PROVINCIAL COURT OF BRITISH COLUMBIA

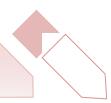


2008 – 2009 Annual Report

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INTRODUCTION AND OVERVIEW OF THE 2008-2009 FISCAL YEAR

Community Court

The Downtown Community Court (DCC) opened on September 2008. The Court provides integrated justice, health and social services to offenders while holding them accountable in a timely fashion. The jurisdiction served by DCC is the Central Business district, Chinatown, Coal Harbour, the Downtown Eastside, Gastown, Strathcona, Yaletown, and the West End including Stanley Park. From September 2008 until April 2009, the Downtown Community Court heard over 2,000 cases with over 1,200 offenders. Of the 2,000 cases commenced this fiscal year, 1,200 cases were concluded.

Aboriginal Justice

The Court continued with our successful pilot of a First Nations' Court presided over by British Columbia's only female aboriginal jurist, Judge M. Buller Bennett. This Court provides an holistic and restorative approach to sentencing incorporating aboriginal practices. The Court has the benefit of hearing about an offender's education, employment history, past criminal history as well as 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. There is a growing demand within the aboriginal community to expand the services that this court provides.

Olympic Planning and Timelines

The court was fully engaged with the provincial government, City of Vancouver, Olympic planning officials and other Justice participants in planning for the provision of justice services. Early in the planning process it became obvious that police were faced with a massive task in providing security for the Olympics. Many police officers required as witnesses would be committed to security duties. The Court accepted this reality for the period of the Olympics and Special Olympics and decided not to schedule criminal trials for the month of February 2010. Instead the Court provided a plan whereby scheduling of criminal trials would be accelerated during the fall and winter of 2009, creating a modest backlog of civil and non-urgent family trials. February 2010 would then be primarily reserved for the scheduling of those civil and family matters. In that way, the courts would be functioning at full capacity during a full year, the potential for long-term criminal backlog would be substantially mitigated and policing and sheriff security personnel would be free to provide essential public safety and security services during the high activity Olympic period.

This plan was circulated to other justice participants in the spring of 2008 and matters were scheduled accordingly throughout the year and into the spring of 2010.

The Court also engaged with other participants throughout the year concerning access issues to Lower Mainland Courts that would be affected by Olympic related activities and changes to transportation routes, seeking to diminish disruption and maintain the operation of justice services during this unusual period.

Education

The Court continues to work to improve the quality and relevance of educational materials provided to the judiciary. In November 2008, Acting Chief Judge Jim Threlfall established the Education Review Committee to review the needs of the Court regarding judicial education, now and in the future, the current program for delivering judicial education in the Provincial Court and the ability of that Program to meet the needs of the Court and the public, and to make recommendations regarding changes that might improve the present Program. This comprehensive review is necessary not only as a result of rapidly changing technology but is also due to a changing judicial demographic and the extension of the Senior Judge Program from five to seven years as well as the extension of the retirement age from 70 to 75.

Educational Conferences are a regular event for all judicial officers. 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.

Chief Judge Stansfield continued his focus throughout the year on public education and outreach concerning the justice system.

Criminal

In 2007, 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. In 2008-2009, the Court's Management Committee adopted the Committee's recommendations and the Court expanded the use of pilots in targeted locations throughout the Province 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 Phillips oversaw startup of the Court's pilots at its Robson Square and Richmond locations. The pilots provide that:

- i. senior civil or arbitration lawyers 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) are diverted to a separate track which is heard and determined by judges in a summary process without a settlement conference;
- iii. all other claims between \$5,000 25,000 are 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 come before a judge for the purpose of a pre-trial conference to focus and narrow the issues for trial.

To date, the pilots have shown:

- that the median time from the start of a case to first appearance is considerably faster in the simplified trial and mediation pilots than in traditional court processes (22% and 47% faster respectively);
- a 22-23% reduction in the average number of appearances per case before the matter is completed compared to historical equivalents; and
- the average total court time per case is less than in traditional court processes, i.e. a range of 7-17% less court time is required.

Video Bail/ Bail Reform

- The Justice Centre is operating pilot projects in the Peace Region (Fort St. John, Fort Nelson, Dawson Creek) as well as in the Lower Mainland, (Surrey and Delta).
- The Peace Region pilot projects operate on weekdays and allow accused persons in police cells or who are remanded to Prince George Regional Correctional Centre to appear by videoconference technology for their bail hearing before a Judicial Justice at the Justice Centre in Burnaby. During these hearings Crown Counsel and duty counsel also appear by video conference from the local courthouse.
- The Surrey/Delta weekend pilot project has Crown and duty counsel appearing by video conference technology from the Surrey Courthouse and accused persons appearing by video from either the Surrey RCMP detachment or Delta

Police department cells and the Judicial Justice presiding by video from the Justice Centre in Burnaby. During the week, the Judicial Justice at the Justice Centre presides over evening videobail hearings with the accused in the police cells and the Surrey and Delta police officers appearing on behalf of the Crown.

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 completed the work of restructuring the office of the Judicial Justice of the Peace that was commenced in 2006-2007 under the leadership of Associate Chief Judge Threlfall. The second wave of appointments of part-time lawyer justices was made under the new criteria adopted by Judicial Council last fiscal year.

