

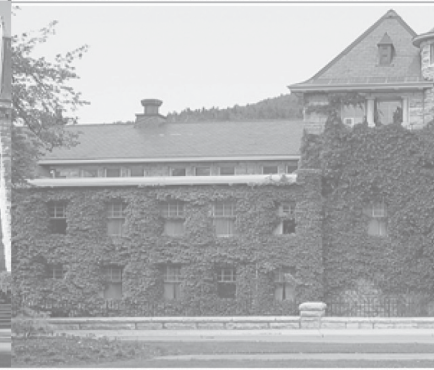


# Provincial Court of British Columbia



ANNUAL REPORT  
2018/2019







# CONTACT THE OFFICE OF THE CHIEF JUDGE

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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  
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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 operated by the [Access Pro Bono Society of BC](#). You may also wish to contact the [Legal Services Society](#), [University of British Columbia Law Students' Legal Advice Program](#) in the Lower Mainland, the [Thompson Rivers University Community Legal Clinic](#) in Kamloops, or [The Law Centre](#) - a service of the University of Victoria Faculty of Law.

Find contact information for media enquiries on the Court's [Media web page](#).

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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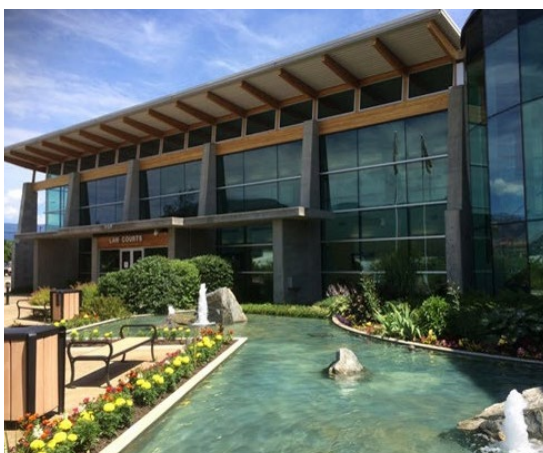
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# MESSAGE FROM THE CHIEF JUDGE

This report describes how the Provincial Court of British Columbia has delivered an accessible, fair, efficient, and innovative forum of justice for British Columbians during the fiscal year 2018/19, my first year as Chief Judge.

Five weeks into the fiscal year, former Chief Judge Thomas Crabtree was appointed to the Supreme Court of British Columbia. His tremendous contributions to the Court and to the administration of justice were described in last year's report.



I was appointed Acting Chief Judge on May 7, 2018 and Chief Judge on October 18. During this year of transition, Associate Chief Judge Susan Wishart worked tirelessly with me, providing advice and support to ensure a smooth transition. Associate Chief Judge Paul Dohm joined the Court's administrative team in November 2018, contributing his many years of experience on the Court. The Court's Legal Officers Caroline Berkey and Karen Leung and all of the men and women at the Office of the Chief Judge were also invaluable, ensuring that the Court's business continued without interruption during the change in leadership.

I am also grateful to Chief Justice Bauman of the BC Court of Appeal and Chief Justice Hinkson of the BC Supreme Court for their support during the transition. Our courts have a strong history of working collaboratively together to ensure the justice system is effective, efficient, and fair.

The 2018/19 annual report describes some of the highlights of this transitional year. Twelve judges were appointed, giving us 120 full-time judges, 25 senior judges, and one judge sitting part time as of March 31, 2019.

Judicial justices continue to serve the public by conducting bail hearings at the Justice Centre in

Burnaby and presiding in court on traffic, bylaw, and ticketable offences. Two part-time judicial justices were appointed this year, bringing their complement to 33 (full- and part-time). The Court needs to broaden the pool of part-time judicial justices to ensure that adequate judicial resources are available for all shifts at the Justice Centre. BC's Judicial Council is therefore encouraging anyone interested in part-time adjudication work who has practised as a lawyer in Canada for at least 5 years (or has a range of related experience) to apply.

The Provincial Court of BC has been an innovative and dynamic court for many years. The Court makes extensive use of "business information" to measure performance against the standards it has adopted for case completion and time to trial. We see reporting our performance in annual and semi-annual reports as an aspect of our public accountability.



As part of the Court's commitment to transparency, we also publish summaries of complaints about judicial officers and their outcomes in our annual reports. In addition to offering valuable learning and corrective opportunities to the judicial officers involved, complaints can be helpful in revealing areas in which the entire Court would benefit from education. It was gratifying to see that the number of complaints warranting examination this year (nine) was the lowest in the last decade.

Recognizing the need to improve access to justice in Canada, we have continued to explore various technological solutions. This year we added the "Have a Judge/Need a Judge" program to the Provincial Court Scheduling Project begun in 2013. New software informs judicial case managers around the province in real time when a judge in one courthouse completes their cases and is available by video to hear preliminary matters from another courthouse.

In June, the dedicated and extraordinarily productive members of the Court's Criminal Law Committee were part of a team that received a Justice and Public Safety Sector Award for Collaboration for their work creating and implementing lists of standard wording for bail and sentencing orders.

I am also proud of the Court's continuing efforts to respond to the needs of Indigenous communities and assist mentally disordered and substance addicted offenders in our specialized sentencing courts, developed in collaboration with communities, service providers, and stakeholders. This year we celebrated the 10th anniversary of the Downtown Community Court, the first such court in Canada, and discussions are underway with several other communities about creating innovative ways to meet their unique justice needs, including developing new Indigenous courts.

The Court's leadership in demystifying the justice system through digital communication and public outreach was recognized when we were invited by the Office of the Federal Commissioner of Judicial Affairs to participate in its Support to Judicial Reform in Ukraine project. The Court collaborated with other BC courts in designing and presenting a program for a judicial delegation from Ukraine. We also welcomed judges from Guyana as guests at our Criminal Law Boot Camp so they could observe this intense, interactive form of judicial education in action.

It is inspiring to work alongside the judges, judicial justices, judicial case managers, and staff of the Provincial Court who serve the public in more than 80 court locations, ensuring that the rule of law is upheld and the people of BC receive timely and fair access to justice.

The Provincial Court of BC is committed to working to improve access to justice. The challenges we face in this regard are not insurmountable but they do require brave and innovative approaches. I believe that working together we have the ability to continue to develop innovative solutions to address these complex issues.

Melissa Gillespie  
Chief Judge

# 2018/19 AT A GLANCE

The Provincial Court of British Columbia is a statutory court dealing with criminal, family, child protection, civil, youth, traffic, ticket, and bylaw matters under federal and provincial laws.

One of two trial courts in the province, it strives to serve the public by providing an accessible, fair, efficient, and innovative system of justice.



## New Chief Judge

Acting Chief Judge Melissa Gillespie was appointed Chief Judge of the Provincial Court of BC on October 19, 2018 and welcomed in a ceremony on December 14, 2018.



## Judicial Officers

On March 31, 2019:

There were **120** full-time judges, **25** senior judges, and **1** judge sitting part time.

Most judges were aged between 50 and 64, with an average and median age of **60** years.

**47.5%** of full-time judges were women; **52.5%** men (a higher % of senior judges were men).

**12** judges were appointed in 2018/19 (**6** men and **6** women).



## The Court also had:

**11** full-time and **22** part-time judicial justices (**45%** women, **55%** men) hearing traffic and ticketable offence trials, bail and payment hearings, and search warrant applications

**5** part-time justice of the peace adjudicators hearing simplified civil trials in Vancouver and Richmond

**53** full-time, part-time, or auxiliary judicial case managers scheduling trials and presiding in Initial Appearance and Assignment Courts





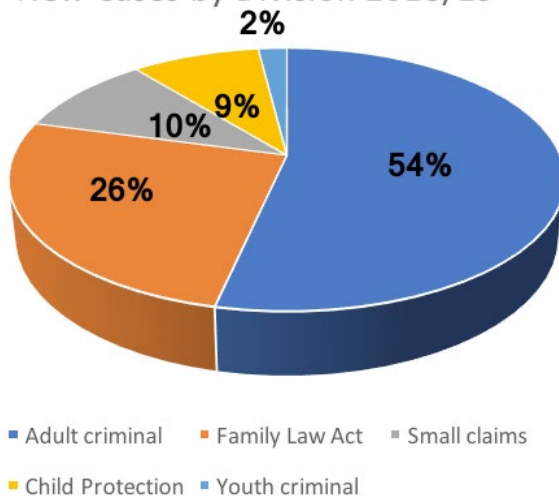
## Caseload

**194,434 new cases in 2018/19:**

- » **112,427** criminal, family, & civil matters heard by judges
- » **82,007** traffic & ticket offences heard by judicial justices

More than **14,000** applications for warrants & production orders submitted to the Justice Centre

New Cases by Division 2018/19



## New Cases by Region



- Fraser region **31,135**
- Vancouver Island region **22,967**
- Interior region **20,957**
- Vancouver region **20,429**
- Northern region **16,051**
- OCJ region **881**

## Self-represented appearances

**111,720** self-represented appearances, 12% lower than last year & the lowest in 5 years.

Self-represented litigants made:

**15%** of all appearances in criminal matters

**40%** in family matters

**68%** in small claims matters



## Operational Court Standards

The Office of the Chief Judge has developed objective goals and performance targets the Court strives to meet with the judicial resources it has available. When standards are not met, it monitors trends, examines underlying causes, and takes appropriate steps including reallocating available resources where possible.

### For adult criminal cases in 2018/19:

**90%** of adult criminal cases completed within one year; **70%** completed within 180 days.

The Court met its standard for pending cases, as it has for the last five years.

Time to trial improved in most cases. Delays decreased in adult criminal trials of all lengths and in most family trials. Time to settlement conferences, longer small claims trials, and youth criminal trials increased.

Trials not proceeding due to “lack of court time” (insufficient judicial resources to hear the trial) remained steady or decreased:

Criminal **3%**

Family **4%**

Small claims **10%** (down from last year)



In June 2018 the Criminal Law Committee was part of a team that received the **Justice and Public Safety Sector Award** for Collaboration for its work in creating and implementing ‘picklists’ of standard bail and sentencing order terms for use by judicial officers and court staff.



## Court Committees & their work in 2018/19

Many judges and judicial justices volunteer their time to serve on Court committees whose work in 2018 included:

**GOVERNANCE COMMITTEE**  
strategic direction, administration

**JUDICIAL ADMINISTRATION COMMITTEE**  
regional issues, policy, administration

**JUDICIAL JUSTICE ADMINISTRATION COMMITTEE**  
regional issues, policy, administration

**JUDGES' EDUCATION COMMITTEE**  
conferences on family & civil law, Indigenous peoples & the law

**JUDICIAL JUSTICES' EDUCATIONAL COMMITTEE**  
conferences on law & practice

**CRIMINAL LAW COMMITTEE**  
Criminal Law Boot Camp, webinars, standard bail & sentencing orders

**FAMILY LAW COMMITTEE**  
revising Provincial Court Family Rules, Boot Camp materials, early resolution prototype

**CIVIL LAW COMMITTEE**  
monitoring legislative changes, advising on website's civil law content

**JUDGES TECHNOLOGY WORKING GROUP**  
facilitating judges' access to digital court file content





## Innovation

The Provincial Court of BC continues to use innovative ways to address community problems and improve access to justice.



## Specialized Courts

Specialized courts, established in collaboration with communities, respond to the needs of Indigenous communities and mentally disordered and substance addicted offenders.

- » 6 Indigenous & First Nations Courts
- » Aboriginal Family Healing Court Conference
- » Vancouver Drug Treatment Court
- » Vancouver Downtown Community Court
- » Victoria Integrated Court
- » Domestic Violence Court projects

## Drug Treatment Court

**65** participants on March 31, 2019

**58** intakes (up 50% over 2017, including 10 women, and 15 people from outside the Lower Mainland)

**8** graduations



## Downtown Community Court in 2018

- » Celebrated its 10th anniversary October 24, 2018
- » 14 partner agencies
- » 386 clients sentenced to community work service
- » Over 2100 hours of work benefitting non-profits & street clean-up



Discussions about the development of new Indigenous Courts are continuing with several other communities including Williams Lake, Hazelton, Port Hardy, and Port Alberni.



## Technology-assisted Remote Appearances

The Court uses video technology:

- » to connect the Justice Centre in Burnaby to remote locations for bail hearings
- » for judicial officers to hear preliminary matters from other courthouses
- » for remand & bail hearings for persons appearing from a remand or custody centre



**33,319** prisoner transports saved for people appearing in court on preliminary matters

**17** court locations received improved video equipment

**7** new court locations received video equipment

## UBC Interns Program

The Court's partnership with the Peter A. Allard School of Law at the University of British Columbia in a Judicial Externship Program benefits both students and judges.

**16** Allard Law students spent a term working with Provincial Court judges for academic credit. Law Foundation of BC funding enabled each student to travel with a "Circuit Court".

## Communications

The Court continues to engage the public actively through its website, eNews articles, and Twitter account (all of which showed substantial increases in traffic in 2018) as well as judges' speaking engagements:

- » **997,638** website page views
- » **247,856** website users
- » **60,431** eNews page views (68% increase over 2017)
- » **7,868** eNews page views in March 2019
- » **100s** of speaking engagements with school, community, & legal groups



[www.provinciacourtbc.ca](http://www.provinciacourtbc.ca)



@BCProvCourt



The Court's leadership in the field of court communications was recognized when it was invited by the Office of the Federal Commissioner of Judicial Affairs to participate in its Support to Judicial Reform in Ukraine project.



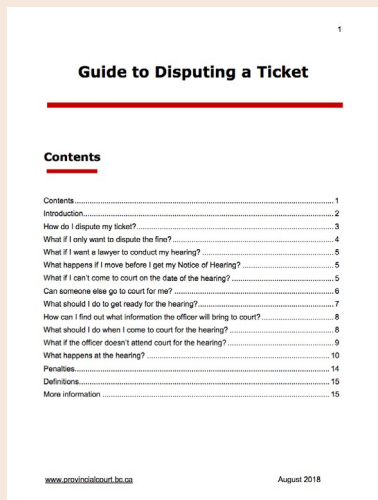
## Access to Justice

In keeping with its commitment to work to improve access to justice, the Court:

- » published several “[What can I expect in court?](#)” eNews articles explaining various court proceedings



- » expanded the Traffic, Ticket, and Bylaw [pages](#) of its website, and published a popular plain language [Guide to Disputing a Ticket](#)



- » added the “Have a Judge/Need a Judge program” to the Provincial Court Scheduling Project, using new software to identify judges available to assist other courthouses by video when matters conclude in their own courthouse.

Chief Judge Gillespie was an active member of the Steering Committee and Leadership Group of Access to Justice BC (A2JBC), a network of justice system stakeholders committed to improving access to justice in family and civil matters. She and Associate Chief Judge Wishart attended Justice Summits in May and November 2018 on the topic of Indigenous Justice.



## Financial Report

The Court faced anticipated budget pressures in the 2018/2019 fiscal year and accessed government-authorized contingent funds to complete the fiscal year without incurring a deficit.



## Complaints

Although **379** letters of complaint were received in 2018, **370** of them were found not to be complaints within the Chief Judge’s statutory authority. Most of these amounted to appeals from a judicial decision. Including complaints carried over from 2017, **9** examinations were completed and resolved at the examination stage.



# 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 Court 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
- 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 judicial system.

## 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 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 an independent 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.

For more information on judicial independence, see: [Statement on Judicial Independence from the Courts of British Columbia](#).

## Jurisdiction - The Court's Work

The Provincial Court is one of two trial courts in British Columbia. The other is the [Supreme Court of British Columbia](#).

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

- **Criminal Matters** - Over 95% of criminal cases in BC are heard in Provincial Court. Under the [Criminal Code](#) of Canada, Provincial Court judges conduct trials of all criminal matters except adults charged with murder and a few rare offences such as treason and piracy.
- **Family Matters** - Provincial Court judges deal with two main areas of family law. They conduct trials and case conferences in disputes about guardianship of children, parenting arrangements, and child and spousal maintenance under the [Family Law Act](#) and other statutes, and in child protection matters under the [Child, Family and Community Service Act](#).
- **Youth Court Matters** - Provincial Court judges deal with young persons aged 12 through 17 who are charged with criminal offences under the [Youth Criminal Justice Act](#).
- **Small Claims Matters** - With some [exceptions](#), the BC Provincial Court deals with civil cases involving from \$5001 to \$35,000. Judges conduct trials and settlement conferences in these matters.
- **Traffic & Bylaw Matters** - The Court's judicial justices hear trials of traffic and bylaw offences, as well as other provincial and municipal offences prosecuted under the [Offence Act](#) and the [Local Government Act](#).

The Provincial Court's judicial officers work in more than 80 locations throughout the province.

**“The Court strives to serve the public by providing an accessible, fair, efficient, and innovative system of justice.”**

Figure 1 illustrates the administrative regions and court sitting locations throughout the province.

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





# JUDICIAL REGIONS

## Vancouver Region

The Vancouver judicial region serves over a million people in Vancouver, Richmond, Burnaby, North Vancouver, West Vancouver, Squamish, the Sea to Sky corridor, and the Sunshine Coast. About 30 judges work to meet the needs of this ever-expanding and increasingly diverse population in five courthouses located in the downtown core and in suburban and rural locations.

The region has three specialized courts. The North Vancouver Indigenous Court applies restorative justice features to sentencing Indigenous offenders; the Vancouver Drug Treatment Court addresses addiction as one of the underlying causes of offending; and the Vancouver Downtown Community Court integrates mental health, addiction, housing, and social services in the Downtown Eastside of Vancouver. These highly successful courts have become models for other jurisdictions.

Like their colleagues in other regions, in addition to their judicial duties judges of the Vancouver region volunteer their time to support public legal education by teaching at the Allard School of Law, mentoring legal interns, and talking to high school students during their lunch hours. They also write for and speak at both public and judicial education programs.

Access to justice is everyone's business in a democratic society. Courtrooms, with just a few exceptions, are open to the public. Like the Court's other regions, the Vancouver judicial region welcomes everyone to come to court and observe how cases are administered, heard, and resolved by its judges.



North Vancouver Provincial Court - Photo credit: John Deacon QC [courthouses.co](http://courthouses.co)

## Northern Region

The Northern region is the most sparsely populated and geographically largest of the Court's five regions. It spans from the Alberta border in the east to the shores of Haida Gwaii in the west, and from Clinton in the south to the Yukon border in the north. It covers 670,000 square kilometres - an area greater than Alberta or France.

The 19 full-time and part-time senior judges in the region live and regularly sit in Prince Rupert, Terrace, Smithers, Fort St. John, Dawson Creek, Prince George, Quesnel, and Williams Lake but serve other communities including Queen Charlotte, Masset, Dease Lake, Stewart, New Aiyansh, Kitimat, Hazelton, Houston, Burns Lake, Fraser Lake, Fort St. James, Vanderhoof, 100 Mile House, Anahim Lake, Valemount, McBride, Mackenzie, Chetwynd, Tumbler Ridge, and Fort Nelson. Those 28 communities and other remote Indigenous communities in the Northern region account for over one third of the Provincial Court locations in the province.

To meet the needs of all these communities the judges travel hundreds of thousands of kilometers each year by car, or in very, very small airplanes. Travel is often in adverse weather conditions and dodging a variety of wildlife and transport trucks is a daily reality for the judges in the Northern region.

An Indigenous Court sits in Prince George and discussions are underway to establish additional specialized courts in the Northern region.



## Vancouver Island Region

The Vancouver Island region's court locations range from Victoria in the south to Tofino and Ucluelet in the west, Salt Spring Island in the east, and Port Hardy in the north. About 22 full-time and part-time senior judges sit in eight staffed court locations and travel to an additional four unstaffed locations in more remote communities where courts sit as required to improve access to justice.

The region has a number of specialized courts, including the Victoria Integrated Court, Duncan First Nations Court, and Domestic Violence Courts in Nanaimo and Duncan. In Victoria Integrated Court, Island Health teams provide support and supervision to offenders with mental health and addiction challenges. The Duncan First Nations Court is a sentencing court that incorporates restorative justice features to assist offenders and the community with healing and reparation.

Vancouver Island is home to a variety of courthouses. One of the most stately and beautiful is the Nanaimo courthouse, built in 1895/96 and designed by Francis Rattenbury, who also designed the Legislature buildings in Victoria and the Nelson Courthouse. It was formally recognized as a heritage building in 2002.





Nanaimo Law Court - Photo credit: John Deacon QC [courthouses.co](http://courthouses.co)

## Fraser Region

The Fraser region has five court locations: Chilliwack, Abbotsford, Surrey, New Westminster, and Port Coquitlam. As of March 31, 2019 there are 42 judges sitting in the region, including part-time senior judges.

Surrey is the fastest growing city in Canada and its courthouse is BC's busiest. Each day the Surrey court deals with between 300 – 350 criminal files and handles upwards of 80 prisoners in addition to its family and small claims matters. The Surrey courthouse is undergoing a major renovation and expansion, adding new courtrooms and case conference rooms to provide a total of 17 courtrooms and four case conference rooms.

There is also a new courthouse under construction in Abbotsford to replace the existing small, aging building. The new courthouse will have 12 courtrooms for Provincial and Supreme Court matters and two case conference rooms. The expansion of the Surrey courthouse and the construction of the new Abbotsford courthouse will



Judges inspecting Abbotsford courthouse





Artist's rendering of new Abbotsford courthouse

greatly improve access to justice for people living in the Fraser Valley.

