PROVINCIAL COURT OF BRITISH COLUMBIA



2007 - 2008 Annual Report

THE HONOURABLE HUGH C. STANSFIELD CHIEF JUDGE



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The Honourable Wally Oppal Attorney General and Minister Responsible for Multiculturalism Ministry of Attorney General PO Box 9044 Stn Prov Govt Victoria, BC V8W 9E2

Dear Mr. Attorney:

I am pleased to enclose the annual report of the Provincial Court of British Columbia covering the period of April 1, 2007 – March 31, 2008.

Over the past year, the Court has continued its work on the reform of civil, criminal and family law processes. Our goal, as you are aware, has been to develop reforms that serve the public interest and ensure the appropriate utilization of judicial resources. All of our work in this regard has been possible only with the continuing cooperation and assistance of your staff both in terms of planning and implementation of our various projects.

The Downtown Community Court provides an excellent example of the extensive cooperative work that has taken place over the past year. It is our expectation that this new Court will open in September of 2008 providing a clear new focus for integrated justice, health and social services for offenders in the Downtown Eastside of Vancouver.

Work continues on the development of a First Nations Court to provide a holistic and restorative approach to the sentencing of aboriginal offenders. We are confident that early successes with this project are receiving broad endorsement in the justice community and, as well, with the various First Nations communities affected.

Reform also continues with our criminal processes. As you will note from the enclosed report, we have begun the process of moving much of the administrative component of the arraignment process to Judicial Case Managers thereby freeing judges for additional trial time with the ultimate goal of reducing court delays and backlogs. We are also continuing with our efforts to restructure bail processes through the increased use of video technology and the services of the newly appointed legally trained Judicial Justices of the Peace.

Finally, we have established innovative and effective reforms to our civil processes in a pilot at Robson Square. As you will note from the enclosed report, designated claims are being diverted to an alternate process that, we hope, will provide for a more timely and cost effective disposition of the matters in issue.

Yours sincerely,

Hugh C. Stansfield

Chief Judge

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INTRODUCTION AND OVERVIEW OF THE YEAR 2007-2008 FISCAL YEAR

Community Court

The Downtown Community Court (DCC) is scheduled to open in September of 2008, The Court will provide integrated justice, health and social services to offenders while holding them accountable in a timely fashion. The Court will also contribute to a liveable community in the region and afford new opportunities for community participation in the criminal justice system.

The jurisdiction served by DCC will be the Central Business district, Chinatown, Coal Harbour, Downtown Eastside, Gastown, Strathcona, Yaletown, and the West End including Stanley Park.

Aboriginal Justice

The Court continued with our successful pilot of a First Nations Court presided over by Judge M. Buller Bennett. This Court provides an holistic and restorative approach to sentencing incorporating aboriginal practices whereby the Court has the benefit of hearing about an offender's education, employment history, past criminal history, the as well information about the offender's extended family, his or her current needs for housing and health services, the availability of community-based resources and the views of the community toward the offence. If there is a Family or Youth Court file, or a related matter, those issues are heard at the same time as the criminal matter. This year, for the first time in BC history our Court sat *in the community* at the invitation of an aboriginal community. A special ceremony was held to recognize the significance of this occasion.

Education

The Court continues to work to improve access to educational materials to the judiciary. Educational Conferences are now a regular event for all judicial officers, judicial administrative assistants and staff in the Office of the Chief Judge. In the interest of our environment and to make the best use of the technology available, educational materials are now reproduced in electronic format saving countless trees.

The Chief Judge continued his focus on public education and outreach concerning the justice system;.

Criminal

Last year, a Committee led by Associate Chief Judge Neal reviewed the Court's criminal processes and recommended a number of changes to permit judges to spend more time dealing with substantive matters while expanding the duties of other judicial officers (judicial case managers) and, thereby, assisting in addressing "time to trial" delays. The Court's Management Committee adopted the recommendations and the Court began pilots in targeted locations to test these reform proposals. The goal has been to ensure that the Court is assigning the appropriate level of judicial resources to the nature of the issue before the Court.

Civil

The Court's major initiative in civil justice is our Civil Reform Pilot at our Vancouver civil court at Robson Square. Associate Chief Judge Schmidt has worked diligently in collaboration with Assistant Deputy Minister Jerry McHale and others within the Ministry of Attorney General to develop this initiative which the Court is piloting at its Robson Square and Richmond locations. The pilot provides that:

- i. senior civil or arbitration lawyers will determine matters between \$0 5,000 in an expedited arbitration-like process;
- ii. all institutional debt claims between \$5,000 25,000 (claims like credit card debt) will be diverted to a separate track which will be heard and determined by judges in a summary process without a settlement conference;
- iii. all other claims between \$5,000 25,000 will be mediated by trained and qualified mediators provided through the Dispute Resolution Practicum Society, relieving judges of the requirement to conduct settlement conferences, and

Those cases which are not resolved by the mediators, will come before a judge for the purpose of a pre-trial conference to focus and narrow the issues for trial.

Family

The Court continues to work with others in the justice system to implement the recommendations of the Law Working Group Report of 2005 and to monitor any new developments. The Court is increasing the use of dedicated family law assizes in regions of the Province where child protection and other family law matters require significant court resources.

JJP Function and Role

The Court continued to roll out the restructuring of the office of the Judicial Justice of the Peace that was commenced last fiscal year under the leadership of Associate Chief Judge Threlfall. The first new appointments of part-time lawyer justices were made under the new criteria adopted by Judicial Council last year.

These new appointments and those that follow, will pave the way for the recommended move to increase use of centralized video bail presided over by lawyer justices from the Justice Centre. The Bail Reform Project was initiated in May 2007. The goal of the Bail Reform Project is to make changes to the existing judicial interim release hearing process in order to benefit the court system, accused and justice system participants. The new model is intended to be evaluated and tested in approved pilot locations beginning in June 2008. Work has proceeded through consultations with all of the justice system participants anticipated to be affected by the change.

Court Performance and Management

The Court continued to apply its newly developed performance measurement and management standards (see Annual Report 2006-2007). Associate Chief Judges Neal and Threlfall and a Review Team consisting of staff from the Office of the Chief Judge continued to travel the province conducting a district-by-district review using the standards and meeting with the Administrative Judges, Judicial Case Managers, Judicial Administrative Assistants and other court staff. The results of the reviews are carefully evaluated by the Executive Committee to identify issues around workloads and trends with resulting recommendations for local changes..

ADMINISTRATION

1. Executive Committee

The Executive Committee is chaired by the Chief Judge and includes the three Associate Chief Judges.. The role of the Executive Committee is to provide strategic direction and decision making for the Court on administrative and management matters as well as issues touching on the administrative independence of the court.

