Beaudin and Lang. She then moved to an in house position with Chevron Canada Limited. Ms. Kresivo was general counsel and corporate secretary of Chevron for many years, handling all significant legal matters, including corporate, governance, environmental, and labour and employment matters. She was appointed a QC in 2011. She left Chevron in 2015 to return to practice with Alexander Holburn, focusing on corporate and governance matters. In 2016 she was also appointed a commissioner of the BC Utilities Commission.

Mr. Alan Kazuta, Member

Appointed to the Judicial Council November 15, 2018

Alan Kazuta retired as director, human resources at Western Canadian Coal Corporation. His previous assignments were with Westshore Terminals Ltd. and White Spot Limited. Mr. Kazuta has worked in the human resources/labour (HR/LR) relations field for over 30 years with many of those years in the most senior HR/LR position in the applicable company. He was responsible for all aspects of HR/LR including recruitment, training, compensation, benefits, and collective bargaining.

He has represented the companies as the chief negotiator in collective bargaining in both the provincial and federal sectors as well as being the company representative in provincial and federal labour board and arbitration hearings. Mr. Kazuta also served on the BC Labour Relations Board as a part time management representative on mediation and adjudication hearings.

He currently serves as president/treasurer of Canada Shotokan Karate Society and as a board member for Shotokan Karate of America. Mr. Kazuta obtained a Bachelor of Commerce degree from the University of BC in the Organizational Behaviour and Industrial Relations discipline.

“Having served on many boards, public and private, I have no hesitation in saying that the British Columbia public is extremely well served by those in charge of the Provincial Court.”

– Patrick Kelly (T'esots'en), Member

MEETING SCHEDULE AND BUSINESS CONDUCTED

The Judicial Council's process is governed by a [Procedure Bylaw](#) adopted in 2001. The Council meets once a month to review applications for appointment as a Provincial Court judge, judicial justice, or justice of the peace. The Council also conducts interviews of applicants for the position of Provincial Court judge and judicial justice during its meetings.

The 2018 meetings were held on January 2, January 12, February 16, March 16, April 4, April 13, May 11, June 14, June 15, July 12, July 13, August 10, September 7, October 12, November 23, and December 14. The Honourable Judge D. Mayland McKimm, Mr. H. William Veenstra, QC, and Ms. Miriam Kresivo, QC, were introduced as new members at the January 12, 2018 meeting.

Once a year the Judicial Council and CBA Judicial Advisory Committee members participate in a courthouse tour to observe the daily functions of a court. This year the tour was held at the Surrey Provincial Court on June 22, 2018. Members arrived at 10:30 am, were greeted, guided to various courtrooms to observe the proceedings, and enjoyed lunch with the local judges.

Following the launch of the new Judicial Application and Reporting System in September 2017, all applications were submitted online. The process was further tested and streamlined as the Council members began using an Application Management System to view all applicant profiles and meeting materials online in January 2018. The online application system, the first to be used for a Canadian court, is working well.

In October, the Judicial Council met with the CBA Advisory Committee and discussed the content and importance of the Advisory Committee's reports. The Council was able to answer the questions of newer Committee members.

Mr. Alan Kazuta was introduced as a new member at the December 14, 2018 meeting. In addition, incoming members for 2019, the Honourable Judge Roy Dickey, Ms. Margaret Mereigh, and Ms. Nancy Merrill, QC, attended this meeting to observe the proceedings as guests.

In 2018, the Council received 27 applications for Provincial Court judge and reviewed 46 (including some carried over from 2017). The Council approved 29 applications for interview, interviewed 34, and recommended 18 for full-time appointment. The Council received nine applications for judicial justice, interviewed two, and recommended four for appointment (including some carried over from 2017). It received and reviewed 33 applications for appointment as Court Services Branch justice of the peace and recommended all 33.

The figures reflect the Council's activities in the 2018 year, but may include reviews, interviews, or appointments of candidates who applied in previous years. Details are included in the following sections and further analyzed in [Appendix A](#).

Members of the Judicial Council continuously speak to legal organizations about the work of the Council and strongly encourage qualified candidates from all backgrounds to consider making an application for judicial office.

APPOINTMENT PROCESS FOR PROVINCIAL COURT JUDGES

Judges are appointed to the Provincial Court by the Lieutenant Governor in Council (LGIC) on the recommendations made to the Attorney General by the Judicial Council, in accordance with section 6 of the *Provincial Court Act*. The process of making a recommendation begins with an application being sent to the Judicial Council and proceeds to a rigorous examination of an applicant's professional standing, reputation, abilities, and other relevant factors.

The *Provincial Court Act* gives the Judicial Council the objective of improving the quality of judicial service. Therefore, the approval process must ensure that only the most exceptional applicants, who are unquestionably capable of meeting the demands of judicial service, are recommended for appointment. The Council has identified a set of criteria and competencies for applicants seeking appointment as a Provincial Court judge.

Criteria:

- At least 10 years in the practice of law or a range of related experience
- Superb legal reputation and a professional record review from the Law Society of British Columbia
- Experience in mediation or alternative dispute resolution
- Respect in the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

Competencies:

- Knowledge and technical skills
Conscientiousness, commitment to high standards
- Decision-making
Decisiveness, confidence, courage, independence, impartiality
- Communication and authority
Firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline
- Professionalism and temperament
Capacity to handle stress and isolation of judicial role, sense of ethics, patience, honesty, tolerance, consideration of others, personal responsibility

- Effectiveness
Commitment to public service, commitment to efficient administration, self-discipline
- Leadership and management for judges holding administrative positions
Responsibility, imagination, commitment to efficient administration

Application and Approval Process

APPLICATION

Until September 4, 2017 applicants for judicial appointment submitted a judicial candidate application form they downloaded from the Provincial Court [website](#). On September 5, 2017 the transition to an online application system was completed with the launch of the Judicial Application and Reporting System (JARS), in which all applicants began submitting their applications electronically. A judicial candidate process summary, also available online, outlines the entire process from application to appointment.

This online application system is the first in Canada to replace all paper forms and documents in the judicial application process. Applicants can now access the application forms on the Provincial Court website by clicking a link to the new system and creating a personal account. The application forms and process summaries can be accessed at: <https://apply.provincialcourt.bc.ca/>.

Once an application is submitted, an extensive investigation follows. The Council strives to ensure that applicants understand and consent to this.

INQUIRIES

Upon receipt of an application, a report on the applicant is requested from the Judicial Advisory Committee of the Canadian Bar Association BC Branch (CBABC). Committee members make inquiries of members of the legal profession and others listed as references on the application form about an applicant's reputation and suitability for

judicial office. This process takes several months but provides valuable insight for the Council members during the review process. The Council is indebted to the CBABC Judicial Advisory Committee members for their diligence and hard work on this task.

In addition to the CBA report, a report is requested from the Law Society of BC which details any history of complaints against the applicant. Other relevant reports received include the applicant's credit, driving, and criminal record background.

