



THE PROVINCIAL COURT OF BRITISH COLUMBIA

A Report of the Provincial Court of British Columbia Concerning Judicial Resources¹

September 30, 2014

¹ On September 14, 2010 the Provincial Court of British Columbia released its “*Justice Delayed*” Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, caseloads and times to trial in each area of the Court’s jurisdiction.

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1. Introduction

On September 14, 2010, the Provincial Court of British Columbia released its “*Justice Delayed*” Report. The Report concluded that it would be appropriate to issue regular updates to the Attorney General and the public concerning the judicial complement of the Court, as well as caseloads, and times to trial in each area of the Court’s jurisdiction.

This document provides the following updates as of September 30, 2014:

- Total Judge Complement and Judge FTE’s [number of Judges];
- Adult Criminal Cases Exceeding the Court’s Standard;
- Adult Criminal Weighted Provincial Delay;
- Child Protection Weighted Provincial Delay;
- Family Weighted Provincial Delay;
- Civil Small Claims Weighted Provincial Delay;
- Locations with the Longest Time to Trial in each area of the Court’s jurisdiction.

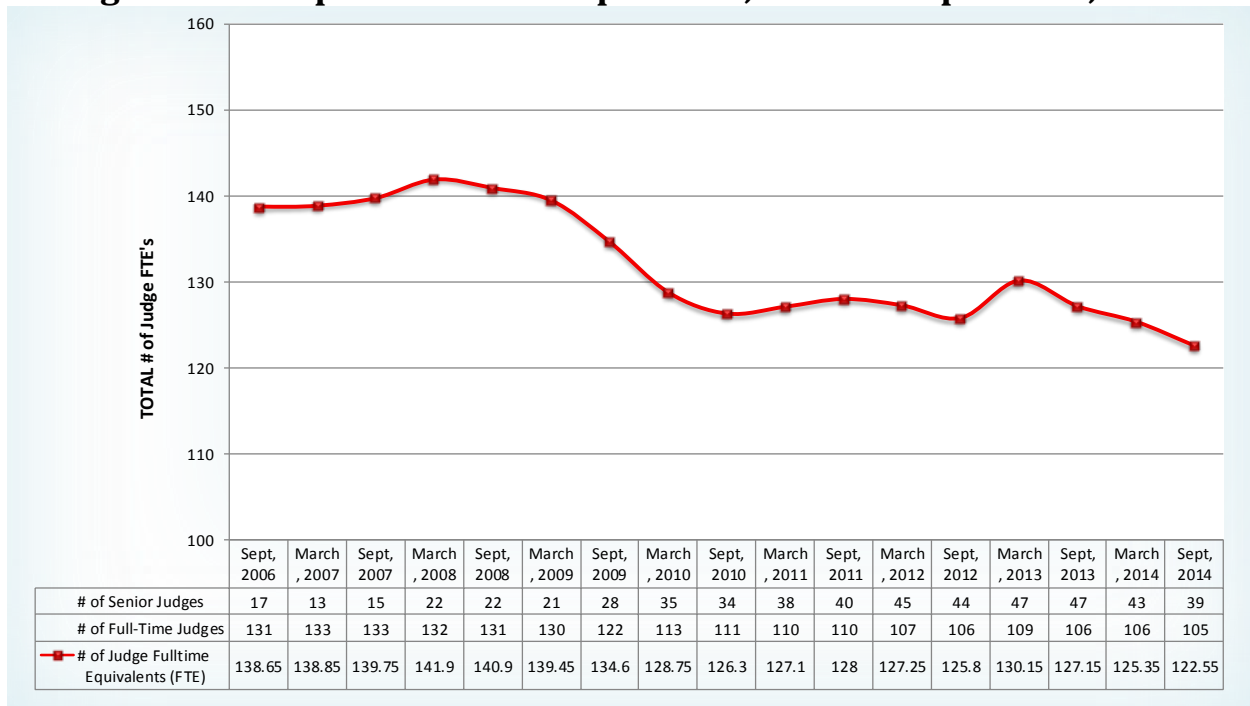
The next scheduled update will be based on data obtained as of March 31, 2015.

2. Total Judge Complement and Judge FTE's

The Judge Complement is based on the total number of fulltime and Senior Judges sitting as Provincial Court Judges. As of September, 30 2014, the Judicial Complement was 122.55. Information regarding the current complement can be found [here](#).

Figure 1 summarizes changes in the Judge Complement between September, 2006 and September, 2014.

Figure 1 - Complement from September, 2006 to September, 2014



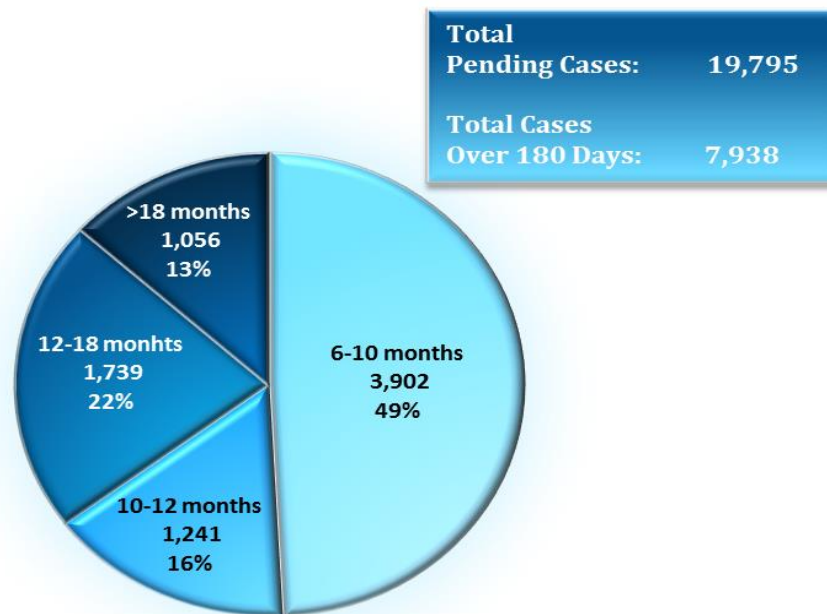
Data Source: Rota6.

TOTAL Judicial fulltime equivalent positions = the number of fulltime sitting judges + the number of senior Judges. Each fulltime judge is calculated at 1.0 JFTE; each senior judge is calculated at 0.45 JFTE. The number of fulltime judges for September, 2014 includes two part-time judges who add to the equivalent of a fulltime judge.

3. Adult Criminal Pending Caseloads Over 180 Days

The current report is as at June 30, 2014, and represents a snapshot of the pending case inventory for all cases over 180 days. **Figure 2** breaks these cases into 4 different timelines: 6 to 10 months, 10-12 months, 12-18 months, and over 18 months. These results are preliminary and will be adjusted once the data has been finalized. Pending cases are likely to adjust upwards due to data latency issues.

Figure 2 - Breakdown of Pending Cases by Case Age



Data Source: CORIN Database

⁽¹⁾ Provincial Court Pending Case 180 days: A case that has not completed where the number of days between the first appearance and the next scheduled appearance is over 180 days.