Chief Judge

The Honourable Hugh C. Stansfield (appointed June 2005 for a term of five years)

Associate Chief Judges

The Honourable Judge Dennis Schmidt (appointed June of 2005 for a term of two years)

The Honourable Judge Brian M. Neal (appointed July of 2005 for a term of two years; reappointed July 2007 for a term of two years)

The Honourable Judge James J. Threlfall (appointed June of 2005 for a term of five years)

2. Management Committee

The Management Committee of the Court consists of the Administrative Judges designated by the Chief Judge pursuant to section 10(3) of the *Provincial Court Act* and the Executive Committee. The Management Committee is chaired by the Chief Judge or his designate. The role of the Committee is to provide advice to the Chief Judge on emerging issues in judicial districts, policy proposals and administrative matters.

The Administrative Judges for 2007-2008 are listed below:

Chief Judge H.C. Stansfield, Chair (until December 2007) Associate Chief Judge B.C. Neal, Chair (effective January 2008)

Administrative Judge M. J. Brecknell (Cariboo Northeast District)
Administrative Judge P.L. J. de Couto (North Fraser District)
Administrative Judge E. F. de Walle (North West District) until July 31, 2007
Administrative Judge H. Seidemann III (North West District) effective August 1, 2007

Administrative Judge R.A. Gould (North Vancouver Island District)

Administrative Judge W.J. Kitchen (Vancouver Criminal District) until December 31, 2007

Administrative Judge J. Watchuk (Vancouver Criminal District) effective January 1, 2008

Administrative Judge W.G. MacDonald (South Fraser District) until July 31, 2007

Administrative Judge G. Gill (South Fraser District) effective August 1, 2007

Administrative Judge D.E. Moss (Coast District)

Administrative Judge D.E. Schmidt (Robson Square District) until June 30, 2007

Administrative Judge N.N. Phillips (Robson Square District) effective July 1, 2007

Administrative Judge L.W. Smith (South Vancouver Island) until December 31, 2007

Administrative Judge E. Quantz (South Vancouver Island) effective January 1, 2008

Administrative Judge N. N. Phillips (Okanagan District) until June 30, 2007

Administrative Judge E. Burdett (Okanagan District) effective July 1, 2007

Administrative Judge D.L. Sperry (Kootenay District)

Administrative Judge C.D. Cleaveley (Kamloops District)

3. Traffic Court and Justice Centre Administration

The Court continued with two Administrative Judicial Justices of the Peace. Judicial Justice of the Peace Joanne Arntsen assumed responsibility as the Administrative JJP for the Traffic Court Division on May 1, 2007 following the retirement of JJP Mayner and Judicial Justice of the Peace Patricia Schwartz continued as the Administrative Judicial Justice of the Peace for the Justice Centre throughout the year.

THE JURISDICTION OF THE PROVINCIAL COURT

1. The Scope of the Court's Authority

The Provincial Court of British Columbia is one of two trial courts in the province; the other being the Supreme Court of British Columbia.

The Provincial Court's caseload encompasses the following primary subject areas: criminal, family and youth, civil and traffic.

Appeals from Provincial Court decisions go to either the Supreme Court of British Columbia or the BC Court of Appeal, depending upon the nature of the case. Appeals on some Provincial Court cases may be taken to the Supreme Court of Canada, following the decision of the Court of Appeal.

The statutes listed below are the principal ones in which the Court has jurisdiction. Under some of these enactments, jurisdiction is shared with the Supreme Court or split between the Provincial Court and Supreme Court.

Federal Statutes:	Provincial Statutes:	
 Criminal Code Youth Criminal Justice Act Controlled Drugs and Substances Act Firearms Act Income Tax Act Fisheries Act 	 Adult Guardianship Act Child, Family and Community Service Act Commercial Transport Act Court Order Enforcement Act Environmental Management Act Family Relations Act Family Maintenance Enforcement Act Health Act Liquor Control and Licensing Act Community Charter and Local Government Act (Bylaw Offences) Interjurisdictional Support Orders Act 	 Mental Health Act Motor Vehicle Act Offence Act Passenger Transportation Act Small Claims Act Waste Management Act Wildlife Act Youth Justice Act

The Provincial Court's jurisdiction extends to all criminal matters except a limited few over which the Supreme Court has exclusive jurisdiction. These are listed in s. 469 of the *Criminal Code* (such as murder, treason, piracy and alarming her Majesty). For these

matters, a preliminary inquiry is generally held in the Provincial Court, before the Supreme Court trial.

The Provincial Court does not conduct jury trials. The Court has exclusive jurisdiction in all summary conviction trials and hears all indictable matters where the accused does not elect to have their matter heard by way of a jury trial or before a Supreme Court Judge.

2. Legislative Changes

A. Federal

An Act to Amend the Criminal Code (unauthorized recording of a movie), S.C. 2007, c. 28, came into force on June 22, 2007. The legislation creates an offence of recording a movie in a movie theatre without the consent of the theatre manager.

On June 30, 2007, portions of *An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, S.C. 2006, c. 12, came into force. Those provisions relate to such matters as the operation of the Financial Transactions and Reports Analysis Centre of Canada.

On December 1, 2007, An Act to amend the Criminal Code (conditional sentence of imprisonment), S.C. 2007, c. 12, came into force. The legislation replaces s. 742.1 of the Criminal Code (imposing of a conditional sentence) with a provision that limits the type of cases in which a conditional sentence of imprisonment can be ordered.

On January 1, 2008, a variety of changes to the DNA provisions of the *Criminal Code* were brought into force through *An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act*, S.C. 2005, c. 25, and *An Act to amend certain Acts in relation to DNA Identification*, S.C. 2007, c. 22. Among other things, the amendments add offences for which DNA samples may or must be ordered by a court.

On April 17, 2008, Royal Assent was provided to *An Act to amend the Criminal Code* (*cruelty to animals*), S.C. 2008, c. 12, thereby bringing into force legislation which replaced section 444 to 447 of the *Criminal Code* related to cruelty to animals. Among other things, the legislation changes some offences to hybrid offences (s. 444, s. 445, s. 445.1) and allows for a prohibition order and an order of restitution in sentencing offenders under the new provisions.

B. Provincial

On June 20, 2007, portions of the *Attorney General Statutes Amendment Act, 2007*, S.B.C. 2007, c. 14, came into force which amends the *Family Relations Act*, R.S.B.C. 1996, c. 128, as it relates to the maintenance recalculation process in s. 93.3 of the *Family Relations Act*.