The Chief Judge also solicits comments from other judges, judicial justices, and Supreme Court justices who may be familiar with the applicant. Persons identified as references by the applicant, and some who are not, may be contacted unless the applicant specifically requests that someone not be contacted and provides reasons for that request. All inquiries are conducted discreetly, but strict confidentiality cannot be guaranteed.

REVIEW

Once the inquiries are complete and all required reports are received, the Judicial Council reviews the information and determines whether to interview the applicant. If three or more members vote in favour, the applicant is approved for an interview. The timing of the interview depends on the number of applicants who have already been approved for an interview but not yet scheduled. Generally, interviews occur within a year of receipt of the application package. Applicants not approved for an interview are not notified.

INTERVIEW

Interviews are conducted at the Office of the Chief Judge in Vancouver. At least five members of the Council must be present for a quorum. Applicants are asked a series of questions designed to assess their suitability for judicial appointment and asked to address any issues raised during the inquiry process.

RECOMMENDATION

Following the interview, the Council votes to determine whether to recommend the candidate for

appointment. If two or more members are not in favour of an applicant, the applicant is not recommended.

The names of recommended applicants are added to a list for consideration by the Attorney General when the need for a Provincial Court appointment arises. The name remains on the list for three years from the date of the interview. Applicants are not advised whether they are added or removed from the list. The Attorney General may select a candidate from the list and provide the name to the Lieutenant Governor in Council for appointment at any time. In 2018, the LGIC appointed 15 candidates from the list.

RE-APPLICATION

An applicant who has been interviewed but not appointed within 2.5 years of the date of the interview is eligible to re-apply for appointment. It is common for applicants to re-apply at least once before being appointed by the LGIC. Interviewed applicants must advise the Council if at any time they wish to withdraw their application.

Applications and Outcomes

In 2014, the number of applicants interviewed and recommended rose significantly due to the Council's efforts to speed up the process. Having reduced a backlog by conducting more interviews with applicants in 2014, the Council was able to approach its average number of interviews in 2015 and 2016. Then, following the announcement of the new online application system launch on September 5, 2017, a large influx of paper applications was received in August 2017, resulting in the highest number of applications received in the last ten years.

In 2018, the number of applications decreased: the Judicial Council received 27 applications. However, as it continued to process applications from the previous year as well as those received in 2018, the Council reviewed 46 and approved 29 for an interview. The Council interviewed 34 applicants (including some approved for interview in 2017) and recommended 18 for full-time appointment.

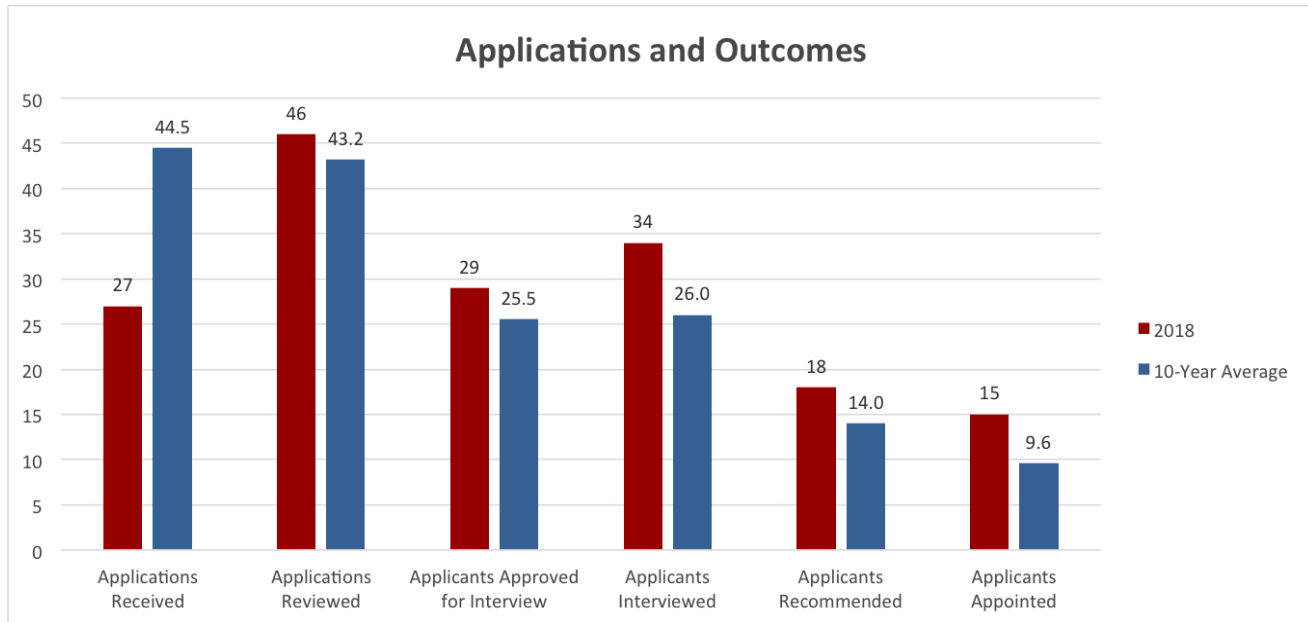
The number of applications received in 2018 was significantly lower than the 10-year average. However, the number of applicants reviewed, approved for an interview, interviewed, and recommended were all above the 10-year average.

The number of applicants appointed was the highest in the last ten years. This was due in part to the addition of four judges to the Fraser region, providing the judicial resources needed to make use of new courtrooms added to the Surrey courthouse. Figure 1 shows a comparison between 2018 figures and the 10-year average for applications for appointment as a Provincial Court judge (PCJ).

"...the judicial appointment process in British Columbia for the Provincial Court is something we should be proud of in terms of fairness and rigour."

– Miriam Kresivo, QC, President, Law Society of BC

Figure 1: Applications and Outcomes (2018 and 10-Year Average)



Over the 10-year period from 2009 to 2018, the Council received an average of 44.5 applications a year for appointment as a judge. The Council reviewed an average of 43.2, approved an average of 25.5 for interview, interviewed an average of 26 (58% of applicants) and of those, recommended an average of 14 applicants (31% of total applicants).