Figure 2.1 summarizes adult criminal pending caseload data over the past five years.²

Figure 2.1 - Number of Pending Cases by Case Age over Time

Report	Total Pending	Over 180 Days	6-10 Months	10-12 Months	12-18 Months	>18 Months
2010	28,867	15,859	5,915	3,050	4,856	2,038
2011	25,038	14,016	3,946	2,463	5,085	2,522
2012	24,148	12,418	4,605	1,998	3,729	2,086
2013	21,398	12,222	7,315	1,446	2,196	1,265
2014	19,795	7,938	3,902	1,241	1,739	1,056

² Data contained in previous reports are not necessarily as at the same date due to changing data retrieval practices.

Delay Reports

Figures 3 to 10 are weighted³ province-wide delays for each area of the Court's jurisdiction. They set out the average provincial wait time (weighted by case load), in months, from the time a request is made to the 'first available date' for various types of proceedings. These tables compare results for June, 2005⁴ to the three-year period from September, 2011 to September, 2014. 'First available dates' do not include those that have opened up due to cancellations, since that is not when the court would normally schedule the matter. Wait times also take into account any cases currently waiting to be scheduled, factoring them into the delay estimates. Each figure also includes the Office of the Chief Judge (OCJ) Standard for wait times. In order to meet the OCJ standard, 90% of cases must meet the listed time to trial. The standards are set out in the descriptions of each figure and are visually represented as an arrow.

Figures 3.1 to 10.1 represent the ten locations with the longest time to trial in each area of the Court's jurisdiction. Results for Adult Criminal and Civil proceedings are broken down into time to trial for different expected durations ('half day' and 'two or more day' trials). Smaller locations - i.e. those falling below the first quartile of caseloads - are screened out of these calculations, as they experience more volatility (and thus, a long wait time in any given quarter is less likely to be indicative of a concerning trend). These tables also contain the OCJ standard.

Figures 3.2 to 10.2 examine the history of each location included in Figures 3.1 to 10.1⁵ with respect to previous 'longest time to trial' tables.⁶ These tables compare the location's current rank with its rank in the immediately previous report (if any – those locations that weren't ranked in the last report are marked with a dash). They also track the number of times a location has been included in any 'longest time to trial' table of the kind. There have been a total of eight updated *Justice Delayed* reports (including this one), so a score of '8' in the third column of Figures 3.2 to 7.2 indicates that a location has been in every report. Figure 10.1 was added in the March, 2013 update - as such, Figure 10.2 contains data for four reporting periods.

³ All locations in the province were weighted based on the following caseload time periods:

- 2004/05 new caseloads for the June, 2005 delays
- 2010/2011 new caseloads for the September, 2011 delays
- Calendar year 2011 new caseloads for the March, 2012 delays
- 2011/2012 new caseloads for the September, 2012 delays
- Calendar year 2012 new caseloads for the March, 2013 delays
- 2012/13 new caseloads for September, 2013 delays
- Calendar year 2013 new caseloads for March, 2014 delays
- 2013/14 new caseloads for September, 2014 delays

⁴ Results for June, 2005 are not available for two-day CFCSA and FLA trials. Thus, these results have been omitted from figures 6 and 8.

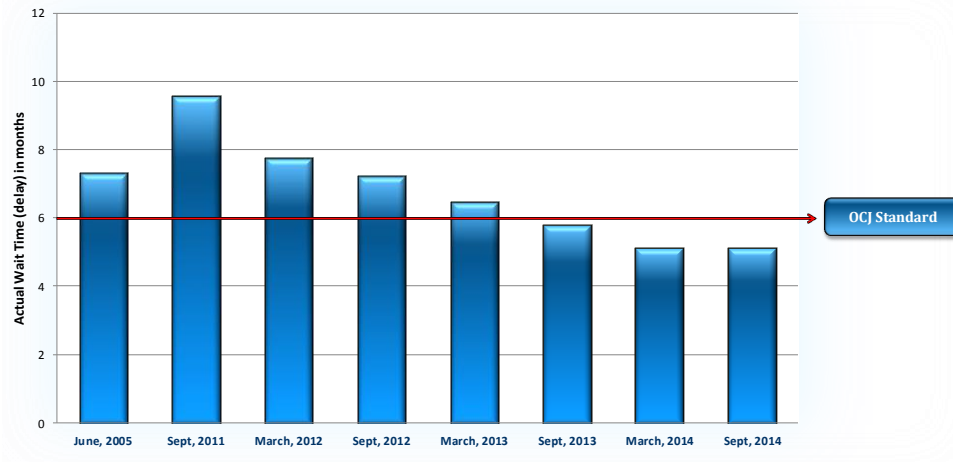
⁵ Figures 6.1 and 8.1 are new as of this report, and so do not have these tables.

⁶ Results for these tables may not be consistent with previous reports as the filtering criteria changed as of the March, 2014 report from using locations above the median caseload to including locations above the first quartile of caseloads.

4. Criminal

Figure 3 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical half day **Adult Criminal Trial**. These results do not take into account delays between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for adult criminal half day trials is **six months** from the arraignment hearing to the first available trial date.

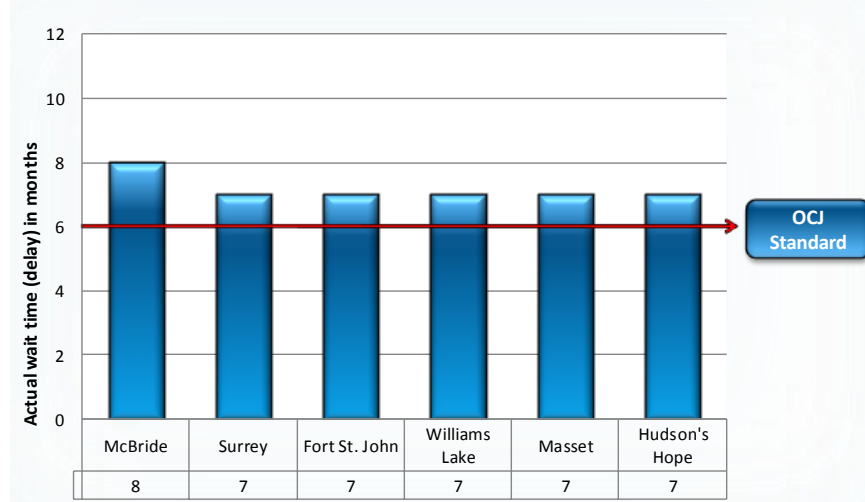
Figure 3 - Weighted Provincial Time to Half-Day Adult Criminal Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 3.1 sets out wait times for locations with the longest time to trial for **Adult Criminal Half Day Trials**.⁷

Figure 3.1 - Locations with the Longest Times to Adult Half Day Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

⁷ As of September 30, 2014, there were only three medium - large locations over the OCJ standard, as such results for this category includes all locations.