The region has three specialized courts. In New Westminster, First Nations Court and Aboriginal Family Healing Court Conferences are held on a monthly basis, and there is a domestic violence remand court in Surrey to expedite domestic violence cases.

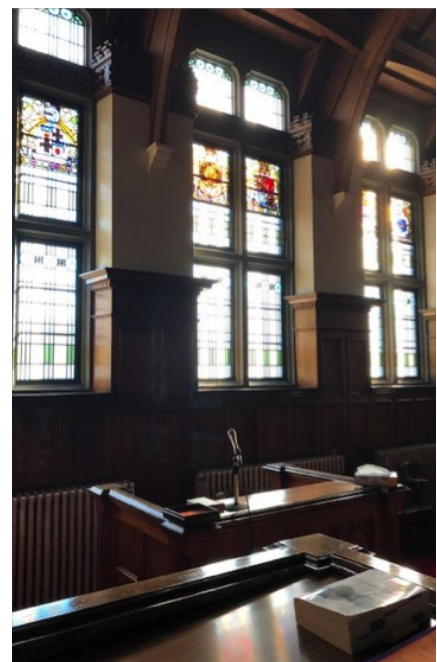
## Interior Region

The Court's Interior region covers a large geographical area encompassing the southern interior of the province. 24 full-time and part-time senior judges serve 22 court locations, including some of the Provincial Court's circuit courts.

Circuit courts sit every few months in locations that do not have sufficient volume of cases to justify more frequent court sittings. The judge, sheriffs, court staff, and lawyers travel to a community to hold court as required, sometimes using community halls or other facilities as a courtroom.

The Kamloops Cknucwentn First Nations Sentencing Court and Nicola Valley Indigenous Court are located in the Interior region and work collaboratively with local First Nations and communities.

One of the region's most stately courthouses is in Fernie, where the Provincial Court sits one or two days every two weeks. Built in 1909, this historic courthouse and architectural masterpiece is constructed of solid and impressive red bricks and has a slate roof. The interior is spectacular with oak panelling and tall windows of stained glass. The courtroom is often described as "majestic" with a vaulted dome ceiling covered in beautiful grained timber.



# JUDICIAL OFFICERS

## Chief Judge

The head of the Provincial Court and its official spokesperson, the Chief Judge is responsible for the Court's judicial administration.

Under section 11 of the [Provincial Court Act](#), the Chief Judge has the duty to supervise judicial officers, including judges, judicial justices, justices of the peace, and judicial case managers, exercising powers set out in the Act.

The Chief Judge also supervises the Office of the Chief Judge (OCJ) staff and judicial administrative assistants, administers a budget, facilitates continuing education for all judicial officers, and acts as presiding member of the Judicial Council of British Columbia and chair of the Governance Committee.

The Honourable Melissa Gillespie was appointed Chief Judge of the Court on October 18, 2018.

## Associate Chief Judges

In 2018/19 the Provincial Court's associate chief judges were the Honourable Susan Wishart and the Honourable Paul Dohm.

Associate Chief Judge Wishart's responsibilities included business intelligence and continuity, family and civil law reform, technology, and specialized courts. Associate Chief Judge Dohm's responsibilities included criminal law reform, the judicial justice division and justice centre, scheduling, and regional operations.

## Regional Administrative Judges

Under s. 10(1) of the [Provincial Court Act](#), on the recommendation of the Chief Judge, the Lieutenant Governor in Council designates regional administrative judges to administer each judicial region in the province. In 2018/19 the Provincial Court's regional administrative judges were:

- the Honourable Carmen Rogers (Vancouver Island)
- the Honourable John Milne (Vancouver)
- the Honourable Robert Hamilton (Fraser)
- the Honourable Marguerite Shaw (Interior)
- the Honourable Michael Brecknell (Northern)

## Provincial Court Judges

The Lieutenant Governor in Council appoints Provincial Court judges on the recommendation of the [Judicial Council of BC](#), 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 chambers in a particular judicial region, though many judges are required to travel regularly to other court locations.

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.

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 list of Provincial Court judges as of March 31, 2019.

## Judicial Education

The Court has a very active and long-standing commitment to judicial education.

Newly appointed judges shadow colleagues during an initial orientation period of two to three weeks. Informal mentoring by more senior judges is also made available to new appointees. During their first year, judges attend two five-day programs for new Provincial Court judges from across Canada. One focuses on criminal law topics and the other focuses on judicial skills such as communication, judgment writing, mediation, and judicial ethics.

The Court is also committed to continuing education for all judges. Five days of judicial education are provided each year through spring and fall conferences that all judges attend. These intensive programs offer education in social context, substantive law, and judicial skills. For a list of conference topics for 2018/19, see the [Judges' Education Committee](#) section in this report.

In addition, each judge is entitled to five days of education leave to attend education programs presented outside the Court.

Periodically, the Court provides sessions for smaller groups of judges on topics such as judgment writing and mediation. Other education topics are covered in webinars available to all judges. These sessions are organized and developed in-house and are archived to enable viewing at any time. In addition to these formal education programs, judges spend a considerable amount of time, outside of court, on self-directed learning using various online resources. More information about judicial education can be found on the Court's [website](#).

## Judicial Justices

Appointed under 30.2 of the [Provincial Court Act](#), judicial justices may be assigned to a variety of duties by the Chief Judge including conducting bail hearings, reviewing search warrant applications at the Justice Centre, and presiding in traffic and bylaw courts and small claims payment hearings.

Under Section 11 of the [Provincial Court Act](#), the duties of an administrative judicial justice include assisting the Chief Judge and associate chief judges in matters relating to judicial justices. In 2018/2019 Administrative Judicial Justices Gerry Hayes and Kathryn Arlitt were responsible for criminal matters at the Justice Centre and for the traffic division, respectively. [Appendix 1](#) lists judicial justices as of March 31, 2019.

## 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 from \$5,001 to \$10,000 in the Robson Square and Richmond courthouses. As of March 31, 2019, there were five justice of the peace adjudicators, listed in [Appendix 1](#).

## Judicial Case Managers

Judicial case managers (JCMs) are responsible for providing effective, efficient court scheduling. They manage the flow of Provincial Court appearances and ensure that judicial resources are effectively utilized.

Judicial case managers must hold a justice of the peace commission and exercise judicial discretion and authority within their assignment, which may include presiding in Assignment and Initial Appearances Courts. As of March 31, 2019, there were 29 full-time, 14 part-time, and 10 auxiliary JCMs. See [Appendix 1](#) for a complete list.



# OFFICE OF THE CHIEF JUDGE AND GOVERNANCE

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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. 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 functions. The OCJ is also responsible for engaging with government agencies, media, individuals, and organizations that wish to communicate with the Court.

Areas of responsibility of the OCJ include:

- judicial and governance administration
- scheduling administration
- justice of the peace administration
- judicial resources and business intelligence
- oversight of the judicial justice division
- legal officer advice and research
- educational conference support and assistance
- Judicial Council of BC support and assistance
- court policy development and maintenance
- judgment posting
- facilities support
- finance management
- human resources
- 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 and close friends of new appointees.

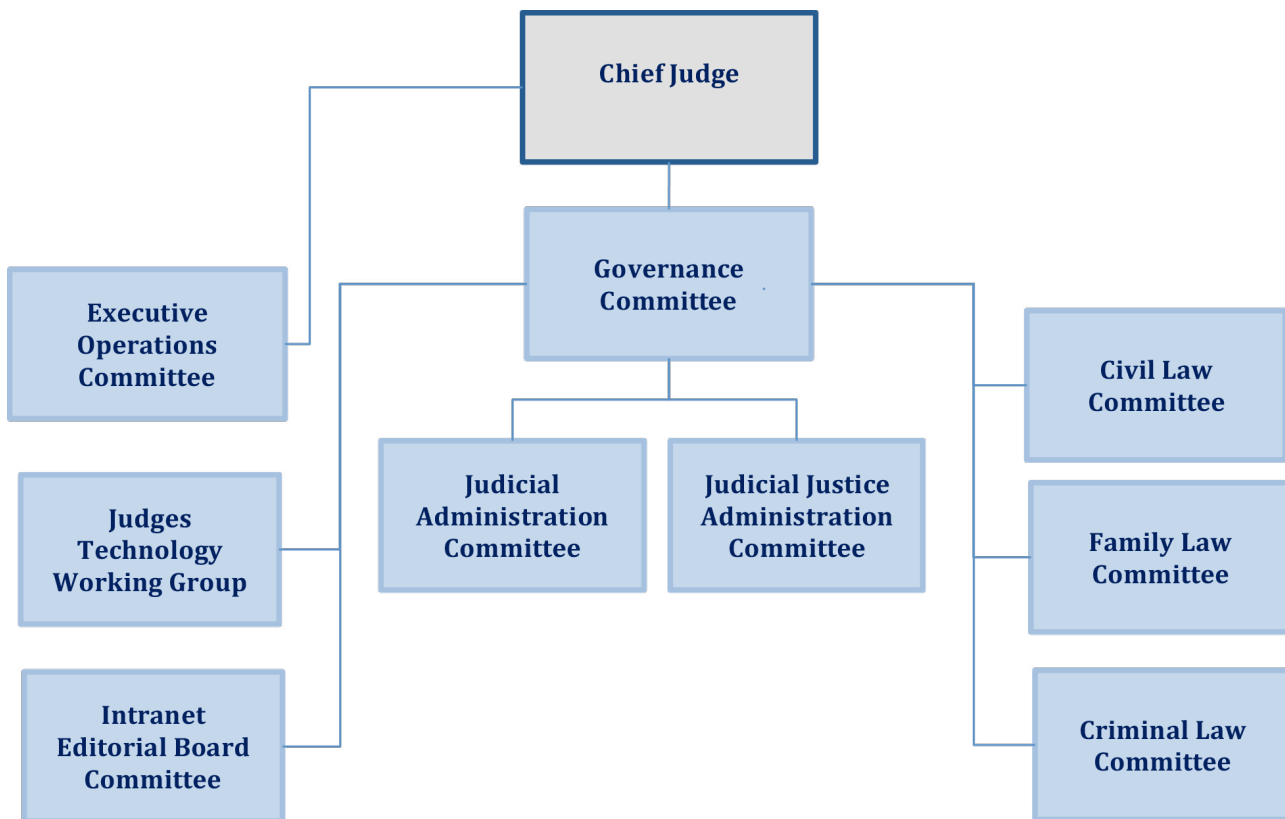
The OCJ is also the meeting location of the [Judicial Council of British Columbia](#).

## Governance

The administrative work of the Provincial Court is conducted primarily by four committees: the Governance, Judicial Administration, Judicial Justice Administration, and Executive Operations Committees.

Important court administrative and legal work is also undertaken by judges and judicial justices who sit on working groups and other committees. 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 policy and management matters, as well as issues concerning the administrative independence of the Court. Former Chief Judge Crabtree chaired the committee until May 3, 2018, when Chief Judge Gillespie became chair. The other members of the Governance Committee in 2018/19 included:

- Associate Chief Judge S. Wishart
- Associate Chief Judge P. Dohm (as of October 2018)
- the Executive Director of Organizational Services, Mr. C. Wilkinson
- the five [regional administrative judges](#)

## The Court welcomes its new Chief Judge

On December 14, 2019, judges of BC's three courts, representatives of government and legal organizations, friends, and family gathered in the atrium of the Robson Square courthouse to welcome the new Chief Judge of the Provincial Court of British Columbia. Speakers lauded Chief Judge Gillespie's natural ability to lead others; her intelligence, high energy and passion to do justice; her kindness, empathy, and courage. Chief Judge Gillespie's genuine interest in and respect for people from all walks of life was a recurring theme, as was her ability to listen.



Chief Judge Gillespie spoke of learning from her family the importance of integrity, human connection, and education. She expressed her commitment to work over the next seven years to provide meaningful and accessible justice to all people in British Columbia, and her confidence in the Court's ability to continue to develop innovative solutions to address the complex access to justice issues facing it today.





## Judicial Administration Committee

The Judicial Administration Committee (JAC) provides advice to the Chief Judge on emerging issues occurring in one or more of the province's five judicial regions, policy development, and other administrative matters. The JAC meetings are held bi-weekly by videoconference and in-person four times per year. In 2018/2019 Chief Judge Gillespie chaired the JAC meetings and its membership was the same as that of the Governance Committee.

In the 2018/19 fiscal year, the JAC:

- continued to monitor court performance standards including the time to trial
- developed standards for the processing of violation tickets
- continued its ongoing review and development of the court's policies
- continued to work to increase the number of video conferencing units in courthouses across the province to cut down on prisoner transport and improve access to justice in remote locations



*Members of the Court's Governance and Judicial Administration Committees*

*Left to right: ACJ P. Dohm; RAJ M. Shaw; RAJ R. Hamilton; RAJ M. Brecknell; Executive Director of Organizational Services C. Wilkinson; RAJ J. Milne; RAJ C. Rogers; Chief Judge M. Gillespie; and ACJ S. Wishart. Missing from photo: RAJ E. Burdett, member until September 2018*

## Judicial Justice Administration Committee

The Judicial Justice Administration Committee advises the Chief Judge on administrative issues involving the judicial justice division. The committee is chaired by the Executive Director of Organizational Services. It includes

an Associate Chief Judge, the Administrative Judicial Justice of the Traffic Division, the Administrative Judicial Justice of the Justice Centre, the Justice Centre manager, and the Justice of the Peace Administrator.

### Executive Operations Committee

The Executive Operations Committee consists of the Chief Judge, the Associate Chief Judges, and the Executive Director of Organizational Services. It meets to support the day-to-day administration of the Court and to ensure that meeting materials for the Judicial Administration Committee and the Governance Committee are accurate and complete.



*Judges attending Chief Judge Gillespie's welcoming ceremony*

# JUDICIAL COMPLEMENT

Judicial complement refers to the number of judicial full-time equivalents (JFTEs<sup>1</sup>) available to the Provincial Court. This is distinct from the number of judges, since some work part time. As of March 31, 2019, there were 120 full-time judges (FT), 25 senior judges, and one judge sitting part time in the Provincial Court.<sup>2</sup> This equates to a complement of 131.85.

During the 2018/19 fiscal year:

- 12 judges were appointed
- 11 judges retired
- 5 judges elected to participate in the Senior Judges Program<sup>3</sup>
- 1 judge was appointed to the BC Supreme Court

Changes to the Provincial Court's complement are reported every month in a Judicial Complement Report on the Court's website. Figure 3 lists the judges appointed during 2018/19. A list of complement reductions appears in [Appendix 2](#).

**FIGURE 3 - JUDGES APPOINTED IN 2018/19**

JUDGE	JUDICIAL REGION	DATE
Judge Andrew Tam	Interior	03-Apr-18
Judge Peter McDermick	Northern	09-Apr-18
Judge Diana Dorey	Fraser	09-Apr-18
Judge Anja Brown	Fraser	03-Jul-18
Judge Trudy Macdonald	Fraser	03-Jul-18

<sup>1</sup> 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. Complement numbers do not include judges on long term disability.

<sup>2</sup> Judges are listed in [Appendix 1](#).

<sup>3</sup> This program allows judges 55 years or older with at least 10 years' service to continue sitting on a part time basis.

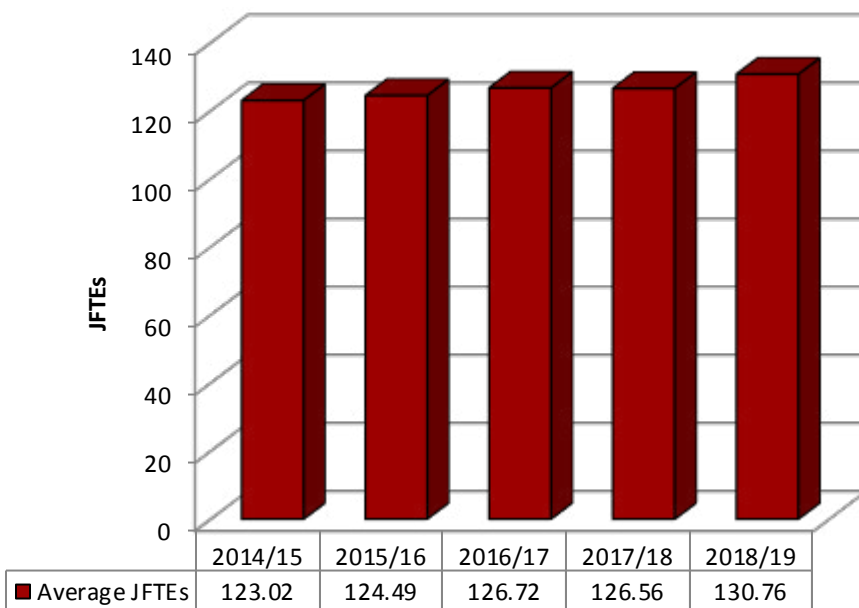


JUDGE	JUDICIAL REGION	DATE
Judge Linda Thomas	Northern	05-Jul-18
Judge Jennifer Lopes	Fraser	22-Oct-18
Judge David Albert	Fraser	25-Oct-18
Judge Georgia Docolas	Fraser	25-Oct-18
Judge Craig Sicotte	Fraser	29-Oct-18
Judge Raymond Phillips	Interior	14-Jan-19
Judge Clarke Burnett	Interior	25-Feb-19

The monthly Judicial Complement Reports represent a snapshot in time, which can be influenced by the timing of appointments or retirements. Average daily complement, calculated over the course of a year, is less likely to be influenced in this way and can therefore provide a more accurate gauge of complement over time.

The average daily complement for 2018/19 was 130.76, the largest average complement seen during the last five fiscal years. This increase coincides with the renovation to the Surrey courthouse that will add four courtrooms and offices for judges. As a result, four judges were appointed in October 2018 and assigned to Surrey. However, since the four new courtrooms were not fully operational during this fiscal year, the impact of the increased judicial complement is not reflected in this year’s performance measures.

**FIGURE 4 - AVERAGE JUDICIAL COMPLEMENT, 2014/15 - 2018/19**

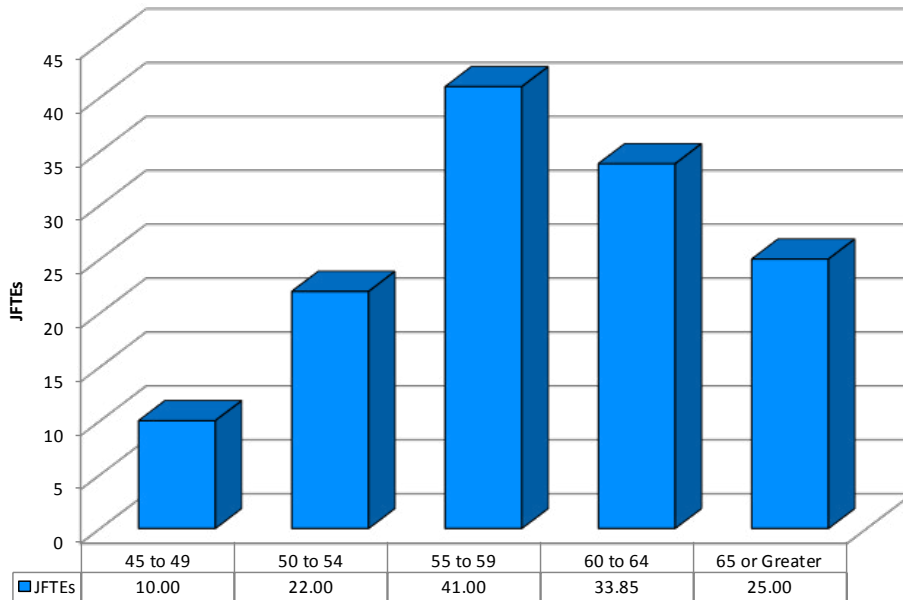


## Demographics of Judges

### Age

As of March 31, 2019, most Provincial Court judges were between the ages of 50 and 64, with an overall average and median age of 60 years - the same as the previous two years.

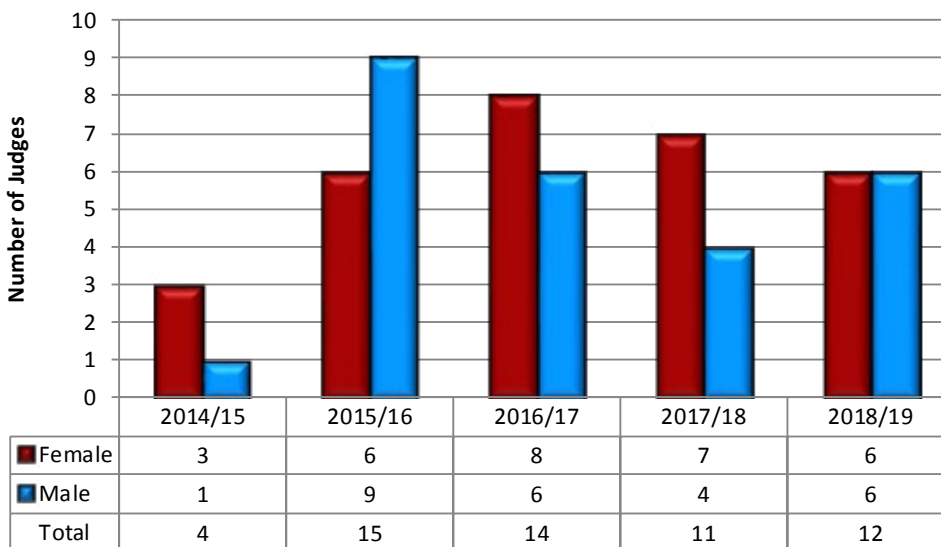
**FIGURE 5 - JFTE BY AGE CATEGORY<sup>4</sup>**



### Gender

Six women and six men were appointed as judges in 2018/19. Of the 56 judges appointed during the past five fiscal years, just over half (30) have been women.