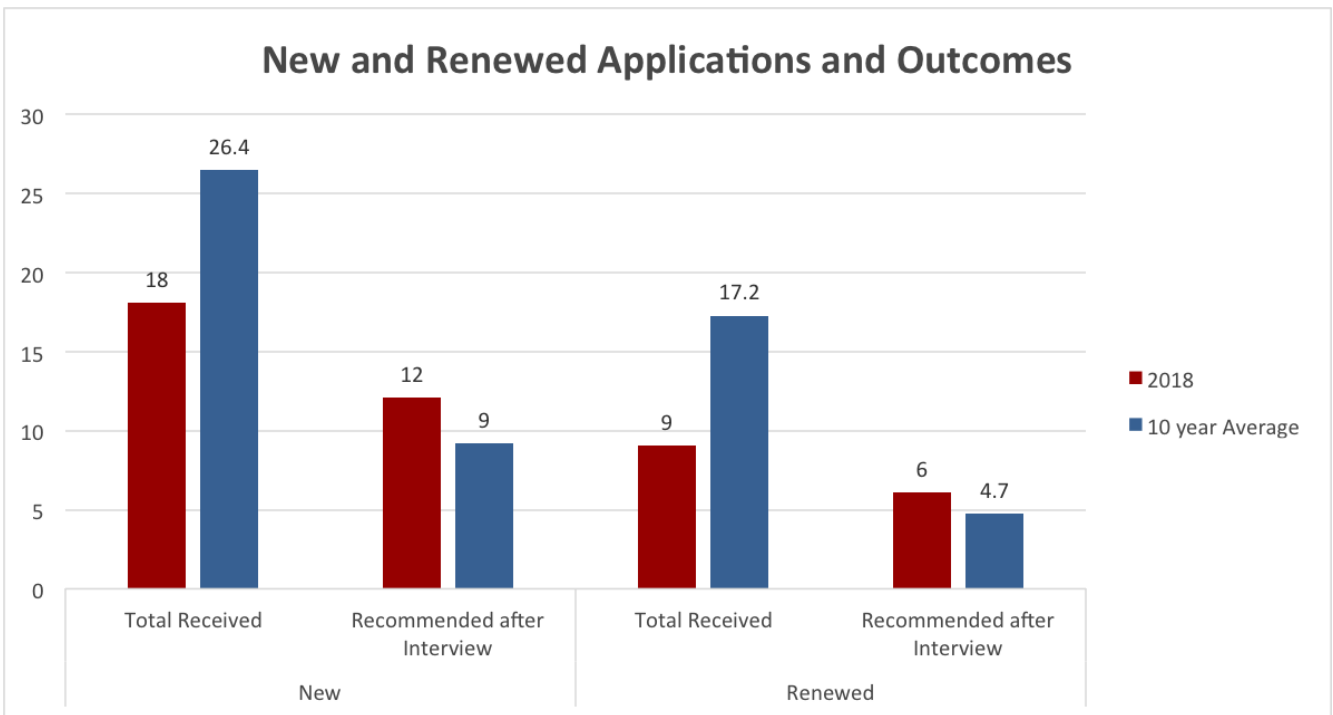
While 15 judges were appointed in 2018, an average of 9.6 Provincial Court judges have been appointed each year, constituting approximately 21% of the average number of total applicants.

Appendix A: Analysis of Applications to the Judicial Council provides complete tables of data on all applications submitted within the last ten years. It includes details on the number of applicants, the progression through the review process, and various demographic factors. Improvements have recently been made to the database to produce more accurate data. As a result, the figures may not match those of previously published reports. See **Figure A.1** for the yearly data.

New and Renewed Applications

Applicants who are interviewed, but not appointed, are eligible to re-apply 2.5 years from the date of their interview. The Judicial Council has received an average of 17.2 renewed applications over the past 10 years, compared to an average of 26.4 new applications. On average over the 2009 to 2018 period, the Council has recommended 34% of new applications compared to 27% of renewed applications.

Figure 2: New and Renewed Applications and Outcomes (2018 and 10-Year Average)



The number of renewed applications from previously unsuccessful applicants decreased significantly from 24 in 2017 to nine in 2018. (“Unsuccessful” applicants include those who are not granted an interview, as well as those interviewed but not recommended or appointed.) The Council recommended six such applicants for appointment in 2018.

See [Figure A.2](#) for a complete list of figures for new and renewed applications by year. Disparities may result from data collection practices for one year re-appointments of senior judges.

Demographics

In 2018, there was an average of 23 candidates each month on the list of applicants recommended for appointment. As of December 31, 2018, there were 23 candidates on the list: 14 males and nine females.

GENDER

In 2018, the number of male and female applicants was roughly the same.

The number of female applicants (13) decreased from last year and fell below the 10-year average of 17.8. Although the number of female applicants decreased, the number of females reviewed, approved for interviews, interviewed, recommended, and appointed all remained above the 10-year averages.

The number of male applicants in 2018 (14) decreased significantly from the previous year and the 10-year average of 26.7. The number of males reviewed remained consistent with the 10-year average while the number of males approved for interviews decreased. The number interviewed, recommended for appointment, and appointed all increased slightly and were above the 10-year averages.

In 2017, four males and 10 females were appointed to the bench. In 2018, eight females and seven males were appointed.

Figure 3 shows applicants and outcomes by gender in 2018. Note that applications reviewed, approved for interview, interviewed, and recommended for appointment may have been submitted in the preceding year.