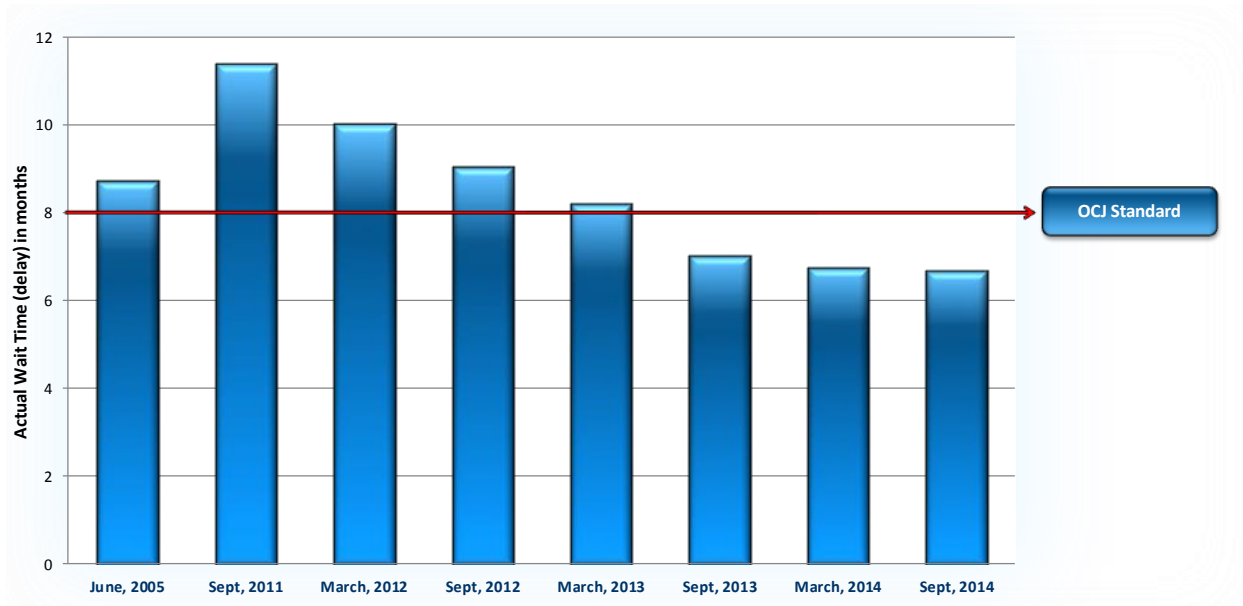
Figure 3.2 sets out the history of each location in Figure 3.1 in previous **Adult Criminal Half Day Trial** longest time to trial tables.

Figure 3.2 - Persistence of Locations in the ‘Top Ten’ Tables

	Location	Previous Rank (March, 2014)	Number of times in the ‘top ten’ in the past eight reporting periods
1	McBride	-	-
2	Surrey	1	8
3	Fort St. John	-	6
4	Williams Lake	2	5
5	Masset	-	-
6	Hudson’s Hope	-	-

Figure 4 sets out the number of months between an Arraignment Hearing/Fix Date and the first available court date for a typical two or more day **Adult Criminal Trial**. These results do not take into account delays between a first appearance in Court and the Arraignment Hearing/Fix Date. The **OCJ standard** for adult criminal two or more day trials is **eight months** from the arraignment hearing to the first available trial date.

Figure 4 - Weighted Provincial Delay to Adult Two Day (or longer) Criminal Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figures 4.1 & 4.2 are not included in this report, as there was only one location above the OCJ Standard: Port Alberni, with a nine month delay. Port Alberni has been among the locations with the longest times to trial in two of the past eight reporting periods.

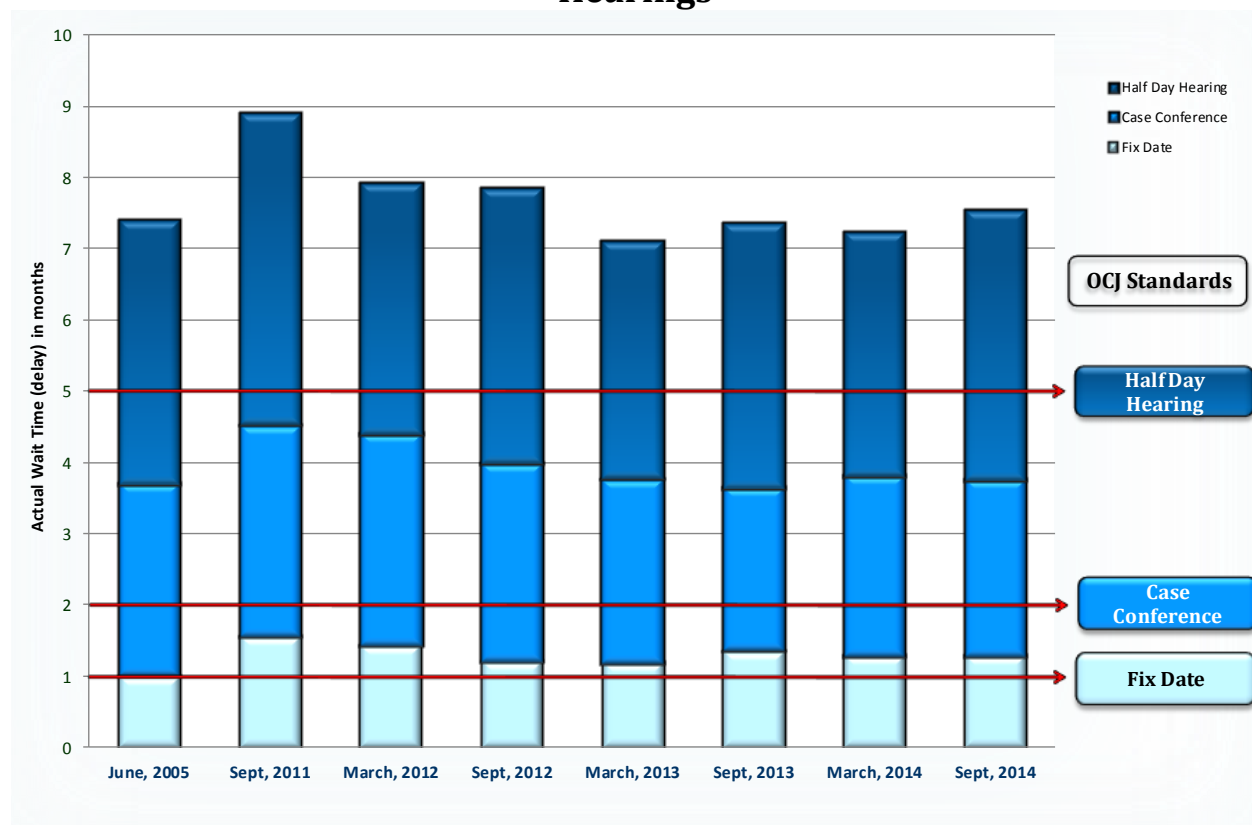
5. Child Protection

Figure 5 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for a typical half day **Child Protection Hearing**