**FIGURE 6 - JUDGES BY GENDER AND YEAR OF APPOINTMENT**



<sup>4</sup> JFTE can decline with age as more judges choose to participate in the Senior Judges Program (a senior judge is counted as 0.45 of a JFTE).

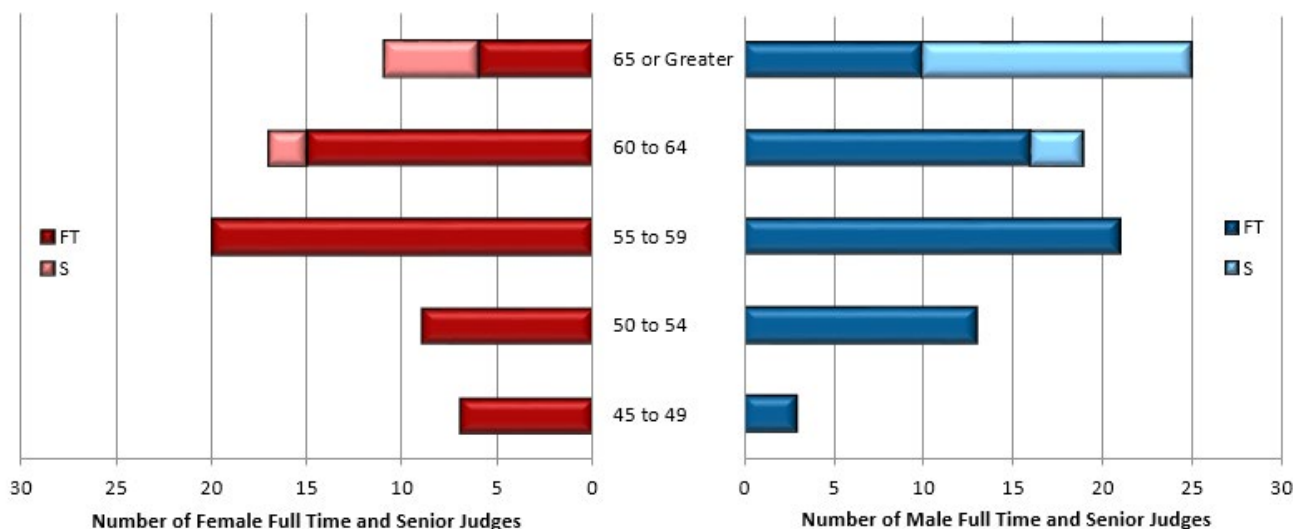
Active<sup>5</sup> male judges continue to outnumber active female judges in the Provincial Court. As of March 31, 2019 there were 1.2 active male judges for every active female judge.

**FIGURE 7 - PERCENTAGE OF JUDGES BY GENDER AND STATUS<sup>6</sup>**

GENDER	FULL TIME		SENIOR		JFTE	
	#	%	#	%	#	%
Male	63	52.5%	18	72.0%	71.10	54.2%
Female	57	47.5%	7	28.0%	60.15	45.8%

A greater proportion of active male judges currently sit as senior judges (22% vs. 11% of active female judges). The average female Provincial Court judge is 59.1 years of age, whereas the average male judge is 59.8.<sup>7</sup>

**FIGURE 8 - PROVINCIAL COURT JUDGES BY AGE, GENDER, AND STATUS**



The cultural and ethnic backgrounds volunteered by applicants for judicial appointment are outlined in the [annual reports](#) of the Judicial Council of BC.

5 The term "active" excludes judges on long term disability.  
 6 The number of judges is as at March 31, 2019. The (female) part time judge is not included in this table.  
 7 Age is measured as at March 31, 2019.



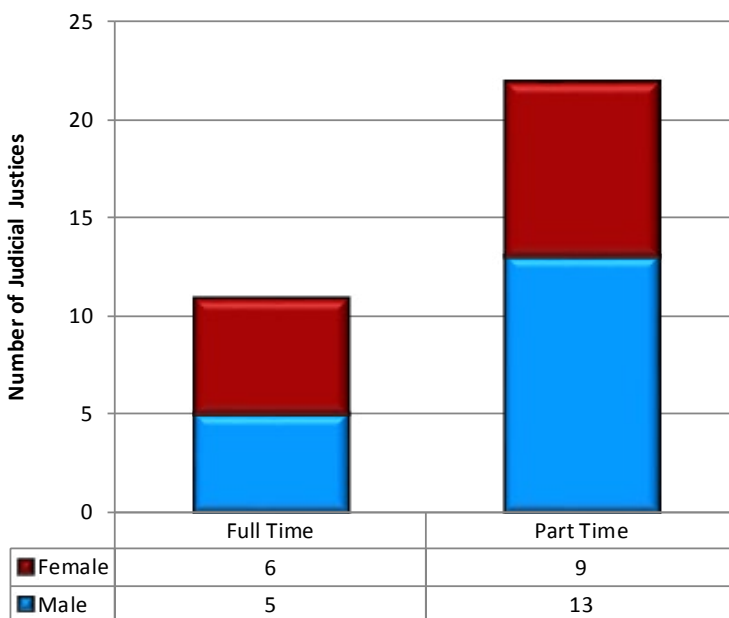


Judges at Chief Judge Gillespie's welcoming ceremony

## Demographics of Judicial Justices

Figure 9 outlines the complement of judicial justices as of March 31, 2019, including 11 full-time and 22 who work in a part-time (ad hoc or *per diem*) capacity. Of the total complement of 33<sup>8</sup>, there are 18 male and 15 female judicial justices.

**FIGURE 9 - GENDER DISTRIBUTION OF JUDICIAL JUSTICES, 2018/19**



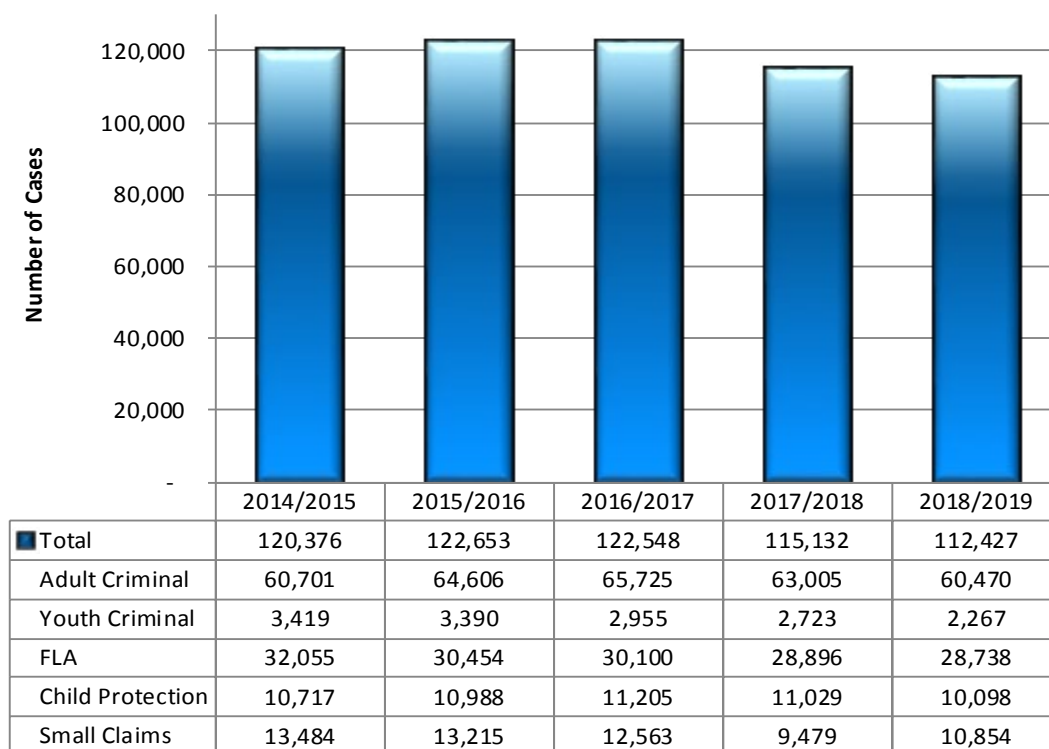
8 This includes 2 judicial justices on LTD, 1 on medical leave, and 1 on education leave.

# THE COURT'S CASELOAD

## New Cases by Division

Excluding traffic and bylaw matters usually dealt with by judicial justices, there were 112,427 cases initiated in the Provincial Court of British Columbia in 2018/19.<sup>9</sup> This represents a decrease of 2% from 2017/18. Figure 10 below shows Provincial Court caseloads over the last five years.<sup>10</sup>

**FIGURE 10 - NEW CASES BY DIVISION, 2014/15 - 2018/19**



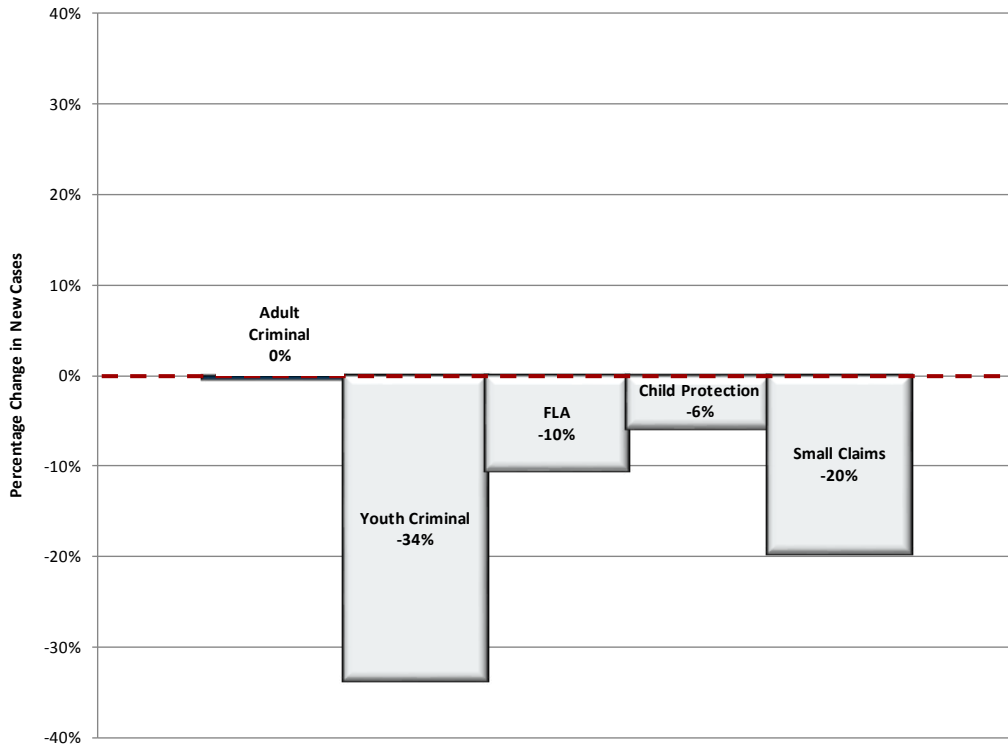
Looking at total caseload volumes obscures trends within divisions, as shown in Figure 11 below.

Adult criminal caseloads declined between 2017/18 and 2018/19, but are consistent with the caseload five years ago. Caseload volumes have declined substantially in youth criminal, family, and small claims divisions and declined somewhat in child protection over the past five years.

<sup>9</sup> New case counts include all cases typically overseen by a judge. Therefore, family subsequent applications are included and traffic and bylaw cases are excluded.

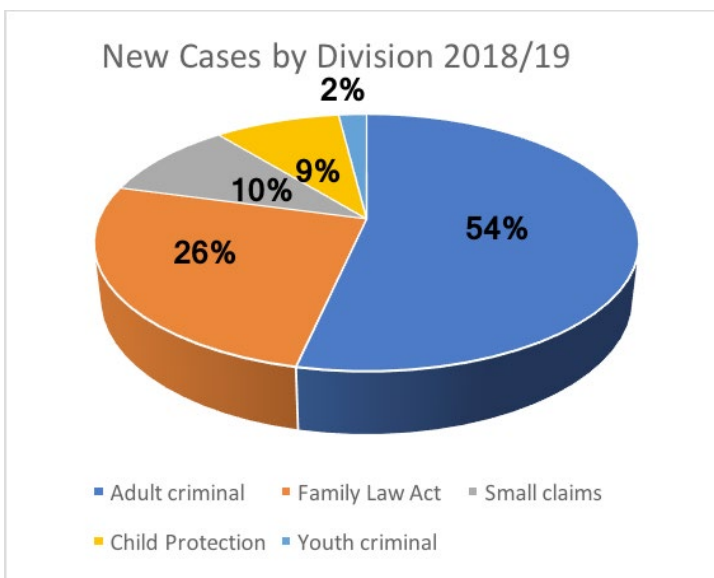
<sup>10</sup> Data are preliminary and subject to change - small fluctuations in the reported totals and percentages for new cases are expected due to continuing improvements in data quality.

**FIGURE 11 - PERCENTAGE CHANGE IN NEW CASES BY DIVISION BETWEEN 2014/15 AND 2018/19**



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 cases about a tenth. Figure 12 provides a detailed breakdown.

**FIGURE 12 - PERCENTAGE BREAKDOWN OF NEW CASES BY DIVISION 2018/19**

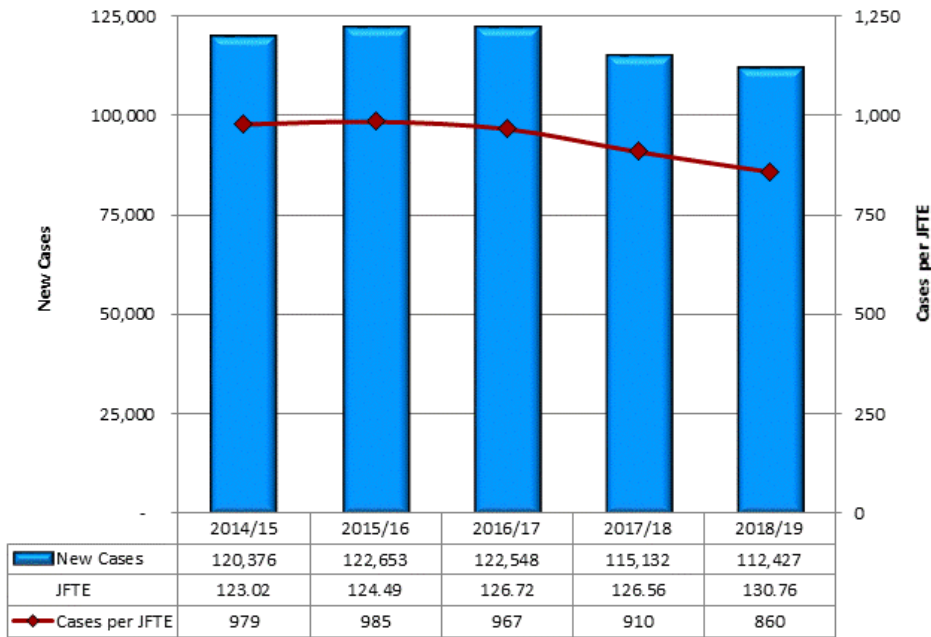




### Judges' Caseloads

Figure 13 shows the five year trend in new cases, as well as new cases per JFTE. Over the last three years the new cases per JFTE number has trended downward and this year's figure of 860 is well under the five year average of 940.

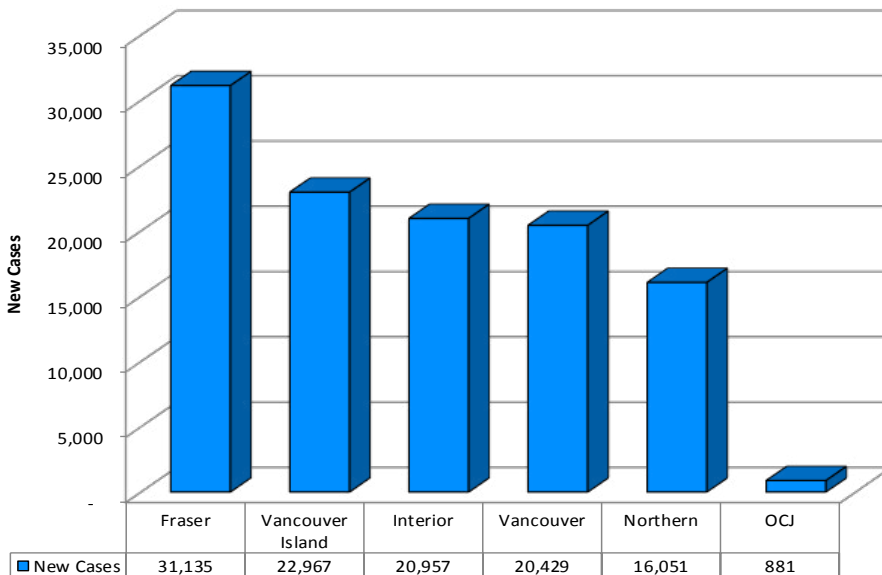
**FIGURE 13 - NEW CASES AND NEW CASES PER JFTE, 2014/15 - 2018/19**



### New Cases by Region

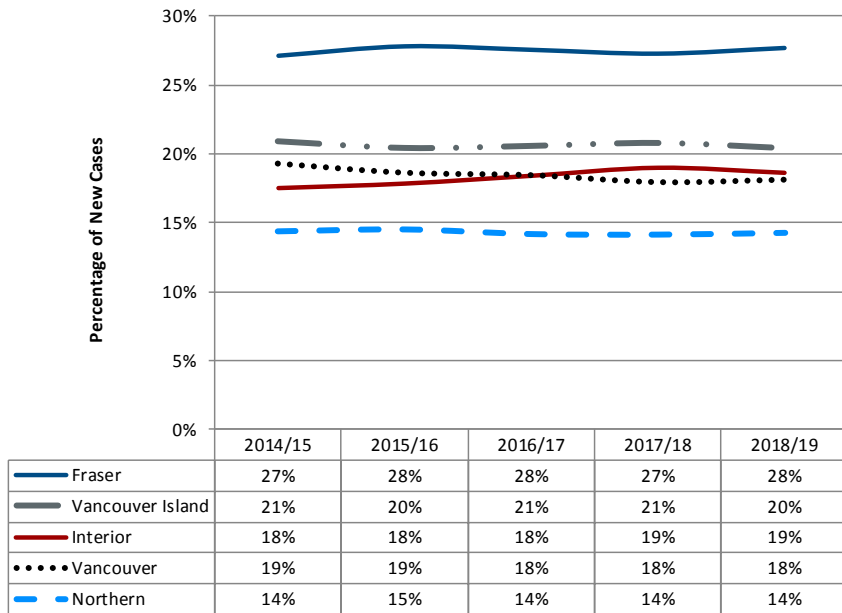
The Fraser region continued to have the highest new caseload in 2018/19, while the small, remote locations administered directly by the Office of the Chief Judge (OCJ) had the lowest.

**FIGURE 14 - NEW CASES BY REGION**



The distribution of new cases filed by region has been relatively stable over the past five fiscal years - varying by 1-2% at most, as seen in Figure 15 below.<sup>11</sup>

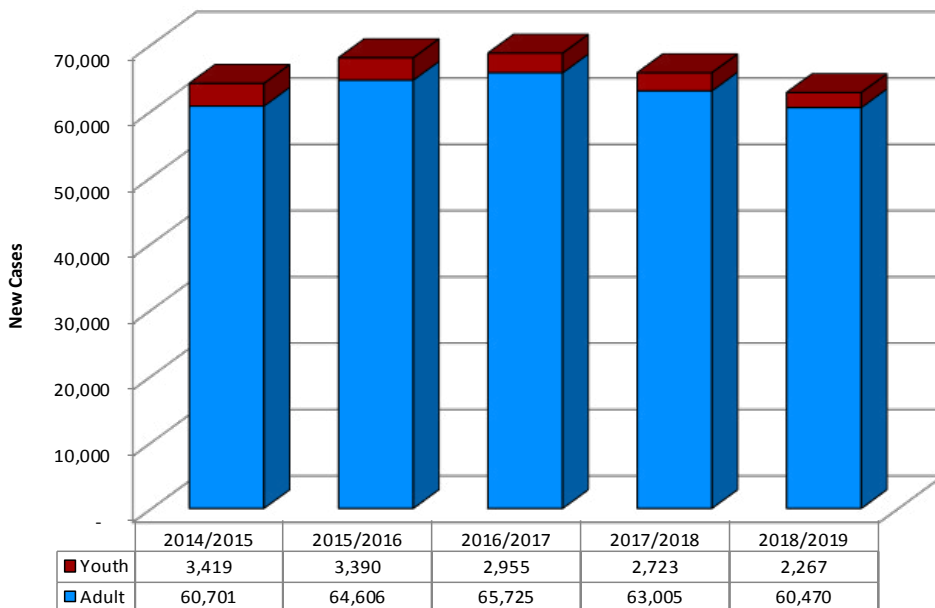
**FIGURE 15 - DISTRIBUTION OF NEW CASES BY REGION, 2014/15 - 2018/19**



### New Cases by Division

The number of adult criminal cases is at its lowest level in the past five years and is fairly consistent with levels seen in 2014/15. Youth criminal cases have decreased every year of the past five. As a result, the 2018/19 youth criminal caseload is 34% lower than 2014/15.