These new appointments paved the way for the recommended move to centralized video bail presided over by judicial justices from the Justice Centre. The Bail Reform Project was initiated in May 2007 and the new model began in pilot locations in the Peace District in October 2008 and in Surrey/Delta in January 2009. 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.

Court Performance and Management

The Court continues to apply the performance measurement and management standards developed by the Court in 2006-2007. (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-bydistrict 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. The Executive Committee consists of:

Chief Judge

The Honourable Hugh C. Stansfield (appointed June 2005 for a term of five years, died in office on May 7, 2009. He was replaced by Acting Chief Judge James T. Threlfall).

Associate Chief Judges:

The Honourable Judge Brian M. Neal (appointed July of 2005 for a term of two years; reappointed August 1, 2007 for two years and extended on February 27, 2009 until January 31, 2010)

The Honourable Judge James J. Threlfall (appointed June of 2005 for a term of five years – Acting Chief Judge effective May 5, 2009)

The Honourable Nancy N. Phillips (appointed February 27, 2009 for a term of 2 years)

The Honourable Gurmail S. Gill (appointed February 27, 2009 for a term of 2 years)

Executive Director of Judicial Administration:

Jan Rossley, Executive Director of Judicial Administration (as of February, 2009)

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 2008-2009 are:

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) until June 30, 2008 Administrative Judge D. O'Byrne (Cariboo Northeast District) effective July 1, 2008 Administrative Judge P.L. J. de Couto (North Fraser District) until June 30, 2008 Administrative Judge J. Challenger (North Fraser District) effective July 1, 2008 Administrative Judge H. Seidemann III (North West District) Administrative Judge R.A. Gould (North Vancouver Island District) Administrative Judge J. Watchuk (Vancouver Criminal District) Administrative Judge G. Gill (South Fraser District) Administrative Judge D.E. Moss (Coast District) until June 30, 2008 Administrative Judge D.E. Moss (Coast District) until June 30, 2008 Administrative Judge W. Rodgers (Coast District) effective July 1, 2008 Administrative Judge R.N. Phillips (Robson Square District) Administrative Judge E. Quantz (South Vancouver Island) A/Administrative Judge A. Wallace (Okanagan District) Administrative Judge N.N. Phillips (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 J. Arntsen had responsibility as the Administrative JJP for the Traffic Court Division and Judicial Justice of the Peace P. Schwartz continued as the Administrative Judicial Justice of the Peace responsible for the Justice Centre.

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 Workers Compensation 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

On May 1, 2008, various provisions of the *Tackling Violent Crime Act*, S.C. 2008, c. 6, came into force which amended firearm provisions in *the Criminal Code*, including provisions related to judicial interim release for an accused charged with a firearms offence. The *Code* was also amended to change the age of consent related to some sexual offences from 14 to 16.

Portions of *An Act to amend the Criminal Code* (*criminal procedure, language of the accused, sentencing and other amendments*), S.C. 2008, c. 18, came into force on May 29, 2008. Those sections relate to a variety of criminal procedure matters, including provisions for proving service of documents, and using telecommunication devices to forward and endorse search warrants as between provinces.

On July 2, 2008, the balance of the *Tackling Violent Crime Act*, *supra*, came into force. Amendments were made to *Criminal Code* provisions related to impaired-driving, as well as dangerous and long-term offenders and recognizance to keep the peace.

On September 12, 2008, An Act to Amend the National Defense Act, the Criminal Code, the Sex Offender Information Registration Act, and the Criminal Records Act, S.C. 2007, c. 5, were brought into force. This legislation amended the National Defense Act to incorporate registration requirements established under the Sex Offender Information Registration Act (SOIRA). The Amendment Act also made corresponding changes to the Criminal Code and SOIRA to coordinate and facilitate the changes made to the National Defense Act. In addition, the Amendment Act added designated offenses for which registration under SOIRA may be required. On October 1, 2008, the balance of *An Act to Amend the Criminal Code* (*criminal procedure, language of the accused, sentencing and other amendments*), *supra*, came into force. These amendments included provisions related to punishment for impaired driving, and language rights of an accused. In addition, the amendments included provisions related to the ability of a court to delay sentencing to enable the offender to attend a court-supervised treatment program. The provisions also increased the maximum fine in s. 787(1) for summary conviction offences to \$5,000 from \$2,000.

B. Provincial

On April 1, 2008 amendments to the *Judicial Compensation Act*, S.B.C. 2003, c. 59, were brought into force related to the establishment of full-time and part-time offices of Judicial Justices of the Peace (JJP) in the Provincial Court, as well as provisions related to the pensions plans referenced in the *Judicial Compensation Act*. See the *Miscellaneous Statutes Amendment Act (No. 2), 2008*, S.B.C. 2008, c. 42. At the same time, amendments to the *Legal Professions Act* were brought into force making that *Act* inapplicable to a person who is both a lawyer and a part-time JJP when that person is acting in their capacity as a part-time JJP. In addition, the amendments altered the retirement age for judges from 70 to 75 years of age under the *Provincial Court Act*.