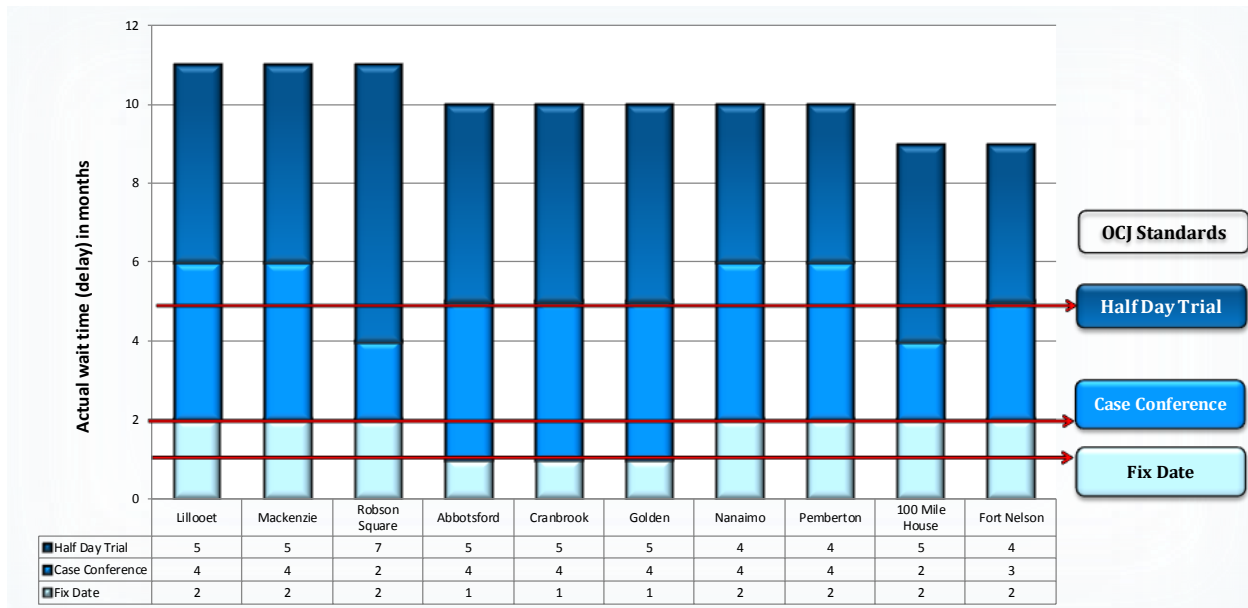
The columns as a whole provide the average cumulative delay in this process. The **OCJ Standard** for child protection hearings is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **three months** from the case conference to the first available half day hearing.

Figure 5 - Weighted Provincial Delay to Half Day Child Protection Hearings



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 5.1 - Locations with the Longest Times to Trial for Half Day Child Protection Hearings



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 5.2 sets out the history of each location in Figure 5.1 in previous **Child Protection** longest time to trial tables.

Figure 5.2 - Persistence of Locations in the ‘Top Ten’ Tables

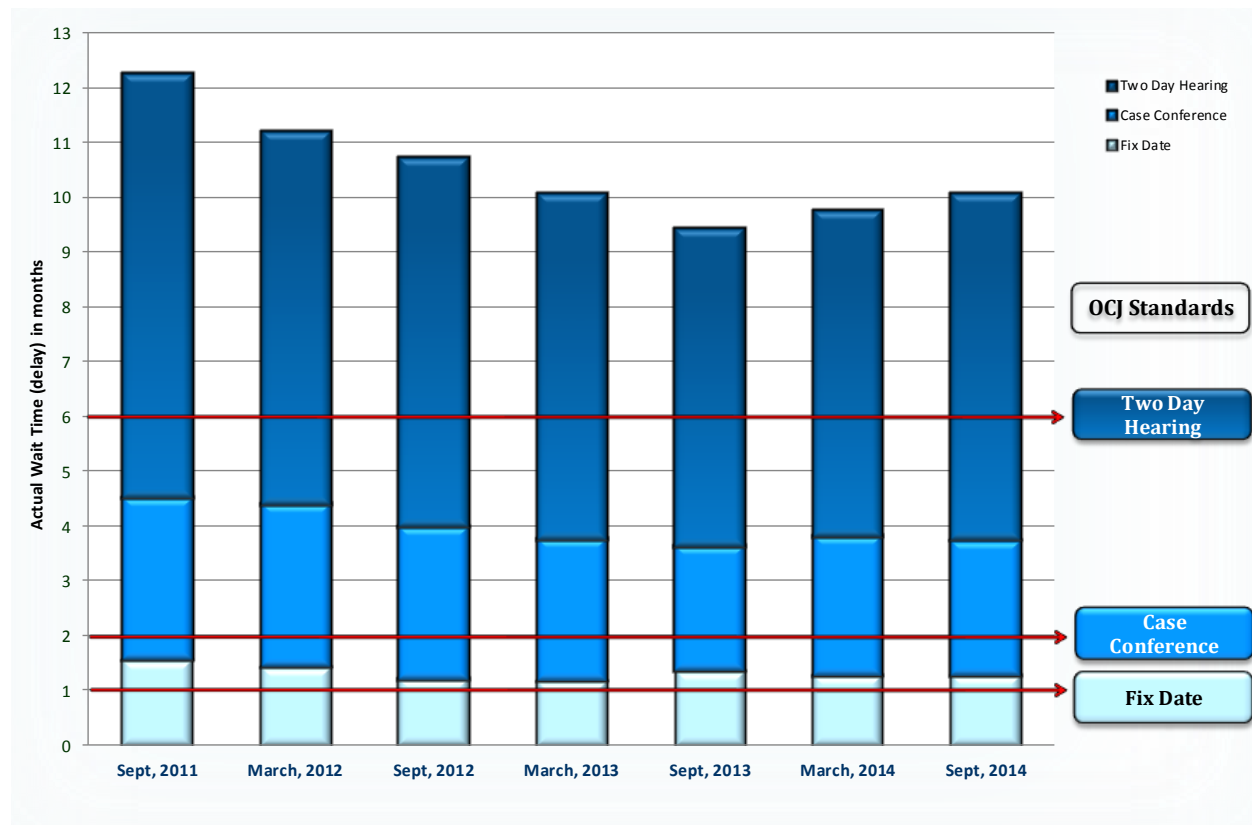
	Location	Previous Rank (March, 2014)	Number of times in the ‘top ten’ in the past eight reporting periods
1	Lillooet	-	1
2	Mackenzie	-	1
3	Robson Square	1	5
4	Abbotsford	4	7
5	Cranbrook	-	3
6	Golden	-	1
7	Nanaimo	6	2
8	Pemberton	-	1
9	100 Mile House	-	1
10	Fort Nelson	-	1

Figure 6 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for a typical two or more day **Child Protection Hearing**

The columns as a whole provide the average cumulative delay in this process. The **OCJ Standard** for child protection hearings is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available two day hearing.