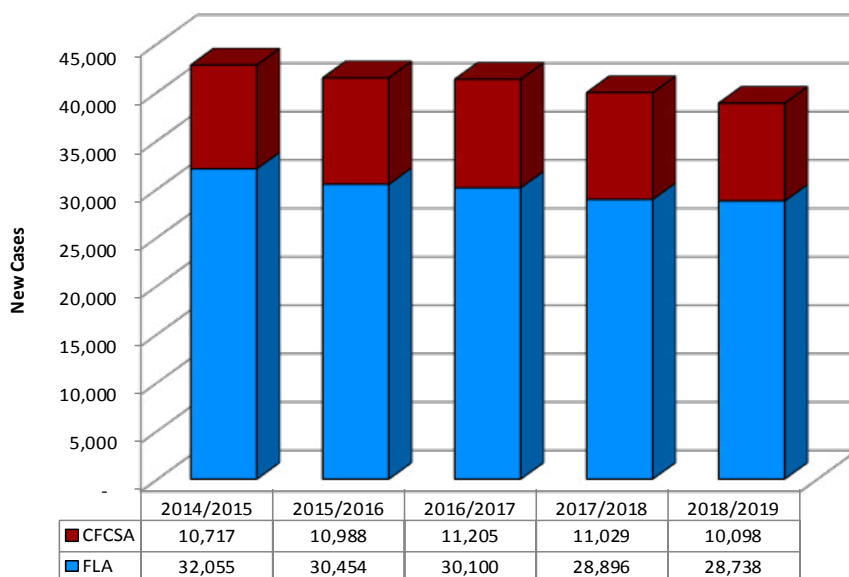
**FIGURE 16 - NEW CRIMINAL CASES, 2014/15 - 2018/19**



11 The OCJ region has less than 1% of the total provincial caseload in all years, and is not included in this figure.

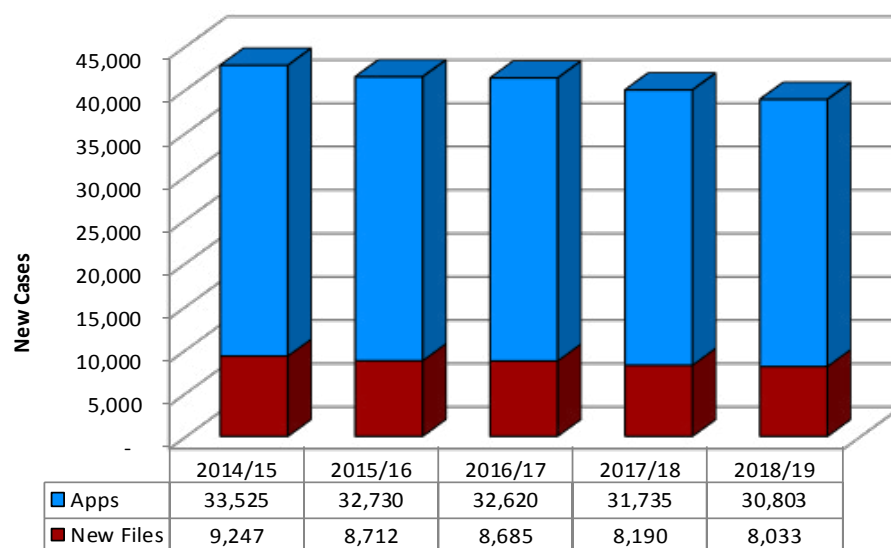
The majority of family cases in the Provincial Court are governed by the [Family Law Act \(FLA\)](#) or the [Child, Family and Community Service Act \(CFCSA\)](#). In 2018/19 the caseload for both *CFCSA* and *FLA* decreased reaching a five year low. Compared to 2014/15, the number of *CFCSA* cases has decreased by 6% and the number of *FLA* cases has decreased by 10%.

**FIGURE 17 - NEW FAMILY CASES, 2014/15 - 2018/19<sup>12</sup>**



The bulk of new cases (79%) in the family division comes from subsequent applications against existing files.<sup>13</sup> The percentage of new cases from subsequent applications has been slightly higher in *CFCSA* cases than *FLA* (86% vs. 77%) over the past five years.

**FIGURE 18 - NUMBER OF FAMILY CASES BY SOURCE, 2014/15 - 2018/19**



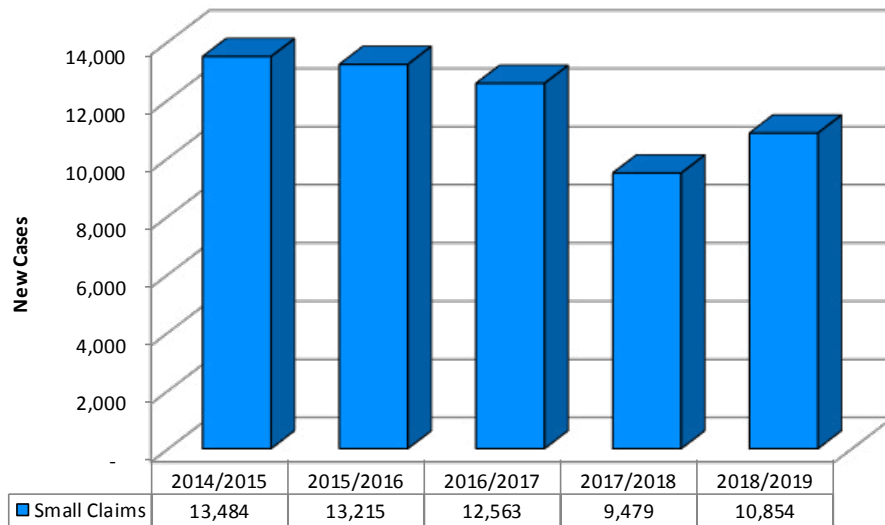
<sup>12</sup> Includes subsequent applications.

<sup>13</sup> Subsequent applications are additional motions or applications filed in a case after the initial application is filed. Applications to change or enforce an order are a common example of *FLA* subsequent applications. Under the *CFCSA*, subsequent applications are required to determine custody of a child who is not returned to a parent.



New small claims cases have decreased 20% since 2014/15. The decrease in new cases in 2017/18 is a result of the Civil Resolution Tribunal having jurisdiction over small claims cases up to \$5000.00 effective June 1, 2017.

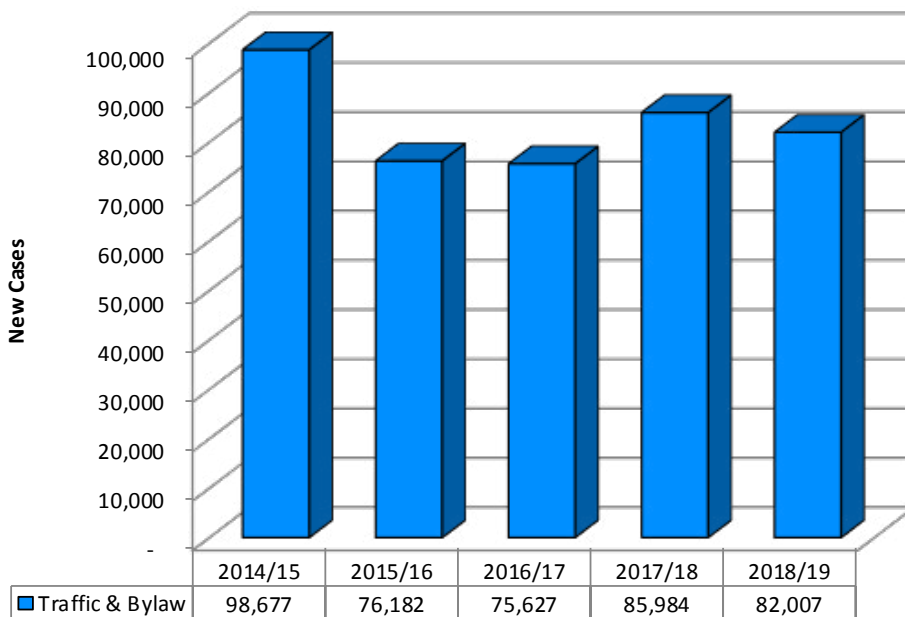
**FIGURE 19 - NEW SMALL CLAIMS CASES, 2014/15 - 2018/19**



## Traffic and Bylaw Cases

In addition to the criminal, youth, family, and small claims cases typically dealt with by judges, the Provincial Court also handles traffic and bylaw cases (typically adjudicated by judicial justices). In 2018/19 there were 82,007 new traffic and bylaw cases, down 5% from last year.

**FIGURE 20- NEW TRAFFIC AND BYLAW CASES, 2014/15 - 2018/19**



## 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. to bring people who have been arrested and detained before a judicial justice as soon as possible.

Judicial justices also consider, in person or by telecommunication, 24 hours a day, Informations to Obtain federal and provincial search warrants as well as “face to face” applications for production orders. Police throughout the province rely on the Justice Centre to obtain search warrants and other orders in a timely manner.

Approximately 18 judicial justices work through the Justice Centre, either on site or remotely. A full-time staff of 16 regular and three auxiliaries support the judicial justices. In 2018/2019 the Centre issued more than 14,000 search warrants and production orders and conducted over 20,000 bail hearings.

Working with the Ministry of the Attorney General and the Legal Services Society, the Court has been able to ensure that after-hours bail hearings conducted by video (or telephone where video is still not available) are prosecuted by Crown Counsel instead of police officers, and accused persons have access to Legal Aid Duty Counsel to represent them in these hearings.

**FIGURE 21 - SEARCH WARRANTS ISSUED THROUGH THE JUSTICE CENTRE, 2018/19**

MONTH	ALL	ALL / # OF DAYS	487 CCC	PRODUCTION ORDER	SEALING ORDER	UNSEALING ORDER	OTHER
Apr 2018	1067	36	276	225	216	3	347
May 2018	1275	41	367	246	257	1	404
Jun 2018	1144	38	326	224	222	2	370
Jul 2018	942	30	294	181	185	2	280
Aug 2018	1186	38	260	255	237	2	432
Sep 2018	950	32	243	233	185	0	289
Oct 2018	1172	38	362	226	241	3	340
Nov 2018	1290	43	320	248	249	0	473
Dec 2018	1040	34	255	220	212	1	352
Jan 2019	1354	44	376	255	274	0	449
Feb 2019	1325	47	356	229	260	0	480
Mar 2019	1466	47	425	286	277	0	478
<b>Max</b>	<b>1466</b>	<b>47</b>	<b>425</b>	<b>286</b>	<b>277</b>	<b>3</b>	<b>480</b>
<b>Average</b>	<b>1184</b>	<b>39</b>	<b>322</b>	<b>236</b>	<b>235</b>	<b>1</b>	<b>391</b>
<b>YTD</b>	<b>14211</b>	<b>468</b>	<b>3860</b>	<b>2828</b>	<b>2815</b>	<b>14</b>	<b>4694</b>

**FIGURE 22 – BAIL HEARINGS CONDUCTED THROUGH THE JUSTICE CENTRE, 2018/19<sup>14</sup>**

<b>MONTH</b>	<b>JUDICIAL INTERIM RELEASE (BAIL)</b>	<b>REMAND</b>	<b>RELEASE</b>	<b>VIDEO BAIL</b>
Apr-18	1768	1155	613	724
May-18	1766	1128	638	759
Jun-18	1803	1204	599	717
Jul-18	1780	1173	607	840
Aug-18	1641	1010	631	844
Sep-18	1864	1163	701	1266
Oct-18	1553	934	619	1032
Nov-18	1586	1021	565	1163
Dec-18	1703	940	763	1415
Jan-19	1706	1017	689	1395
Feb-19	1740	1080	660	1411
Mar-19	1870	1086	784	1624
<b>Max</b>	<b>1870</b>	<b>1204</b>	<b>784</b>	<b>1624</b>
<b>Average</b>	<b>1732</b>	<b>1076</b>	<b>656</b>	<b>1099</b>
<b>YTD</b>	<b>20780</b>	<b>12911</b>	<b>7869</b>	<b>13190</b>

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

<sup>14</sup> Judicial Interim Release (Bail) figures include all case appearances for bail occurring at the Justice Centre regardless of whether a police officer or Crown counsel appeared for the Crown.

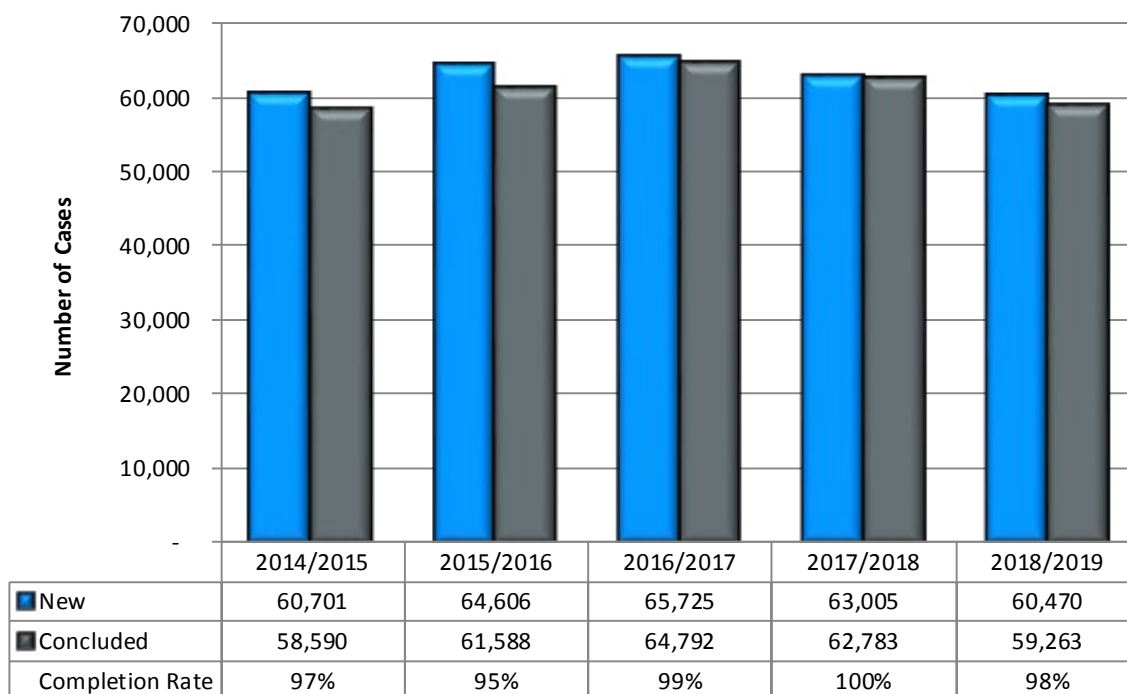
# OPERATIONAL COURT STANDARDS

Starting in 2004 the Office of the Chief Judge developed operational standards to assess the ability of the court to effectively manage its caseload. These standards represent objective goals and performance targets that the Court strives to meet with the judicial resources it has available. 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 Rates

The Court's standard for the adult criminal case completion rate is 100% calculated over a fiscal year.<sup>15</sup> This measure provides an indication of the Court's ability to conclude cases at the same rate that new cases enter the system. In 2018/19 both new and concluded cases decreased and the completion rate moved down slightly to 98%.

**FIGURE 23 - ADULT CRIMINAL CASE COMPLETION RATES, 2014/15 - 2018/19**



## On-Time Case Processing

The purpose of this measure is to assess the timeliness with which Provincial Court cases are concluded.

<sup>15</sup> 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 completion rate is 100%. Concluded case information is only available in the criminal division.



This is accomplished by examining the percentage of judge cases reaching a final or important interim outcome (disposition or significant event) within established timelines. This information is currently only available for the criminal division.

The Court's standard for criminal cases is to have 90% of cases concluded within 180 days. This standard reflects the Court's goal for early conclusion of criminal cases. Figure 24 below shows the percentage of cases completed within 180, 365, and 540 days, respectively.

The Court has not met this standard during the past five years. However, some factors that affect this measure are beyond the Court's control, such as whether an accused sets the matter for trial, the amount of time it takes for the Crown to provide disclosure, and counsels' availability when setting court dates. With improvements in data collection, the Court can now track the time between specific events to determine where improvements can be made if required.

**FIGURE 24 - PERCENTAGE OF JUDGE CASES CONCLUDED WITHIN THREE TIMEFRAMES, 2014/15 - 2018/19**

<b>PERCENT OF ADULT CRIMINAL CASES CONCLUDED WITHIN...</b>			
<b>Year</b>	<b>180 Days</b>	<b>365 Days</b>	<b>540 Days</b>
FY 2014/15	72%	91%	96%
FY 2015/16	73%	91%	96%
FY 2016/17	71%	90%	96%
FY 2017/18	70%	89%	96%
FY 2018/19	70%	90%	96%
Five Year Average	71%	90%	96%

## Pending Cases

A pending case is a criminal case<sup>16</sup> 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 total age of the case. However, the two measures are linked, as pending cases that exceed a certain age are of concern due to the possibility of unreasonable delay.

Case age calculations for pending cases count from the date an Information is sworn to the next scheduled appearance occurring after the "as at" date (in this case, March 31, 2019). These calculations exclude inactive time (e.g. bench warrants). The number and age of pending cases provides a general indication of the Court's ability to process criminal cases in a timely manner.

For criminal cases, the Court's standard for pending cases is for 60% of its pending caseload to be less than 240 days old.

As of March 31, 2019 there were 25,639 adult criminal pending cases, of which 65% had a pending date less than 240 days from the sworn date (that is, there are less than eight months between the date the information was sworn and the next appearance date).<sup>17</sup> This means that the court met its standard this year - as it has done for the past

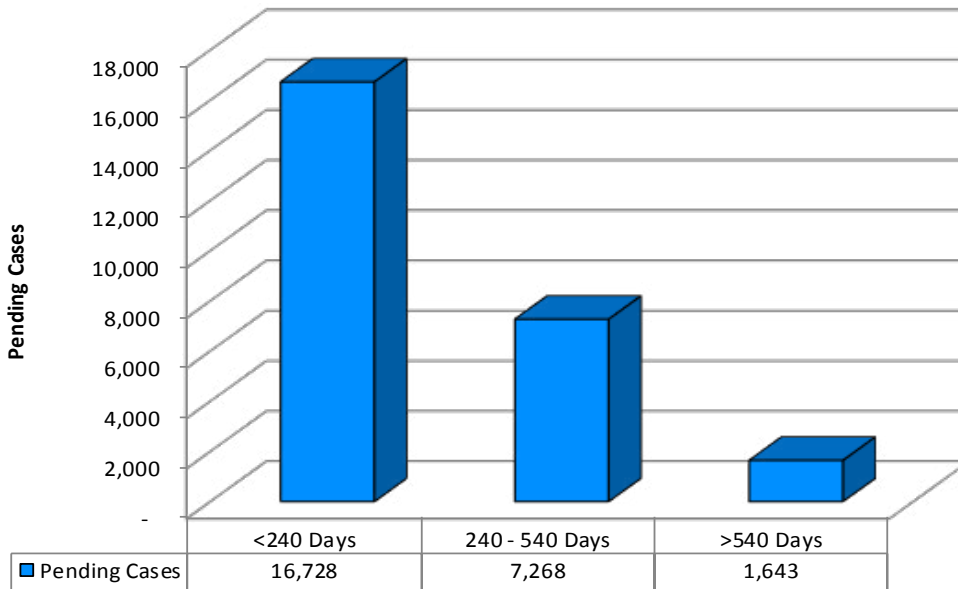
<sup>16</sup> Pending case information is currently only available in the criminal division, as there is no agreed upon definition of case conclusion in the family and small claims divisions.

<sup>17</sup> The current report is a snapshot as at March 31, 2019. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

five years. The remaining 8,911 (35%) cases had pending dates greater than 240 days from the sworn date.