On June 6, 2008 the definition of "photograph" in s. 35 of the *Evidence Act*, R.S.B.C. 1996, c. 124, was amended by the *Attorney General Statutes Amendment Act, 2007*, S.B.C. 2007, c. 14, to include "electronic images". Further, the amendments establish that neither the government nor the court is required to provide or make available any equipment to facilitate the introduction into evidence of any photograph that may be tendered as evidence.

On December 9, 2008 amendments to the *Family Relations Act*, R.S.B.C. 1996, c. 128, were brought into force under the *Miscellaneous Statutes Amendment Act, 2008*, S.B.C. 2008, c. 30. These amendments related to pension entitlements of a spouse under ss.74 and 76 of the *Family Relations Act*.

On March 2, 2009, a variety of amendments to the *Family Maintenance Enforcement Act* came into force, as made by the *Attorney General Statutes Amendment Act*, 2007, S.B.C. 2007, c. 14. These provisions included amendments regarding notices of attachment for joint accounts when the debtor is one of the account holders. In addition, the amendments established a system of notice and payment as between the Director of the *F.M.E.A.* and the B.C. Lottery Corporation of amounts owing under a maintenance order from any prize awarded to the debtor in a lottery.

On March 6, 2009 an amendment was made to s. 26(1) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, by the *Attorney General Statutes Amendment Act*, 2007, S.B.C. 2007, c. 14, authorizing the Insurance Corporation of British Columbia to refuse a driver's licence to a person who was refused a driver's licence in an another province for failure to pay maintenance, support or alimony in that province.

Into next fiscal the *Motor Vehicle (Banning Smoking when Children Present) Amendment Act, 2008,* S.B.C. 2008, c. 22, came into force to amend the *Motor Vehicle Act* by adding the offence of smoking tobacco, or holding lighted tobacco, in a motor vehicle that is occupied by a person under the age of 16 years.

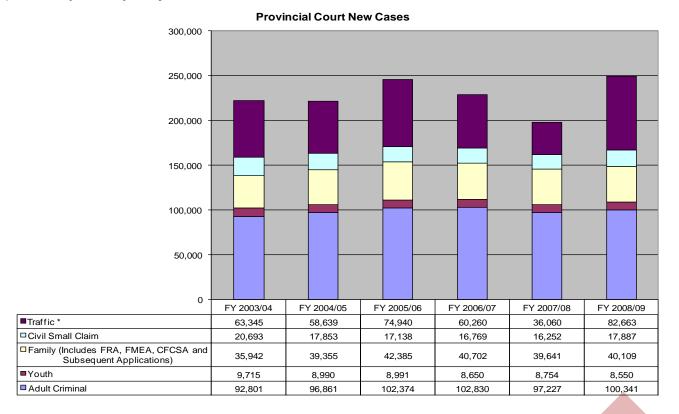
THE PROVINCIAL COURT'S CASELOAD

During the fiscal year 2008—2009, the Provincial Court received 220,970 new cases. This includes new adult criminal, youth, civil, family, traffic and bylaw cases. There were an additional 28,580 subsequent family applications filed during this fiscal year.

During this fiscal year, approximately 49% of the Provincial Court's caseload was criminal and youth matters, 37.5% was traffic and bylaw matters and 13.5% were family and civil. This fiscal year saw an approximate 3.2% increase in the number of new adult criminal matters filed over the previous fiscal year.

The traffic cases only include those that were entered into the JUSTIN case tracking system by Court Services staff members; last fiscal year the Court saw many delays in processing this data, resulting in lower counts of new traffic cases, this fiscal year there was a substantial increase in data entry and, therefore, an increase in the number of cases appear as newly filed.

Civil small claims cases increased by approximately 10% while family cases increased marginally by 1% over last fiscal 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 the backlog of cases through guarterly 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, 2009. The Provincial Court is continuing to experience an increase in delays in some of the larger court locations of the province. We are also experiencing an increase in delay for all lengthy cases which require 2 days or longer of court time.

While a variety of challenges may result in backlogs developing, one pressure seems to be a combination of a delay of judicial appointments and a reconfiguration of court sittings due to the 2010 Winter Olympics. These backlogs will be continually monitored and assessed over the next year.

The Management Committee has endorsed a number of court performance measures and set standards in the following areas: time to trial for 1/2 day adult criminal trials (90% within 6 months); time to trials to 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).

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

12

Adult Family Civil Location (1/2 day trial)(1/2 day trial) (1/2 day trial) **Dawson Creek** 9 Fort St. John 12 7 7 Fort Nelson 5 7 Prince George 9 10 Quesnel 8 Williams Lake 8 Smithers 8 10 Terrace 6 10