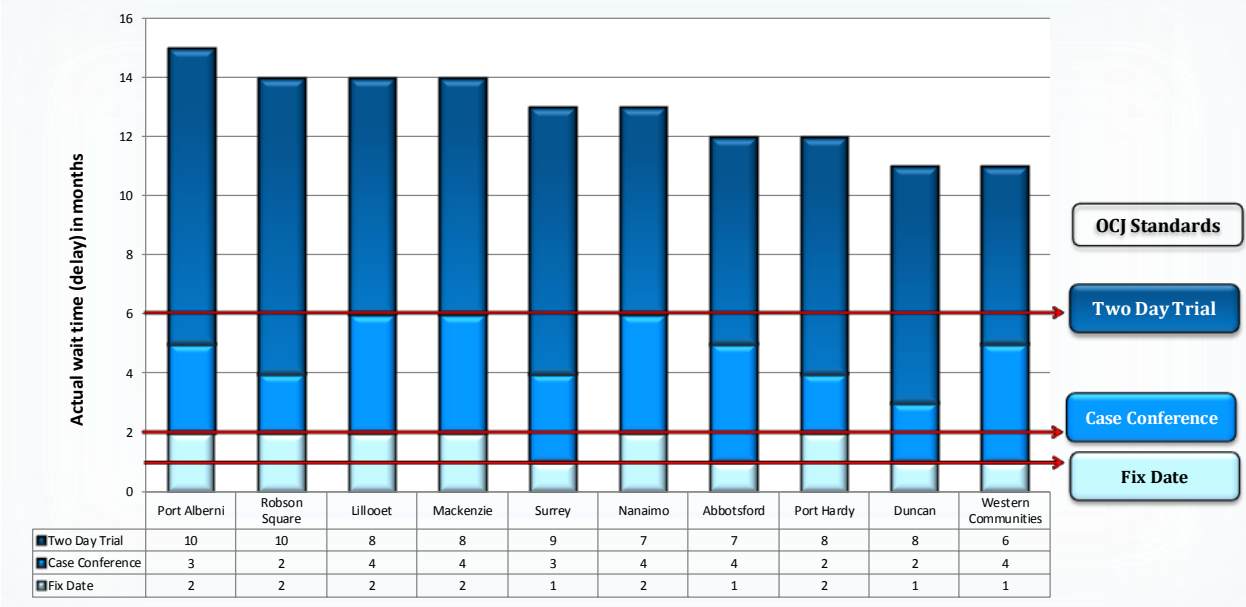
Figure 6 - Weighted Provincial Delay to Two Day Child Protection Hearings



Data Source: Judicial (Quarterly) Next Available Date Surveys

Figure 6 does not contain a June 2005 reference as this data was not available in that reporting period.

Figure 6.1 - Locations with the Longest Times to Trial for Two Day Child Protection Hearings



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Because figure 6.1 is new as of this report, there is no figure 6.2.

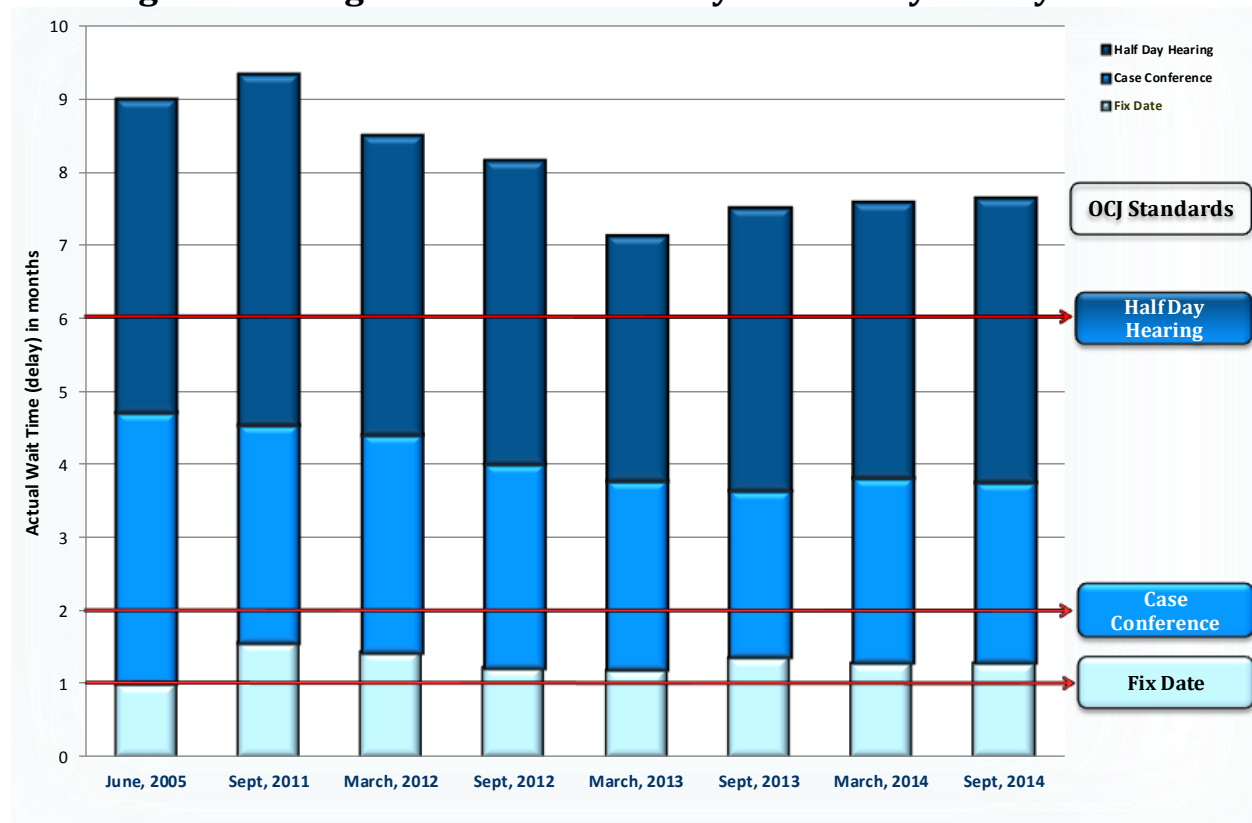
6. Family

Figure 7 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for the typical half day **Family Trial**