Figure 3: Male and Female Applicants and Outcomes in 2018

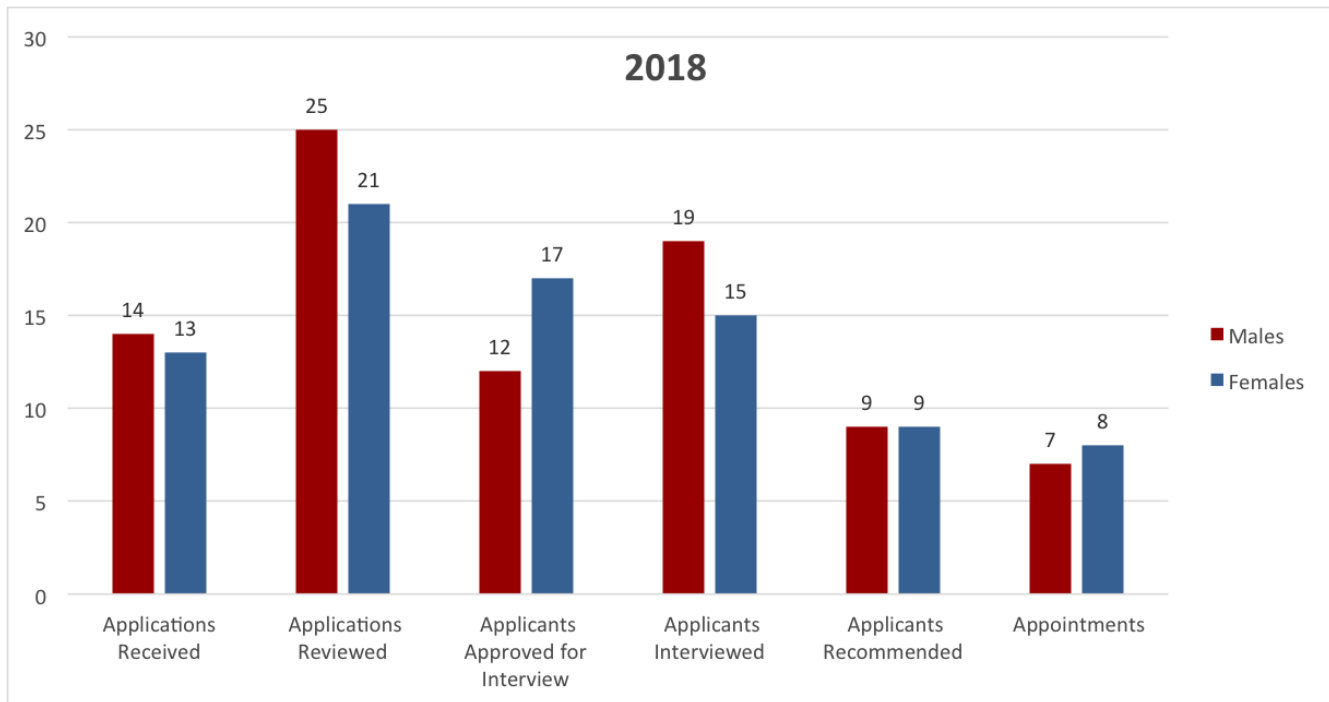
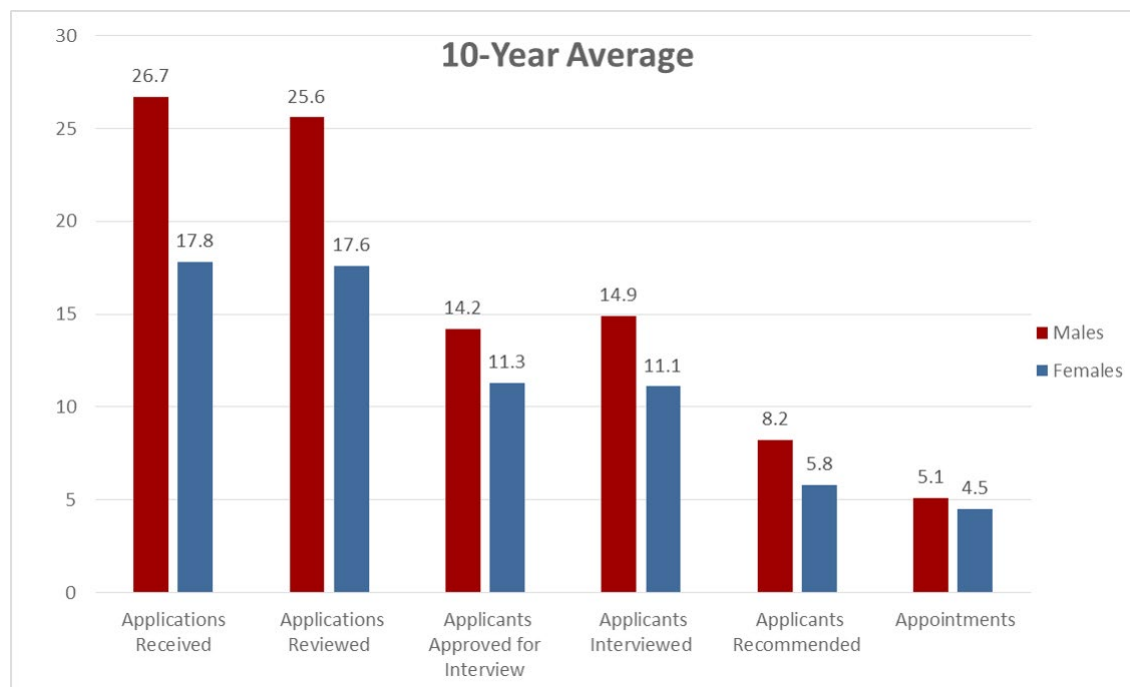


Figure 4 shows 10-year averages for applicants and outcomes by gender. Over the past five years, 32 women and 25 men have been appointed to the Provincial Court bench.

Figure 4: Male and Female Applicants and Outcomes – 10-Year Average



AGE, YEARS, AND AREA OF PRACTICE

The average age of applicants to the Court in 2018 was 53 years for males and 51 years for females. From 2009 to 2018, applicants had an average age of 51.8 years, with 53.2 years for males and 50.4 years for females. See [Figure A.3](#) for a complete list of figures.

Applicants in 2018 had an average of 22 years in the practice of law: 21 years for males and 23 years for females. From 2009 to 2018 they had an average of 22.1 years of practice: 23.4 years for males and 20.7 years for females. See [Figure A.4](#) for a complete list of figures for the last 10 years.

Applicants to the Court have varied legal experience: private practice, Crown counsel, and other types of legal work. While applicants from private practice have tended to form about two-thirds of the total number, in 2018 they formed only 52%. Crown counsel formed 37% and applications from other areas formed only 11% of the total number in 2018. See [Figure A.5](#) for a complete table of figures for the last decade.

Patrick Kelly (T'esots'en)

Member

Appointed to the Judicial Council December 31, 2016

First and foremost I must express how honoured I feel to be able to help represent the public interest as a member of the Judicial Council since December 2016. I have had the privilege of serving at the Council table under the able leadership of former Chief Judge Thomas Crabtree (now a Justice of the Supreme Court) and Chief Judge Melissa Gillespie, both very experienced, highly talented, and competent at managing the Provincial Court. Having served on many boards, public and private, I have no hesitation in saying that the British Columbia public is extremely well served by those in charge of the Provincial Court.

A key function of the Judicial Council is to screen candidates for appointment as either Provincial Court judge or judicial justice. The Judicial Council appointment screening process works in close collaboration with the BC Branch of the Canadian Bar Association, the Law Society of British Columbia, and the Provincial Court Judges' Association. Each and every applicant receives a very thorough and comprehensive screening that involves hearing from several members each of the British Columbia Court bench and lawyers bar. This is done to ensure that every candidate recommended to the Attorney General for consideration of appointment has the legal experience, demonstrated competence, and personal suitability to be a good Provincial Court judge or judicial justice.

I have had much experience in conducting hiring processes and conducting job interviews from front line staff, to management and executive levels. I must say that any candidate that comes before the Judicial Council faces one of the most thorough and thought provoking job interview experiences. This is very appropriate given that if/when appointed, the judge's conduct in the courtroom and decisions under law can and do have profound and lasting effects on the lives of citizens that appear before them. The Judicial Council recognizes that it is in a unique position of responsibility to ensure that the British Columbia public is very well served in the process of screening and appointing highly competent judges and judicial justices.

The Judicial Council, in my experience, does more than just determine whether or not a judicial candidate is competent in knowing and understanding the law. The Council recognizes that the citizens of British Columbia come from a very diverse range of cultural, social, and economic backgrounds. The Provincial Court is making strong efforts to attract judicial candidates that reflect the diversity of the people of British Columbia. In preparing and conducting each interview, the Council does its best to elicit from each candidate their knowledge, understanding, and empathy for the diverse situations of the citizens that could appear before them.

As an Indigenous person who is not a lawyer, I am very proud to serve on the Judicial Council.



Applicants and New Appointments by Region

The Provincial Court is organized into five geographical regions plus an OCJ region comprised of isolated communities not serviced by other regional centres. Figure 5 demonstrates the number of full-time applications received and appointed from each of the Court's regions.

In 2018, 15 applicants were appointed to the Court: none to the Vancouver Island region, none to the Vancouver region, nine to the Fraser region, two to the Interior region, four to the Northern region, and none to the OCJ region.