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

Prince Rupert

6

8

8

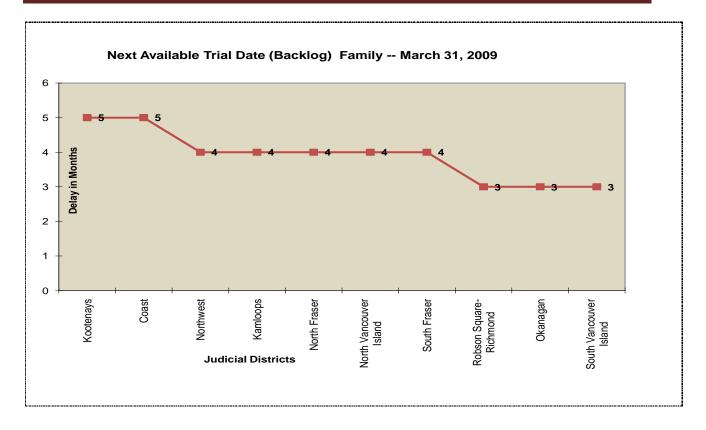
Deyond Set Standards (in mo	11(15)		
North Vancouver			6
Sechelt	7	6	7
Cranbrook	9	12	11
Nelson	8		
Rossland	8		
Port Coquitlam	7		7
New Westminster			7
Campbell River	10		
Courtenay	9		
Port Alberni	8		
Nanaimo	13		
Penticton	7	6	8
Vernon	7	7	7
Kelowna	7		7
Salmon Arm		5	7
Kamloops			6
Surrey	14		
Chilliwack	8	7	6
Richmond	7		6
222 Main St.	10		

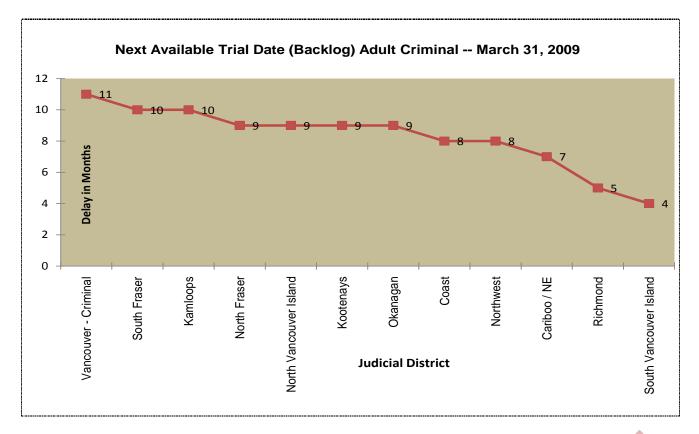
Non-Circuit Court Locations with Excessive Trial Delays

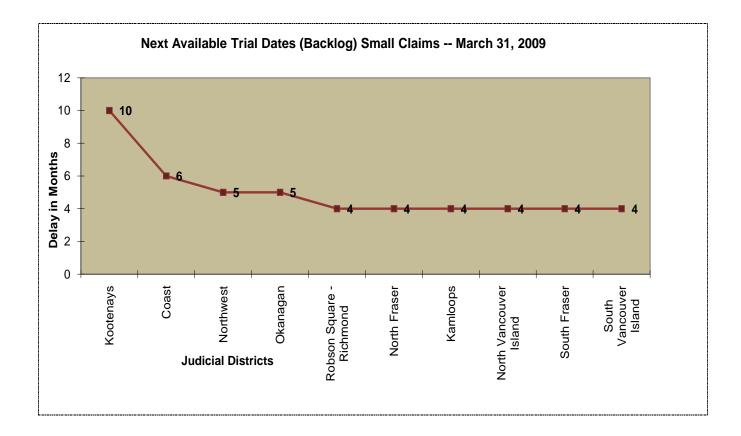
Bevond Set Standards (in months *)

* as at March 31, 2009 - taken from Next Available Trial Date Survey

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









FINANCIAL REPORTS

1. 2008-2009 Budget Submissions and Expenditures

	Budget	Actual	Variance	
Salaries	\$38,612,000	\$37,541,321	\$1,070,679	(1)
Supp. Salaries	30,000	53,015	(23,015)	
Benefits	9,201,000	8,959,747	241,253	(2)
Judicial Council/Ad Hoc/Per Diem	1,335,000	1,353,343	(18,343)	
Travel	1,304,000	1,395,770	(91,770)	(3)
Central Management Support Services	179,000	215,259	(36,259)	
Professional Services	157,000	284,385	(127,385)	(4)
Information Services	207,000	276,745	(69,745)	(5)
Office Expenses	932,000	1,107,215	(175,215)	(6)
Advertising	3,000	0	3,000	
Court Attire and Supplies	74,000	97,230	(23,230)	
Vehicles	66,000	86,406	(20,406)	
Amortization	349,000	214,309	134,691	(7)
Building Lease	491,000	528,023	(37,023)	(8)
C.A.P.C.J. Grant	8,000	7,420	580	
Library	177,000	220,819	(43,819)	(9)
Interest on Capital Leases	9,000	9,240	(240)	
General Expenses	0	0	0	
Total Operating Expenses	\$53,134,000	\$52,350,247	\$783,753	
Provincial Court Judges		142.56		
Judicial Justices of the Peace (JJPs)		14.00		
Staff		77.20		
Total FTE:		233.77		
Capital Budget Variance (Systems and Furniture)	\$280,000	\$304,459	(\$24,459)	
i uniturej	φ200,000	<i>φ</i> 304,439	(724,409)	

Unanticipated illnesses, long term disabilities and retirements - delays in replacements

(1) thereto.

(2) Related to salary savings.

(3) Increased travel to areas experiencing a shortage of Judges and JJPs.

(4) Legal fees and contributions to the National Judicial Institute.

(5) Computer software, licences and internet access.

(6) Education costs and meeting expenses.