On October 1, 2007, amendments to the *Family Maintenance Enforcement Act*, R.S.B.C. 1996, c. 127, and the *Family Relations Act*, R.S.B.C. 1996, c. 128, were brought into force. These amendments are contained in the *Attorney General Statutes Amendment Act 2007*, S.B.C. 2007, c. 14, and, among other things, relate to the Director of Maintenance Enforcement's ability to obtain information and remedies if a debtor fails to comply with obligations, as well as appeal rights.

On January 1, 2008, amendments to the *Criminal Records Review Act*, R.S.B.C. 1996, c. 86, came into force regarding the requirements for criminal records checks for individuals working with children and in educational institutions.

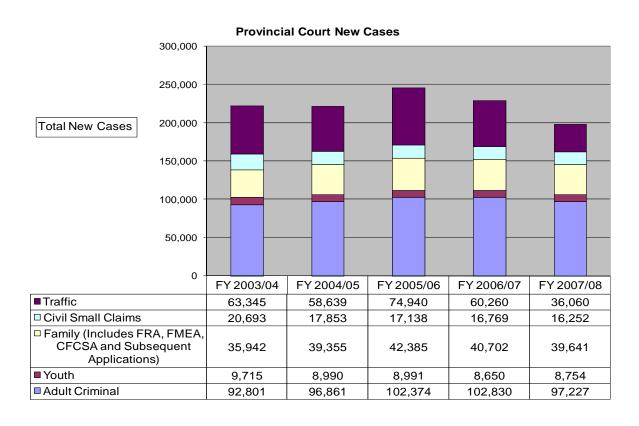
On March 31, 2008, the *Prevention of Cruelty to Animals Amendment Act, 2008*, S.B.C. 2008, c. 7, was brought into force. Among other things, the amendments allow for use of a tele-warrant process for officers seeking to obtain an entry warrant under s. 13 of the *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372. In addition, the amendments add a penalty provision for offences under sections 23 and 24 of the *Prevention of Cruelty to Animals Act* (related to obstruction of an officer, or causing or permitting an animal to be in distress).

THE PROVINCIAL COURT'S CASELOAD

During the fiscal year 2007—2008, the Provincial Court received 197,934 new cases. This includes new adult criminal, youth, civil, family (including subsequent applications) and traffic cases. The traffic cases only include those that were entered into the JUSTIN case tracking system by Court Services Branch; in early 2008 there were many delays in processing this data resulting in a lower count of new traffic cases.

During this fiscal year, approximately 54% of the Provincial Court's caseload was criminal and youth matters, 18% was traffic matters and 28% was family and civil. This fiscal year saw an approximate 5% decrease in the number of new criminal matters filed over the previous fiscal year. However, on a five year average, the caseload is close to static. Traffic cases also decreased over last year, this, however was a result of delays by Court Service Branch in entering some new traffic cases into the case tracking system. Both family and civil small claims new cases declined over this fiscal year by approximately 2.5% and 3% respectively over last year.

The following chart shows comparative caseloads for new cases for the current and previous years, by subject.



Trial, Hearing and Conference Delays

The Provincial Court continues to track backlog through quarterly surveys of the "next available trial date" per district by subject matter. This represents the average wait for trial based on the delay between the setting of a case and the first date that the Court is available to hear the trial.

The Next Available Trial Date Survey was completed on March 31, 2008. The Provincial Court continues to show a management of delay in both family and civil so that only a few locations are now showing an excessive delay in wait time to trial. However, this fiscal year the Court continued to experience an increase in trial delay for adult criminal cases in a variety of locations. The Court is also experiencing an increase in delay time for lengthy cases (those that require 2 days or longer of court time to be heard).

The Management Committee has endorsed a number of Court performance measures and has set standards in the following areas: time to trial for 1/2 day adult criminal trials (90% within 6 months): time to trials for 2 day adult criminal trials (90% within 8 months); time to trial for youth matters (90% within 2 months); time to trials for small claim actions (90% within 4 months); time to hearing for child protection matters (90% within 3 months); and family hearings (90% heard within 4 months).

Added pressure will be placed on the Court's resources in 2008/09 as it deals with the fallout of the spike in delay to trial. These backlogs will be continually monitored and assessed over the next year and the Court will allocate resources within its financial means to meet the Court's standards for acceptable time to trial in the areas of the Court's jurisdiction.

The following chart identifies the non-circuit court locations with excessive trial delays beyond these standards:

Non-Circuit Court Locations with Excessive Trial Delays Beyond Set Standards (in months *)

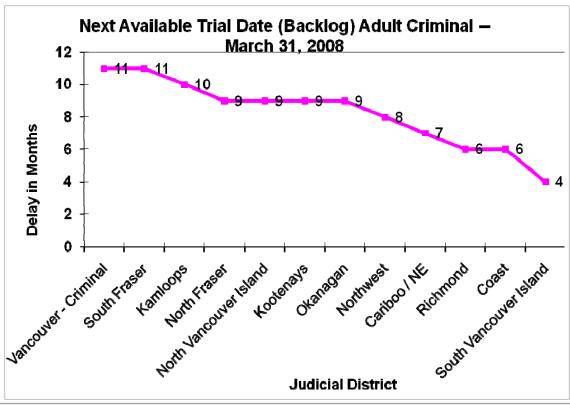
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Location	Adult	Family	Civil
Dawson Creek	7		
Fort St. John	7	8	6
Fort Nelson	8		
Prince George		13	13
Quesnel	7		6
Williams Lake	9		

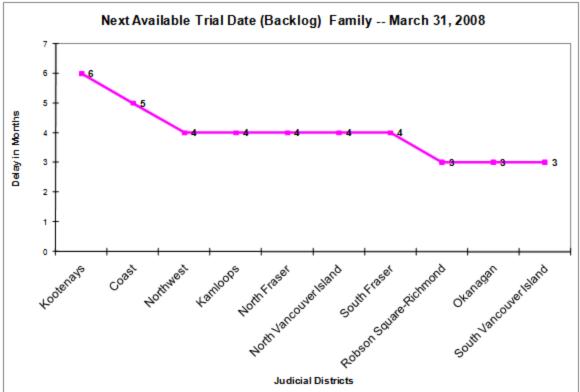
Non-Circuit Court Locations with Excessive Trial Delays Beyond Set Standards (in months *)