Figure 5: Applicants and Appointments by Region

			Vancouver Island	Vancouver	Fraser	Interior	Northern	OCJ Region	Outside BC
2018	Applicants	#	3	7	10	4	3	0	0
		%	11%	26%	37%	15%	11%	0%	0%
	Appointments	#	0	0	9	2	4	0	0
		%	0%	0%	60%	13%	27%	0%	0%
2017	Applicants	#	12	20	12	9	7	0	1
		%	19%	32%	20%	15%	11%	0%	2%
	Appointments	#	1	0	5	5	2	1	0
		%	7%	0%	36%	36%	14%	7%	0%
2016	Applicants	#	6	9	9	8	8	0	1
		%	15%	22%	22%	20%	20%	0%	2%
	Appointments	#	3	1	3	1	1	0	0
		%	33%	11%	33%	11%	11%	0%	0%
2015	Applicants	#	2	7	10	5	3	0	0
		%	7%	26%	37%	19%	11%	0%	0%
	Appointments	#	1	1	6	1	2	2	0
		%	8%	8%	46%	8%	15%	15%	0%

2014	Applicants	#	11	15	7	10	5	0	2
		%	22%	30%	14%	20%	10%	0%	4%
	Appointments	#	1	1	2	0	1	1	0
		%	17%	17%	33%	0%	17%	17%	0%
2013	Applicants	#	8	21	4	8	5	0	0
		%	17%	46%	9%	17%	11%	0%	0%
	Appointments	#	2	1	4	3	0	0	0
		%	20%	10%	40%	30%	0%	0%	0%
2012	Applicants	#	8	13	4	5	4	0	1
		%	23%	37%	11%	14%	11%	0%	3%
	Appointments	#	1	0	5	1	4	0	0
		%	9%	0%	45%	9%	36%	0%	0%

Diversity

The Judicial Council recognizes the importance of having a judiciary that reflects British Columbia's diverse population. Not only does diversity on the bench eliminate an implicit barrier to under-represented groups applying for judicial appointment, but it also strengthens the fairness of the bench and enhances public confidence in the administration of justice. The Council believes that cultural representation on the bench encourages mutual respect, as well as sensitivity to and understanding of those who appear before judicial officers in Court.

In 2012, the Chief Judge, as presiding member of the Judicial Council, requested the assistance of the Canadian Bar Association BC Branch and the Law Society of British Columbia to encourage a broad range of applicants for judicial office in the Provincial Court of British Columbia. The Council's aim is to strengthen the Court by ensuring there is a diverse pool of highly qualified applicants, reflective of the general population in the province, from which the LGIC can appoint judicial officers. To this end, the Council acknowledges the work of the Law Society of British Columbia and, in particular, the June 2012 report of the Canadian Bar Association (CBA) BC Branch's Equality and Diversity Committee, *Towards a More Diverse Legal Profession: Better practices, better workplaces, better results*.

At its 2013 annual meeting, the CBA Judicial Advisory Committee recognized the Judicial Council of British Columbia's yearly publication of statistics on applications for appointment to the Provincial Court as a good model of transparency. The CBA cited the Judicial Council's annual reports when it passed a **resolution** calling for Canada's Minister of Justice to make appointments that reflect the diverse nature of the Canadian population by including persons of different genders, ethnicities, visible minorities, and Aboriginal applicants.

The Council's first step in encouraging a diverse range of applicants was to be as transparent and open as possible about the process while preserving the need for confidentiality. Its second step was to invite CBABC

and the Law Society to encourage their members to apply. Following his 2012 letter, Chief Judge Crabtree spoke at information sessions for the BC bar in 2013 and 2014 about building diversity on the bench, and encouraged other Provincial Court judges to make similar presentations. The Council's third step, which is ongoing, is to highlight the results in terms of applicants' diverse backgrounds.

In June 2013, the Judicial Council amended its judicial application forms to invite applicants to include, on a voluntary basis, their ethnic or cultural information. In 2014, the collection of this information commenced.

In 2018, 13 of 27 applicants responded to those questions, and provided information on their ethnic or cultural backgrounds. Three were of Aboriginal heritage, 11 indicated an ethnic or visible minority background, and eight identified themselves as being part of a diverse group. It is important to note that an applicant may respond to one or more of the questions, resulting in the total number of responses being higher than the number of applicants.

Visible minority and diverse groups identified by applicants included: First Nations; persons of colour; origin or heritage specified by country; and specified religious heritage. The Judicial Council notes these answers in its overall assessment of applicants, but does not assign a specific weight to them.

The Judicial Council will continue to review and revise its processes to encourage a wide cultural range of applicants and to make merit-based recommendations that reflect the diversity of British Columbia's population. Figure 6 summarizes the responses received from 2014 to 2018.

Figure 6: Diversity Responses in Judicial Applications (2014–2018)

Diversity		Aboriginal	Ethnic/Visible Minority	Diverse Group
2018	Total	3	11	8
	M	1	5	4
	F	2	6	4
2017	Total	3	10	7
	M	3	5	4
	F	0	5	3
2016	Total	4	9	4
	M	3	4	1
	F	1	5	3
2015	Total	0	5	6
	M	0	2	3
	F	0	3	3
2014	Total	2	11	5
	M	0	3	2
	F	2	8	3

APPOINTMENT PROCESS FOR JUDICIAL JUSTICES

In addition to judges, judicial justices are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council. Judicial justices are assigned by the Chief Judge to preside over matters within their statutory jurisdiction, including traffic and other ticketable offences, payment hearings in Small Claims Court, and applications for bail and search warrants at the Justice Centre. Some judicial justices may have assignments that include hearing some municipal bylaw matters.

Application and Appointment Criteria

Applications for the office of judicial justice may be submitted at any time or may be solicited by a recruitment campaign for a specific vacancy.

Applicants for appointment as a judicial justice must meet the following:

Criteria:

- At least five years in the practice of law or a range of related experience
- Superb legal reputation and a professional record review from the Law Society of British Columbia
- Experience in mediation or alternative dispute resolution
- Respected and valued member of the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

Competencies:

- Commitment to continuing education
Conscientiousness, commitment to high standards
- Decision-making
Decisiveness, confidence, courage, independence, impartiality
- Communication and authority
Firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline

- Professionalism and temperament
Capacity to handle stress and isolation of judicial role, sense of ethics, patience, honesty, tolerance, consideration of others, personal responsibility
- Effectiveness
Commitment to public service, commitment to efficient administration, self-discipline
- Leadership and management for judicial justices holding administrative positions
Flexibility, responsibility, imagination, commitment to efficient administration
- Fairness, diplomacy, some administrative experience preferred

Role of the Judicial Council in the Appointment of Judicial Justices

Until September 4, 2017 applicants for appointment as a judicial justice submitted a judicial justice candidate application form which they could download from the Provincial Court [website](#). On September 5, 2017 the transition to an online application system was completed with the launch of the Judicial Application and Reporting System (JARS), in which all applicants began submitting their applications electronically. The application forms and process summaries can be accessed at: <https://apply.provincialcourt.bc.ca/>.

When received, applications are initially reviewed in a process similar to that for judges. The application and the investigation results are reviewed by the Council to decide whether the applicant will be interviewed. The Council invites successful candidates to attend an interview.

