



Provincial Court
of British Columbia

Annual Report 2013 -2014



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MESSAGE FROM THE CHIEF JUDGE



The Provincial Court of British Columbia in the 2013/14 fiscal year continued to progress toward our goal of providing timely, effective and equitable justice for all British Columbians.

This report outlines several initiatives that we have undertaken or advanced in the past fiscal year. Our most significant initiative has been the reorganization of the Provincial Court to simplify and streamline administration. After discussion and planning in previous years, we took significant steps in the 2013/14 fiscal year. We reorganized into a smaller number of judicial regions, and appointed Regional Administrative Judges, Local Liaison Judges and several governance committees to lead the work at local and provincial levels.

Some specific new initiatives, such as the Backlog Reduction Project and the Interjurisdictional Support Order Initiative, are short-term projects that I believe will assist in meeting our timeliness goals. Others, such as the Provincial Court Scheduling Project and the administrative reorganization, will improve our ability to deliver justice equitably and efficiently over a longer term. Concrete steps to make our processes more effective and consistent will continue in the coming years.

Through these and similar innovative approaches, I believe we can provide British Columbians with a modern, effective and accessible system of justice in which they can have confidence.

I am pleased to report that the Court's performance goals for time to trial for criminal cases continue to improve and on a provincial basis criminal matters are within the standards established approximately 10 years ago. While the time to trial goals in the other areas of the Court's jurisdiction (child protection, family, youth and civil) continue to improve they do not yet meet the standards previously established. The Court will continue to build on our improvements to date and focus our efforts to meet our time to trial goals.

During this fiscal year, we welcomed six judges who were newly appointed to the Provincial Court of British Columbia. They replace 13 who left the Court or elected to participate in the Senior Judges Program. Sadly, two judges passed away while in office; Judge Darrell O'Byrne and Judge George Angelomatis both served the Court with honour and distinction. Judge O'Byrne contributed in many ways to the life of the Court, including as an Administrative Judge, at education conferences, and on the Judges Association Executive. Judge Angelomatis brought to Port Coquitlam and New Westminster for a number of years, and more recently to Richmond, his experience, dedication and tireless efforts devoted to the justice system.

The Court continues to act with a reduced complement of Judges, having a judicial full-time equivalent of 125.35, compared to 130.15 in 2012. The determination of an appropriate complement of judges to serve the needs of the people of the province and the timely replacement of judges to maintain such a complement is

integral to administering the Court. I look forward to new appointments to the bench that will fully meet the needs of the province.

The confidence of the people of British Columbia in its judiciary relies on open and transparent access to the courts. In that light, I also wish to share in this report the results of examinations regarding complaints about members of the judiciary that my office reviewed in 2013. When such concerns are brought to my attention, they serve as a learning opportunity for all concerned.

In closing, I would like to express my appreciation to the judicial officers of the Court for their dedication to service and their commitment to the delivery of justice to the people of British Columbia through the 88 court locations in the province.

Thomas J. Crabtree
Chief Judge

EXECUTIVE SUMMARY

The Provincial Court of British Columbia provides a forum for independent, fair and impartial access to justice throughout the province. One of several court systems serving B.C. residents, it hears trials on criminal, civil, family, child protection, traffic and bylaw matters.

Judicial Officers

A variety of judicial officers, including Judges, Judicial Justices, Justice of the Peace Adjudicators and Judicial Case Managers, hear cases or determine limited aspects of those cases. As of March 31, 2014:

- The number of Judges, after six appointments and 15 reductions, totalled 125.35 full-time equivalents (FTEs). This is down from an average of 128.31 over the prior four years, and 130.15 in the previous year.
- The number of Judicial Justices, who preside over bail, search warrant, ticket and other hearings, totalled 11 full-time and 21 who work in a part-time capacity.
- The number of Justice of the Peace Adjudicators, who hear simplified civil court trials, totalled 11.
- The number of Judicial Case Managers, who schedule various hearings, totalled 30 full-time and 11 part-time.

While male Provincial Court Judges outnumber female Judges by a two-to-one ratio, the gender divide is much more even for recent appointments.

Case Load and Representation

The Court heard about three per cent fewer cases in the 2013/14 fiscal year compared with the previous period, reflecting a five-year trend of fewer new cases each year. Adult and youth criminal cases and *Family Law Act* cases declined, while small claims cases and cases under B.C.'s *Children, Family and Community Services Act* increased, the latter by 19 per cent. In total, the Court heard 138,429 such cases, and an additional 89,187 traffic tickets and bylaw cases.

On March 31, 2014, a total of 8,450 cases were pending for six months or more. The number of pending criminal cases has reduced significantly in each of the past five fiscal years.

The Court is now meeting its performance targets in most locations throughout the Province with respect to criminal cases; however, these targets are not yet being met in the other areas of the Court's jurisdiction.

The Court observed a slight decline in self-represented litigants, from 21 per cent self-representation in criminal cases in 2009/10 to 18 per cent in 2013/14. In family cases, 41 per cent of cases were self-represented in 2013/14, and in small claims cases 65 per cent were self-represented.

Reorganization of the Provincial Court

The Provincial Court began a reorganization in 2012 to create a more streamlined and effective structure and to provide improved access to justice. The Court adopted changes in the 2013/14 fiscal year including:

- Creating five administrative regions: Vancouver Region; Fraser Region; Vancouver Island Region; Interior Region; and Northern Region; along with the Office of the Chief Judge Region
- Creating new governance committees to lead and administer the Court
- Creating the role of the Regional Administrative Judge
- Creating the role of Local Liaison Judge

Under the new structure, the Office of the Chief Judge works with the assistance of several committees and Regional Administrative Judges to provide effective, efficient and consistent judicial administration of the Court. They work in conjunction with the Court Services Branch of the Ministry of Justice to manage B.C.'s court system.

Initiatives to Improve Access to Justice

The Provincial Court of British Columbia is committed to continually improving the justice system, and several key initiatives began or moved forward during the 2013/14 fiscal year.

- The Backlog Reduction Project, with support from the Ministry of Justice, has focused extra Judge sitting days to reduce backlogs in criminal and child protection matters in target areas.
- Problem-solving courts in several locations focus on meeting particular challenges, such as the needs of First Nations communities, as well as mentally disordered and substance-addicted offenders.
- A new scheduling model, with the participation of stakeholders throughout the justice system over several years, will speed case management and allow more efficient scheduling.
- New processes to begin in 2014 will improve the handling of cases under the *Inter-jurisdictional Support Orders Act*.
- The Court has expanded video links from the Justice Centre in Burnaby to other locations, allowing access to bail hearings and other matters in remote locations.
- The University of British Columbia Law School Intern Program provides a unique opportunity for students to spend an entire law school term working with the Court judiciary in all areas of the Court's work, including Circuit Courts in remote locations.

The Provincial Court's Committee Work

Through several committees, Judges and Judicial Justices of the Provincial Court support the work of the Court and provide advice to the Chief Judge.