(7) Savings due to delayed replacement of computer equipment.

(8) Budget reduction not realized.

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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 salarie	s 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 (noted as *):

Vancouver Island North

The Honourable Administrative Judge A. Gould

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

Vancouver Island South

The Honourable Administrative Judge E. Quantz

Duncan	Ganges*
Sidney*	Victoria
West Communities	

South Fraser

The Honourable Administrative Judge G. Gill Abbotsford Chilliwack Surrey

North Fraser

The Honourable Administrative Judge J. Challenger Port Coquitlam New Westminster

Kootenays

The Honourable Administrative Judge N.N. Phillips

Castlegar* Cranbrook Creston* Fernie* Golden Grand Forks* Invermere* Nakusp Nelson Rossland Sparwood*



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Okanagan

The Honourable A/Administrative Judge A. Wallace

Kelowna	Penticton
Princeton*	Revelstoke*
Salmon Arm	Vernon

Cariboo Northeast

The Honourable Administrative Judge D. O'Byrne

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 C. Cleaveley

Ashcroft*	Chase*
Clearwater	Kamloops
Lillooet*	Merritt*

Vancouver/Richmond Robson Square

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

Vancouver Criminal

The Honourable Administrative Judge J. Watchuk Vancouver Criminal (Main Street)

Coast

The Honourable Administrative Judge W. Rodgers

North Vancouver	Pemberton*
Powell River	Sechelt

Office of the Chief Judge / Headquarters

JUDICIAL COMPLEMENT

1. Judges

At the commencement of the fiscal year, the complement of Provincial Court Judges totalled 136 full time judges, 17 part-time judges and, 1 ad hoc judge with one judge on sick leave and two on long term disability.

At March 31, 2009, the complement was 127 full time judges, 24 part time judges and 1 ad hoc judge with 1 judge on sick leave and three judges on long term disability.

"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 2008 – 2009 fiscal year:

Judge	Date	Administrative District
C. D. Lazar	June 30, 2008	North Island
H. J. McGivern	October 31, 2008	Vancouver Criminal
W. A. Blair	December 31, 2008	Kamloops
R. B. Macfarlane	December 31, 2008	South Island

Retirements:

Part-time Elections:

Judge	Date	Administrative District
J.N. Kay	April 1, 2008	South Island
A. J. Palmer	April 1, 2008	South Island
H. Rohrmoser	April 1, 2008	Kamloops
H. Weitzel	April 1, 2008	Vancouver Criminal
C.G. Maltby	April 1, 2008	South Fraser
B.L. Dollis	July 1, 2008	Cariboo/Northeast
E.D. Schmidt	March 1, 2009	Vancouver/Richmond
W.G. MacDonald	March 17, 2009	South Fraser

Appointments:

Judge	Date	Administrative District
L.J. Mrozinski	March 27, 2009	Kootenays
D. St. Pierre	March 27, 2009	North Fraser

Office of the Chief Ju		ng districts throughout this period. South Fraser District	
Hugh S. Stansfield		Gurmail Gill	
Terry W. Shupe (AH)		Kimberly Arthur-	Robert Lemiski (SR)
Carlie J. Trueman (LTD)		Leung	John J Lenaghan
Randy E Walker (LTD)		Kenneth Ball	Jean R. M. Lytwyn (SR)
Thomas Gove		Marilynn Borowicz	Clifford B. MacArthur (SR)
David Pendleton			William G MacDonald (SR)
		Ronald Caryer	Suzanne K MacGregor
Coast		Gary Cohen	Russell MacKay
William Rodgers		Thomas Crabtree	C. Gail Maltby (SR)
Jane Auxier (SR)	Anthony Dohm	Paul Dohm	Richard Miller
Carol C. Baird Ellan	Judith Gedye	Harvey Field	Rose Raven
William J. Diebolt (SR)	Douglas E. Moss	Donald Gardner	Richard Romano
Ann E. Rounthwaite		Ellen Gordon	Jill Rounthwaite
		Peder Gulbransen	Kenneth D Skilnick
		Michael Hicks	William F Stewart (SR)
		Brent G Hoy	James Wingham
		Patrick A Hyde (SR)	Wendy Young
		James W. Jardine	
Cariboo/Northeast		Kamloops	
Darrell O'Byrne		Christopher D. Cleaveley	
,	R. Bruce	William A. Blair (SR)	Stephen Harrison
	Macfarlane (SR)	Stella Frame	Hermann Rohrmoser (SR)
	R. Dennis Morgan	Dev Dley	
j j	Karen Walker		
-	Rory Walters		
,	Daniel Weatherly		
Michael Gray		South Island	
Kootenays		Ernest Quantz	
Nancy PhillipsDonald CarlorenRonald G Fabbro		Evan C. Blake	Judith NL Kay (CD)
	Lisa J. Mrozinski	Loretta F.E. Chaperon	Judith N. Kay (SR) Brian D MacKenzie
	Donald. L. Sperry	Lorna-Jeanne Harvey	Brian M. Neal (ACJ)
		Robert Higinbotham	Anthony J Palmer (SR)
		Michael Hubbard	L. Wayne Smith
			Josiah Wood

Provincial Court Judges by Administrative District

Note: There has been movement among districts throughout this period.