Candidates who are interviewed are not notified whether they have been recommended for appointment. Names of applicants recommended for appointment remain on the list for three years. Applicants are eligible to re-apply three years after the date the application is submitted or 2.5 years from the date of an interview.

In 2018, nine applications were received, two were interviewed, four were recommended for appointment, and none were appointed.

APPOINTMENT PROCESS FOR JUSTICES OF THE PEACE

Justices of the peace fill several important functions within the British Columbia justice system, ranging from adjudicating specific types of cases to managing and scheduling caseloads. More than 300 justices of the peace serve in various court locations throughout the province. All are subject to the supervisory authority of the Chief Judge, and are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council.

There are three kinds of justices of the peace, each with different assignments:

- **Justice of the peace adjudicators (JPAs)** preside at the Robson Square and Richmond court locations, hearing simplified trials in small claims cases involving from \$5,001 to \$10,000. JPAs are senior members of the legal profession who serve part time. They are required to hold a justice of the peace commission as part of their qualifications.
- **Judicial case managers (JCMs)** are judicial officers who manage cases and schedule hearings and trials. They are assigned responsibilities by the Chief Judge. JCMs are required to hold a justice of the peace commission. Applications for appointment as a JCM proceed through the Judicial Council approval process for justices of the peace described below.
- **Court Services Branch justices of the peace (CSBJPs)** work in the court registries throughout the province. In addition to the justice of the peace duties assigned by the Chief Judge, they hold various administrative positions in the Court Services Branch of the Ministry of Attorney General, such as court manager, administrator, and court clerk. There are also CSBJPs assigned to the Justice Centre in Burnaby.

Duties assigned to CSBJPs include:

- Swearing informations, issuing summonses and warrants of arrest, handling remands;
- Attending to the execution of court orders made by judges and judicial justices;
- Approving sureties, perfecting bail, and deciding on the detention of seized property;
- Generally, performing other duties required of a “justice” under the *Criminal Code* that are primarily administrative in nature and do not require the exercise of material judicial discretion.

Miriam Kresivo, QC

President, Law Society of BC

Appointed to the Judicial Council January 1, 2018 - December 31, 2018

I was honoured to sit on the Judicial Council in 2018 as the representative of the Law Society of BC. The work of the Council is important and meaningful for the courts and the communities they serve, ensuring the highest quality of new judicial appointments for the Court.

In my year on the Council I was impressed by the thorough and rigorous process and the commitment of each member of the Council to ensuring a fair and transparent process. The judges of the Provincial Court have a difficult job and deal with diverse legal questions and diverse issues, often with litigants who are not represented. The Judicial Council tries to ensure the judicial appointees are able to deal with all aspects of the role of Provincial Court judges and represent the diverse aspects of our communities.

The work of the Council can be onerous. The Council members carefully review all candidate material and prepare thoughtful questions for candidates' interviews to ensure the Council gets the clearest understanding of all candidates' strengths and what they might bring to the bench. The work done by the CBA Judicial Advisory Committee is invaluable to the process and provides very worthwhile information and reference checks. The candidate interviews are a key part of the vetting process, allowing greater insight into the candidate's abilities.

Although a serious time and energy commitment, all members of the Council agreed that the work of the Judicial Council was meaningful and the effort worthwhile, and that the judicial appointment process in British Columbia for the Provincial Court is something we should be proud of in terms of fairness and rigour.



The Process for Appointment of a Justice of the Peace Adjudicator

A list of qualified lawyers is obtained through expressions of interest received from members of the legal profession directly or by way of recommendation. A judge is assigned to review the resumes of these lawyers and select the most qualified candidates. The Judicial Council determines how many candidates to select and whether interviews are to be conducted. The process also involves conducting background checks and obtaining Law Society of BC reports of those selected. Once the applications are complete, they are provided to the Judicial Council for review and consideration.

The Process for Appointment of a Court Services Branch Justice of the Peace

A court manager in the relevant court location contacts the justice of the peace (JP) administrator at the Office of the Chief Judge when the Court requires a JP appointment.

The candidate submits an application online to the Judicial Council for appointment as a CSBJP. When the application is received, the JP administrator at the Office of the Chief Judge reviews it and obtains reference letters, a police record check, a credit history, and a driving record. The application forms and process summaries can be accessed at: <https://apply.provinciacourt.bc.ca/>.

The regional administrative judge in the relevant region interviews the candidate. The applicant must successfully complete the JP basic training course and the final examination. The Judicial Council then considers the complete application and forwards the names of recommended applicants to the Attorney General for consideration for appointment by the Lieutenant Governor in Council.

In 2018, the Judicial Council reviewed 33 applications for appointment as a Court Services Branch justice of the peace and recommended all 33 applicants for appointment.

JUDICIAL EDUCATION

The Judicial Council is responsible for and fully supports continuing education for judicial officers of the Court. Continuing education is provided in a number of different ways including orientation for newly appointed judges, informal mentoring, and ongoing education programs delivered for two and one-half days, twice per year.

The Council delegates the authority to develop and manage these education programs to several committees for each type of judicial officer. The Office of the Chief Judge provides administrative and support services to these committees. The annual report of the Provincial Court of British Columbia contains a yearly report on the Court's education plan for judges, judicial justices, and other judicial officers. For details, please see the most recent [Annual Report](#) of the Provincial Court of British Columbia or the [Judicial Education](#) page on the Court's website.





JUDICIAL ETHICS

The Judicial Council is responsible for preparing and revising a judicial code of ethics. Judicial ethics provide a general framework of values and considerations to guide judicial officers in their judicial conduct.

The Provincial Court of BC was among the first courts in Canada to adopt a code of ethics. In 1976, judges of the Court prepared a code of judicial ethics that was adopted by the Judicial Council and reviewed from time to time. The code was last amended in 1994. More recently, both the Judicial Council and the Court's judiciary felt that as our society evolved, the principles guiding judicial behaviour should be reviewed.

Following discussions with judges and judicial justices, in December 2014 the Judicial Council adopted the [Ethical Principles for Judges](#), published by the Canadian Judicial Council, as the guiding principles for the judicial officers of the Provincial Court. These guidelines are based on five fundamental principles for judicial conduct: integrity, independence, equality, diligence, and impartiality.

Guidelines for the conduct of justices of the peace are found in the [Justice of the Peace Code of Ethics](#) and for judicial case managers in the [Standards of Conduct](#).

COMPLAINTS

Under the *Provincial Court Act*, the Chief Judge has the authority and the duty to supervise the Court's judges, judicial justices, and justices of the peace. The Chief Judge, under section 22.1(1) of the *Act*, must examine all complaints respecting judicial officers and report the result of the examination, in writing, to the complainant and the judicial officer.

The *Act* also requires, under section 22.1(2), that the Chief Judge conduct an investigation of the fitness of a judicial officer to perform his or her duties when the Chief Judge considers that an investigation is required, or if directed to do so by the Attorney General. The result of an investigation may include corrective action or an order for an inquiry to determine whether the judicial officer is fit to perform her or his duties.