- The Judges' Education Committee and the Judicial Justices' Education Committee presented a wide range of education opportunities for judicial officers. The Judicial Education Review Committee is helping to develop an action plan to coordinate the delivery of education to all judicial officers.

- The Family Law Committee provides advice and assistance to the Chief Judge and to the Court on matters relating to family law, children and the family, and will assist in redrafting the Provincial Court Family Rules.
- The Civil Law Committee provides advice and assistance on matters relating to the Court’s jurisdiction in civil law and procedure.

Finances

The Provincial Court’s budget for 2013/14 was \$54 million. The Court’s budget is comprised almost entirely of the salaries and related expenses for judicial officers, as most other expenses of the court system are provided by other branches of the provincial government.

Confidence in the Justice System

The public and litigants must be confident that judicial officers have integrity and are impartial and independent. The Chief Judge reviews complaints about judicial conduct (not the merits or “correctness” of judicial decisions, which only the appeal courts can review). In the 2013 calendar year, the Office of the Chief Judge received 253 letters of complaint about judicial officers. Of these, 225 involved issues that the Chief Judge could not review. Examinations were conducted on 20 complaints, and 14 were unresolved on December 31, 2013. The Annual Report summarizes the complaints and the outcomes of any investigations in Appendix 4.

THE PROVINCIAL COURT OF BRITISH COLUMBIA

A key statement of our mission, vision, values and goals guides the Provincial Court of British Columbia.

Mission

As an independent judiciary, the mission of the Provincial Court of British Columbia is to impartially and consistently provide a forum for justice that assumes equal access for all, enhances respect for the rule of law, and builds confidence in the administration of justice.

Vision

- To provide an accessible, fair, efficient and innovative system of justice for the benefit of the public.

Core Values

- Independence
- Fairness
- Integrity
- Excellence

Goals

- Excel in the delivery of justice
- Enhance meaningful public access to the Court, its facilities and processes
- Anticipate and meet the needs of society through continuing judicial innovations and reform
- Ensure that administration and management of the Court is transparent, fair, effective and efficient, consistent with the principles of judicial independence

Jurisdiction of the Provincial Court

Three provincially-established courts serve residents of British Columbia. Two trial courts hear cases brought before Judges: the Provincial Court of British Columbia and the Supreme Court of British Columbia. The British Columbia Court of Appeal reviews cases from the provincial courts. (The Supreme Court and the Court of Appeal produce separate annual reports, available at the [Courts of British Columbia](#) website.)

The Provincial Court's jurisdiction includes:

- **Adult criminal.** The Provincial Court's criminal jurisdiction extends to most matters that the *Criminal Code* states will be heard by a Judge alone. The Court does not have jurisdiction to conduct jury trials. The Court has exclusive jurisdiction in all summary conviction trials and hears all indictable matters where the accused does not choose a Supreme Court hearing. Over 95 per cent of all criminal cases in B.C. are dealt with in the Provincial Court.
- **Youth criminal.** The Provincial Court hears cases under the *Criminal Code* or the *Youth Criminal Justice Act* involving youths from 12 to 17 years old.
- **Family law.** The new *Family Law Act* gives the Court extensive jurisdiction over many matters, such as child and spousal support, parenting time and guardianship.
- **Child protection.** The Court has jurisdiction to hear child protection matters under the *Child, Family and Community Services Act*.
- **Civil claims.** The Court hears civil actions under the *Small Claims Act* involving a monetary claim of up to \$25,000.
- **Traffic and bylaw matters.** The Court hears issues arising from municipal bylaws and the *Motor Vehicle Act*.

Appeals from Provincial Court decisions are heard, depending on the nature of the case, in the Supreme Court of British Columbia or the British Columbia Court of Appeal. Appeals of some Provincial Court cases may be taken to the Supreme Court of Canada, following the decision of the Court of Appeal of British Columbia.

For a glossary of many of the terms used in this report, please see the Justice Education Society's [Courts of BC](#) website.

JUDICIAL OFFICERS

The Provincial Court of British Columbia consists of the following judicial officers:

- **Judges** – officers appointed to hear cases in the Provincial Court of British Columbia
- **Judicial Justices** – officers appointed to hear limited matters, including traffic and other ticketable offences, some municipal bylaw matters, payment hearings in Small Claims Court, applications for bail and search warrants and, in Victoria’s Integrated Court, managing cases, hearing preliminary matters and issuing warrants for failure to attend court
- **Justice of the Peace Adjudicators** – lawyers holding a Justice of the Peace commission who adjudicate civil claims under \$5,000 in the Vancouver and Richmond Provincial Court registries
- **Judicial Case Managers** – officers who manage cases or schedule judicial hearings, who are required to hold a Justice of the Peace commission as part of their qualifications for the position
- **Court Services Justices of the Peace** – administrative judicial officers who operate from specific court registries

The Judicial Council of British Columbia makes recommendations regarding the appointment of judicial officers, as well as other matters relating to their education and standards. The Judicial Council produces an [annual report](#) on its activities, available on the [website](#) of the Provincial Court of British Columbia.

Provincial Court Judges

CHANGES TO THE JUDICIAL COMPLEMENT

During this fiscal year:

- Six new Judges were appointed to the Provincial Court
- Nine Judges retired
- Three Judges elected to participate in the Senior Judges Program (which allows judges to retire from full-time duties but continue sitting as a judge on a part-time basis)
- Two Judges passed away
- One Judge was appointed to the Supreme Court

Six Judges were appointed in this fiscal year:

TABLE 1 - JUDICIAL APPOINTMENTS - 2013/14

| Judge | Judicial Region | Date |
|-------------------|-----------------|-----------------|
| Judge S. Point | Fraser | March-03-14 |
| Judge S. Keyes | Northern | February-25-14 |
| Judge L. Smith | Vancouver | January-06-14 |
| Judge L. Wyatt | Interior | December-30-13 |
| Judge R. Hewson | Interior | December-23-13 |
| Judge L. Marchand | Interior | September-03-13 |

There were 15 reductions in the judicial complement in the 2013/14 fiscal year:

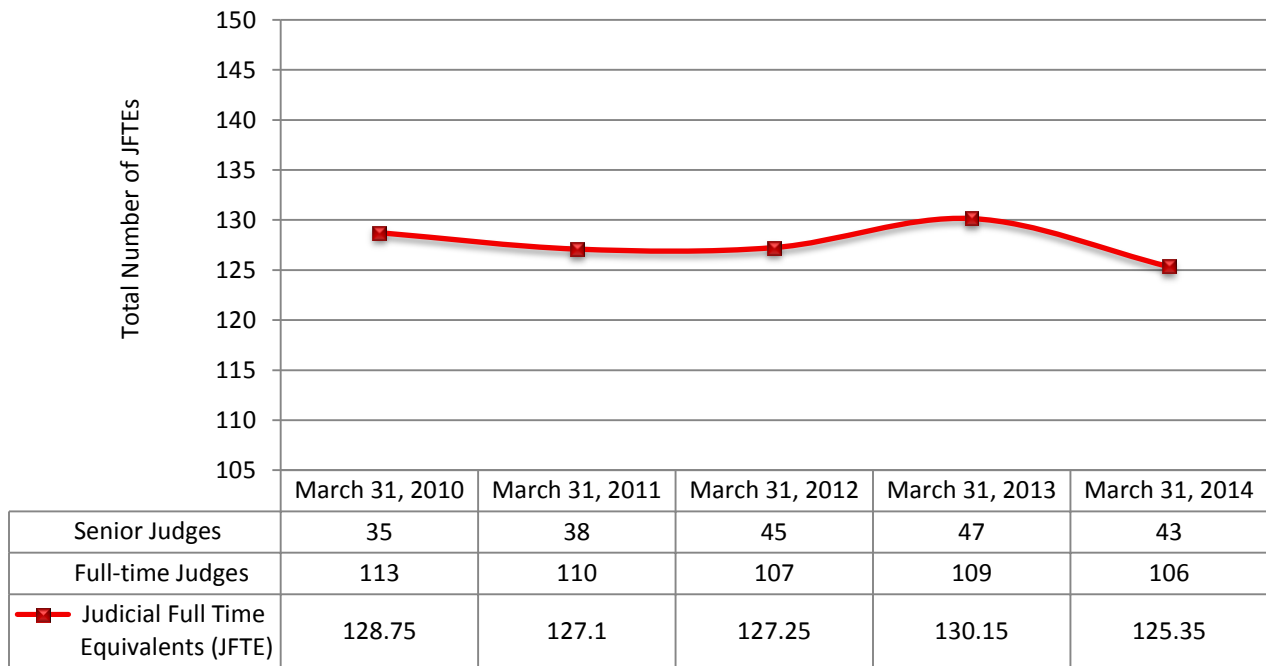
TABLE 2 - REDUCTIONS IN JUDICIAL COMPLEMENT - 2013/14

| Judge | Judicial Region | Date | Reason |
|----------------------|------------------|-----------------|---------------------------------|
| Judge R. Romano | Fraser | March-27-14 | Retirement |
| Judge R. Caryer | Fraser | February-1-14 | Senior Election |
| Judge M. Hubbard | Vancouver Island | January-31-14 | Retirement |
| Judge J. Lytwyn | Fraser | December-31-13 | Retirement |
| Judge J. Joe | Vancouver Island | December-31-13 | Retirement |
| Judge E. Iverson | Vancouver Island | December-31-13 | Retirement |
| Judge H. Rohrmoser | Interior | November-04-13 | Retirement |
| Judge D. O'Byrne | Northern | November-04-13 | Deceased |
| Judge J. Palmer | Vancouver | September-30-13 | Retirement |
| Judge J. Auxier | Vancouver | August-31-13 | Retirement |
| Judge G. Angelomatis | Fraser | August-28-13 | Deceased |
| Judge J. Cowling | Vancouver Island | August-01-13 | Senior Election |
| Judge W. Yee | Vancouver | June-30-13 | Senior Election |
| Judge R. Gould | Vancouver Island | June-30-13 | Retirement |
| Judge S. Donegan | Interior | June-06-13 | Appointed to B.C. Supreme Court |

JUDICIAL RESOURCES

The total number of Judges is based on the number of full-time and Senior Judges sitting as Provincial Court Judges. Figure 1 outlines changes in the judicial complement over time as at the end of each fiscal year, beginning in 2010.

FIGURE 1 - TOTAL JUDGE COMPLEMENT (2010 TO 2014)

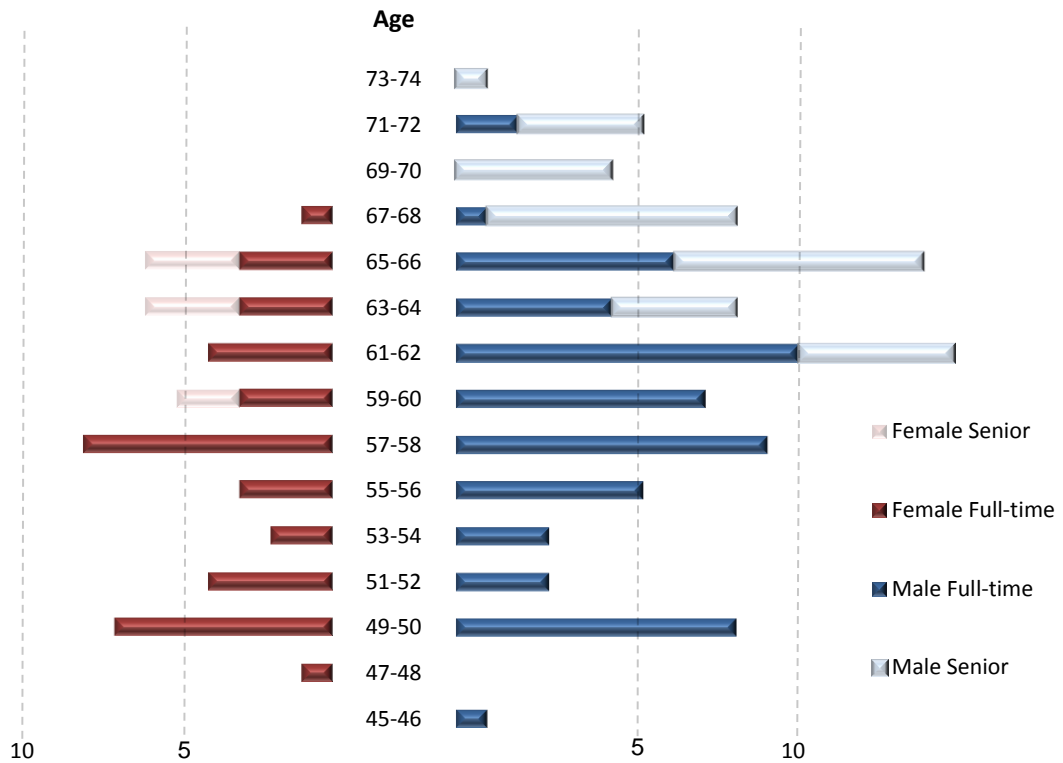


NOTE: [Appendix 3](#) provides additional notes to the figure.

As of March 31, 2014, there were 106 full-time Judges (including two judges sitting part-time who add up to one full-time equivalent) and 43 Senior Judges, for a total of 125.35 judicial full-time equivalentents (JFTEs). The complement has decreased since March 31, 2013, at which time there were 109 full-time and 47 Senior Judges, for a total of 130.15 JFTEs. [Appendix 1](#) lists Provincial Court Judges by region and status as of March 31, 2014.

Figure 2 sets out the age distribution and status of Provincial Court Judges by gender for the 2013/14 fiscal year. (The two part-time judges, both female, are not included in the gender and age distribution chart or the seniority chart.)