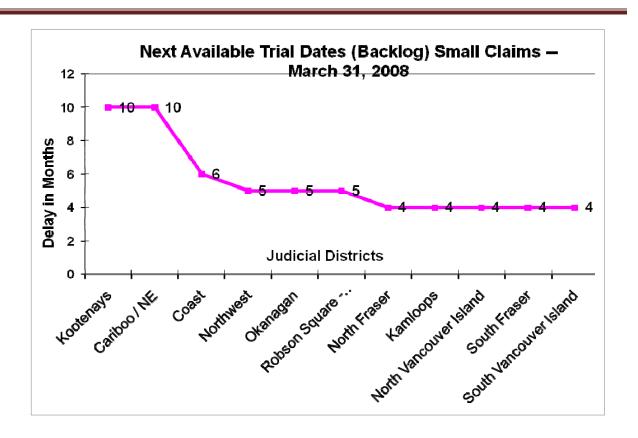
Location	Adult	Family	Civil
Smithers			6
Terrace	9	7	5
Prince Rupert	8		
North Vancouver			6
Sechelt			6
Cranbrook	9	6	10
Nelson	9		10
Rossland	9		10
Port Coquitlam	9		
New Westminster	9		
Campbell River	9		
Courtenay	8		
Port Alberni	8		
Nanaimo	10		
Penticton	7		6
Vernon	9		
Kelowna	10		
Salmon Arm			6
Kamloops	10		
Surrey	11		
Chilliwack	8	6	
Richmond			6
222 Main St.	11		

^{*} as at March 31, 2008 - taken from Next Available Trial Date Survey

The following charts show backlogs by location and subject matter at the close of the fiscal year.







FINANCIAL REPORTS

1. 2007-2008 Budget Submissions and Expenditures

	Budget	Actual	Variance	
Salaries	\$36,177,000	\$33,707,568	\$2,469,432	(1)
Supp. Salaries	30,000	50,025	(20,025)	(2)
Benefits	8,621,000	8,071,642	549,358	(3)
Judicial Council/Ad Hoc/Per Diem	351,000	572,686	(221,686)	(4)
Travel	1,304,000	1,641,647	(337,647)	(5)
Central Management Support Services	0	1,152	(1,152)	
Professional Services	157,000	185,734	(28,734)	(6)
Information Services	207,000	593,832	(386,832)	(7)
Office Expenses	773,000	943,770	(170,770)	(8)
Advertising	3,000	0	3,000	
Court Attire and Supplies	74,000	190,771	(116,771)	(9)
Vehicles	66,000	84,679	(18,679)	(10)
Amortization	349,000	361,140	(12,140)	
Building Lease	522,000	515,755	6,245	
C.A.P.C.J. Grant	8,000	7,200	800	
Library	177,000	196,410	(19,410)	(11)
Interest on Capital Leases	9,000	11,819	(2,819)	
General Expenses	0	0	0	
Total Operating Expenses	\$48,828,000	\$47,135,830	\$1,692,170	
Provincial Court Judges		143.13		
Judicial Justices of the Peace (JJPs)		13.90		
Staff		78.92		
Total FTE:		235.95		
Capital Budget Variance (Systems & Furniture)	\$357,000	\$304,459	\$52,541	

- 1. The significant under spend in salaries was directly related to JJP retirements, unanticipated illnesses, long term disabilities, judge retirements and senior judge elections. 10 judge appointments were requested this fiscal as well as 10 per Diem JJP appointments replacing the retired salaried JJP's. A considerable delay was experienced in awaiting these appointments resulting in the underspending of salaries and benefits.
- 2. Increased maternity and parental leave costs.
- 3. Related to salary savings.
- 4. Increased use of Ad Hoc/Per Diems to replaced retired JJPs.
- 5. Increased travel to areas experiencing a shortage of Judges and JJPs.
- 6. Contributions to the National Judicial Institute.
- 7. Expenditures to upgrade computer network.
- 8. Higher conference costs plus purchases/leases of minor office furniture and equipment.
- 9. One time purchases of court attire.
- 10. Higher fuel and repair costs.
- 11. Increased costs for judicial reference material.

2. Expenditures and Variances for Ad Hoc Judges & Ad Hoc Judicial Justices of the Peace (and Per Diem Judicial Justices of the Peace)

Total days used: 81 days	\$72,900
Total Budget (days) 100	\$90,000
Variance: (19)	(\$17,100)

Per Diem JJP Usage:

Total days used: 600.3	\$330,165
Total Budget (days)** 1264	\$695,200
Variance: (663.7)	(\$365,035)

^{**} delegated budget dollars included in salaries and benefits

Ad hoc JJP Usage:

Total days used (based on 8 hours): 309.3 days	\$106,028
Total Budget (8 hr days) : 364 days	\$124,779
Variance: (54.7) days	(\$18,751)

Court Locations:

The following is a list of the court locations throughout the province, including circuit courts:

Vancouver Island North

The Honourable Administrative Judge Allen Gould

Campbell River Courtenay
Gold River* Nanaimo
Port Alberni Port Hardy
Powel River Tahsis*
Tofino* Ucluelet*

Vancouver Island South

The Honourable Administrative Judge Ernie Quantz

Duncan Ganges* Sidney* Victoria

West Communities

South Fraser

The Honourable Administrative Judge Gurmail Gill

Abbotsford Chilliwack Surrey

North Fraser

The Honourable Administrative Judge Pedro de Couto

Port Coquitlam New Westminster

Kootenays

The Honourable Administrative Judge Donald Sperry

Castlegar* Cranbrook
Creston* Fernie*

Golden Grand Forks*

Invermere* Nakusp Nelson Rossland

Sparwood*

Okanagan

The Honourable Administrative Judge Ellen Burdett

Kelowna Penticton
Princeton* Revelstoke*
Salmon Arm Vernon

Caribou Northeast

The Honourable Administrative Judge Michael Brecknell

Alexis Creek* Anahim Lake*
Chetwynd* Dawson Creek
Fort Nelson Fort St. James*
Fort St. John Fraser Lake*

Hudsons Hope* Kwadacha (Fort Ware)*

Mackenzie McBride*

100 Mile House* Prince George
Quesnel Tsay Keh Dene*
Tumbler Ridge* Valemount
Vanderhoof* Williams Lake

Kamloops

The Honourable Administrative Judge Chris Cleaveley

Ashcroft* Chase*
Clearwater Kamloops
Lillooet* Merritt*

Vancouver/Richmond Robson Square

The Honourable Administrative Judge Nancy Phillips Vancouver Civil & Family (Robson Square) Richmond

Vancouver Criminal

The Honourable Administrative Judge Jeanne Watchuk Vancouver Criminal (Main Street)

Coast

The Honourable Administrative Judge Douglas E. Moss

North Vancouver Pemberton* Powell River Sechelt

Office of the Chief Judge

Atlin* Bella Coola*

Bella Bella* Good Hope Lake*

Lower Post* Klemtu*

* Unstaffed court locations (circuit court)

JUDICIAL COMPLEMENT

1. Judges

At the commencement of the fiscal year, the complement of Provincial Court Judges totalled 133 full time judges, 15 part-time judges and, 1 ad hoc judge.