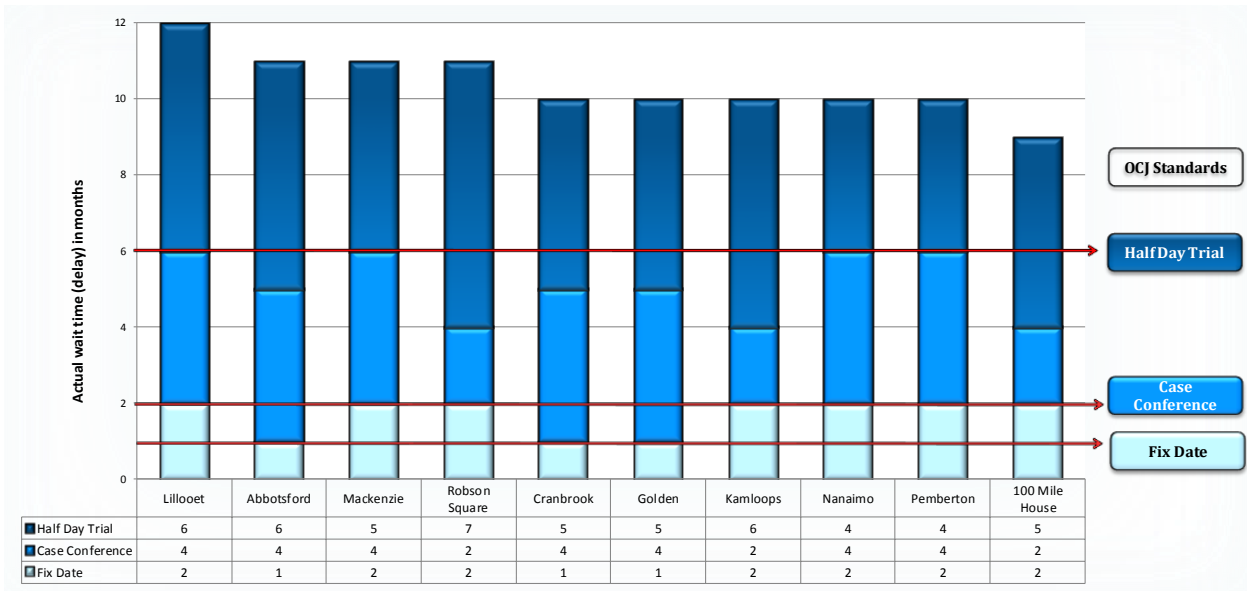
The columns provide the average cumulative delay in this process. The **OCJ standard** for Family Trials is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available half-day hearing.

Figure 7 - Weighted Provincial Delay to Half Day Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 7.1 - Locations with the Longest Times to Half Day Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 7.2 sets out the history of each location in Figure 6.1 in previous **Family** longest time to trial tables.

Figure 7.2 - Persistence of Locations in the ‘Top Ten’ Tables

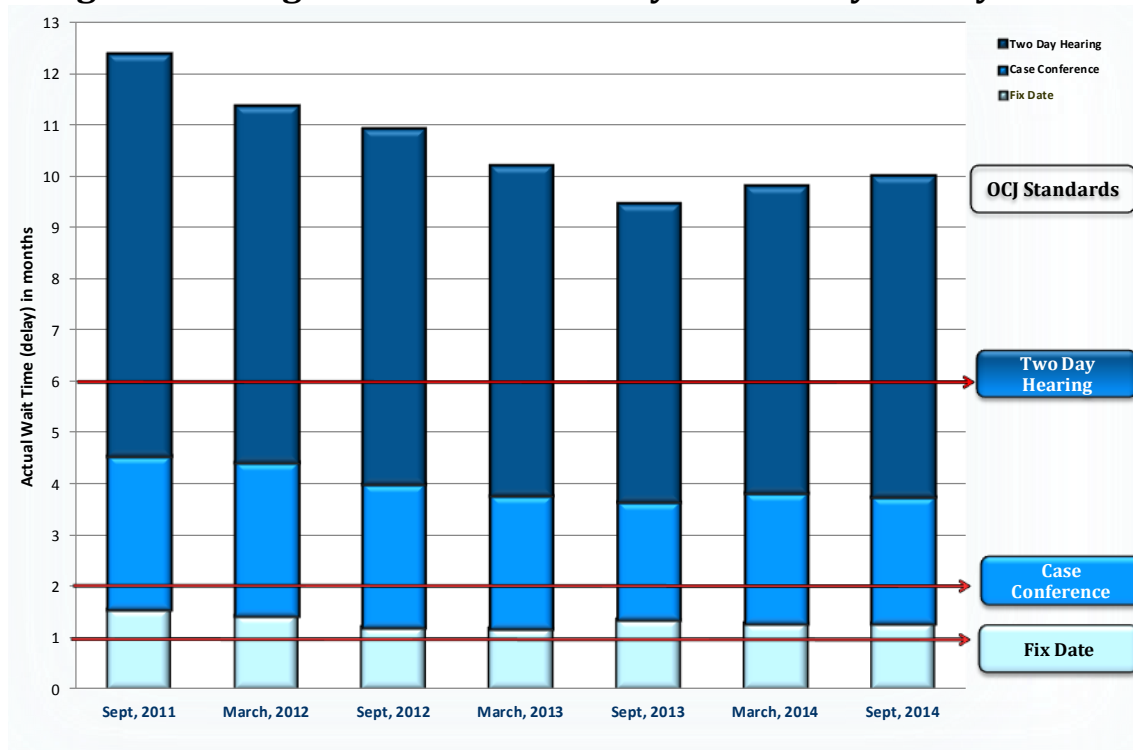
	Location	Previous Rank (March, 2014)	Number of times in the ‘top ten’ in the past eight reporting periods
1	Lillooet	-	1
2	Abbotsford	2	5
3	Mackenzie	-	1
4	Robson Square	2	5
5	Cranbrook	-	1
6	Golden	-	1
7	Kamloops	-	7
8	Nanaimo	8	2
9	Pemberton	-	1
10	100 Mile House	-	1

Figure 8 is a set of stacked columns depicting the average number of months between:

- An initial filing and the first available date for a typical fix date
- The fix date and the first available date for a typical case conference, and
- The case conference and the first available date for the typical half day **Family Trial**

The columns provide the average cumulative delay in this process. The **OCJ standard** for Family Trials is **one month** from initial filing to the fix date, **one month** from the fix date to the case conference, and **four months** from the case conference to the first available half-day hearing.

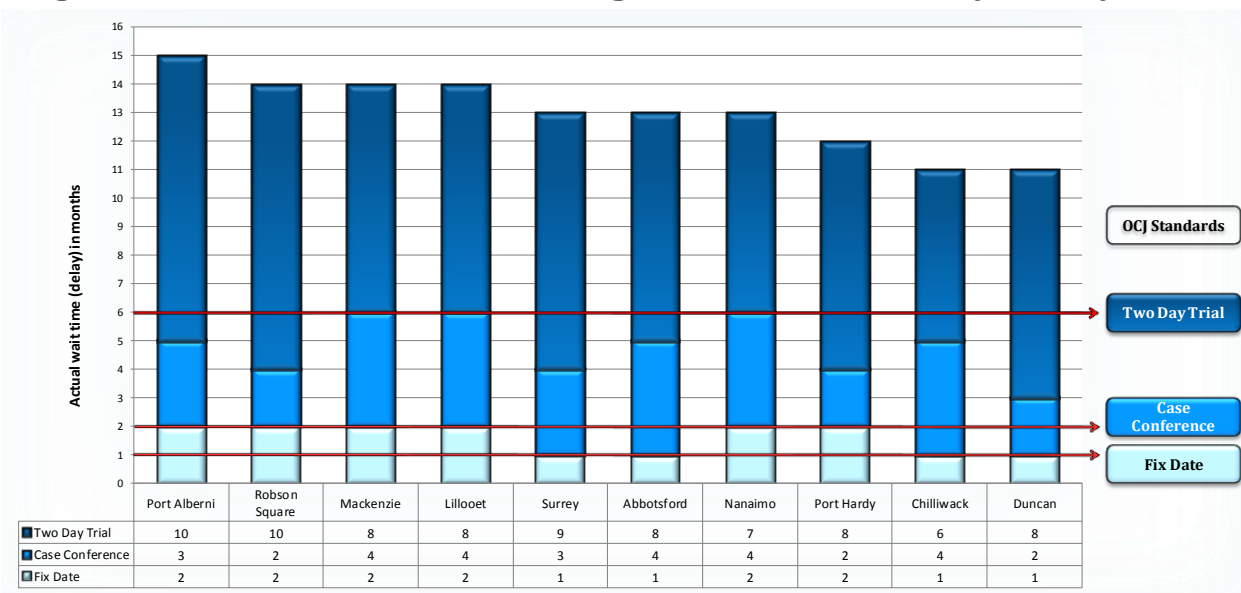
Figure 8 - Weighted Provincial Delay to Two Day Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 8 does not contain a June 2005 reference as this data was not available in that reporting period.