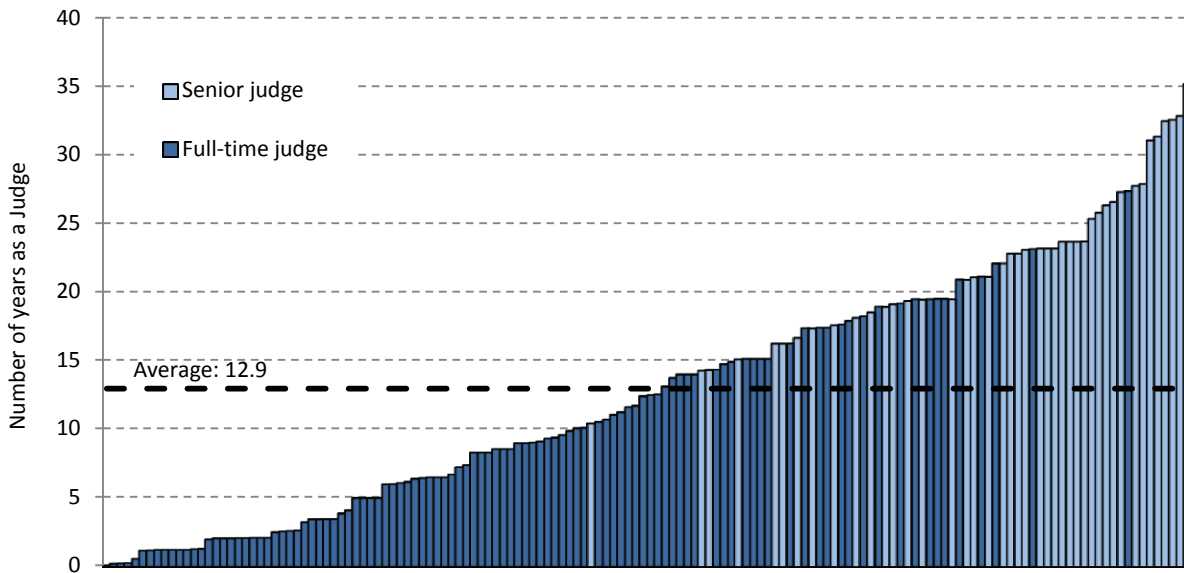
FIGURE 2 - DISTRIBUTION OF PROVINCIAL COURT JUDGES BY AGE AND GENDER 2013/14



While male Provincial Court Judges out-number female Judges by a two-to-one ratio, Figure 2 shows that the gender divide is much more even for young, more recently appointed Judges. Furthermore, the older end of the distribution is predominantly occupied by male Judges, many of whom have elected senior status.

Figure 3 illustrates the seniority of Provincial Court Judges for the fiscal year.

FIGURE 3 - JUDICIAL COMPLEMENT BY NUMBER OF YEARS AS A JUDGE - 2013/14



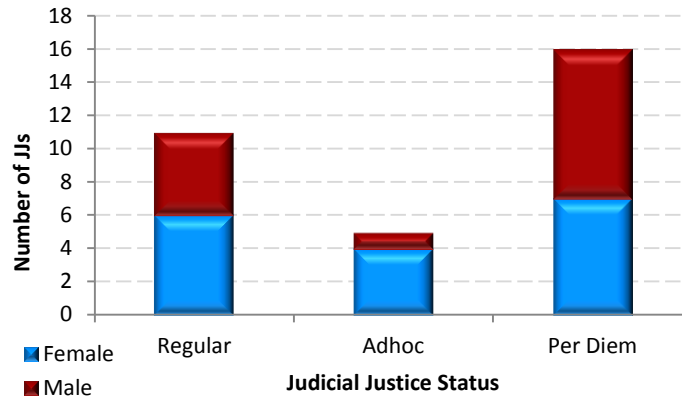
Judicial Justices

Judicial Justices (JJs) are appointed under the [Provincial Court Act](#). Their duties include:

- Presiding over judicial interim release (bail) applications
- Reviewing search warrant and other applications
- Hearing bylaw, traffic and other provincial ticketable offences
- Presiding on administrative matters in one of B.C.'s problem-solving courts

Figure 4 outlines the complement of Judicial Justices as of March 31, 2014, including 11 full-time (including one on long-term disability) and 21 who work in a part-time capacity. [Appendix 1](#) lists Judicial Justices as of March 31, 2014.

FIGURE 4 - GENDER DISTRIBUTION OF JUDICIAL JUSTICES - 2013/14



Justice of the Peace Adjudicators

Justice of the Peace Adjudicators are senior lawyers, appointed as Justices of the Peace on a part-time (per diem) basis, to preside over simplified trials of civil matters at the Robson Square and Richmond court locations. As of April 1, 2014, there were 11 Justice of the Peace Adjudicators.

[Appendix 1](#) lists Justice of the Peace Adjudicators as of March 31, 2014.

Judicial Case Managers

Judicial Case Managers (JCMs) in each location are responsible for scheduling court appearances, coordinating of Judges' sittings, conducting initial criminal appearances and managing the flow of cases. Reporting to the Judicial Case Manager Supervisor, they are instrumental in ensuring that judicial resources are effectively allocated and used in a manner consistent with the rules and policies of the Court. Judicial Case Managers hold a Justice of the Peace commission and exercise limited judicial functions as part of their duties.

As of March 31, 2013, there were 30 full-time and 11 part-time Judicial Case Managers. [Appendix 1](#) lists Judicial Case Managers as of March 31, 2014.