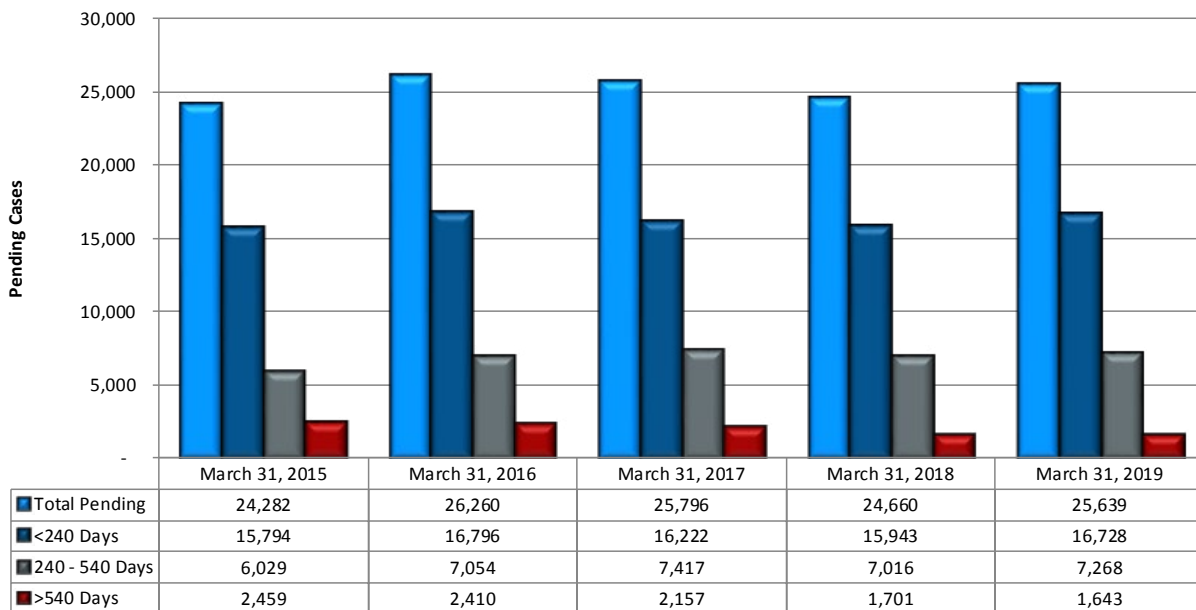
Figure 25 shows the number of adult criminal pending cases in the Provincial Court system on March 31, 2019, broken down by age category.

**FIGURE 25 - ADULT CRIMINAL PENDING CASES BY AGE CATEGORY<sup>18</sup>**



The number of pending cases in the <240 days and 240-540 days age categories increased from last year whereas pending cases >540 days decreased (total pending cases increased 4% overall). The number and proportion of pending cases in the oldest age category (>540 days) has decreased every year of the past five. Figure 26 shows these trends.

**FIGURE 26 - ADULT CRIMINAL PENDING CASES OVER TIME**



18 Data source: Criminal BI Database.

## Province-wide Time to Trial

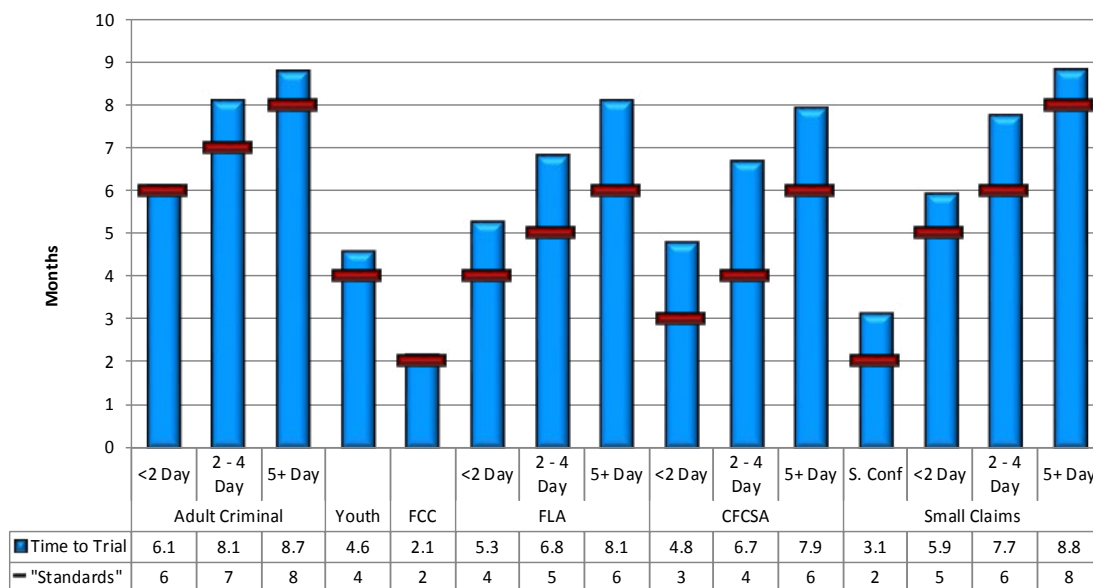
The Court continues to measure time to trial from the date a request or order is made for a conference or trial, to the date when cases of that type can typically be scheduled. Time to trial does not reflect when cases are actually set as this is dependent on the availability of counsel. Rather, it is an estimate of when court time would be available to schedule a particular activity.<sup>19</sup>

In 2005, the Court endorsed a number of standards to measure whether dates were being offered for trial in a timely manner. These standards reflect the Court's goals as to when the Court ought to be able to offer time for the specified trial events. In June 2016, those standards, and the time estimates they govern were revised<sup>20</sup> to better capture longer trials and Summary Proceedings Court matters (shorter trials, generally set for less than half a day).

Figure 27 shows the average time to trial for this fiscal year. The Court was over standard in all areas. However, the majority of time to trial results improved over the previous year. Across all adult criminal time to trial estimates, delays decreased. With the exception of the shortest *FLA* trials, time estimates decreased for all family (*FLA* and *CFCSA*) trials. Youth time to trial experienced an increase over last year.

The majority of small claims time to trial estimates experienced an increase over last year with the exception of small claims trials less than two days. Time to a settlement conference also increased.

**FIGURE 27 - AVERAGE PROVINCIAL TIME TO TRIAL, 2018/19**



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 for September 30, 2018 and March 31, 2019 can be found at <http://www.provincialcourt.bc.ca/news-reports/court-reports>.

<sup>19</sup> In order to provide the most accurate data, other cases waiting to be scheduled are factored into the estimates. "Fast track" dates 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.

<sup>20</sup> A detailed explanation of time to trial definitions, calculations, and standards appears in [Appendix 4](#).

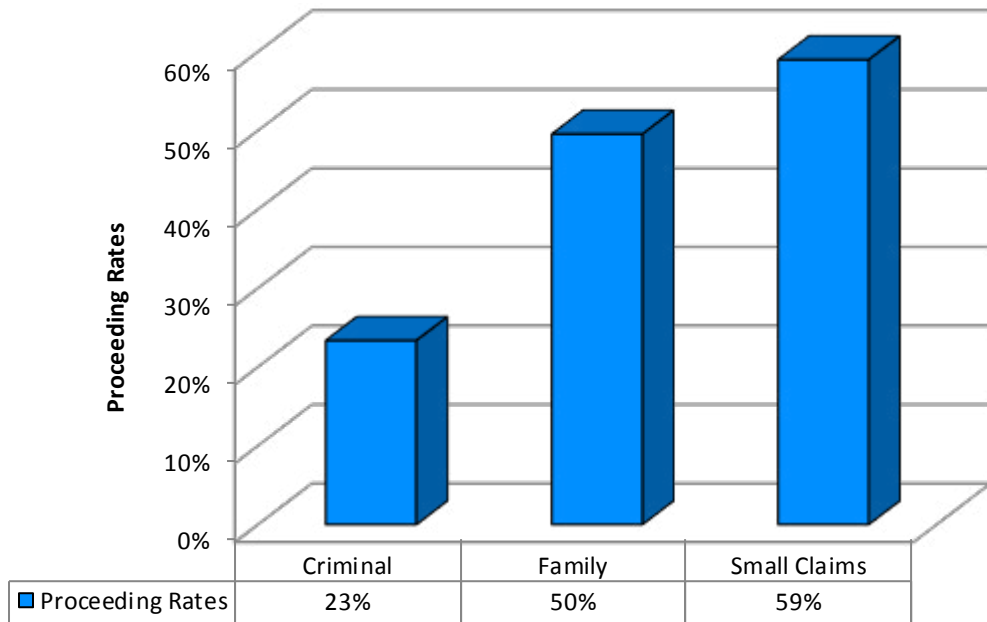
## Trial Events

The Court tracks outcomes for all cases that were still on the Court list on the date set for trial. Consistent with 2017/18, in 2018/19 there were 17,331 such trial events.<sup>21</sup> In addition to the similar number of trial events, results in 2018/19 remain close to those of last year with all categories within 4% of 2017/18’s results.

There are several possible outcomes on the day of trial, one of which is that the trial proceeds.<sup>22</sup> Where a trial does not proceed, this is referred to as a collapse. There are a number of reasons why a trial might collapse. For example, the case might settle on the day of trial before the trial begins. The Court has not established standards for collapse rates but will continue to collect and monitor this data, with particular attention to the number of cases adjourned for lack of court time.<sup>23</sup>

Proceeding rates capture the percentage of trials that proceeded on the first day of trial.<sup>24</sup> There are persistent differences in proceeding rates between divisions. Figure 28 shows the rate for each division in 2018/19.

**FIGURE 28 - PROCEEDING RATES BY DIVISION**



As shown in Figure 29, proceeding rates in all divisions experienced a slight year over year increase, but remain close to the 2017/18 results.<sup>25</sup>

21 Results for cases that were never set for trial, or which did not proceed as scheduled due to adjournment, resolution, or any other reason before their first scheduled trial date are not captured under this system.

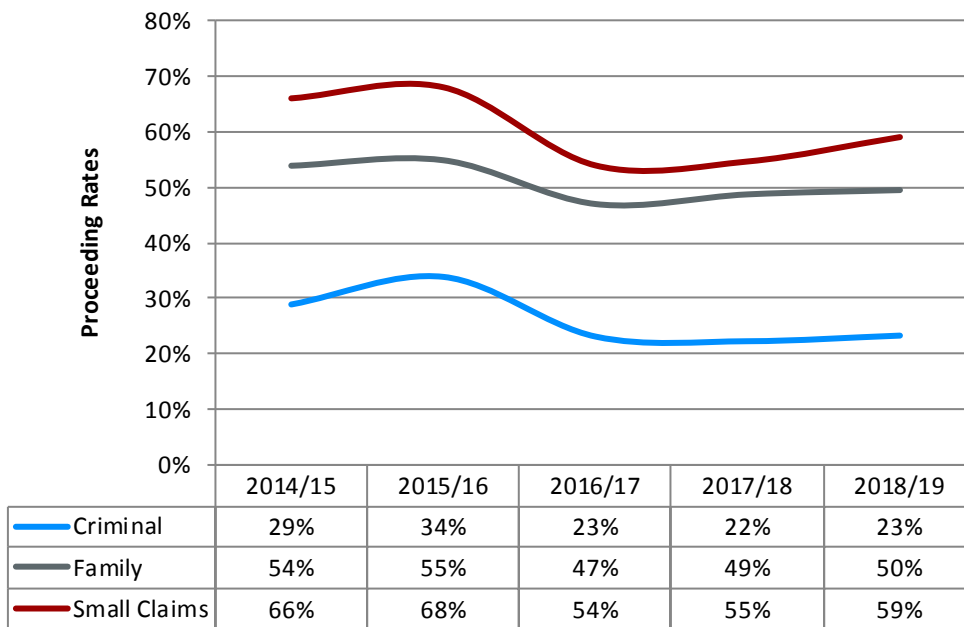
22 Defined as proceeding for trial as scheduled, with evidence or a witness being called - the outcome of the trial appearance is irrelevant from the perspective of whether or not the trial proceeded.

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

24 Whether the case concluded or not is irrelevant to this determination - all that matters is that the case proceeded (as a trial) on the day it was scheduled for trial.

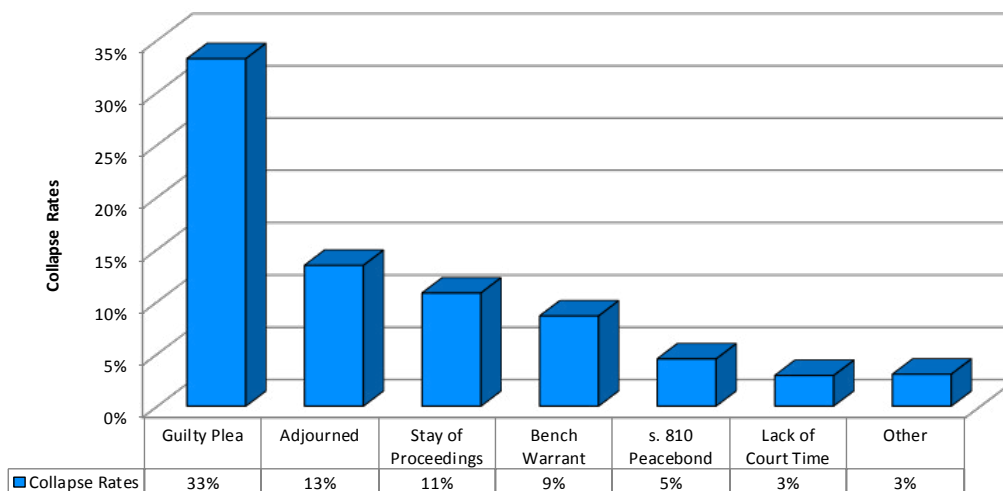
25 This figure includes blended data from three sources: stand-alone trial tracker application, interim tool for Assignment Court, and the Provincial Court Scheduling System (PCSS). While this data is now being captured solely through PCSS, historical reporting will continue to rely on other sources.



**FIGURE 29 - PROCEEDING RATES BY DIVISION, 2014/15 - 2018/19**

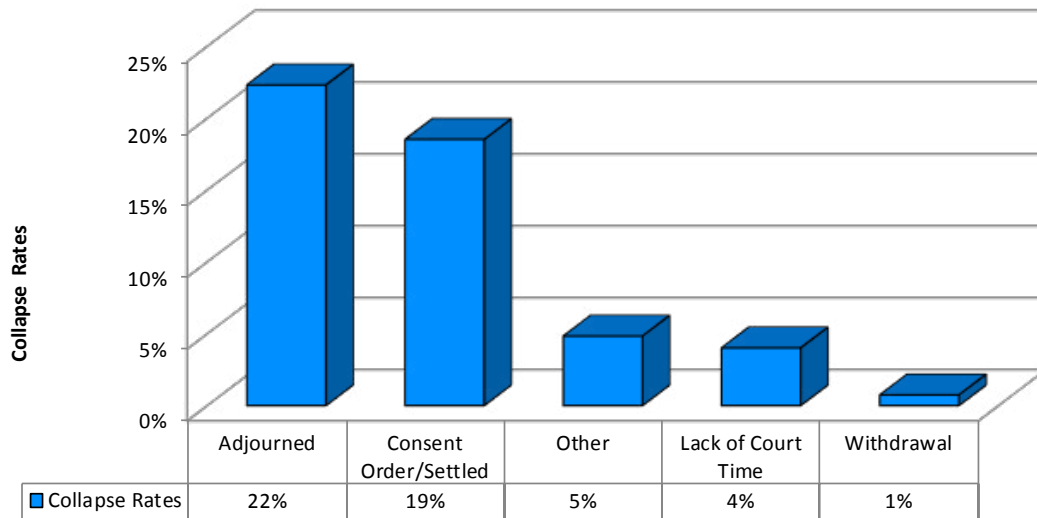
There will always be cases that do not proceed on the first day of trial - a low proceeding rate is not, in itself, a cause for concern. What is important is to note the reason why cases are not proceeding and whether the case has concluded without ever proceeding to trial. Proceeding rates are utilized by judicial case managers to determine how many cases to schedule on a given day to maximize the use of available court time.

In the criminal division, more than half the cases remaining on the list concluded on the first day of trial (i.e. ending in a guilty plea, stay of proceedings, or s. 810 peace bond). Figure 30 shows the distribution of collapse reasons for the criminal division in 2018/19.

**FIGURE 30 - COLLAPSE RATES OF CRIMINAL TRIALS BY COLLAPSE REASON**

The proceeding rate in the family division remains near historically low levels - 50%, slightly higher than last year's rate (49%), but lower than the proceeding rates for 2011/12 - 2015/16 (54 - 55%). Roughly a fifth of family cases remaining on the list concluded on the first day of trial. Figure 31 shows the distribution of collapse reasons in the family division.

**FIGURE 31 - COLLAPSE RATES OF FAMILY TRIALS BY COLLAPSE REASON**



The majority of small claims trials (59%) remaining on the list proceeded on the first day of trial. Figure 32 below shows the distribution of collapse reasons for small claims trials.

**FIGURE 32 - COLLAPSE RATES OF SMALL CLAIMS TRIALS BY COLLAPSE REASON**

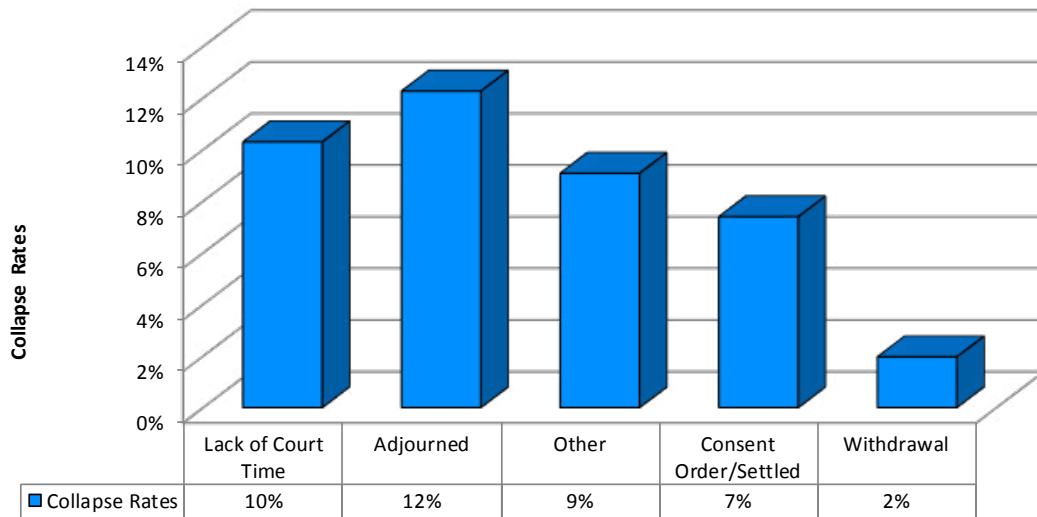
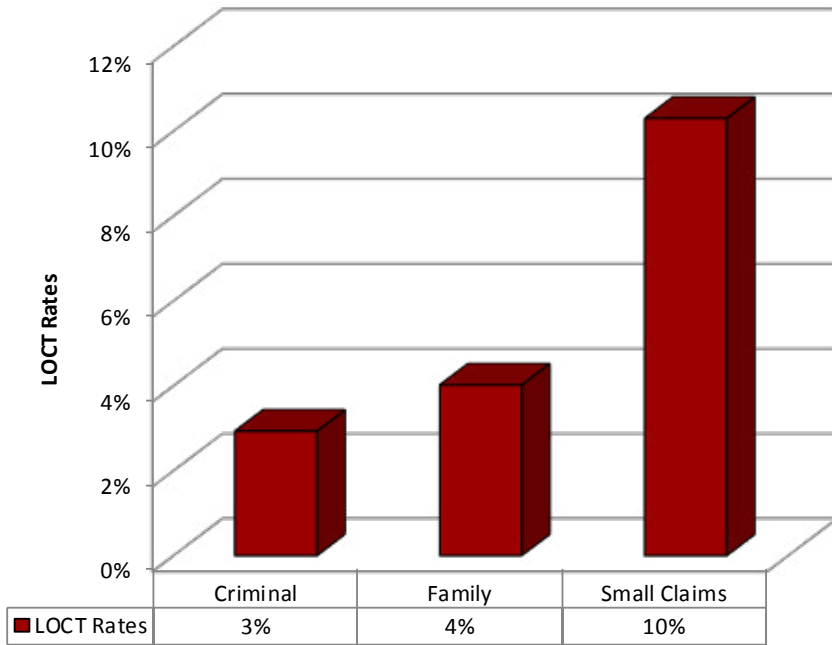


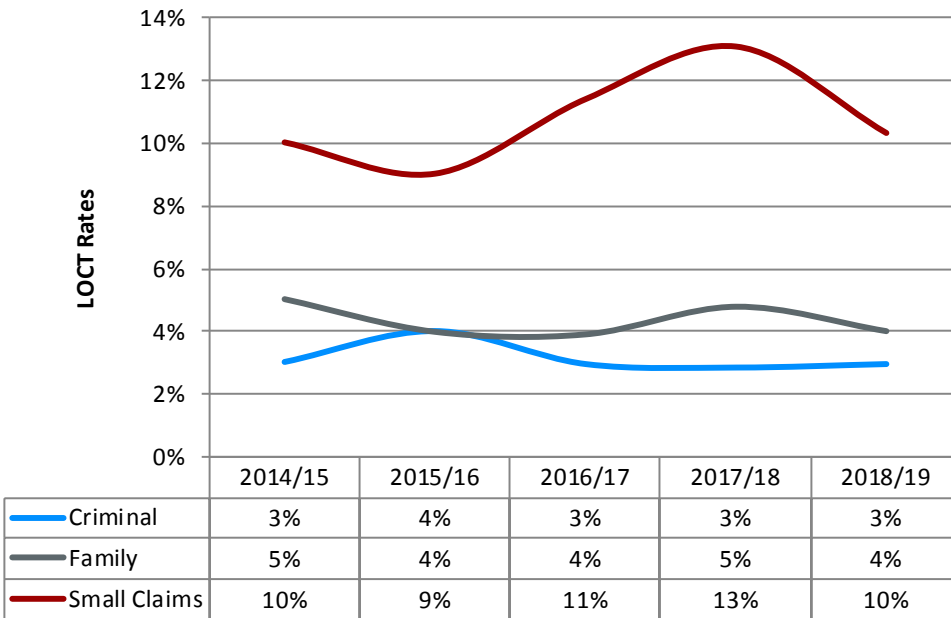
Figure 33 shows the lack of court time rates for each division in 2018/19. Lack of Court Time (LOCT) rates capture the percentage of trials that were adjourned because the Court did not have sufficient judicial resources to hear a given trial on the day it was scheduled to begin.