At March 31, 2008, the complement was 134 full time judges, 22 part time judges and 1 ad hoc judge.

"Part time" refers to senior judges who have elected to receive pension and to work a reduced schedule of approximately half time, pursuant to section 9.1 of the *Provincial Court Act*.

The following changes in the complement of judges took place during the 2007 – 2008 fiscal year:

Retirements:

<u>Judge</u>	<u>Date</u>	Administrative District
E.A. Sather	April 25, 2007	Kamloops
K.J. Libby	May 16, 2007	North Island

Part time Elections:

<u>Judge</u>	<u>Date</u>	Administrative District
J.E. Godfrey	April 1, 2007	Vancouver Criminal
B.E. Bastin	April 1, 2007	Vancouver Criminal
R. Tweedale	July 1, 2007	Vancouver/Richmond
P.A. Hyde	August 1, 2007	South Fraser
J.R. Lytwyn	February 1, 2008	South Fraser
E. Ferbey	February 1, 2008	Vancouver/Richmond

Appointments:

<u>Judge</u>	<u>Date</u>	Administrative District
S.R. Harrison	July 9, 2007	Kamloops
J. Wood	Sept 24, 2007	South Vancouver Island
E.A.L. Burgess	Sept 24, 2007	Vancouver Criminal
J.C. Birnie	Sept 24, 2007	Northwest
T.S. Woods	Oct 5, 2007	North Fraser
R.D. Morgan	Nov 5, 2007	Cariboo Northeast
R.S. Bowry	Jan 25, 2008	Cariboo Northeast
R.C. MacKay	Feb 22, 2008	South Fraser
C.A. Struyk	Mar 20, 2008	Northwest
K.A. Arthur-Leung	Mar 31, 2008	South Fraser

Provincial Court Judges by Administrative District as at March 31, 2008

Provincial Court Ju	dges by Administrative	District as at Marc	n 31, 2008
Office of the Chief Juc	lge	South Fraser District	
Hugh S. Stansfield		Gurmail Gill	
Kimberly Arthur-Leung Elisabeth Burgess Terry W. Shupe (AH) Carlie J. Trueman (LTD) Randy E Walker (LTD) Thomas Woods		Kenneth Ball Marilynn Borowicz Gregory Bowden Ronald Caryer Gary Cohen Thomas Crabtree Paul Dohm	Robert Lemiski (SR) John J Lenaghan Jean R. M. Lytwyn (SR) Clifford B. MacArthur (SR) William G MacDonald Suzanne K MacGregor Russell MacKay
Coast		Harvey Field	C. Gail Maltby
Jane Auxier (SR) Carol C. Baird Ellan William J. Diebolt (SR) Ann E. Rounthwaite	Anthony Dohm Judith Gedye William Rodgers	Donald Gardner Ellen Gordon Peder Gulbransen Michael Hicks Brent G Hoy Patrick A Hyde (SR) James W. Jardine Wendy Young	Richard Miller Rose Raven Richard Romano Jill Rounthwaite Kenneth D Skilnick William F Stewart (SR) James Wingham
Cariboo/Northeast		Kamloops	
Michael Brecknell	y	Christopher D. Clea	aveley
Elizabeth L Bayliff Richard R Blaskovits Rita Bowry Brian Daley B. Lynne Dollis Michael Gray	R. Bruce Macfarlane (SR) R. Dennis Morgan Darrell O'Byrne Karen Walker Rory Walters Daniel Weatherly	William A. Blair Stella Frame	Stephen Harrison Hermann Rohrmoser
Kootenays		South Island	
Donald L. Sperry		Ernest Quantz	
Donald Carlgren Ronald J. Webb	Ronald G Fabbro	Evan C. Blake Loretta F. E. Chaperon Lorna-Jeanne Harvey Robert Higinbotham Michael Hubbard Josiah Wood	Judith N. Kay Brian D MacKenzie Brian M. Neal (ACJ) Anthony J Palmer L. Wayne Smith

North Fraser		Vancouver Robson / Richmond	
Pedro L.J. de Couto		Nancy Phillips	
Therese Alexander George Angelomatis Susan C. Antifaev Marion Buller- Bennett Joanne Challenger David Stone North Island Allan Gould	Shehni Dossa Bryce Dyer Deirdre Pothecary Anthony J. Spence Daniel M.B. Steinberg	Patrick Chen Bryan K Davis Harbans Dhillon Ann Ehrcke Elaine Ferbey (SR) Ronald Fratkin Rosemary Gallagher	Jane McKinnon Maris McMillan Paul Meyers David Pendleton Margaret Rae Valmond Romilly Dennis Schmidt Ross Tweedale (SR) Jodie Werier William Yee
Douglas Cowling Peter Doherty Eldon Iverson William Jack Brian Saunderson	John Joe Brian Klaver Carole Lazar (SR) Justine Saunders		wiiiiam yee
Northwest			
Herman Seidemann III			
Christine Birnie	John Milne		
Agnes Krantz	Calvin Struyk		
Okanagan Ellen Burdett		Vancouver Criminal Jeanne Watchuk	
Allan Betton Jane Cartwright Bradford Chapman Edmond de Walle Vincent Hogan Anne Wallace	Wilfred Klinger Gale Sinclair Robin Smith Mark Takahashi James Threlfall (ACJ)	Conni L. Bagnall Brian E. Bastin (SR) Joseph Galati Maria Giardini Jane E Godfrey (SR) Thomas Gove Frances E Howard William Kitchen Raymond Low Malcolm MacLean Darcy McGee(SR)	Jack McGivern (SR) Jocelyn Palmer Gregory Rideout Donna Senniw David Smyth (SR) Catherine Warren Herbert Weitzel

2. Judicial Justices of the Peace

Judicial Justices of the Peace (JJPs) are justices of the peace who are designated as judicial justices pursuant to section 30.1 of the *Provincial Court Act*. Under section 11 of the *Provincial Court Act*, JJPs may be assigned by the Chief Judge to preside over bylaw matters and ticketable offences under provincial legislation or to hear bail and search warrant applications.

Bail and search warrant applications conducted by JJPs are heard, primarily by means of facsimile and telephone through the Justice Centre, located in Burnaby. The Centre operates on a 24-hour basis.

At the commencement of the fiscal year, there were full time, part time and ad hoc judicial justices of the peace.