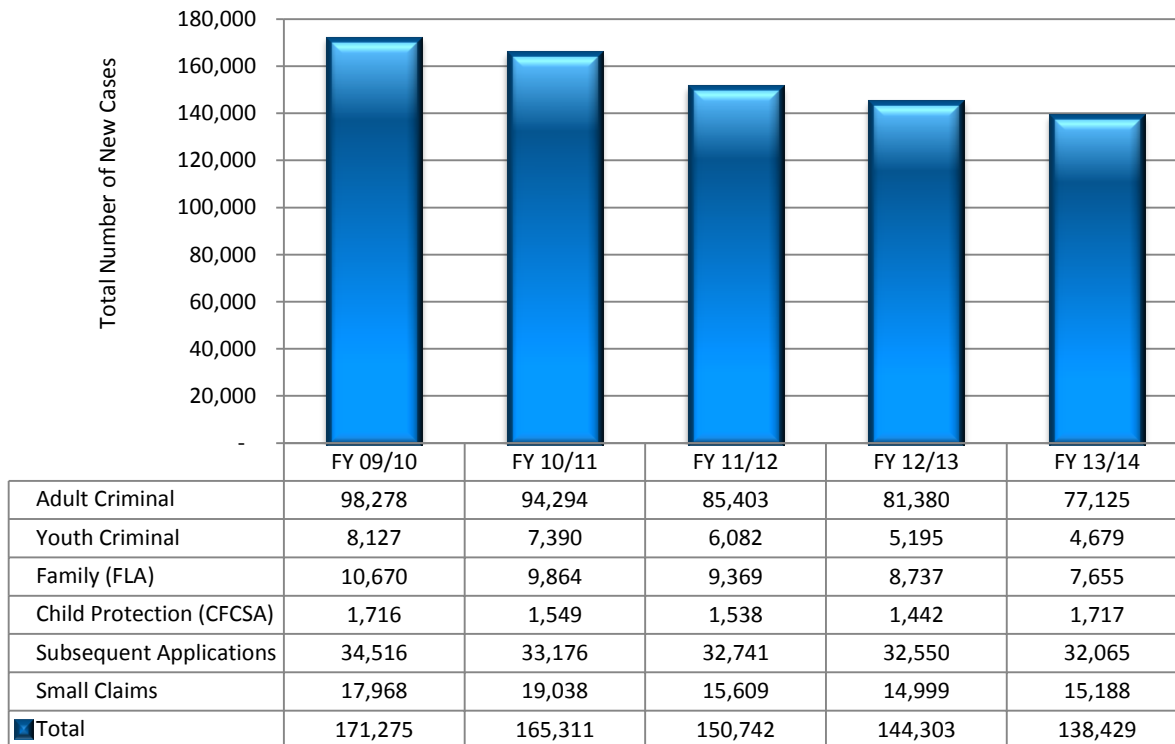
THE COURT'S CASELOAD

During the 2013/14 fiscal year, 227,616 cases were initiated in the Provincial Court, including adult criminal, youth, civil, family, child protection, subsequent applications, and traffic and bylaw cases. The total number of new cases is approximately 6,000 cases (or three per cent) fewer than in the 2012/13 fiscal year. The total number of new cases excluding traffic and bylaw cases was 138,429, distributed as follows:

- 59 per cent criminal and youth matters
- 23 per cent subsequent (family) applications
- 11 per cent civil (small claims) matters
- 6 per cent family matters under the *Family Law Act* (FLA)
- 1 per cent child protection matters under the *Child, Family and Community Service Act* (CFCSA)

Figure 5 sets out the total number of cases (excluding traffic and bylaw cases) in the 2013/14 fiscal year compared with the number in previous years.

FIGURE 5 - NEW CASES BY DIVISION (2009/10 TO 2013/14)



NOTE: [Appendix 3](#) provides additional notes to the figure.

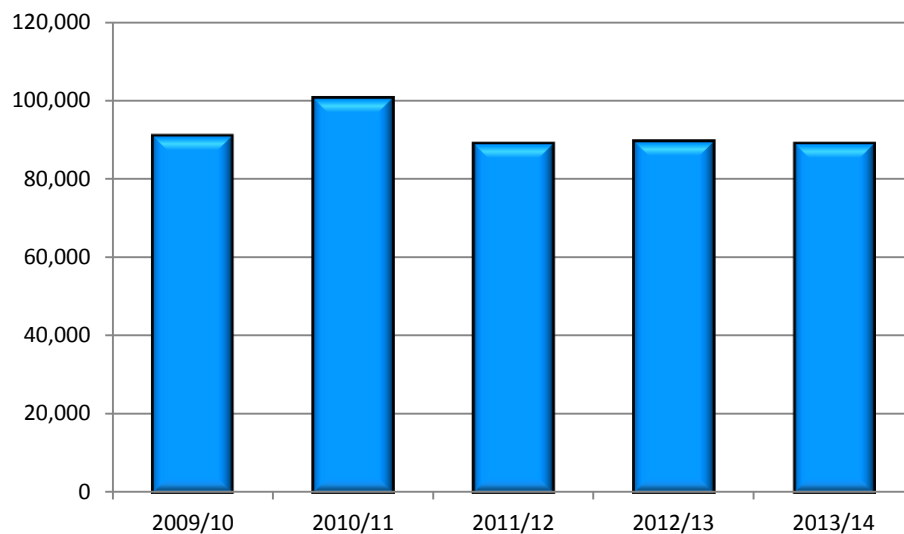
The decline in caseload volumes across the province was not spread evenly across divisions.

- Criminal cases declined by 6 per cent province-wide compared to the 2012/13 fiscal year.
 - Adult Criminal cases declined by 5 per cent.
 - Youth Criminal cases declined by 10 per cent.
- Family (FLA) cases declined by 12 per cent.
- Child protection (CFCSA) cases *increased* by 19 per cent.
- Civil (Small Claims) cases also *increased* by 1 per cent.

[Appendix 2](#) provides additional details of new cases by division.

The Court also received a total of 89,187 new traffic (violation ticket) and bylaw cases in the 2013/14 fiscal year. These violation tickets (except bylaws) are routed through the Violation Ticket Centre, which is operated by the Court Services Branch. While Judicial Justices preside over the majority of these matters, Provincial Court Judges occasionally hear traffic and bylaw cases in more remote locations and in the event a *Charter* remedy is sought. Figure 6 compares the number of traffic and bylaw cases in the 2013/14 fiscal year with that in previous years.

FIGURE 6 - NEW TRAFFIC AND BYLAW CASES - FISCAL YEAR 09/10 TO 2013/14

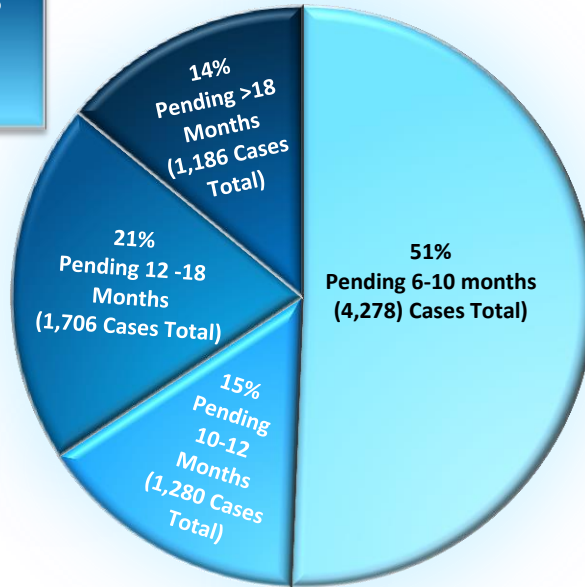


Pending Criminal Cases

A pending criminal case is a case that has not yet been completed and for which a future appearance has been scheduled. The Court's standard for on-time case processing with respect to criminal cases is for 90 per cent of cases to be concluded within 180 days. Beyond that time, cases may be subject to a stay of proceedings (i.e., termination by the Crown or the Court due to excessive delays). Figure 7 shows the number of pending adult criminal cases in the Provincial Court system that exceed 180 days.