In the event that the Chief Judge or the Attorney General directs an inquiry into the fitness for office of a judicial officer, the judicial officer may elect, under section 24 of the *Act*, to have the Judicial Council act as the tribunal for that inquiry. The alternative tribunal is a justice of the Supreme Court, designated by the Chief Justice of the Supreme Court.

The Judicial Council's role in public complaints involving judicial officers also helps it fulfill its responsibility to improve the Court's judicial services. As presiding member, the Chief Judge reports to the Council regarding complaints that may affect the overall quality of judicial service. Complaints can demonstrate a need for judicial education on a particular topic.

In 2018, no formal inquiries into the fitness for office of a judicial officer were held by the Judicial Council.

Complaints must be addressed to the Chief Judge and submitted in writing as noted on the [Complaints](#) page on the Court's website. A secure online complaint form will soon be provided on the website to help shorten response time. Complaints can also be submitted in writing by one of the following:

Fax: (604) 660-1108

Mail: Judicial Council of British Columbia
337 – 800 Hornby Street
Vancouver, British Columbia V6Z 2C5

Further information regarding the complaint process is outlined on the Provincial Court [website](#) and in the Court's [Annual Reports](#), where complaints received and action taken are summarized.

H. William Veenstra, QC

President, Canadian Bar Association BC Branch

Appointed to the Judicial Council January 1, 2018 - December 31, 2018

It was a great honour for me to serve on the Judicial Council for 2018. My fellow Council members were committed and engaged, and the process was careful and thorough. Our workload was heavy as we reviewed lengthy applications, detailed background reports by the CBA Advisory Committee, judicial references, and other information about candidates. Having narrowed down the candidates based on written materials, we then interviewed a number of excellent candidates for positions on the Provincial Court. The recommendations made by the Judicial Council are a key part of the judicial appointment process, and we were keenly aware that judges – once appointed – are eligible to sit until age 75.



I was surprised at how important the interviews became. Applicants require strong legal abilities and a stellar reputation from their time practicing law. But in identifying the best judicial candidates, it is also important to ensure significant levels of compassion, understanding of the human condition, an ability to deal with people going through stressful times, and self-awareness. These human qualities often distinguish the good candidates from the great. A number of very impressive candidates, coming from a diverse range of backgrounds, demonstrated all of these key qualities – in many different ways – and were recommended to the Attorney General for appointment. It was inspiring to me to meet and learn about so many of them over the course of the year, and it gave me great confidence in our Provincial Court to see several of the people we had interviewed appointed to the Court a few months later.

The Provincial Court went through an important transition in 2018, as Chief Judge Crabtree moved on to a new position with a different court after eight years as Chief Judge, and Chief Judge Gillespie was appointed to take his place. It was a great pleasure working with each of them – as it was with all of my colleagues on Judicial Council. Special thanks are due to Associate Chief Judge Wishart who provided important leadership to the Judicial Council during the transition, keeping the process running smoothly. As well, I want to express special appreciation to the senior members of the bar who participate in the CBA's Advisory Committee to Judicial Council, who put so much effort into researching and preparing reports on the candidates. Their work was key to the process.

It was a pleasure and a privilege to be a part of the Judicial Council, and a highlight of my 2018 year.

FINANCIAL EXPENSES INCURRED BY THE JUDICIAL COUNCIL

Administrative support, boardroom, and catering expenses are provided to the Judicial Council by the Office of the Chief Judge, Provincial Court of British Columbia.

Non-judicial members of the Judicial Council are eligible to be paid honoraria for attending meetings in person. For the year 2018, there were 16 meetings. The following table details the meeting honoraria paid to the members of the Judicial Council in 2018.

Figure 7: Remuneration for the Judicial Council Members (2018)

Name	Allowable Honorarium Per Meeting	Meetings Attended	Total Remuneration
The Honourable Chief Judge T. Crabtree	\$0	5	\$0
The Honourable Chief Judge M. Gillespie	\$0	7	\$0
The Honourable Associate Chief Judge S. Wishart	\$0	15	\$0
The Honourable Judge D.M. McKimm (Provincial Court Judges' Association of BC president, 2018)	\$0	15	\$0
Ms. P. Schwartz*	\$250/\$125	15	\$3,500
Ms. M. Kresivo, QC* (Law Society of BC president, 2018)	\$250/\$125	10	\$2,250
Mr. H.W. Veenstra, QC* (CBABC president, 2018)	\$250/\$125	15	\$3,375
Ms. K. Kirkpatrick*	\$250/\$125	3	\$625
Mr. G. McRae*	\$250/\$125	16	\$3,625
Mr. P. Kelly*	\$250/\$125	10	\$2,250
Mr. A. Kazuta*	\$250/\$125	1	\$250

* Non-judicial members of the Judicial Council receive an allowable honorarium of \$250 for a full-day meeting and \$125 for a half day meeting

OTHER MATTERS

The Judicial Council is responsible for reporting to the Attorney General on matters the Attorney General considers necessary. No such matters were raised for action in 2018.

PUBLIC ACCESS TO THE JUDICIAL COUNCIL

Any member of the public who has a question relating to the Judicial Council of BC or the judicial candidate application process, whether arising from this report or for any other reason, may send it in writing by one of the following:

Fax: (604) 660-1108

Mail: Judicial Council of British Columbia
337 – 800 Hornby Street
Vancouver, British Columbia V6Z 2C5

Acknowledgements

- Judge Clifford MacArthur (retired), Judicial Council photo, [page 10](#)
- Rebecca Jensen, administrative coordinator, writing
- Sue Chiu, digital production
- Judge Ann Rounthwaite (retired), editing

APPENDIX A: ANALYSIS OF APPLICATIONS TO THE JUDICIAL COUNCIL

Applications and Outcomes

Figure A.1 shows the data for all applications, interviews, and recommendations for appointment by the Judicial Council of British Columbia over a 10-year period. It demonstrates trends in application rates and a comparison of candidate approval rates. These figures reflect the Council's activities in the calendar year specified, and may also include reviews and interviews of applicants carried over from the previous year. Therefore, they do not reflect the results of applications made in a single particular year.

Figure A.1 shows that, while the number and gender distribution of applicants has remained generally constant, a greater proportion of female applicants have been recommended for appointment in recent years and remains higher than the 10-year average.

In 2018, the Judicial Council received 27 applications, reviewed 46, and approved 29 for an interview. The Council interviewed 34 applicants and recommended 18 for full-time appointment.

The number of applicants interviewed and recommended in 2014 rose significantly above the average because the Council made efforts to reduce the overall duration of the process. Having increased the number of applicants interviewed in 2014, the Council returned to its average number of interviews in 2016. In 2018, the number of applicants reviewed, interviewed, and recommended all rose above the 10-year averages.

The average annual number of applications received per year for the last 10 years is 44.5. In 2017, the total number of applications received was 63, the highest in the last ten years and well above the average. The large influx of applications came following the announcement of the new online system, which urged applicants preparing paper applications to submit them before the launch date to avoid having to redo them. 2009 holds the second highest number, with 61 applications received. In 2018, only 27 applications were received, one of the lowest numbers in the past decade.