At March 31, 2008, the complement of JJPs was full time, part time and ad hoc JJPs.

The following changes in the complement of JJPs occurred during the year:

Appointments:

7 .pp =		
Part-Time Per Diem JJPs	Date	Location
Brad Beer	July 4, 2007	Justice Centre
Edward E. Bowes	July 4, 2007	Justice Centre
Anna-Maya Brown	July 4, 2007	Justice Centre
Brian R. Burgess	July 4, 2007	Vernon
Debra Padron Garcia	July 4, 2007	Justice Centre
Hunter W. Gordon	July 4, 2007	Victoria
Tim Holmes	July 4, 2007	Justice Centre
Norman H. Callegaro	Jan 10, 2008	Justice Centre
Dave Maihara (ad hoc)	Jan 10, 2008	Justice Centre
Barry Lambert (ad hoc)	Jan 10, 2008	Justice Centre
Laurie Langford	Feb 7, 2008	Nelson
Jane Wakefield (ad hoc)	Feb 7, 2008	Justice Centre
Fraser D. Hodge	Feb 7, 2008	Justice Centre

Judicial Justices of the Peace by Headquarters as of March 31, 2008

Sitting Division:

- M. Kobiljski (LTD)
- J. S. Arntsen (Violation Ticket Centre/OCJ Assignment) (regular)
- J.E. Hughes (Kamloops) (regular)
- G.E. Madrick (Victoria) (regular)
- C.M. Proctor (Vancouver) (regular)
- Z. Makhdoom, (Vancouver) (regular)

Justice Centre:

- S. Joseph-Tiwary (OCJ Assignment)
- B.S. Cyr (regular)
- P. Schwartz (Administrative JJP/Regular)
- G. Hayes (regular)
- I.L. Blackstone (regular)
- P.L. Dodwell (regular)
- J. Chellappan (regular)
- K.M. Arlitt (nee Pomfret) (regular)
- P.M. Lim (regular)

Per Diems:

- E. Brecknell (retired PCJ) (Salmon Arm)
- B.R. Burgess (Vernon)
- H.W. Gordon (Victoria)
- T. Holmes (Justice Centre)
- D.A. Padron (Justice Centre)
- E.E. Bowes (Justice Centre)
- B. Beer (Justice Centre)
- A. Brown (Justice Centre)
- L. Langford (Nelson)
- N. Callegaro (Justice Centre)
- F. Hodge (Justice Centre)

Ad hoc JJPs:

- C. Harvey (Justice Centre)
- K.M. Yamamoto (Justice Centre/Sitting Division)
- J. Wakefield (Justice Centre)
- D. Maihara (Justice Centre)
- B. Lambert (Sitting division)

Justice Centre Support Staff

The JJPs assigned to the Justice Centre are supported by a dedicated group of administrative personnel.

Justice Centre – JJP Support Staff as of March 31, 2008

Supervisors:

Administrative JJP

Patricia Schwartz

Support Staff:

Jenney Leung

Judi Morris

Laura Ceklaj

Rachel Fujinami

Sandra Trochta

Shannon Cutler

Supervisors

Darlene Mayo Erin Weisbrod

3. Judicial Case Managers

Judicial Case Managers are members of the judiciary who are responsible, under the supervision of the Administrative Judicial Case Manager and local Administrative Judges, for court scheduling, coordination of judges' sittings, conducting initial criminal appearances, and managing the flow of cases. They are instrumental in ensuring that judicial resources are effectively allocated and utilized in a manner consistent with the rules and policies of the Court. Judicial Case Managers are justices of the peace and exercise judicial discretion as part of their duties.

The following were the Court's judicial case managers as at March 31, 2008:

Judicial Case Managers as of March 31, 2008:

Vancouver Criminal	North Vancouver Island	Cariboo-Northeast
T.L. Hill	C.M. Ballman	D. Pillipow (Prince George)
	(Courtenay/Campbell River)	
C.J. Johnstone	V. Mitchell	S.D. Jasper (Quesnel) (p/t)
K.E. MacKenzie		F. Campbell (Fort St. John)
L.L. Stokes	South Vancouver Island	D. Bigras (Prince George) (Mar'08)
L.T. Caporale	S.L. Cole (Duncan/Colwood) (p/t)	
	D. Henry (Victoria)	Coast
Vancouver / Richmond	Y. Locke (Victoria)	S.I. McLarty (North Vancouver)
C. Mayhew (Robson Square)	A. Bruce (Victoria)	
B. Brown (Robson Square)		
J.A. Norton (Robson Square)	North Fraser	Northwest
C. Goodrich (Richmond)	M.L. deKeruzec (Port Coquitlam)	L. Leonardes (Terrace) (p/t)
	S. Gill (Port Coquitlam)	C.M. Foerster (Prince Rupert) (p/t)
Kootenays	R. Bennett (New Westminster)	S.E. Portsch (Smithers) (p/t)
M.J. Jensen (Cranbrook) (p/t)		
S.P. Hadikin (Nelson) (p/t)	South Fraser	
	D.J. Hodge (Surrey)	
Kamloops	J. Jenvey (Surrey) (p/t)	Okanagan
S.D. Paul (Kamloops)	A. Mitchell (Abbotsford) (p/t)	D.C. Krenz
	S. Thorne (Surrey)	B.L. Vincent
	M.K. Warwick (Abbotsford)	K. Bullach (Jan'08)
	B.L. West (Surrey) (p/t)	
	A.L. Schulz (Chilliwack)	

4. Judicial Administrative Assistants

Judicial Administrative Assistants ("JAAs") are judiciary employees who perform administrative services for Administrative Judges, judges and Judicial Justices of the Peace in the JAA's administrative district. Their duties include organizing meetings, processing written judgments, preparing the judges' rota and compiling statistics for the Court. Judicial Administrative Assistants work under the supervision of the Administrative Judges.

Judicial Administrative Assistants as of March 31, 2008:

Vancouver Island North

Kathryn Steele (Nanaimo)

South Fraser

Parmjeet Sahota (Abbotsford P/T)
Jenny Chan (Surrey)
Joyce Fernandes (Surrey)

Kootenays

Megan Jensen (P/T)

Caribou Northeast

Julie Tutte (Prince George)
Jane Cunard (Williams Lake, P/T)

Robson Square

Joanne Wallace (T/A) Susan Gillette Anne-Marie Molgat

Coast

Julie Crichton (North Vancouver)

Vancouver Island South

Jillian Appleton (Victoria)
Pam Burdge (Victoria, P/T)
Andrea Zanatta (Victoria, P/T)

North Fraser

Jennifer Hanif (Port Coquitlam) Jennifer Anderson (Port Coquitlam, P/T) Debra Twerdun (New Westminster)

Okanagan

Michelle Low (Kelowna)
Trudy Nagtegaal (Kelowna P/T)

Kamloops

Lorraine Bishop

Vancouver Criminal

Lucy Lockstidt Althea Romilly

5. Office of the Chief Judge Staff

The following were the staff employed at the Office of the Chief Judge during the 2007-2008 fiscal year, and their respective duties:

Director of Judicial Administration: (Ingrid Munro) - Assists the Chief Judge in the administration of the judiciary, including management of the budget, systems, resources, facilities, and special projects.