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



2. Judicial Justices of the Peace and Justice of the Peace Adjudicators

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 and to hear bail and search warrant applications.

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

Justice of the Peace Adjudicators are senior members of the bar, appointed on a parttime per diem basis to preside over simplified trials of Small Claims matters. In 2008-09, the Court's complement was increased by the appointment of 14 Justice of the Peace Adjudicators.

At the commencement of the fiscal year, there were full time, part time and ad hoc Judicial Justices of the Peace.

At March 31, 2009, the complement of JJPs was 15 full time, 18 part time and 7 ad hoc JJPs.

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

Appointments:

Part-Time Per Diem JJPs	Date
В. Тоу	June 26, 2008
D.B. Adair	June 26, 2008
B.L. Edwards	June 26, 2008
H.J. Lindsey	June 26, 2008
D.G. Schwartz	June 26, 2008
A. Z. A. Campbell	June 26, 2008
C. Roberts	June 26, 2008
Ad Hoc JJP	Date

C. L. Rogers L. Mayner **Date** June 26, 2008 September 8, 2008

Location

Justice Centre Justice Centre Justice Centre Justice Centre Justice Centre Justice Centre Justice Centre

Location ad hoc ad hoc

JP Adjudicators:

T.C. Armstrong	January 25, 2008	Surrey
B.G. Baynham, Q.C.	January 25, 2008	Vancouver
F. Borowicz, Q.C.	January 25, 2008	Vancouver
B.A. Cornish	January 25, 2008	Vancouver
K. Glasner, Q.C.	January 25, 2008	Vancouver
L.A. Kahn	January 25, 2008	Richmond
K.F. Nordlinger, Q.C.	January 25, 2008	Vancouver
M.A. Pratchett,, Q.C.	January 25, 2008	Vancouver
D.W. Roberts,, Q.C.	January 25, 2008	Vancouver
D.G. Sanderson, Q.C.	January 25, 2008	Vancouver
G.A. Urquhart, Q.C.	January 25, 2008	Vancouver
B.J. Wallace, Q.C.	January 25, 2008	Vancouver
K.F. Warner, Q.C.	January 25, 2008	Langley
D.W. Yule, Q.C.	January 25, 2008	Vancouver

Judicial Justices of the Peace by Headquarters as of March 31, 2009

Sitting Division (Full Time):

J. S. Arntsen (Administrative JJP – Traffic - Violation Ticket Centre) J.E. Hughes (Traffic - Kamloops) S. Joseph-Tiwary (Traffic – Port Coquitlam) G.E. Madrick (Traffic - Victoria) C.M. Proctor (Traffic – Robson Square - Vancouver) Z. Makhdoom, (Traffic – Robson Square - Vancouver) P.M. Lim (Traffic – North Vancouver)

Justice Centre (Full Time):

P. Schwartz (Administrative JJP) B.S. Cyr G. Hayes I.L. Blackstone P.L. Dodwell J. Chellappan K.M. Arlitt M. Kobiljski (LTD)

JJPs and JP Adjudicators Appointed to Serve on a Per Diem Basis:

E. Brecknell (retired PCJ) (Traffic - Salmon Arm) B.R. Burgess (Traffic - Vernon) H.W. Gordon (Traffic - 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 (Traffic - Nelson) N. Callegaro (Justice Centre) F. Hodge (Justice Centre) B. Toy (Justice Centre) D.B. Adair (Justice Centre/Traffic) **B.L. Edwards (Justice Centre)** H.J. Lindsey (Justice Centre) C.L. Roberts (Justice Centre) D.G. Schwartz (Justice Centre) A.Z.A. Campbell (Justice Centre)

JJPs Appointed to Serve on an Ad Hoc Basis:

C. Harvey (Justice Centre)
K.M. Yamamoto (Traffic)
J. Wakefield (Justice Centre)
D. Maihara (Justice Centre)
B. Lambert (Traffic)
C. Rogers (Justice Centre)
L. Mayner (Traffic)

Justice Centre Support Staff

The JJPs assigned to the Justice Centre are supported by a dedicated group of administrative personnel some of whom were appointed as Justices of the Peace in 2008-09.

Justice Centre – JJP Support Staff as of March 31, 2009 Supervisors:

Administrative JJP

P. Schwartz

Supervisors

D. Mayo (Justice of the Peace)

E. Weisbrod (Justice of the Peace)

Justice Centre Coordinator:

Sarah Calla (temp. appt. effective June'08) (Justice of the Peace)

Support Staff

- J. Leung (Justice of the Peace)
- J. Morris (Justice of the Peace)
- L. Ceklaj (Justice of the Peace)
- R. Fujinami (Justice of the Peace)
- S. Trochta (Justice of the Peace)
- K. Haldane

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, 2009:

Vancouver Criminal	North Vancouver Island	Cariboo-Northeast
T.L. Hill	C.M. Ballman (Courtenay/Campbell River)	D. Pillipow (Prince George)
C.J. Johnstone	V. Mitchell (Nanaimo/Port Alberni)	S.D. Jasper (Quesnel)
K.E. MacKenzie		F. Campbell (Fort St. John)
L.L. Stokes	South Vancouver Island	D. Bigras (Prince George)
L.T. Caporale	S.L. Cole (Duncan/Colwood)	
	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)		Northwest
J.A. Norton (Robson Square)	North Fraser	L. Leonardes (Terrace) (p/t)
C. Goodrich (Richmond)	M.L. deKeruzec (Port Coquitlam)	C.M. Foerster (Prince Rupert) (p/t)
	S. Gill (Port Coquitlam)	S.E. Portsch (Smithers) (p/t)
Kootenays	M. Scott (Port Coquitlam)	
M.J. Jensen (Cranbrook) (p/t)	L. MacDonald (New Westminster)	Okanagan
S.P. Hadikin (Nelson) (p/t)	South Fraser	D.C. Krenz (Kelowna)
	D.J. Hodge (Surrey)	B.L. Vincent (Kelowna)
Kamloops	J. Jenvey (Surrey) (p/t)	K. Bullach (Kelowna)
S.D. Paul (Kamloops)	A. Mitchell (Abbotsford) (p/t)	M. Warwick (Penticton)
	S. Thorne (Surrey)	
	H. Holt (Abbotsford)	
	B.L. West (Surrey) (p/t)	
	A.L. Schulz (Chilliwack)	

Judicial Case Managers as of March 31, 2009:

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.

5. Office of the Chief Judge Staff

The Office of the Chief Judge (OCJ) is the administrative headquarters for the Provincial Court. It is responsible for engaging with government agencies, individuals and organizations that wish to access the Court.

The OCJ consists of the Executive Committee of the Court and a staff of approximately 20, providing corporate management services to the Court. This staff provides the following services:

- Operational, financial and administrative management of the Provincial Court, including financial management and control, operational and strategic business planning and policy development;
- Information technology planning and services, management information analysis, reporting and planning;
- Work with other agencies in providing human resource services and facilities management assistance to the Court;
- Administer the Justice of the Peace program, which includes all Justices of the Peace in BC, and the Judicial Case Managers program, which provides Provincial Court scheduling services throughout the province;
- Provide legal analysis and advice to the Executive Committee, Judges and other judicial officers and OCJ staff; and
- Work alone and with other justice participants on business process reform initiatives and other corporate justice-related initiatives.

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 was chaired by Chief Judge Stansfield in 2008-09. The Chief Judge was actively engaged in speaking with the public and the media about the role of the Court throughout the year and was always keen to answer questions the public might 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 once again 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.

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 2008 was held at the Empress Hotel in Victoria, April 2-4, 2008. The first day of the conference was focused on children at risk and began with a presentation by the Representative for Children and Youth, Mary Ellen Turpel-Lafond on vulnerable children and was followed by a panel discussion on the issues faced by the judiciary arising from Fetal Alcohol Syndrome. The afternoon of the first day featured a panel discussion on youth sentencing followed by a panel discussion on investigating child exploitation on the internet.

The second day of the conference addressed topics including managing high conflict litigants, judicial security and concurrent sessions on the Provincial Court's delegation that attended the Courts in China, the issue of alienation in family cases and a report from the Chief Judge on the state of the Court. The final day of the conference dealt with administrative matters involving the Provincial Court Judges' Association.

The second education conference of 2008 was held at the Sheraton Wall Centre Hotel in Vancouver, October 23-25, 2008. The conference focused on the topics of sexual assault in criminal matters and sexual abuse in family cases. Experts spoke to the judges on topics including: evidentiary matters, assessing the credibility of child witnesses, investigating and prosecuting offshore sex tourists; pedophilia and sex offender treatment programs and sentencing sexual offenders. The conference concluded with a practice update for judges regarding changes to impaired driving legislation.

EDUCATION REVIEW COMMITTEE

The Education Review Committee was struck by Acting Chief Judge Jim Threlfall in the fall of 2008 with a mandate to review the current education delivery model that provides judicial education to the Provincial Court judiciary in the context of both the current and future needs of the judiciary and the Court.

In undertaking its review, the Committee kept in mind the purpose of judicial education as well as the changes to the Court that have occurred recently and will continue to occur in the future including:

- Legislative amendments impacting the age of retirement for the judiciary
- the extension of the senior judge program (enabling judges to sit part-time)
- changing demographics of the Court
- increasing reliance on technology in delivering the work of the Court including such things as video appearances in Court and the use of information technology
- scarcity of fiscal resources
- health and wellness challenges facing the Court
- the need to meet the Strategic Plan of the Court, and
- the responsibility to the public to provide judicial services by a judiciary that meets high standards of skill and knowledge.

The Committee undertook research regarding the education delivery models in BC as well as other jurisdictions; identified the needs of the judiciary of the Provincial Court of BC, now and in the future; evaluated the current model in the context of the needs of the judiciary and, finally, made recommendations to the Chief Judge as to whether and how change might be made to the current education model to better meet the needs of the judiciary, the Court and the public it serves, in the most cost-effective manner.