Figure 8.1 - Locations with the Longest Times to Two Day Family Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

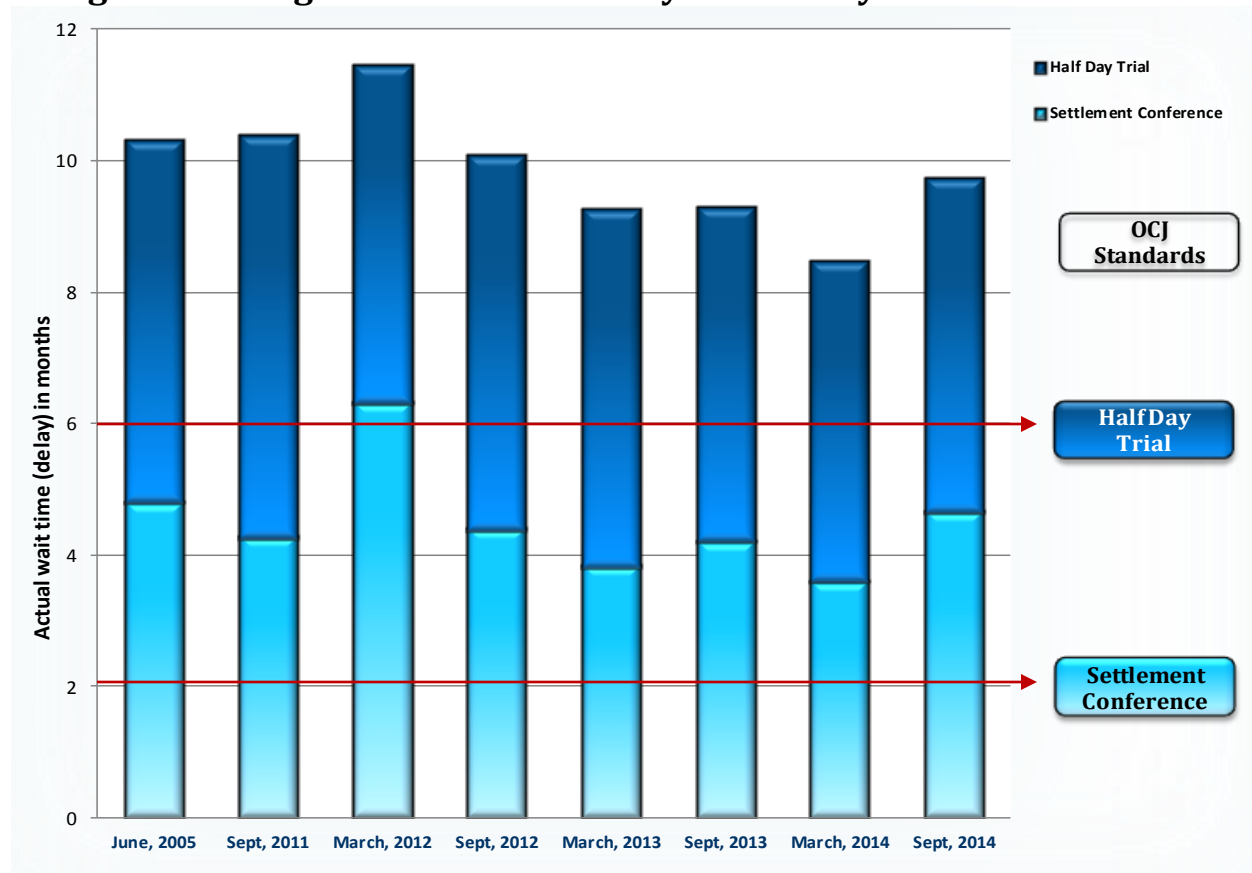
Because figure 8.1 is new as of this report, there is no figure 8.2.

7. Civil

Figure 9 is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical half day **Small Claims Trial**.

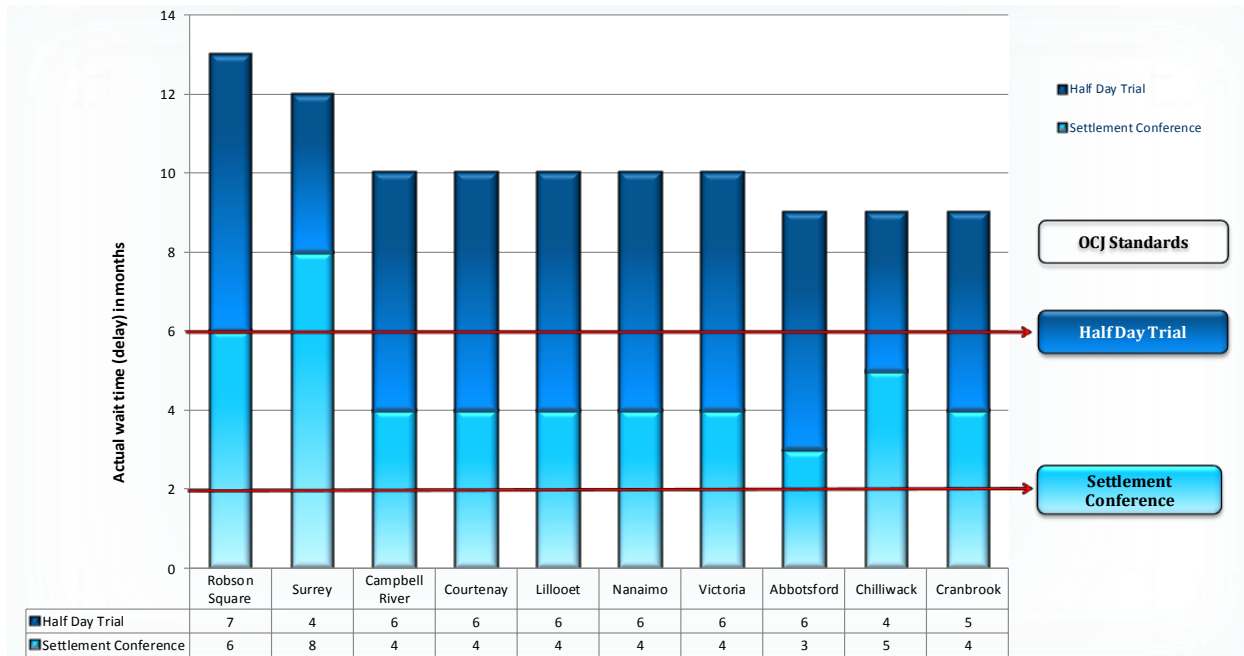
Taken as a whole, these columns indicate the total average delay between the filing of a reply and the trial date. This measure does not take into account the time between filing the initial claim and the date when all pleadings are closed (replies and other documentation filed). The **OCJ Standard** for small claims is **two months** from final document filing to the settlement conference and **four months** from the settlement conference to the first available half day trial.