Legal Officers: (Gene Jamieson and Brenda Edwards) - Provide legal advice to the Chief Judge; provide legal resources to Judges, Justices of the Peace, and staff in the OCJ.

Manager, Judicial Resource Analysis and Management Information Systems: (Grant Marchand) - Responsible for analysing, assessing and evaluating the performance of our Court through various measurements and statistical tools; provides ongoing advice and recommendations to the Executive Committee on case scheduling and the allocation of all Judicial Resources; assists in implementing reforms throughout the province as assigned.

Administrative Judicial Case Manager: (Dawn North) - Provides overall supervision and management of Judicial Case Manager resources throughout the Province on behalf of the Chief Judge. Reports to the Executive Committee on the management of rotas and workload provincewide; provides training; assists Judicial Case Managers in implementing case management program objectives. Implements reform projects as assigned.

Manager, IT Services and Strategic Planning: (Acting/Justin Bailey) - The Manager of IT Services and Strategic Planning has the overall responsibility of the technical services division of the Provincial Judiciary. This position is accountable for the overall planning, development, enhancement, acquisition, evaluation, implementation and maintenance of the provincial judiciary's information systems. Responsible for short and long term business goal planning, implementing new technology changes, and developing applications and system tools to maximize efficiencies within the Provincial Judiciary. Also leads the Judiciary's technical support.

Systems Projects Manager: (Steve Rhodes, effective November 07) - Works on IT related special projects, including rota support, disaster recovery and 3rd party liaising.

Manager, Finance and Administration: (Daniel DeBou) - Provides administrative, financial, and human resources services; assists the Director of Judicial Administration in budget preparation and expenditure monitoring; manages the OCJ's office facility and reception/secretarial resources.

JUSTIN and JP Programs Administrator: (Kevin Purdy) – Assists the Chief Judge and Director of Judicial Administration in the administration of the Justice of the Peace program; prepares and manages Judicial Justice of the Peace ROTA; manages the OCJ's library purchasing; manages the Trial Scheduling System ("TSS") module of the JUSTIN computer program.

Executive Assistant to the Chief Judge: (Maria Hla-Tin) - Provides secretarial and administrative support to the Chief Judge.

Executive Assistant to Associate Chief Judges and Judicial Council: (Peter Gajdics) - Provides secretarial and administrative support to the Associate Chief Judges and the Judicial Council.

Administrative Services Coordinator: (Tanya Thoen) - Provides administrative, staffing and human resources, benefits, payroll, leave management services; maintains timebanks and Judicial database; processes Time On Line entry; assists Manager of Finance and Administration.

Systems Support Coordinators: (Petey Sahay and Jason Amott) - Provide system support services.

Administrative Assistant to Director of Judicial Administration: (Carissa Unger) - Provides secretarial support to the Director of Judicial Administration.

Administrative Assistant to Legal Officer: (Evelyn Suzuki) - Provides secretarial support to the Legal Officer.

JP Clerk: (Kathy Wilford) - Provides secretarial/clerical support to JP Administrator and Training Officer; assists the JP Administrator in the administration of the Justice of the Peace program.

Travel Clerk: (Crystal Hunter) - Processes travel vouchers; provides iExpense support; prepares telephone change requests and supports faxes, photocopiers and office equipment; distributes financial reports and information; back up for Time-On-Line entries and assists with leave recording.

Accounts Clerk: (Shabnam Hussein) - Processes invoices and Visa payments; prepares and monitors contracts; Purchases equipment and supplies for the judiciary; maintains Judges PDA Account; Distributes financial reports and information.

Finance Clerk: (Vacant) – Provides administrative functions and support to the finance team as well as various departments at the OCJ.

Receptionist: (Isabell Mowatt) - Provides receptionist duties for the OCJ.

PUBLIC OUTREACH

Provincial Court judges participate actively in their communities. They volunteer to speak to students, at educational conferences and in public forums. They engage in local activities such as Law Days presented by the Canadian Bar Association. Judges also teach students and the media about the law and the Court's role in the administration of justice.

The Court's Public Information Committee is chaired by Chief Judge Stansfield who, himself, is actively engaged in speaking with the public and the media about the role of the Court and is keen to answer questions the public may have about the Court's role in the administration of justice. This past year, Committee members, as well as a number of other judges of the Court, have been involved in public forums organized by the Law Courts Education Society in various locations across the Province. In addition, one of our judges worked with a journalist to prepare and present a curriculum for journalism students.

One of the Legal Officers to the Chief Judge, Gene Jamieson, has primary responsibility for responding to media inquiries and issuing media releases on matters of interest to the public. He may be contacted through the Office of the Chief Judge.

A chart showing some of the Court's many public outreach activities is set out at **Appendix "A".**

PROVINCIAL COURT EDUCATION COMMITTEE

The Chief Judge and the Judicial Council have delegated the Council's primary responsibility for continuing the education of judges, pursuant to the *Provincial Court Act* s. 22, to the BC Provincial Court Judges' Association. The Association, through its officers and directors select the judges who comprise the Education Committee. The Association makes an effort to appoint Committee members from different geographical parts of the Province, with varied practice backgrounds and interests and with a range of length of service as a judge.

The first education conference of 2007 was held at Sun Peaks Resort, Kamloops, **May 31, June 1 & 2, 2007.**

The first day's presentations were:

- To Recuse or Not Recuse, That is the Question
- The Voice/Views of the Child Report The Okanagan Experience and "the ROBC"
- The "New" Preliminary Inquiry
- CSO Theory and Reality
- Mentally Disordered Accused Persons : What Counsel Want the Judge to Know
- Senior Judging: A Program for Judges Considering Senior Judging

The second day's presentations were:

- Civil Law : Damages
- Judicial Skills and the Self-represented
- Child Protection Concurrent Workshops
 - Workshop 1: Child Protection The Basics
 - o Workshop 2: Beyond the Basics: Practical consideration in CFCSA Hearings for judges who already have a good working knowledge of the legislation
- Spousal Support and the Advisory Guidelines The Basics
- DIVORCEmate Software Demonstration

There was a luncheon on the second day honouring the judges who had retired in the recent past.