The membership of the Education Review Committee is:

Acting Chief Judge Jim J. Threlfall (Executive Committee)

Provincial Court Judge Tom Crabtree (Chair)

Provincial Court Judge Anthony Palmer (Former Chair, Education Committee,

Provincial Court Judges' Association)

Administrative Judge Jeanne Watchuk (Management Committee)

Provincial Court Judge Maris McMillan (Provincial Court Judges' Association)

EMERGENCY PLANNING COMMITTEE

The Emergency Planning Committee first met in January 2008. It has a two year mandate to 1) identify emergency preparedness issues affecting our Court; 2) develop recommendations to address those issues, and 3) educate the Judiciary on emergency preparedness issues. The Committee was directed by Associate Chief Judge Brian Neal, who had urged the formation of the Committee, to meet up to four times per year, in person. Judges Hogan (Chair), Gill, Seidemann III, Weatherly and Frame, along with Judicial Justice of the Peace / Legal Officer Edwards, Information and Technology Manager Rhodes and Judicial Case Manager McLarty volunteered.

In a large scale emergency, many of the orders that civil authorities and the police will need to operate effectively will lead them to Provincial Court. Therefore, in order to preserve the rule of law the Court must be prepared to continue its work during a time of crises. The Committee began by identifying the two major threats, pandemic disease and earthquakes in addition to other numerous possible disasters, such as electrical failure, computer and communication collapse, or local disasters such as industrial accidents, all of which could effect Provincial Court operations. The Committee met with Earthquake Planners, the Provincial Emergency Program, and Public Health officials and canvassed the state of emergency preparedness among our many partners in B.C. The Committee also looked intensely into the state of Court emergency planning across North America.

By March of 2009, the Committee had commenced the preparation of a report to identify issues and to make recommendations. It had also made arrangements to present a one hour program to the Provincial Court Judges at their educational conference in November 2009 and to provide an all-day presentation on emergency planning topics at the following educational conference in April 2010.

COMMUNITY ENGAGEMENT COMMITTEE

In 2008 and 2009, the Court's Community Engagement Committee continued work on a number of projects designed to assist journalists to report court proceedings and judges' decisions accurately. A Committee member helped organize and participated in a technical briefing session for media in which representatives from all levels of courts, the Law Society, the Legal Services Society, Crown counsel, and the Canadian Bar Association met with journalists to acquaint them with resources for obtaining information from each part of the justice system.

The Committee also compiled a Media Guide to draw together for journalists all the Court's policies affecting them, and it is working with the Court Services Branch of the Ministry of the Attorney General on developing a process to notify journalists when litigants apply for discretionary publication bans in Provincial Court proceedings. The draft Media Guide is being distributed to journalists, editors and directors for comment. The Court Services Branch is assessing how a publication ban notice system similar to that used by the Supreme Court of B.C. might be modified to accommodate the greater numbers of cases and geographic locations in the Provincial Court.

The Committee also expanded on its well-received Journalism Students' Education Program, piloted by Judge Justine Saunders and journalist Joey Thompson, by forming a team of judges and senior journalists to attend journalism schools around the province and engage in interactive sessions about the Court and Canada's legal system. The program's goal is to increase journalism students' understanding of our legal system in order to assist them to report on it accurately. Comprehensive written materials are provided to students and debates reflecting the different perspectives of a judge and journalist have provoked stimulating discussion.

Many judges speak regularly to students, service clubs, and groups of lawyers, probation officers, and others interested in justice issues. In 2008, the Committee provided support to the Court's regional outreach activities by providing training to judges identified as spokespersons within each judicial district.

STRATEGIC PLANNING

The Court's Strategic Planning Committee, chaired by Associate Chief Judge Neal, worked on implementing the goals and objectives of the Court's three year Strategic Plan which cover the period 2006-2009. The Plan 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.

This year saw the fulfillment of many of the Plan's goals and objectives including:

- Reviews of the Court's operations on a district by district basis are under way, noting best practices to be shared between districts;
- The Chief Judge established mentoring projects, supervised by members of the Executive Committee, now active, in the areas of Domestic Violence, Ethics, Bail Reform, Education Reform, First Nations' Court and Judicial Competence/Excellence;
- A comprehensive review of judicial education, its goals and funding is being undertaken by the Court's Education Reform Committee;
- The opening of the Downtown Community Court in Vancouver in September of 2008;
- Legally trained, per diem JJPs have been appointed and added to the Court's Rota and are now adjudicating bail, reviewing search warrant applications and presiding over Traffic and other by-law matters;
- The Court began piloting a centralized "virtual" bail court using polycom and video equipment;
- The Court began its pilots of civil reforms using arbitrators and mediators to resolve small claims matters in an expedited process at the Robson and Richmond Court locations; and
- Updating the Information Technology Strategic Plan for the Court.

Information Technology Strategic Plan:

In the summer of 2008, the Information Technology Services department of the Office of the Chief Judge developed a three year Information Technology Strategic Plan for the period 2008-2011. The overall goal of the Information Technology Strategic Plan is to develop a comprehensive plan that addresses both high level strategic planning with a degree of tactical planning sufficient to implement actions to support the Court's strategic vision of "maintaining and enhancing the Court's technological infrastructure for its present and future needs".

The early stages of the IT Strategic Plan focus on infrastructure and resources, reflective of the maturing IT environment at the Provincial Court. Once this foundation is in place, the focus of the Plan will move to the next stage, technology education, maximizing the use of the Provincial Court's services and technology.

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, 2009 there were 5,208 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 <u>http://www.courts.gov.bc.ca</u>.