Figure 9 - Weighted Provincial Delay to Half Day Small Claims Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 9.1 Locations with the Longest Times to Half Day Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 9.2 sets out the history of each location in Figure 9.1 in previous Small Claims Half Day Trials longest time to trial tables.

Figure 9.2 - Persistence of Locations in the 'Top Ten' Tables

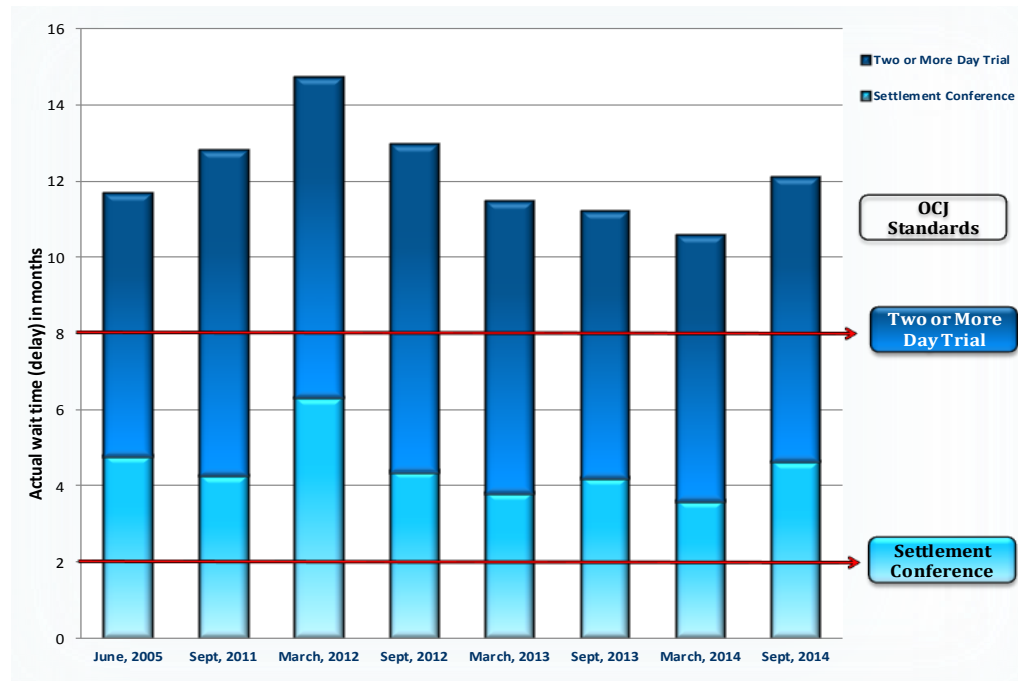
	Location	Previous Rank (March, 2014)	Number of times in the 'top ten' in the past eight reporting periods
1	Robson Square	1	4
2	Surrey	2	4
3	Campbell River	-	2
4	Courtenay	-	2
5	Lillooet	-	2
6	Nanaimo	-	2
7	Victoria	3	6
8	Abbotsford	7	2
9	Chilliwack	8	5
10	Cranbrook	9	4

Figure 10 is a set of stacked columns depicting the average number of months between the filing of a reply and the first available settlement conference date, as well as between the date of the settlement conference and the first available date for a typical two or more day Small Claims Trial.

Taken as a whole, these columns indicate the total average delay between the filing of a reply and the trial date. This measure does not take into account the time between filing the initial claim and the date when all pleadings are closed (replies and other documentation filed). The OCJ Standard for small

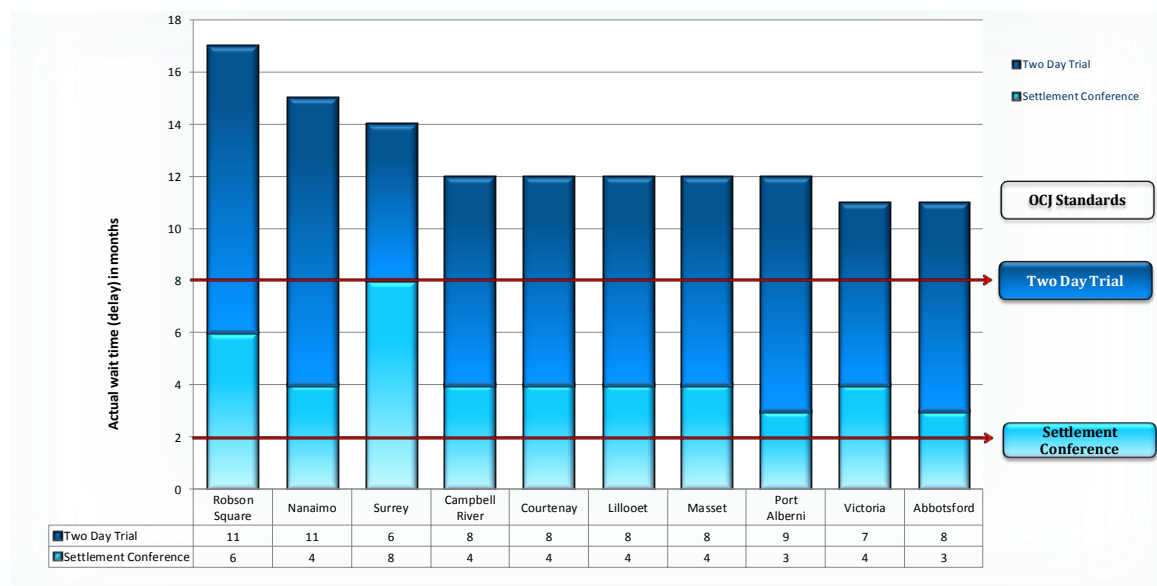
claims is **two months** from final document filing to the settlement conference and **six months** from the settlement conference to the first available two or more day trial.

Figure 10 - Weighted Provincial Delay to Small Claims Two Day (or longer) Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 10.1 - Locations with the Longest Times to Two Day (or longer) Trials



Data Source: Judicial (Quarterly) Next Available Date Surveys.

Figure 10.2 sets out the history of each location in Figure 8.2 in previous **Small Claims Two Day Trial** longest time to trial tables. Unlike the other tables of this kind, figure 10.2 only contains four reporting periods of data, as Figure 10.1 was added in the March, 2013 update.

Figure 10.2 - Persistence of Locations in the ‘Top Ten’ Tables

	Location	Previous Rank (March, 2014)	Number of times in the ‘top ten’ in the past four reporting periods
1	Robson Square	1	4
2	Nanaimo	-	1
3	Surrey	2	4
4	Campbell River	-	1
5	Courtenay	-	1
6	Lillooet	-	2
7	Masset	-	1
8	Port Alberni	9	2
9	Victoria	-	3
10	Abbotsford	5	2