**FIGURE 33 - LACK OF COURT TIME RATES BY DIVISION**



While LOCT rates for family and criminal have held steady, the rate for small claims decreased after experiencing a five year high the previous year. The five year trend for each division is shown in Figure 34 below.

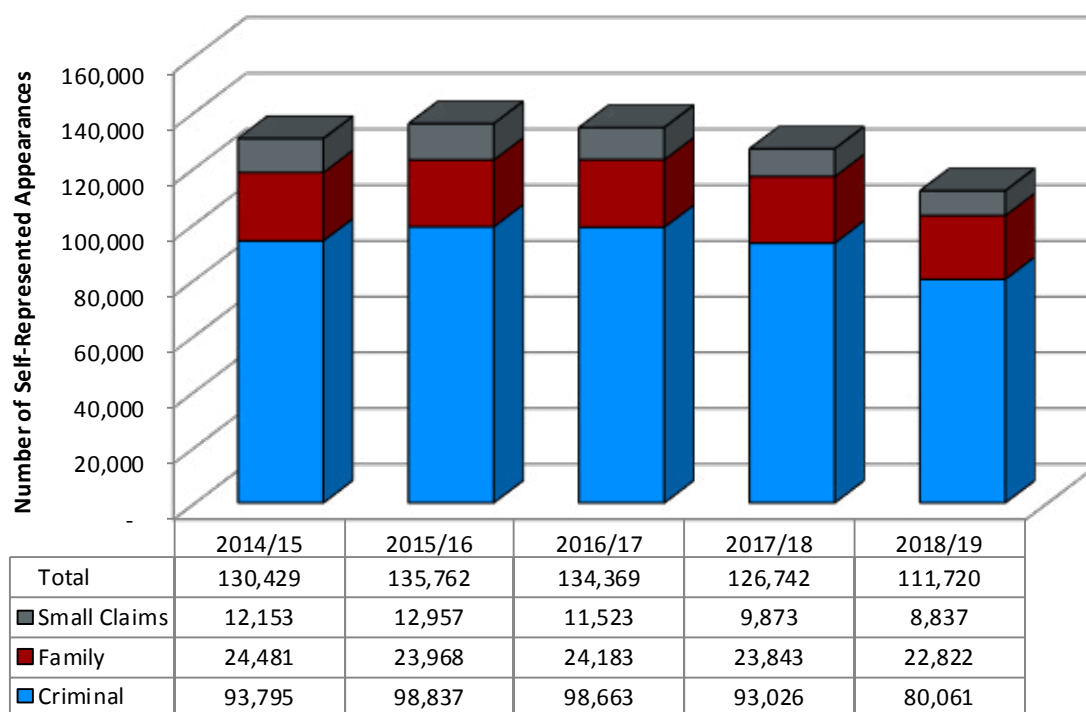
**FIGURE 34 - LACK OF COURT TIME RATES BY DIVISION, 2014/15 - 2018/19**



# SELF-REPRESENTED LITIGANTS

The Court oversaw a total of 111,720 self-represented appearances in 2018/19,<sup>26</sup> representing a 12% decrease compared to last year. Figure 35 below shows the number of self-represented appearances by division over the past five fiscal years.<sup>27</sup>

**FIGURE 35 - NUMBER OF SELF-REPRESENTED APPEARANCES BY DIVISION, 2014/15 - 2018/19**



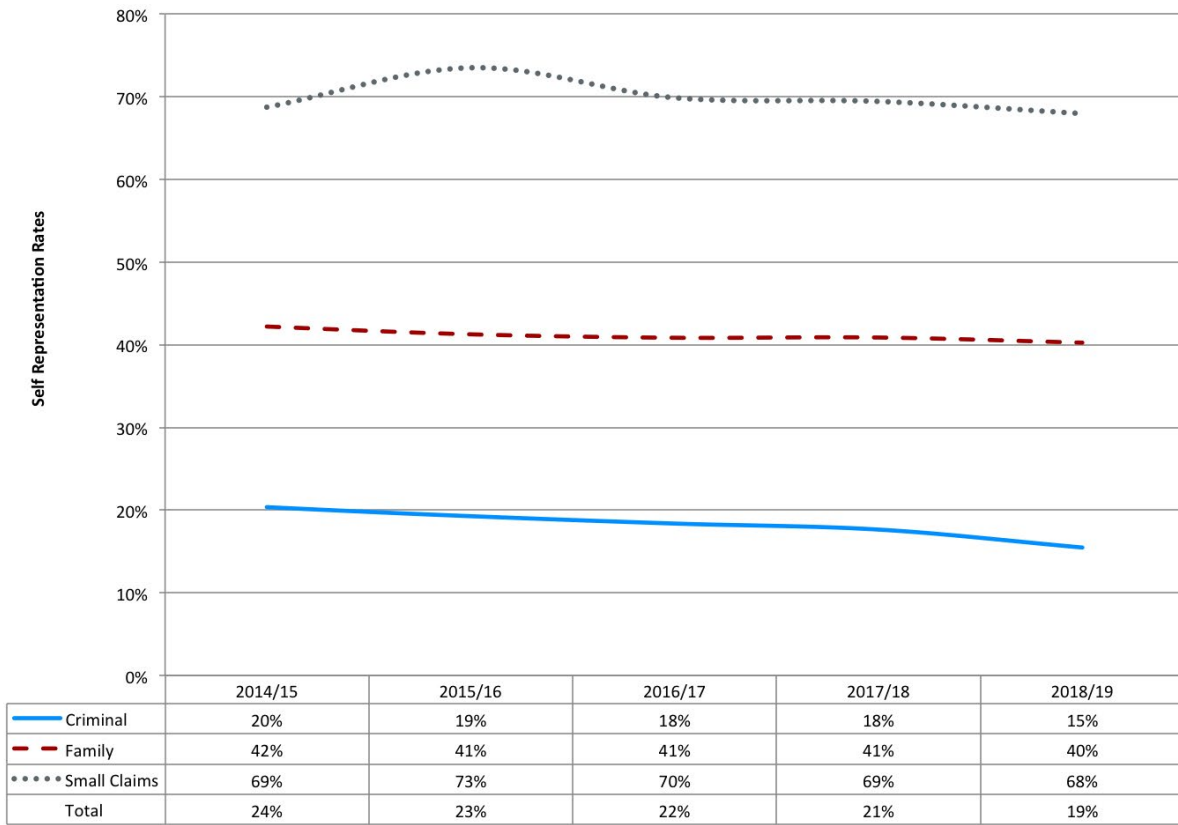
While the number of self-represented appearances is highest in the criminal division, the *rate* of self-representation is lowest. Figure 36 shows the self-representation rate for each division over time. The overall rate of self-representation continues to decline and is currently at its lowest point in five years.

<sup>26</sup> A self-represented appearance is when a family or small claims litigant or accused person is recorded as appearing in court with no counsel or agent present. Data source: CSB SIBA Tables. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled before the appearance or that do not have any appearance duration recorded.

<sup>27</sup> Data are preliminary and subject to change - small fluctuations in the reported totals and percentages for new cases are expected due to continuing improvements in data quality.



**FIGURE 36 - RATE OF SELF-REPRESENTED APPEARANCES BY DIVISION, 2014/15 - 2018/19**



Prince George Courthouse - Photo credit: John Deacon QC [courthouses.co](http://courthouses.co)

# COURT COMMITTEES

Many judges and judicial justices volunteer their time to serve on various committees that assist the Court in its work.

## 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 to help judges inform themselves about changes in the law and judicial practice, as well as scientific and social developments that may affect their work. Moving forward the Education Committee has committed to making every effort to include an Indigenous perspective and access to justice component in the development and design of these conferences.

In the 2018/19 fiscal year, committee members were:

- Judge R. Bowry (chair)
- Chief Judge M. Gillespie
- Judge H. Dhillon
- Judge P. Janzen
- Judge J. Oulton
- Judge P. Whyte
- Judge R. Harris
- Judge P. MacCarthy
- Judge G. Brown
- Judge L. Bakan
- Former Chief Judge T. Crabtree (until May 3, 2018)

The May 2018 conference focused on family and civil law topics. The keynote address by the Honourable Bruce Josephson, a former Chief Judge and retired BC Supreme Court justice, offered judges points for self-reflection in their daily judicial roles together with his thoughts on "do's and don'ts".

In November 2018 the conference was titled "Indigenous Peoples and the Law: From Aspiration to Action". Developed in response to the Truth and Reconciliation Commission's calls to action, the conference opened with a thought-provoking message from Dr. Dawn Lavell-Harvard about how Indigenous women continue to be the most disadvantaged in Canadian society, describing the poverty, violence, and discrimination they have faced and continue to face, and ending with a message of hope that change can happen one step at a time. The conference concluded with Judge Alexander Wolf leading his colleagues through his life journey.

Other sessions included:

SPRING CONFERENCE	FALL CONFERENCE
<ul style="list-style-type: none"> <li>■ Spousal support</li> <li>■ Complex child support applications</li> <li>■ Evidence update</li> <li>■ Overview, framework, and best practices in child protection cases</li> <li>■ Review of the new small claims rules</li> <li>■ Criminal law update</li> </ul>	<ul style="list-style-type: none"> <li>■ Traditional Indigenous laws</li> <li>■ Indigenous families and child protection</li> <li>■ First Nations Courts</li> <li>■ Issues affecting Indigenous youth</li> <li>■ Issues affecting Indigenous women</li> </ul>

## Judicial Justices' Education Committee

The Court's judicial justices attend 2.5 day conferences twice a year with speakers and discussions on subjects that keep them up to date on the law and practice in the evolving areas of work at the Justice Centre and in Traffic Court. In 2018 conferences focused on bail hearings, including the impact of Bill C 75 and resources for people on bail, search warrants, and cannabis legislation.

As the Attorney General has noted, the work of judicial justices is fast paced and challenging, and their decisions can have profound impacts on people in the province. Educational opportunities are an important way to ensure those decisions are right and appropriate. Judicial justices may also take two days education leave a year to attend educational conferences presented outside the Court.

## Criminal Law Committee

The Criminal Law Committee was active on a number of significant projects this year.

### Criminal Law Boot Camp

Extensive work went into the development of this intense, interactive criminal law training program for new judges. A three-day program has now been offered twice to a total of 31 judges. In December 2018 participants included three judges from Guyana. The program has garnered national attention through an article in *The Lawyers' Daily*.

The committee continues to build on the program with ideas from other jurisdictions like the New York New Judges Boot Camp and by updating the materials as the law evolves. In addition to committee members, Judges Craig, Sutherland, and Wolf have worked on the program.

### Bail and Sentencing Picklists

In 2017 the committee rolled out lists containing suggested wording for common bail and sentencing orders. Created following extensive consultation with court users, these "picklists" offer judges, lawyers, and court clerks a measure of efficiency and a degree of confidence about readability and enforceability.

In June 2018 the committee was part of a team that received the Justice and Public Safety Sector Award for Collaboration for creating and implementing the picklists.

The lists are being refreshed to recognize changes to the law and legislation. Updated lists including youth court conditions will likely be rolled out late next year.

Non-committee members who have assisted with picklists include Judges Armstrong, Blake, Lowe, and Skilnick.

## Pretrial Conference Practice Direction

The committee has provided ongoing advice and recommendations regarding a proposed Pretrial Conference Practice Direction. At least two committee members will participate in pilot projects being planned for Surrey and Kelowna.

## Webinars on New Legislation

Parliament made significant changes to the [Criminal Code](#) in 2018/19, completely overhauling the use of preliminary hearings, classification of offences, bail, and impaired driving laws. Committee members, along with Judicial Justice Brown and Legal Officer Caroline Berkey will present webinars to the judges of the Provincial Court regarding the changes. Judge Browning, Judicial Justice Brown, and Legal Officer Caroline Berkey presented a webinar on cannabis legislation to all judges of the Court.

## Providing Advice and Information

The committee provides advice to the Office of the Chief Judge concerning various criminal law issues. This work includes reporting and summarizing cases of interest to all judges, recommending improvements to technology to help improve the delivery of services, and advising on policy issues.

The committee also contributes to the Court's digital communications by vetting criminal law and practice information posted on the Court's public and internal websites. Committee members have also written eNews articles about criminal procedures.

## 2018/19 Members

- Judge G. Koturbash (chair)
- Judge C. Rogers
- Judge R. Harris
- Judge V. Galbraith
- Judge R. Hewson
- Judge R. Browning
- Judge S. Mengerling
- Judge C. Malfair

## Family Law Committee

The Family Law Committee worked on two major projects in 2018/19.

### Provincial Court Family Rules Working Group

Four committee members serve on the Provincial Court Family Rules Working Group, which has spent four years working on revising the Provincial Court Family Rules. It is anticipated that a white paper will be published in 2019 to invite comments from interested groups and members of the public on proposed procedures and draft rules.

In addition, the Working Group is developing the Victoria Early Resolution Project (VERP), a prototype incorporating many of the recommended rules revisions. Two key components will be mandatory mediation for all litigants (unless



exempted for a specific reason, including domestic violence) before a family matter comes before the Court, and replacing the first appearance in court with a family management conference where litigants will have more time to try to resolve or narrow issues.

The Victoria Early Resolution Project and upcoming public consultation on the proposed model will help to finalize the broader Provincial Court Family Rules.

### **Family Law Boot Camp**

The Family Law Committee is designing a Boot Camp Program for newly appointed judges. This work involves preparing and editing materials for all areas of family law within Provincial Court jurisdiction, as well as preparing and presenting the course. It is anticipated that the first Family Law Boot Camp will be offered in the spring of 2020.

### **Providing Advice and Information**

The Family Law Committee updates the family court picklists containing suggested wording for family law orders, and responds to requests from the Office of the Chief Judge on a variety of family law topics. Members also review family law information posted on the Court's websites and contribute eNews articles on family court topics.

Several members of the Family Law Committee continue to volunteer to hear family court emergency applications after regular court sitting hours.

### **2018/19 Members**

- Judge R. Raven (chair)
- Judge M. Brecknell
- Judge M. Shaw
- Judge M. Takahashi
- Judge G. Brown
- Judge J. Wingham
- Judge P. Bond
- Judge L. Wyatt
- Judge K. Ferriss
- Judge R. McQuillan
- Judge W. Lee
- Judge J. Barrett
- Judge K. Whonnock

## 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.

In 2018/19 the committee monitored changes to legislation regarding the Court's jurisdiction and the Civil Resolution Tribunal. Committee members vetted and advised on civil law information posted on the Court's websites and in eNews articles.

The committee continues to meet as required to ensure access to the Court in civil disputes occurs in a just, speedy, inexpensive, and simple manner.

### 2018/19 Members

- Regional Administrative Judge J. Milne (chair)
- Associate Chief Judge S. Wishart
- Judge N. Phillips
- Judge J. Challenger
- Judge K. Denhoff
- Judge D. Dorey
- Judge D. Senniwi
- Judge K. Skilnick

## Judges Technology Working Group

The Judges Technology Working Group continues to explore ways in which technology can assist judges in their work. Because judicial officers frequently travel between court locations, the ability to access digital court files remotely remains a priority. Access to the digital court file will also increase the ability of judicial officers to conduct matters using videoconferencing. This is an important aspect of access to justice because it allows the Court to make efficient use of its judicial resources.

### 2018/19 Members

- Associate Chief Judge S. Wishart
- Judge G. Gill
- Judge G. Cohen
- Judge H. Seidemann III
- Judge T. Woods

**“...the ability to access digital court files remotely remains a priority.”**

# INNOVATION

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The Provincial Court of BC continues to adopt and build on innovative approaches to improve the services it offers.

## Indigenous Courts

Six Indigenous sentencing courts continue to operate across the province:

- New Westminster First Nations Court (since 2006)
- North Vancouver Chet wa nexwníw ta S7eḵw'í7tel Indigenous Court (since 2012)
- Kamloops Cknucwentn First Nations Sentencing Court (since 2013)
- Duncan First Nations Court (since 2013)
- Nicola Valley Indigenous Court (since 2017)
- Prince George Indigenous Court (since 2018)

The ongoing intent of the restorative approach in these Courts is to address criminal matters for Indigenous offenders more effectively. Indigenous Courts provide support and healing to assist offenders in their rehabilitation and to reduce recidivism while acknowledging and repairing the harm done to victims and the community. These Courts encourage local Indigenous communities to contribute to the proceedings and take a holistic approach, recognizing the unique circumstances of Indigenous offenders within the framework of existing laws.

The success of the Provincial Court's Indigenous Courts initiative is due in large part to the efforts of stakeholders, including communities as a whole, Elders, and the Legal Services Society. The Provincial Court continues to work with stakeholders as the initiative evolves in order to meet the needs of the communities involved. Throughout 2018/19 Chief Judge Gillespie traveled to Indigenous communities to continue discussions about developing Indigenous courts in Williams Lake, Hazelton, Port Hardy, and Port Alberni.

Additional information on Indigenous Courts can be found on the Provincial Court [website](#).

## Aboriginal Family Healing Court Conference

The Aboriginal Family Healing Court Conference (AFHCC) is a three-year pilot project in New Westminster designed to reduce the over-representation of Aboriginal children in care by providing cultural interventions that increase the effectiveness of court processes for child protection cases.

The project launched in January 2017 and court conferences have been offered monthly since March 2017. The AFHCC is an expansion of the family case conference into a healing circle, to allow for a more culturally appropriate process. An Aboriginal family can tell their stories in an environment that is attentive to both their cultural practices and their unique personal situation. Families work with Elders to develop a healing and wellness plan. Where appropriate, aspects of the healing and wellness plan may be included in any consent order that a judge makes at the case conference. A cultural ceremony is held for families when they achieve the goals set out in their healing and wellness plan to honour their hard work and success.

An independent evaluation of the project is expected to be completed by the end of 2019.

More information on this project can be found in [eNews](#) articles on the Court's website.

## Specialized Courts

### 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
- pro-social use of their time

For a minimum of 14 months, DTCV participants undergo drug addiction treatment supervised by a Provincial Court 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 illicit 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
- engaged in secure employment, training, or volunteering for the three months immediately preceding graduation

In 2018/2019 DTCV approved 58 new intakes (a 50% increase from the 38 intakes of the previous year), reflecting the impact of the opioid crisis in our communities and the desire of addicted offenders to participate in rehabilitative treatment.

Ten of these new intakes (17%) were female. Fifteen people from outside the Lower Mainland were accepted on charges moved to Vancouver for guilty pleas. As of March 31, 2019 there were 65 participants in the program. Of note, eight participants completed all four phases of the program and graduated from the treatment program in 2018/2019.

During the year, members of the DTCV team engaged in public information activities, including hosting visitors from other Drug Courts, international law professors, judicial law clerks, and students from local schools and colleges. Additionally, DTCV Court and Treatment Centre staff undertake annual in-house training in therapeutic jurisprudence, bringing together addictions specialists, counsellors, and corrections staff for round table engagement on best practices for treatment courts.

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

### Vancouver's Downtown Community Court

The Downtown Community Court (DCC) in Vancouver is a unique collaboration between the Provincial Court and the Government of British Columbia. Now in its 11th year of operation, DCC and its 14 partner agencies with justice, social, and health care services provide an integrated and restorative justice approach in order to effectively address the root causes of crime.

DCC attempts to reduce criminal activity by identifying and addressing the risks posed by offenders, many of whom are impacted by mental health, addiction, homelessness, poverty, and stigmatization. Working collaboratively and using a unique triage and assessment process, DCC can better assist offenders with these complex needs.

Assessments are completed daily on new and returning clients, and often include a mental health assessment by an on-site forensic liaison worker, and when necessary, a psychiatrist. If clients are found to be appropriate for the programs at DCC, they can be referred to one of three specialized teams for support and supervision.

DCC clients are, when appropriate, given an opportunity to perform community work service as an alternative measure which may result in a stay of their charges. Community work service is also often imposed as part of a sentence, and whenever possible, this is done in a way that benefits the local community. Through community work service, clients are often linked to outside agencies such as the Downtown Eastside Women's Centre, Coast Mental Health, and the Carnegie Centre.

In 2018, 386 clients sentenced to perform community work service through the DCC completed over 2,100 combined hours of work in the community, which benefited local non-profit agencies and contributed to street clean-up programs. With the support of a justice coordinator, alternative measures are available for Indigenous clients to give back to the community and make lasting and positive changes in their lives through individual healing plans determined by a community council.

The DCC provides on-site programs and classes to help prepare and connect sentenced clients for a return to their communities. It also works with a number of local non-profit agencies that offer low-barrier employment opportunities for clients. In addition, the needs of victims of crime are addressed through onsite victim support workers who provide information, support, referrals to programs and services, and ensure that victims' voices are heard in court.