FIGURE 7 - ADULT CRIMINAL CASES PENDING OVER 180 DAYS AS AT MARCH 31, 2014

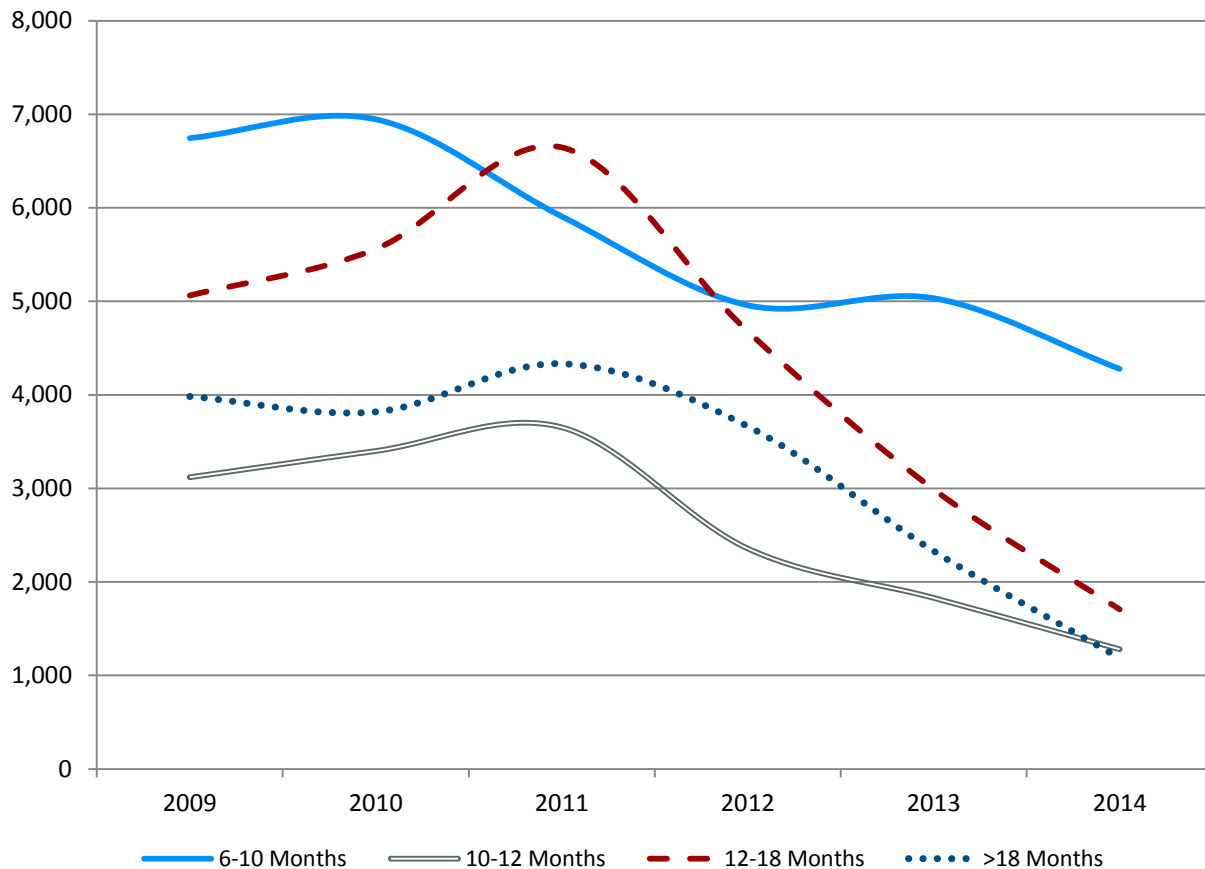
| | |
|-----------------------------------|---------------|
| Total Pending Cases: | 19,808 |
| Total Cases Over 180 Days: | 8,450 |



NOTE: [Appendix 3](#) provides additional notes to the figure.

As illustrated in Figure 8, the Court’s inventory of pending cases has been falling steadily over the past five years.

FIGURE 8 - PENDING CASELOADS BY FISCAL YEAR AND BY CATEGORY, 2009/10 TO 2013/14

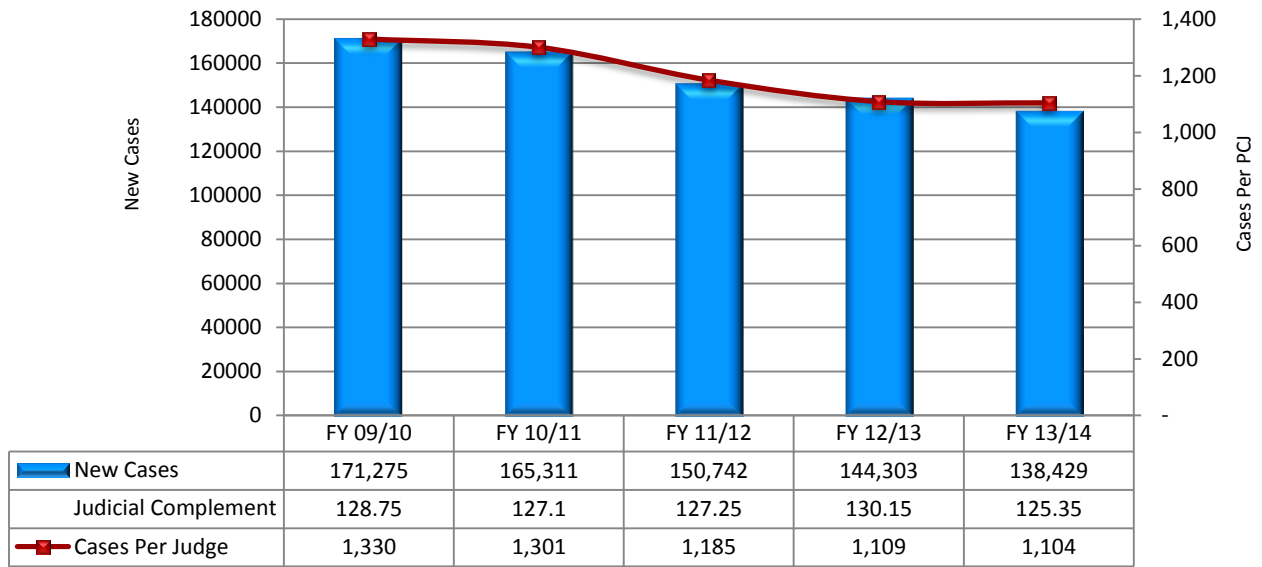


The Court is working with the Court Services Branch to establish a method for calculating the date of conclusion for family and small claims cases. However, because of differences in adjournment and court procedures, no standard definition of case age exists and comparable data is not currently available.

Judicial Resources

In 2010, a study of the number of Judges available to the Provincial Court (known as “judicial resources” or “judicial complement”) was undertaken by the Office of the Chief Judge, producing a report entitled [Justice Delayed: A Report of the Provincial Court of British Columbia concerning Judicial Resources](#). This report outlined the challenges faced by the Provincial Court in providing timely, effective and equitable justice to the citizens of the province. At the time this report was issued, the judicial complement was 126.30. As of March 31, 2014, it was 125.35. The total number of cases per Judge has fallen since that time, as shown in Figure 9. In part, this is because some cases have become more complex and time consuming.

FIGURE 9 - NEW CASES AND CASES PER PROVINCIAL COURT JUDGE, 2009/10 TO 2013/14



NOTE: [Appendix 3](#) provides additional notes to the figure.