The average annual number of applications reviewed for interview over the last 10 years is 43.2. On average, 57%, or 25.5 applicants per year, were approved for an interview.

Figure A.1: Applications for Appointment as a Provincial Court Judge (2009 – 2018)

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended			Applicants Appointed		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2018	27	14	13	46	25	21	29	12	17	34	19	15	18	9	9	15	7	8
2017	63	41	22	57	31	26	36	20	16	27	14	13	14	7	7	14	4	10
2016	43	23	20	30	19	11	24	14	10	24	15	9	11	5	6	9	6	3
2015	27	13	14	35	13	22	23	9	14	27	9	18	17	7	10	13	6	7
2014	50	24	26	40	24	16	31	18	13	33	23	10	19	14	5	6	2	4
2013	46	33	13	39	28	11	29	18	11	24	11	13	11	4	7	10	5	5
2012	35	19	16	39	20	19	22	9	13	21	9	12	12	7	5	11	8	3
2011	44	26	18	46	33	13	22	15	7	21	17	4	14	11	3	6	5	1
2010	49	33	16	33	24	9	15	13	2	28	19	9	17	13	4	8	6	2
2009	61	41	20	67	39	28	24	14	10	21	13	8	7	5	2	4	2	2
Average	44.5	26.7	17.8	43.2	25.6	17.6	25.5	14.2	11.3	26	14.9	11.1	14	8.2	5.8	9.6	5.1	4.5

New and Renewed Applications

Figure A.2 compares the number of new and renewed applicants.

The annual number of new applicants has fluctuated from the high teens to mid-thirties. In 2018, the number of new applicants was significantly below the 10-year average, with 18 applications compared to the average of 26.4. In 2017, due to the large influx of applications, the number of new applicants rose to 36, the highest in ten years.

In 2018, the number of applicants renewing their applications to the Judicial Council after previously being unsuccessful was also well below average. (“Unsuccessful” applicants include those not granted an interview, as well as those interviewed but not recommended or appointed.)

Figure A.2: New and Renewed Applications by Year (2009 – 2018)

Year	NEW APPLICATIONS		RENEWED APPLICATIONS	
	Total	Recommended After Interview	Total	Recommended After Interview
2018	18	12	9	6
2017	36	9	24	5
2016	22	9	20	3
2015	19	11	7	5
2014	34	10	16	9
2013	22	9	24	2
2012	21	8	14	4
2011	28	8	16	4
2010	29	9	18	8
2009	35	6	24	1
Average Number	26.4	9.1	17.2	4.7
% of Average		34.4%		27.3%

Gender

According to the [Law Society of British Columbia's 2018 Annual Report](#), females make up 40% of the legal profession in BC. ("Profession" is defined as lawyers registered with the Law Society and practising.) In 2015 and 2016, an equal number of men and women were admitted to the BC bar, while in 2017 and 2018, the number of new female BC lawyers was higher than the number of males.

According to the 2017/2018 Annual Report of the Provincial Court of BC, as of March 31, 2018, 46% of full-time Provincial Court judges were female. Of the 50 judges appointed during the past five fiscal years, just over half (27) have been women, indicating that the proportion of female judges appointed to the Court has increased in recent years and is approaching parity with males.

In 2018, the Judicial Council recommended 18 applicants for full-time appointment, nine females and nine males. The number of female and male applicants recommended remained above the 10-year averages.

Of the candidates on the recommended list in 2018, 15 were appointed by the Lieutenant Governor in Council: 8 females and 7 males.

Age

The average age of applicants to the Court in 2018 was 51 years for females and 53 years for males. From 2009 to 2018, applicants had an average age of 51.8 years, with 53.2 years for males and 50.4 years for females.

Figure A.3: Applicants by Age and Gender (2009 – 2018)

Year	Total	Male	%	Average Age	Female	%	Average Age
2018	27	14	52%	53	13	48%	51
2017	63	41	65%	53	22	35%	53
2016	43	23	53%	53	20	47%	51
2015	27	13	48%	55	14	52%	51
2014	50	24	48%	52	26	52%	48
2013	46	33	72%	53	13	28%	51
2012	35	19	54%	56	16	46%	51
2011	44	26	59%	52	18	41%	51
2010	49	33	67%	53	16	33%	50
2009	61	41	67%	52	20	33%	47
Average	44.5	26.7	59%	53.2	17.8	42%	50.4

Years of Practice

From 2009 to 2018, applicants have had an average of 22.1 years of legal practice. Male applicants had an average of 23.4 years of practice, while female applicants had an average of 20.7 years. Of those who applied in 2018, female applicants had, on average, two years more practice experience (23 years) than their male counterparts (21 years).

Figure A.4: Applicants by Gender and Average Years of Experience (2009 – 2018)

Year	Gender	Applicants	Years of Practice
2018	M	14	21
	F	13	23
2017	M	41	21
	F	22	23
2016	M	23	24
	F	20	20
2015	M	13	25
	F	14	21
2014	M	24	23
	F	26	20
2013	M	33	24
	F	13	20
2012	M	19	26
	F	16	23
2011	M	26	23
	F	18	19
2010	M	33	24
	F	16	19
2009	M	41	23
	F	20	19
Average		22.3	22.1

Area of Practice

Applicants to the Court have practised law in various fields, such as private practice, public practice, Crown counsel, as well as in other sectors.

While applicants from private practice have often tended to form about two-thirds of the total number, in 2018 they formed only 52%. Crown counsel formed 37% and applications from other areas formed 11% of the total number in 2018.

Figure A.5: Applicants by Gender and Area of Practice (2009 – 2018)

Type of Practice		Private	Crown Counsel	Other Areas
2018	Total	14	10	3
	M	6	7	1
	F	8	3	2
2017	Total	31	20	9
	M	20	11	7
	F	11	9	2
2016	Total	26	12	4
	M	13	6	3
	F	13	6	1
2015	Total	12	9	5
	M	6	2	4
	F	6	7	1
2014	Total	28	18	4
	M	12	11	1
	F	16	7	3
2013	Total	34	8	4
	M	28	1	4
	F	6	7	0

2012	Total	19	10	6
	M	10	4	5
	F	9	6	1
2011	Total	27	12	5
	M	16	6	4
	F	11	6	1
2010	Total	30	10	7
	M	22	5	4
	F	8	5	3
2009	Total	32	11	16
	M	24	6	9
	F	8	5	7
Average		16.9	8	4.2



Any member of the public who has a question relating to the Judicial Council of BC or the judicial candidate application process, whether arising from this report or for any other reason, may send it to the Council in writing by one of the following:

Fax: (604) 660-1108

Mail: Judicial Council of British Columbia
337 – 800 Hornby Street
Vancouver, British Columbia V6Z 2C5



Judicial Council of British Columbia
337 - 800 Hornby Street
Vancouver, British Columbia V6Z 2C5
Fax: (604) 660 - 1108