DCC Community Service - Photo credit [www2.gov.bc.ca](http://www2.gov.bc.ca)



Judge Jody Werier, speaking at DCC's 10th anniversary celebration, 24/10/18





DCC and the agencies associated with it provide a timely, coordinated, and meaningful response to offenders. With an integrated focus, DCC looks to build relationships with partners in the community, and to find new and innovative ways to solve complex problems. One way the DCC achieves this goal is through the Community Advisory Council, which had representation in 2018 from the Chinatown Business Improvement Association, Harbour Lights Detox, the Vancouver Aboriginal Policing Community Centre, University of British Columbia, First Nations Mental Health, a local business, and representatives from the DCC.

Located in the heart of the Downtown Eastside of Vancouver, DCC serves the communities of Chinatown, Coal Harbour, Strathcona, Gastown, Yaletown, the West End (including Stanley Park), and the Downtown Eastside. As the first and only community court in Canada, DCC continues to serve as a model of court innovation both nationally and globally.

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

### Victoria Integrated Court

Victoria Integrated Court (VIC) was created in 2010 to address street crime in Victoria using an integrated approach to deal with chronic offenders suffering from mental health and substance abuse challenges.

VIC focuses 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. Various integrated teams comprised of members from service providers including police, health, social workers, and community corrections deliver emergency, health, and support services to offenders appearing in VIC.

Judges are told about housing, medical, and other issues affecting an offender and they receive recommendations for orders to help a team support and supervise the offender, including engaging in treatment and in community work service. While in the community, the teams closely monitor the participants and bring participants back to VIC for "reviews" as needed. These are unique features of VIC that contribute to its effectiveness.

VIC is not a trial court. Eligible individuals may have bail hearings or plead guilty and be sentenced in VIC. Some offenders convicted and given a community-based sentence in a regular court may have that sentence supervised in VIC.

VIC's integrated approach is serving as a model for other jurisdictions. Judges from other provinces have visited and an integrated court has been established in Alberta.

More information about VIC, including 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 a BC court 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 when a trial results in conviction, 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.

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. Additional resources are now provided by the Legal Services Society-funded Parents Legal Centre recently opened in Duncan.

Along with sharing relevant information among all participants, the process ensures that the accused and the complainant receive services that will provide them the best opportunity to avoid future violence.

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.

In 2016 a front-end domestic violence remand court with a dedicated Crown counsel team was established in the Surrey courthouse to expedite domestic violence cases. The Provincial Court in Surrey handles cases from Langley, Delta, and White Rock as well as from Surrey.

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

## Video Appearances

To conduct bail hearings for people arrested and in custody in remote locations, the Court continues to use video technology connecting the Justice Centre in Burnaby to locations where video links have been established. Video technology also allows judicial case managers and judges to hear preliminary matters from a distant courthouse. 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 2018/19 the use of video technology saved 33,319 prisoner transports for people required to appear in court for preliminary matters. The Justice Centre conducted 13,190 bail hearings by video.

For several years the Court has been working to improve access to justice by expanding video capacity in remote areas of the province. This year videoconferencing equipment was refreshed at two locations; 15 additional units were deployed to locations with existing videoconferencing; and seven new units were deployed at locations with no videoconferencing. Expansion to additional circuit and satellite court locations is planned for 2019/20 with specific locations to be determined.



## UBC Interns Program

Since January 2007 the Provincial Court and the Peter A. Allard School of Law at the University of British Columbia Allard 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 academic credit.

Students are assigned to a courthouse (or a rotation of courthouses to ensure exposure to all aspects of the Court's work), work with judges four days a week, and attend a weekly workshop at UBC. Their work includes research, memorandum preparation, attendance at trials and other judicial processes, and other tasks to assist the judiciary.

An aspect of the program that students find particularly rewarding is the opportunity to accompany a judge and court party to a remote area in British Columbia for a "circuit court". This experience broadens the students' education, exposes them to legal practice outside the Lower Mainland, and offers insight into the Court's "problem-solving" work in geographic areas with significant variations in extra-legal resources.

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. For more information see the Court's [website](#).

## Communications

The Provincial Court of BC continues to engage the public actively through its website, eNews articles, and Twitter account, all of which showed substantial increases in traffic in 2018.

The Court's leadership in the field of court communications was recognized when it was invited by the Office of the Federal Commissioner of Judicial Affairs to participate in its Support to Judicial Reform in Ukraine [project](#). The Court hosted a delegation of Ukrainian judges and others in the justice system at a program on court communications.

## Website

The Court's welcoming, plain language website helps visitors learn about the type of cases it handles, find court locations and contact information, search judgments, and get the latest news about the Court and BC justice system. The website is continually updated with information useful to people going to court, media, lawyers, and the public.

Notable additions in 2018/19 included detailed explanations of the stages in a [criminal case](#), an updated [Media Guide](#), and information about the [education](#) provided to judges and judicial justices upon their appointments and throughout their careers.

Another new web page, "[What can I expect in court?](#)", contains links to a series of frequently consulted eNews articles explaining what is likely to happen at various family and small claims proceedings in Provincial Court.

**"The website had almost one million page views in 2018, and is on track to exceed that in 2019."**

**FIGURE 37 - THE NUMBER OF VISITORS TO THE PROVINCIAL COURT WEBSITE IN 2018**

PAGE VIEWS	USERS	SESSIONS
997,638	247,856	456,368

## eNews

Interest in the short, informal news and information articles posted weekly or bi-weekly on the Court's public website continues to grow. Readers can [subscribe](#) to eNews and receive email notices of topics as they are posted.

There were 60,431 page views of eNews articles in 2018, an increase of 68% over the previous year. In March, 2019 eNews articles had 7,868 page views. This year's titles included:

[Do Canadian judges use gavels?](#)

[Yes, the Provincial Court of BC & its judges are accountable](#)

[Oaths and alternatives, past and present, in BC courts](#)

[Why do Canadian judges wear robes?](#)

[What is hearsay evidence?](#)

Several eNews posts gave rise to media articles on their topics, and the eNews explaining that Canadian judges do not use gavels prompted the Twitter hashtag #NoGavels. Some media accepted the challenge of using other images when reporting on court proceedings.

## Twitter

The Court's interactive Twitter account [@BCProvCourt](#) not only shares information with the public, it provides an opportunity for the Court to hear and respond to people's comments, questions, and concerns. The account's followers increased from 1284 to 1694 during the fiscal year.

The account's less formal tone and two-way engagement has been well received. For example, the Court's use of Twitter was lauded in a July 4, 2018 [article](#) in SLAW, "Canada's Online Legal Magazine" when Heather Douglas wrote, "A great example of a court's use of social media is [@BCProvCourt](#)."



**#NoGavels**



## Public Engagement

In many ways the Court's online communications are merely an expansion of its judges' traditional outreach efforts.

BC Provincial Court judges have always volunteered to speak to school and other groups in their communities and on courthouse visits, and they continue this tradition around the province every day. Judges often comment on how much they enjoy discussing the Court's work with students and other interested groups.

Public speaking is an important part of the Chief Judge's work and Chief Judge Gillespie has maintained a busy public speaking schedule throughout British Columbia and elsewhere in Canada since her appointment.

## Information for Self-Represented Litigants

In addition to publishing several "[What can I expect in court?](#)" eNews articles explaining what happens at

various court proceedings and adding to its information on criminal cases, the Court also expanded the Traffic, Ticket, and Bylaw [section](#) of its website, and published a plain language [Guide to Disputing a Ticket](#) that has proven popular.

## Access to Justice BC and Justice Summits

Like her predecessor, Chief Judge Gillespie is an active member of the Steering Committee and Leadership Group of Access to Justice BC (A2JBC), a network of justice system stakeholders committed to improving access to justice in family and civil matters.

In 2018/19 [A2JBC](#) continued working to inspire justice system stakeholders to take action to improve access to justice using collaborative, innovative, user-centered, and evidence-based approaches.

It continued its involvement in the Family Justice Pathfinder initiative in Kamloops and the Skills for Changing Families (formerly "Presumptive CDR") project in Victoria. Both projects adopted a "start small but think big" approach with the intention of creating opportunities to experiment, and both made progress during the year.



“[Unbundling](#)” legal services (so a client pays a lawyer only for the discrete tasks requested instead of for entire court proceedings) is one way of modifying legal services to meet clients’ needs. This year A2JBC encouraged the provision of unbundled legal services by creating an Unbundling Working Group and supporting the Unbundling Public Promotion Project funded by the Law Foundation and operated by the People’s Law School with a [website](#) and roster.

A2JBC also partnered with BC’s three law schools to inaugurate an [Access to Justice Week](#) at the law schools in the fall of 2018 and supported the first “Justice Hack”, a hackathon that brought together people with legal and technical skills to develop solutions to access to justice problems in the family law area over a weekend.

Chief Judge Gillespie and Associate Chief Judge Wishart attended Justice Summits in May and November 2018 on the topic of Indigenous Justice. Reports of these Summits are available on the BC Justice Reform [website](#).



Chief Judge Gillespie at Downtown Community Court 10th anniversary celebration



Judge Parker MacCarthy at Lake Cowichan council swearing-in, Nov. 15, 2018 - Photo credit: [cowichanvalleycitizen.com](http://cowichanvalleycitizen.com)



# FINANCIAL REPORT

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The finance department at the Office of the Chief Judge provides financial and administrative support to judicial officers and staff of the Provincial Court of BC. It is responsible to:

- support the administration and management of the judiciary budget
- prepare budgets and spending plans
- provide regular financial forecasts
- identify and mitigate budgetary and administrative risks and pressures
- create, implement, and update OCJ finance policies and procedures
- answer finance related enquiries from judicial officers and staff across the province
- generate and implement business process improvements in finance and administration
- process accounts payable including invoices, reimbursements, and travel claims in accordance with OCJ policies and core government policies
- administer fleet vehicles for the Provincial Court judiciary
- provide analytical support to the executive team to support decision making
- provide administrative and logistical support for Court education conferences

The judiciary faced budget pressures in the 2018/2019 fiscal year and accessed government authorized contingent funds to complete the fiscal year without incurring a deficit. Figure 38 provides an overview of the estimates budget allocated to the judiciary, the actual expenses incurred by the judiciary, and the authorized contingencies accessed by the judiciary for the 2018/2019 fiscal year.

**FIGURE 38 - STATEMENT OF OPERATING EXPENSES - FISCAL YEAR 2018/2019**

STOB	Description	Estimates Budget	Actual	Variance	Notes
50	Salaries	44,774,000	44,005,994	768,006	(1)
51	Supplemental Salaries	30,000	105,048	(75,048)	(2)
52	Benefits	11,104,000	11,058,985	45,015	(1)
	Total Salaries and Benefits	55,908,000	55,170,027	737,973	
55	Judicial Council Fees & Expenses		34,162	(34,162)	
55	Judicial Justices Fees & Expenses	1,997,000	2,375,346	(378,346)	(3)
57	Travel	1,298,000	1,714,396	(416,396)	(4)
60	Professional Services	157,000	245,345	(88,345)	(5)
63	IT/Systems	216,000	823,860	(607,860)	(6)
65	Office Expenses	992,000	1,374,129	(382,129)	(7)
68	Advertising	3,000		3,000	
69	Supplies - Judicial Attire	76,000	94,058	(18,058)	
70	Vehicle Expenses	66,000	63,063	2,937	
73	Amortization	249,000	398,537	(149,537)	(8)
75	Renovations and Rent		231,867	(231,867)	(9)
77	Transfers - Grants	4,000		4,000	(7)
80	Transfers - CAPCJ & CCCJ	175,000	12,200	162,800	(7)
85	Other Expenses	91,000		91,000	(7)
	Total Operating Expenses	5,324,000	7,366,963	(2,042,963)	
	Other Authorizations	1,425,238		1,425,238	(10)
	<b>Grand Total</b>	<b>62,657,238</b>	<b>62,536,990</b>	<b>120,248</b>	

**Notes**

- (1) Savings due to delays in judicial appointments and staffing.
- (2) Supplemental salaries primarily associated with shift work at the Justice Center.
- (3) Increasing number of judicial justice shifts due to caseload and higher rates resulting from Judicial Compensation Commission.
- (4) Higher travel costs due to increasing transportation allowances and accommodation rates across the province and increasing travel requirements.
- (5) Professional services including one-time contract.
- (6) IT costs associated with maintaining an in-house IT team to support judiciary information systems.
- (7) Historical budget allocation does not reflect current operations. Adjustment has been requested.
- (8) Amortization of judiciary fleet vehicles and information systems hardware.
- (9) Costs associated with maintenance and repairs of aging judiciary areas of courthouses and amortization of capital renovation costs.
- (10) Government authorized contingent funds in the amount of \$1.425 million were made available to the judiciary for fiscal 2018/19.

# COMPLAINTS

The Court's complaints process maintains public confidence in the justice system by giving people the means to criticize judicial officers formally if they believe their conduct is inappropriate. Under the [Provincial Court Act](#), all complaints about judicial officers are made in writing to the Chief Judge. The Act establishes three stages to the judicial conduct complaints process: examination, investigation, and inquiry.

If the complaint asserts judicial misconduct, it is examined by the Chief Judge. As part of this 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 lacks merit; (b) the complaint can be resolved through corrective or remedial measures; or (c) that an investigation is warranted. The Chief Judge then advises the complainant and the judicial officer of the result of the examination.

During the period from January 1, 2018 to December 31, 2018, the Office of the Chief Judge received 379 letters of complaint. While that is an increase over the previous year, on assessment 370 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 2017, nine examinations were completed and resolved at the examination stage.

Summaries of the completed complaint examinations can be found in [Appendix 3](#). Figure 39 tracks complaint statistics and outcomes for the last decade. Since 2009 almost all complaints have been resolved at the examination stage.

**FIGURE 39 - COMPLAINTS STATISTICS, 2009-2018<sup>28</sup>**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>Letters received</b>	245	280	272	227	253	273	204	336	352	379
<b>Non-complaints (those found not to be within Section 11 of the PCA)</b>	207	225	239	206	225	254	164	313	335	370
<b>Examinations of complaints performed to December 31, 2018</b>	* 35	* 29	* 39	* 21	* 20	* 28	* 19	* 26	* 16	* 9
<b>Investigations of complaints performed</b>	0	0	0	0	0	0	0	0	1	0
<b>Files unresolved by December 31, 2018</b>	0	0	0	0	0	11	23	7	16	5

<sup>28</sup> \* 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 40 - LIST OF JUDGES AS OF MARCH 31, 2019<sup>29</sup>

<b>PROVINCIAL COURT JUDGES, 2018/19</b>	
<b>OFFICE OF THE CHIEF JUDGE</b>	<b>STATUS</b>
<b>Chief Judge Melissa Gillespie</b>	
Associate Chief Judge Paul Dohm	
Associate Chief Judge Susan Wishart	
<b>FRASER REGION</b>	<b>STATUS</b>
<b>Regional Administrative Judge Robert Hamilton</b>	
Judge David Albert	Full Time
Judge Therese Alexander	Full Time
Judge Kimberley Arthur-Leung	Full Time
Judge Dawn Boblin	Full Time
Judge Rita Bowry	Full Time
Judge Anja Brown	Full Time
Judge Gregory Brown	Full Time
Judge Richard Browning	Full Time
Judge Andrea Brownstone	Full Time
Judge Valliammai Chettiar	Full Time
Judge Gary Cohen	Full Time
Judge Pedro L.J. de Couto	Senior

<sup>29</sup> Judges on long term disability are not listed.

### PROVINCIAL COURT JUDGES, 2018/19

Judge Georgia Docolas	Full Time
Judge Diana Dorey	Full Time
Judge Shehni Dossa	Full Time
Judge Kathryn Ferriss	Full Time
Judge Deanne Gaffar	Full Time
Judge Gurmail S. Gill	Senior
Judge Peder Gulbransen	Senior
Judge Robert Gunnell	Full Time
Judge Brent G. Hoy	Senior
Judge Delaram Jahani	Full Time
Judge Eugene Jamieson	Full Time
Judge Patricia Janzen	Full Time
Judge Mark Jetté	Full Time
Judge Peter LaPrairie	Full Time
Judge Jennifer Lopes	Full Time
Judge Trudy Macdonald	Full Time
Judge Robin McQuillan	Full Time
Judge Kristen Mundstock	Full Time
Judge Andrea Ormiston	Full Time
Judge Deirdre Potheary	Senior
Judge Edna M. Ritchie	Full Time
Judge Jill Rounthwaite	Part Time
Judge Craig Sicotte	Full Time
Judge Kenneth D. Skilnick	Full Time



<b>PROVINCIAL COURT JUDGES, 2018/19</b>	
Judge Garth Smith	Full Time
Judge Jay Solomon	Full Time
Judge Patricia Stark	Full Time
Judge Daniel M.B. Steinberg	Full Time
Judge Danny Sudeyko	Full Time
Judge Daniel Weatherly	Full Time
Judge Alexander M. D. Wolf	Full Time
Judge Thomas Woods	Senior
Judge Wendy Young	Full Time
<b>INTERIOR REGION</b>	<b>STATUS</b>
<b>Regional Administrative Judge Meg Shaw</b>	
Judge Mariane R. Armstrong	Full Time
Judge Robert G. P. Brown	Full Time
Judge Ellen M. Burdett	Senior
Judge Clarke Burnett	Full Time
Judge Jane P. Cartwright	Senior
Judge Christopher D. Cleaveley	Senior
Judge Michelle Daneliuk	Full Time
Judge Roy Dickey	Full Time
Judge Lynal Doerksen	Full Time
Judge Stella Frame	Full Time
Judge Jeremy Guild	Full Time
Judge Stephen Harrison	Senior
Judge Cathie Heinrichs	Full Time

<b>PROVINCIAL COURT JUDGES, 2018/19</b>	
Judge Richard Hewson	Full Time
Judge Gregory Koturbash	Full Time
Judge Monica McParland	Full Time
Judge R. Dennis Morgan	Full Time
Judge Raymond Phillips	Full Time
Judge Philip Seagram	Full Time
Judge William Grant Sheard	Full Time
Judge Robin R. Smith	Senior
Judge Mark Takahashi	Senior
Judge Andrew Tam	Full Time
Judge Lisa Wyatt	Full Time
<b>NORTHERN REGION</b>	<b>STATUS</b>
<b>Regional Administrative Judge Michael Brecknell</b>	
Judge Elizabeth L. Bayliff	Senior
Judge Richard R. Blaskovits	Senior
Judge Brian Daley	Full Time
Judge Judith Thorne Doulis	Full Time
Judge Victor Galbraith	Full Time
Judge Michael Gray	Senior
Judge William Jackson	Full Time
Judge Shannon Keyes	Full Time
Judge George Leven	Full Time
Judge Cassandra Malfair	Full Time
Judge Peter McDermick	Full Time

<b>PROVINCIAL COURT JUDGES, 2018/19</b>	
Judge Susan Mengerling	Full Time
Judge Herman Seidemann III	Senior
Judge Dwight Stewart	Full Time
Judge Calvin Struyk	Full Time
Judge Linda Thomas	Full Time
Judge Karen Whonnock	Full Time
Judge Peter Whyte	Full Time
Judge Terence Wright	Full Time
<b>VANCOUVER REGION</b>	<b>STATUS</b>
<b>Regional Administrative Judge John Milne</b>	
Judge Nancy Adams	Full Time
Judge James Bahen	Full Time
Judge Laura Bakan	Full Time
Judge Patricia Bond	Full Time
Judge Elisabeth Burgess	Senior
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 Patrick Doherty	Full Time
Judge Bryce Dyer	Senior
Judge Joseph Galati	Full Time
Judge Maria Giardini	Full Time

<b>PROVINCIAL COURT JUDGES, 2018/19</b>	
Judge Ellen Gordon	Full Time
Judge Thomas J. Gove	Senior
Judge Reginald Harris	Full Time
Judge Wilson Lee	Full Time
Judge Malcolm MacLean	Full Time
Judge Steven Merrick	Full Time
Judge Paul Meyers	Full Time
Judge Jennifer Oulton	Full Time
Judge Nancy Phillips	Full Time
Judge Rose Raven	Full Time
Judge Gregory Rideout	Full Time
Judge Donna Senniw	Full Time
Judge Lyndsay Smith	Full Time
Judge David St. Pierre	Full Time
Judge James Sutherland	Full Time
Judge Jodie F. Werier	Full Time
Judge James Wingham	Full Time
<b>VANCOUVER ISLAND REGION</b>	<b>STATUS</b>
<b>Regional Administrative Judge Carmen Rogers</b>	
Judge Jennifer Barrett	Full Time
Judge Evan C. Blake	Senior
Judge Adrian Brooks	Full Time
Judge Loretta F. E. Chaperon	Senior
Judge J. Douglas Cowling	Senior

<b>PROVINCIAL COURT JUDGES, 2018/19</b>	
Judge Catherine A. Crockett	Full Time
Judge Roger Cutler	Full Time
Judge Barbara Flewelling	Full Time
Judge Ted Gouge	Full Time
Judge Brian Harvey	Full Time
Judge Robert A. Higinbotham	Senior
Judge Brian Hutcheson	Full Time
Judge Ronald Lamperson	Full Time
Judge Christine Lowe	Full Time
Judge J. Parker MacCarthy	Full Time
Judge Mayland D. McKimm,	Full Time
Judge Lisa Mrozinski	Full Time
Judge Justine E. Saunders	Senior
Judge Ronald J. Webb	Full Time