PROVINCE-WIDE TIME TO TRIAL

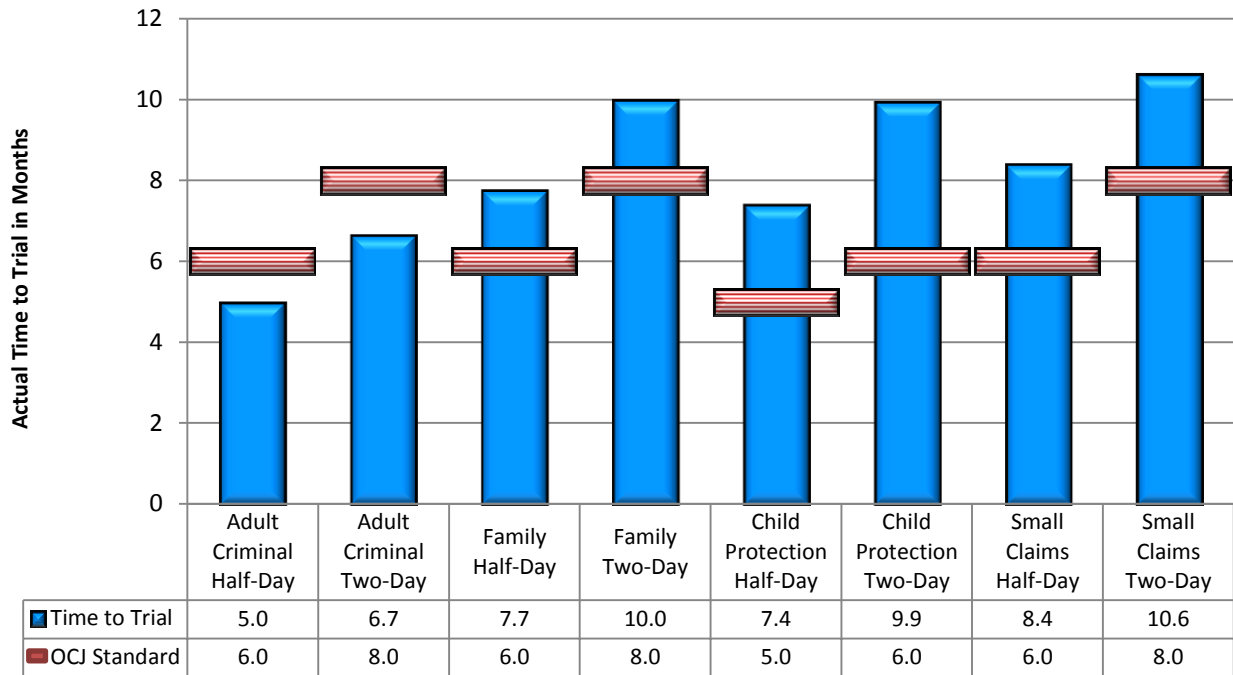
The Court determines available hearing dates for each district through quarterly surveys of the “next available trial date.” The most recent survey, as of March 31, 2014, has been used to generate weighted province-wide delays for each area of the Court’s jurisdiction.

In 2005, the Court endorsed a number of standards to measure whether cases were being scheduled for trial in a timely manner. To meet these standards, 90 per cent of cases must be at or below the listed time to trial.

This year the Court met the time to trial targets with respect to criminal cases in most locations throughout the Province. The one notable exception is Surrey which has the largest criminal caseload in the Province. In this location the time to trial exceeds the standards in both the criminal half day and two day matters. The improved time to trial in the criminal area of the Court’s jurisdiction, if sustained in all locations across the province, will allow the Court to focus efforts to reduce the time to trial in other areas of the court’s jurisdiction. Regular updates can be viewed on the Court Reports page of the Court’s website.

Figure 10 below shows the average provincial time to trial, in months, from the time a request is made to the “first available date” for various types of proceedings. Wait times also take into account any cases currently waiting to be scheduled, factoring them into the delay estimates. Figure 10 provides a snapshot of wait times across divisions in the most recent survey period, as of March 31, 2014.

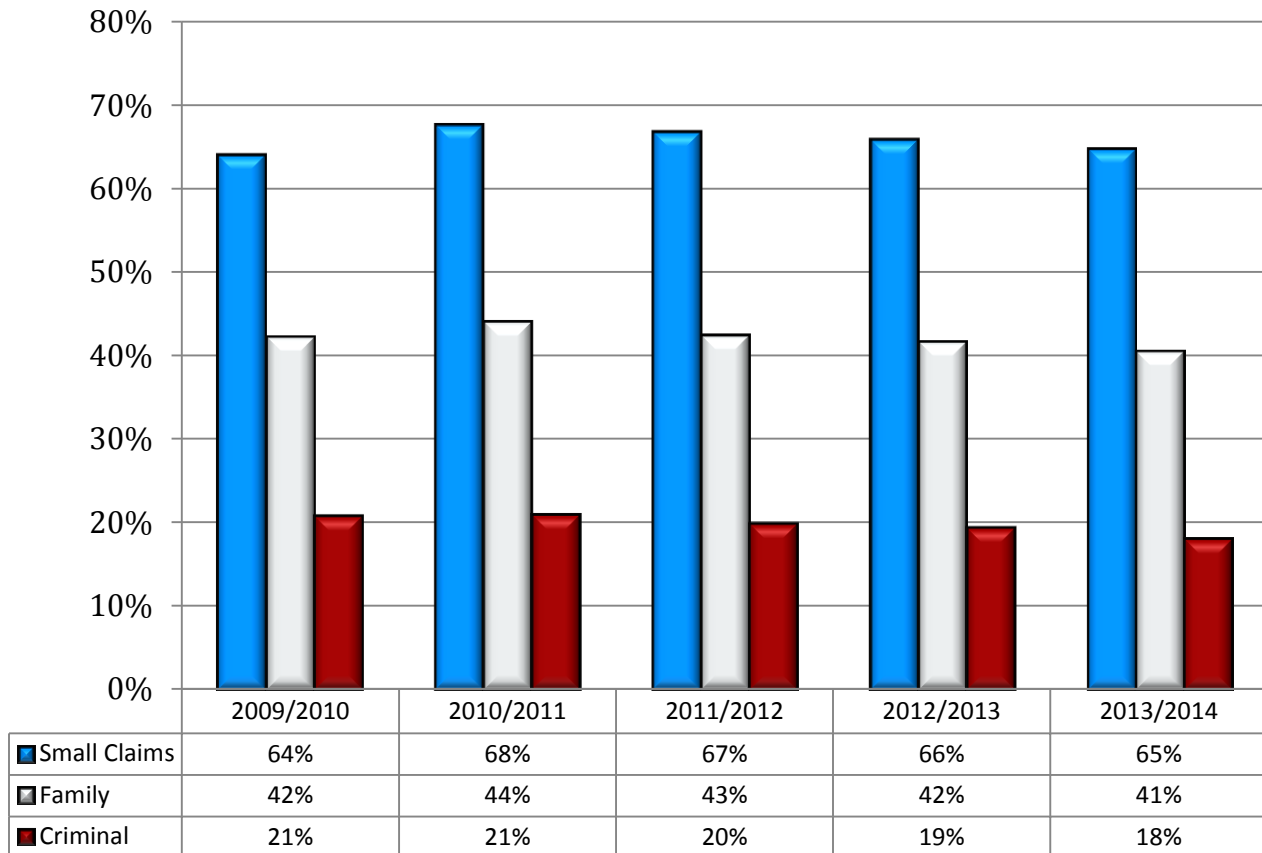
FIGURE 10 - PROVINCE-WIDE TIME TO TRIAL BY DIVISION, AS AT MARCH 31, 2014



ACCESS TO JUSTICE: SELF-REPRESENTED LITIGANTS

A self-represented appearance is one at which at least one party is not represented by counsel or agent. Figure 11 shows a slight decline in self-representation in the Provincial Court from peak levels in 2010. Self-representation data is a new addition to this year's report.