The third day's presentations were:

- Criminal Process Reform
- Judges' Counselling Program
- The DDT's: Dhillon's Dazzling (video) tips
- Compensation update

The second education conference of 2007 was held at the Sheraton Wall Centre Hotel in Vancouver on **September 27 – 29, 2007** and was a joint conference of the American Judges' Association, the Canadian Association of Provincial Court Judges and the BC Provincial Court Judges' Association.

The opening plenary of the first day of the conference featured a moderated discussion and commentary on:

• The challenges facing judges in the 21st century.

The session was moderated by *The Honourable Justice Lynn Smith* of the Supreme Court of British Columbia and featured presentations by the *The Honourable Justice Ruth Bader Ginsburg* of the Supreme Court of the United States and *The Honourable Justice Ian Binnie* of the Supreme Court of Canada.

The balance of the first day offered two concurrent programs:

- Enhancing Judicial skills in the Preparation and Delivery of a Decision
- Problem Solving Courts: A Practical Approach

A luncheon on the first day of the conference featured guest speaker, Bernard Amyot, President of Canadian Bar Association.

The second day of the conference featured two concurrent programs running the entire day:

- Enhancing Judicial Skills in Domestic Violence Cases: Translating Theory into Practice
- Media and the Courts

The luncheon on the second day of the conference occurred in the Grand Ballroom with all Judges and Guests in attendance to hear a panel of distinguished speakers discuss recent decisions of the United States Supreme Court.

The Court was privileged to hear from a wide range of experts in their field at this conference including judges, television journalists, directors, academics, court administrators, consultants, crown counsel, clinical professors, psychiatrists and more. Speakers and moderators included: Justice Lynn Smith; Justice Ruth Bader Ginsburg; Justice Ian Binnie; Professor J.C. Raymond; Bernard Amyot; Justice Marc Rosenburg; Judge Ross Tweedale; K. Trotter; Chief Judge H.C. Stansfield; Julius Lang; Judge A. Brien; Judge M. Buller Bennett; Justice L Glenn; Judge A. Ortiz-White; Judge T. Gove; A. MacPhail; A. Cochrane; Professor L.H. Kanter; Dr. T L. Nicholls; Professor M. P. Johnson; Justice E.B. Murray; Professor N. Bala; Dr. P. Jaffe; Judge R. Marchi; Justice M. Rosenberg; Judge C. L. Bagnall; Judge T. J. Preston; C.H. Whitebread; G.T. Pfleger; H.K. Pfleger; Judge

D. Senniw; Professor N.K.D. Lemon; Professor M. Shaffer; B.V. Bagnall; R.P. Harris; Judge H.K. Dhillon; R. Dosanjh; Dr. Pratibha N. Reeebye; Chief Judge R. E. Wyant; Dr. S. L. Alexander; Ian Hanomansing; Justice C. Wedge; G. Hengstler; K. Salaz; T. Hodson; Judge S. Antifaev; Judge C. Weller; T. Hodson; J. Parker MacCarthy.

STRATEGIC PLANNING

The Court's Strategic Planning Committee, chaired by Associate Chief Judge Neal, developed the Court's second Strategic Plan which was approved by the Management Committee last fiscal year. The Plan covers the three year period 2006-2009 and provides a blue-print for Court reform, planning and operations. The Plan sets goals for the Court in four key areas: delivery of justice; enhancing meaningful public access for the Court; anticipating and meeting the needs of society through judicial innovation and reform, and ensuring that the administration and management of the Court is transparent, fair and effective.

Management Committee continues to monitor the Court's progress in achieving the goals set by the Plan and to take action, where necessary, to ensure that the strategies identified are appropriate and sufficient to achieve the goals of the Plan.

WEBSITE AND JUDGMENT DATABASE

The Court's website provides the public with a broad range of information and announcements about the Court and the Judicial Council of British Columbia. On the website interested readers may learn more about the judiciary who serve the Court, the many locations at which they preside and the types of cases that the Court addresses on a regular basis. The website also hosts the Court's judgment database which contains written decisions of the Court for the past eight years.

As of March 31, 2008 there were 4,702 written judgments posted to the Court's database. Members of the public may be interested to know that the database has a feature that enables users to locate judgments that have been posted in the past seven days. This may be particularly useful to users such as journalists and researchers who wish to keep up-to-date on recent decisions of the Court.

The Provincial Court website may be accessed at http://www.provincialcourt.bc.ca.

A more direct link to the most recent decisions of the Court posted in the immediately preceding seven days, is also accessible from the general websites for all courts in British Columbia at http://www.courts.gov.bc.ca.

APPENDIX "A"

Examples of Provincial Court of British Columbia Community Outreach Initiatives

- Study of public/media access to court records issues;
- Community forums in six cities panels of judges and other justice system participants answered questions from the public;
- Targeted forum program for journalism students developed and offered at journalism schools;
- Short video, introducing the Court and what it does, is being produced;
- Participation in Canadian Bar Association, BC Branch, Law Day activities by judges and retired judges;
- Speakers roster of judges and retired judges, including speakers in languages other than English;
- Annotated bibliography of resources for judges doing public speaking, including a basic outline for a speech, compiled and posted on Court's Intranet;
- Meetings with media directors on topics of mutual interest including ensuring public access to courts through media;
- Measures to improve courtroom acoustics;
- Development of Court Education Networks judiciary, court services, Crown, and defence counsel speaking to high school classes that attend court;
- Efforts to improve awareness of publication bans;
- Suggestions to Court's Education Committee about programs for judges on oral judgments, Court's procedures and policies on media issues, and how judges can assist media to report our decisions accurately;
- Identification of accredited reporters, who may use tape recorders for note taking, in Provincial Court;
- Spokespersons designated for each judicial district and provided with training;
- Chief Judge has made regular, as well as occasional, appearances on radio and television, including phone-in shows;
- Chief Judge has made two tours of the province, appearing on media and meeting with local groups;
- Improvements to Court website and judicial database underway;
- "Ask the Chief Judge" feature operated on website, subsequently converted to FAQ section;
- Work on consolidating Court's policies on media and public access underway;
- Participation in presentations to community organizations;
- Participation on panels for a variety of education programs conducted by organizations such as the Continuing legal Education Society of British Columbia;

- Participation at courthouses in education programs for students organized by the Law Courts Education Society of British Columbia;
- Participation in education and moot court programs at the University of British Columbia Faculty of Law;
- Organization of an international judicial education conference in September, 2007, as well as semi-annual education conference for judges.