**FIGURE 41 - LIST OF JUDICIAL JUSTICES AS OF MARCH 31, 2019<sup>30</sup>**

<b>JUDICIAL JUSTICES, 2018/19</b>	
<b>SITTING DIVISION (FULL TIME)</b>	<b>ASSIGNMENT</b>
<b>Administrative Judicial Justice Kathryn Arlitt</b>	<b>Justice Centre/Traffic</b>
<b>Administrative Judicial Justice Gerry Hayes</b>	
Judicial Justice Irene Blackstone	Traffic
Judicial Justice Joseph Chellappan	Justice Centre/Traffic
Judicial Justice Patrick Dodwell	Traffic

30 Judicial justices on long term disability are not listed.



<b>JUDICIAL JUSTICES, 2018/19</b>	
Judicial Justice Joan Hughes	Traffic
Judicial Justice Susheela Joseph-Tiwary	Traffic
Judicial Justice Zahid Makhdoom	Traffic
<b>SITTING DIVISION (PART TIME)</b>	<b>ASSIGNMENT</b>
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 Justice Alison Campbell	Justice Centre
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 Christopher Maddock	Justice Centre/Traffic
Judicial Justice Dave Maihara	Justice Centre
Judicial Justice Linda Mayner	Traffic
Judicial Justice Carmella Osborn	Justice Centre/Traffic
Judicial Justice Debra Padron	Justice Centre
Judicial Justice Lori Plater	Traffic
Judicial Justice Carol Roberts	Justice Centre
Judicial Justice William Rodgers	Justice Centre
Judicial Justice Candice Rogers	Justice Centre

<b>JUDICIAL JUSTICES, 2018/19</b>	
Judicial Justice Peter Stabler	Justice Centre/Traffic
Judicial Justice David Schwartz	Justice Centre/Traffic

**FIGURE 42 - LIST OF JUSTICE OF THE PEACE ADJUDICATORS AS OF MARCH 31, 2019**

<b>JUSTICE OF THE PEACE ADJUDICATORS, 2018/19</b>
Frank Borowicz
Karen Nordlinger
Marina Pratchett
Dale Sanderson
Karl Warner

**FIGURE 43 - LIST OF JUDICIAL CASE MANAGERS AS OF MARCH 31, 2019**

<b>JUDICIAL CASE MANAGERS, 2018/19</b>	
<b>OFFICE OF THE CHIEF JUDGE</b>	<b>STATUS</b>
Administrative JCM Yvonne Hadfield	Full Time
JCM Supervisor Laura Caporale	Full Time
OCJ JCM Longine Chung	Full Time
<b>FRASER REGION</b>	<b>STATUS</b>
JCM Michelle Danyluk	Part Time
JCM Marylynn deKeruzec	Part Time
JCM Sheryl Gill	Auxiliary
JCM Heather Holt	Part Time
JCM Lana Lockyer	Full Time
JCM Lila MacDonald	Full Time
JCM Amy Mitchell	Part Time

<b>JUDICIAL CASE MANAGERS, 2018/19</b>	
JCM Andrea Schultz	Full Time
JCM Maureen Scott	Full Time
JCM Suzanne Steele	Full Time
JCM Sandra Thorne	Full Time
JCM Bianca West	Full Time
JCM Julie Willock	Full Time
<b>INTERIOR REGION</b>	<b>STATUS</b>
JCM Kathy Bullach	Part Time
JCM Carla Cleveland	Full Time
JCM Sandra Hadikin	Part Time
JCM/OCJ JCM Dalene Krenz	Full Time
JCM Arlene McCormack	Part Time
JCM Sheila Paul	Full Time
JCM Betty Vincent	Auxiliary
JCM Marj Warwick	Part Time
JCM Marilyn Yuckin	Full Time -TA until Feb 2020
<b>NORTHERN REGION</b>	<b>STATUS</b>
JCM Donna Bigras	Auxiliary
JCM Lindsay Christian	Full Time
JCM Crystal Foerster	Part Time
JCM Ronda Hykawy	Full Time
JCM Sherry Jasper	Auxiliary
JCM Sarah Lawrence	Full Time
JCM Lyne Leonardes	Full Time

<b>JUDICIAL CASE MANAGERS, 2018/19</b>	
JCM Sharon MacGregor	Part Time
JCM Deb Pillipow	Auxiliary
JCM Elesha Saunders	Full Time
JCM Erin Wallden	Part Time – TA until Dec 2019
<b>VANCOUVER REGION</b>	<b>STATUS</b>
JCM Moshtaba Araghi	Full Time
JCM Sarah Calla	Full Time
JCM Rachel Fujinami	Full Time
JCM Mathew Fong	Part Time
JCM Teresa Hill	Auxiliary
JCM Karoline Marcher	Part Time
JCM Jovanka Mihic	Part Time
JCM Heather Wullum	Full Time
JCM Judi Norton	Auxiliary
JCM Barbara Sayson	Full Time
JCM Alisa Warner	Full Time
<b>VANCOUVER ISLAND REGION</b>	<b>STATUS</b>
JCM Jill Appleton	Full Time
JCM Alison Bruce	Auxiliary
JCM Shannon Cole	Full Time
JCM Tracey Hall	Auxiliary
JCM Lisa Harrison	Full Time
JCM Deborah Henry	Auxiliary
JCM Veronica Mitchell	Full Time

**JUDICIAL CASE MANAGERS, 2018/19**

JCM Cindy Smith	Full Time
JCM Arlene Sutton-Atkins	Full Time



# APPENDIX 2: REDUCTIONS TO THE JUDICIAL COMPLEMENT

A number of judges left the Provincial Court or elected to participate in the Senior Judges' Program during the past fiscal year.

**FIGURE 44 - LIST OF JUDGES WHO RETIRED, ELECTED TO SIT PART-TIME AS OF MARCH 31, 2019**

JUDGE	JUDICIAL REGION	DATE	REASON <sup>31</sup>
Judge Thomas Crabtree	OCJ	04-May-18	Appointed to Supreme Court
Judge Christopher D. Cleaveley	Interior	30-Jun-18	Senior Election
Judge Frances E. Howard	Vancouver Island	30-Jun-18	Retirement
Judge Peter M. Doherty	Vancouver Island	31-Jul-18	Retirement
Judge Wilfred Klinger	OCJ	21-Aug-18	Retirement
Judge William G. MacDonald	OCJ	21-Aug-18	Retirement
Judge Richard R. Blaskovits	Northern	31-Aug-18	Senior Election
Judge Douglas E. Moss	Vancouver	31-Aug-18	Retirement
Judge William J. Rodgers	Vancouver	31-Aug-18	Retirement
Judge Steven Point	Fraser	31-Oct-18	Retirement
Judge Catherine Warren	Vancouver	02-Jan-19	Retirement
Judge Ellen M. Burdett	Interior	31-Jan-19	Senior Election

31 The last sitting day of a retiring senior judge is recorded as a retirement.

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<b>JUDGE</b>	<b>JUDICIAL REGION</b>	<b>DATE</b>	<b>REASON<sup>31</sup></b>
Judge Edmond F. de Walle	Interior	31-Jan-19	Retirement
Judge Ronald D. Fratkin	Vancouver	31-Jan-19	Retirement
Judge Rosemary M. Gallagher	Vancouver	31-Mar-19	Retirement
Judge Stephen Harrison	Interior	31-Mar-19	Senior Election
Judge Justine E. Saunders	Vancouver Island	31-Mar-19	Senior Election

# APPENDIX 3: COMPLAINT SUMMARIES

COMPLAINTS AGAINST JUDGES	
#	Summary
1	<p><b>Complaint:</b> The complainant asserted that the judge “advised [them] that if [they] decided to continue to small claims court, there would not be a sheriff there to protect [them]” during a small claims settlement conference, and acted unprofessionally.</p> <p><b>Review:</b> The judge’s response was sought. (Settlement conferences are generally not recorded.) The judge denied making the alleged statement and recalled that the sheriff was asked to attend and remain at the settlement conference in response to the complainant’s fears.</p> <p>The complainant’s other concern appeared related to a misunderstanding of the judge’s role at a settlement conference. In seeking to mediate small claims cases during a settlement conference, judges take an evaluative approach as to the likelihood of success of a claim, and it is expected that the judge will be frank with the parties as to the judge’s summary view of the strengths and weaknesses of each party’s case. As well, a judge presiding over a proceeding must ensure the effective management of court proceedings.</p> <p>A review of the complaint and the judge’s response in the context of a settlement conference led to the conclusion that further action on the complaint was not warranted. The complainant and the judge were so informed, and the matter was closed on that basis.</p>
2	<p><b>Complaint:</b> The complaint arose out of small claims proceedings. The complainant asserted that the judge was unprofessional and disrespectful, made the complainant feel cut off and unable to present their case, and that the judge’s manner intimidated the complainant.</p> <p><b>Review:</b> Portions of the audio recording of the proceedings, as well as a response from the judge, were reviewed. Review of the audio confirmed that the judge was professional and began the trial by explaining the trial process to all parties present. The complainant was given the opportunity to and did, in fact, give an opening, testify, and call witnesses.</p> <p>A review of the complaint, portions of the audio recording and the judge’s response led to the conclusion that further action on the complaint was not warranted. The complainant was so informed, and the matter was closed on that basis.</p>

## COMPLAINTS AGAINST JUDGES

<b>3</b>	<p><b>Complaint:</b> The complainant asserted that a judge used their position to advocate for and protect their spouse in the course of a workplace dispute and provided their spouse with legal advice.</p> <p><b>Review:</b> A response was sought from the judge. The judge specifically denied each allegation made by the complainant.</p> <p>There was no audio recording as the matter occurred outside of court. Apart from the complainant's correspondence and the judge's clear and unequivocal denial of the assertions stated within, there was no other evidence that could be used to consider the complainant's assertions. In the circumstances, it was determined that beyond receipt of a copy of the complainant's letter by the judge, no further examination was warranted. The file was closed on that basis.</p>
<b>4</b>	<p><b>Complaint:</b> The complaint arose out of family proceedings. The complainant made a number of allegations, including that the judge exhibited bias towards them, interrupted them and did not give them an opportunity to speak, and "at one point became very emotional and started to yell, acting abruptly".</p> <p><b>Review:</b> A response was sought from the judge, and the audio recording and transcript of the proceedings were reviewed. The audio recording confirmed that interactions between the complainant and the judge were at times strained as the judge sought to maintain control of the proceedings. Review of the audio recording and transcript confirmed that, though it was apparent that the judge became more forceful with the complainant than he expected, the complainant was not being responsive to the judge's directions not to interrupt or use intemperate language in open court.</p> <p>Following a review of the complaint, the audio recording, the transcript, and the judge's response, it was not apparent that the judge's conduct in the circumstances raised an issue of judicial misconduct. A reporting letter was sent to the complainant, and the file was closed on that basis.</p>
<b>5</b>	<p><b>Complaint:</b> The complaint arose out of a small claims settlement conference. The complainant made a number of allegations, including that the judge was unprofessional and disrespectful, exhibited bias in favour of the other party, and did not grant the claimant an opportunity to answer questions.</p> <p><b>Review:</b> A response was sought from the judge. (Settlement conferences are generally not recorded.) The judge stated that all parties were highly emotional and accusatory during the proceedings and that the complainant was not responsive to the Court's inquiries. The judge denied any assertion of bias, as they recalled having to address both parties very strongly at times during the proceedings.</p> <p>Much of the complaint related to a misunderstanding of the judge's role in settlement conferences, which is different from that at trial. The complainant was informed that, at a settlement conference, the judge will engage in a summary evaluative process in an effort to determine whether settlement between the parties is possible without the necessity of a full trial. If a settlement is not possible, a new judge would be assigned to preside over any trial.</p> <p>Following a review of the complaint and the judge's response, it was not apparent that the judge's conduct in the settlement conference raised an issue of judicial misconduct. The complainant was so informed, and the matter was closed on that basis.</p>

## COMPLAINTS AGAINST JUDGES

<b>6</b>	<p><b>Complaint:</b> The complaint arose out of small claims settlement conference. The complainant asserted that the judge shouted at them during the proceedings.</p> <p><b>Review:</b> A response was sought from the judge. (Settlement conferences are generally not recorded.) The judge stated that they had no recollection of shouting at the complainant. Furthermore, shouting at a party is not something the judge would normally do in court and it would be out of character for them, especially in close quarters in a settlement conference room.</p> <p>Following a review of the complaint and the judge's response, it could not fairly be concluded that the judge acted in a manner that could be described as judicial misconduct. The complainant was so informed, and the matter was closed on that basis.</p>
<b>7</b>	<p><b>Complaint:</b> The complaint arose from a family case conference. The complainant, the applicant in this matter, asserted that the judge smiled and winked at the respondent, and asked questions of the complainant with regard to mental state and speech.</p> <p><b>Review:</b> The judge's response was sought. (Family case conferences are generally not recorded.) The judge denied winking at the respondent party and noted that they smiled at all persons in the conference. The judge also noted that the questions about the complainant's mental state and speech were related to determining the terms of the consent order.</p> <p>Following a review of the complaint and the judge's response, it was not apparent that the judge's conduct in the circumstance raised an issue of judicial misconduct. The complainant was so informed, and the file was closed on that basis.</p>

## COMPLAINTS AGAINST JUDICIAL CASE MANAGERS

<b>8</b>	<p><b>Complaint:</b> Concerns were received regarding the JCM's treatment of Court staff and counsel, as well as the JCM's ability to carry out their duties in a timely manner and ensure due process of law be as expeditious as possible.</p> <p><b>Review:</b> As the JCM is no longer with the court, the Chief Judge has no continuing authority over the JCM and complaints against the JCM's conduct. Accordingly, the complaint file was closed.</p>
<b>9</b>	<p><b>Complaint:</b> The complaint arose out of a family case conference and was originally directed at the judge who heard the proceedings. The complainant asserted that the judge only addressed arrears and ongoing maintenance, when the purpose of the proceedings was to address the issues of custody and access.</p> <p><b>Review:</b> A review of the court file documents showed that only arrears of support, retroactive support, and child support were to be considered at the family case conference. However, a Consent Order made previously had directed that the issue of contact time was to be adjourned to the judicial case manager to fix a date.</p> <p>The JCM was asked for a response. The JCM provided a Scheduling Notice that, when viewed against the Consent Order and correspondence from counsel, indicated that the incorrect documents were scheduled to be dealt with at the FCC. The JCM noted that they rely on court clerks and/or the parties to advise which documents to schedule. A closing letter was sent to the JCM advising that even if the practice is to rely on the court clerk/parties to supply the documents, it is important to seek confirmation in instances where there is a discrepancy between a document and the scheduling instructions. On that basis the matter was closed.</p>

# APPENDIX 4: TIME TO TRIAL DEFINITIONS, WEIGHTING, AND STANDARDS

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## Division Specific Time to Trial Definitions

Time to an adult criminal trial is defined as the number of months between an Arraignment Hearing/Fix Date<sup>32</sup> and the first available court date for typical trials of various lengths.

Time to trial for youth criminal trials is not broken down by trial length, but is otherwise the same. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date.

Time to a family trial is defined as the number of months between a case conference and the first available court date for typical family (*FLA* and *CFCSA*) trials of various lengths. Results for time to a case conference count from the fix date. The Court no longer tracks time to a fix date, as this event is primarily driven by factors unrelated to Court scheduling.

Time to a small claims trial 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. These results do not take into account the time between the filing of a reply and the settlement conference. Results for settlement conferences count from the date of the reply.

## Weighted Time to Trial Calculations

Time to trial information is collected at the location level. It is then weighted using each location's caseload. This is done at both the regional and the provincial level. For example, if a location has 50% of its region's caseload and 11% of the provincial caseload in a given division, their results 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 current standards came into effect on June 30, 2016 and were developed based on changes to the estimated trial length categories.

The Court now collects information on three different lengths of trial - less than two days, 2-4 days, and five or more days - in addition to Summary Proceedings Court matters and conferences. The precise information collected varies based on division (e.g. no conference information is collected for criminal matters). Time to Trial data is collected by surveying judicial case managers, who report when events of various types can typically be scheduled.

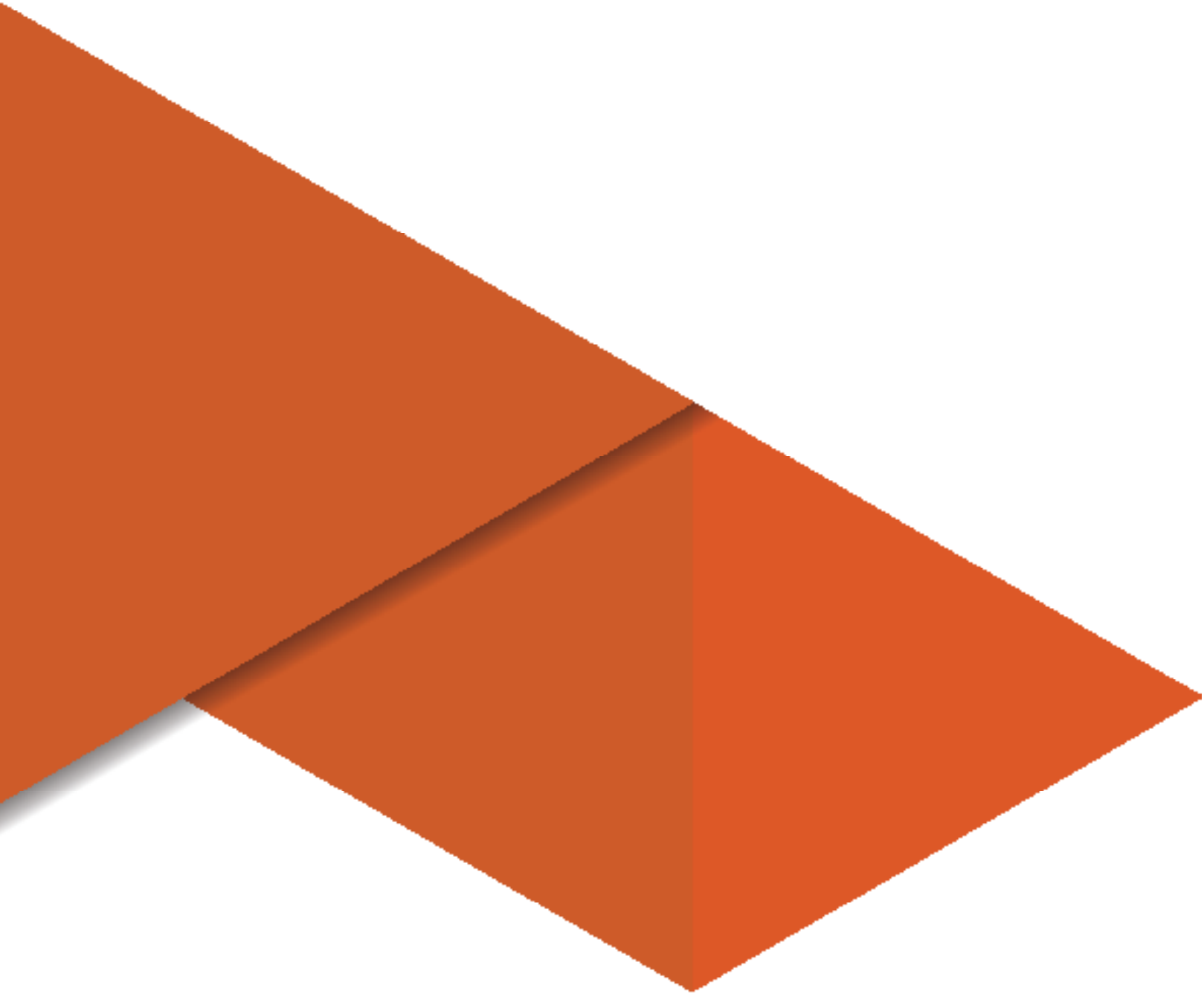
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<sup>32</sup> Sometimes counsel sets a trial date at the conclusion of the arraignment hearing. Alternatively, counsel will set a "Fix Date" appearance and set a trial date at that time.



FIGURE 45 - TIME TO TRIAL MEASURES AND STANDARDS

JURISDICTION	NEW MEASURES AND STANDARDS	
	NEW MEASURE	OCJ STANDARD
Small Claims	Settlement Conference	2 months
	Summary Proceedings Court (SPC)	4 months
	<2 Day Trial (non-Assignment Court locations)	5 months
	2-4 Day Trial	6 months
	5 Days or More Trial	8 months
Family (CFCSA)	Family Case Conference (FCC)	2 months
	SPC	2 months
	<2 Day Trial (non-Assignment Court locations)	3 months
	2-4 Day Trial	4 months
	5 Days or More Trial	6 months
Family (FLA)	FCC	2 months
	SPC	3 months
	<2 Day Trial (non-Assignment Court locations)	4 months
	2-4 Day Trial	5 months
	5 Days or More Trial	6 months
Criminal	SPC	4 months
	<2 Day Trial (non-Assignment Court locations)	6 months
	2-4 Day Trial	7 months
	5 Days or More Trial	8 months
	Youth Trial	4 months



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