FIGURE 11 - SELF-REPRESENTED APPEARANCES, 2009/10 TO 2013/14



NOTE: [Appendix 3](#) provides additional notes to the figure.

INNOVATIONS IN B.C.'S COURTS: ADDRESSING THE NEEDS OF PEOPLE IN BRITISH COLUMBIA

A fully functioning justice system is an essential element of a free and democratic society governed by the rule of law. The Provincial Court of British Columbia is committed to continually improving the justice system, with a focus on providing timely, effective and equitable justice for the citizens of the province. Several key initiatives began or moved forward during the 2013/14 fiscal year.

Backlog Reduction Project

The Provincial Court Backlog Reduction Project (BRP) is a joint effort between the Ministry of Justice and the Office of the Chief Judge to reduce current backlogs in criminal and child protection matters before the Provincial Court.

Representatives of the Court and the Ministry agreed to target specific court locations with 170 additional Judge sitting days, divided equally between criminal and child protection matters (i.e., 85 days each). The selected targets were based on:

- Statistical analysis of provincial delay as collected by the Court
- Early projected implementation locations for the Court's new scheduling project (PCSP)
- Where the BRP project would make a substantial difference in reducing delay in child protection matters

This project operated between April 1, 2013 and March 31, 2014. A summary of this project will be included in the 2014/15 annual report.

Problem-Solving Courts

The Court has faced unique challenges in recent years. In particular, the needs of First Nations communities and mentally disordered and substance-addicted offenders have led to several innovative responses in the form of problem-solving courts. Through consultation and collaboration with social and health service agencies, the Court is now able to focus its resources in more effective ways throughout the province.

COWICHAN VALLEY DOMESTIC VIOLENCE COURT PROJECT

The Cowichan Valley Domestic Violence Court Project, in operation since March 2009, is the first dedicated approach in B.C. to address issues of domestic violence.

The Court is a blend of an "expedited case management" process and a "treatment or problem-solving" court. The goal is to bring these cases to the disposition stage (either by plea or trial and sentence) as soon as possible to reduce the rate of victim recantation or other witness-related problems, to offer a less punitive approach for those willing to accept responsibility for their actions and seek treatment, and to ensure the safety of victims and the public.

Partners in this project include specially trained and dedicated Crown counsel, RCMP, probation officers, community-based victim services, a native court worker and a child protection social worker.

DRUG TREATMENT COURT OF VANCOUVER

Created in 2001, the Drug Treatment Court of Vancouver (DTCV) is one of the busiest programs in Vancouver, with a fully integrated treatment program for all of its participants.

The DTCV provides an alternative to the regular criminal court process for individuals who commit drug offences or other minor Criminal Code offences arising out of their addiction to cocaine, heroin or other controlled substances.

The goal of the program is to help offenders achieve:

- Abstinence from drug use
- Reduced or eliminated future contact with the criminal justice system
- Improved overall well-being, including improved housing
- Employment and education
- Pro-social use of their time

For a minimum of 14 months, DTCV participants undergo a drug addiction treatment, which is supervised by a DTCV Judge. The participants receive services from addiction counsellors, case managers, a psychologist, a physician who specializes in addictions medicine, a nurse and a financial assistance worker. Drug use is monitored through random urine screening. The participants move through four phases of the program (pre-treatment, recovery skills, stabilization and seniors group). At the end of the 14-month period, the participants may be eligible to “graduate” from the program and receive either a non-custodial sentence or have the Crown stay the charge.

To graduate, participants must have done all of the following:

- Abstained from consuming all intoxicants for the three-month period immediately prior to graduation
- Secured stable housing, approved of by the DTCV Judge
- Not been charged with a new criminal offence in the six months immediately preceding graduation
- Engaged in secure employment, training or volunteering for the three months immediately preceding graduation

During the 2013/14 fiscal year, participation in the program totalled approximately 52 people at a time.

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

FIRST NATIONS COURT

A First Nations Court has now been established in several communities, including the first location in New Westminster (November 2006), as well as North Vancouver (February 2012), Kamloops (March 2013) and, most recently, Duncan (2013).

A First Nations Court is developed in consultation with local First Nations, the community at large, the police, community corrections, Crown counsel, the defense bar, and many other support service groups such as the Native Courtworker and Counselling Association of British Columbia.

The approach of the First Nations Court is holistic, recognizing the unique circumstances of First Nations offenders within the framework of existing laws. The Court provides support and healing to assist offenders in their rehabilitation and to reduce recidivism. It also seeks to acknowledge and repair the harm done to the victims and the community. The Court encourages local First Nations communities to contribute to the proceedings.

In the 2013/14 fiscal year, the First Nations Court in New Westminster continued to welcome justice system professionals and academics from British Columbia and across Canada. Many of these visitors will use British Columbia's First Nations Court as a model for First Nations Courts in their own communities.

The recent openings of new First Nations Courts in British Columbia, including the one in Duncan this year, signify the continued interest in this restorative approach to address criminal cases for offenders with a First Nation background. Additional information regarding First Nations Courts can be found on the [Provincial Court website](#).

VANCOUVER'S DOWNTOWN COMMUNITY COURT

Canada's first community court, the Vancouver Downtown Community Court (DCC), opened in September 2008. A collaboration between the Office of the Chief Judge and the Government of British Columbia, the Court coordinates the work of 14 different agencies to more effectively address the root causes of crime, including mental illness, addiction and poverty.

In the fall of 2013, the B.C. Ministry of Justice oversaw an [evaluation](#) of the project. The most significant component of the evaluation, conducted by Simon Fraser University, evaluated the DCC's on-site integrated and collaborative case management of chronic high-needs offenders. For the first time in Canada, it demonstrated empirically a significantly reduced recidivism as compared with the rate of a traditional court.

The DCC continues to serve as a model from which specific innovations or programs may be adopted at other locations throughout the province.

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

VICTORIA'S INTEGRATED COURT

The Victoria Integrated Court (VIC) is a community-led initiative that follows on the work of the Street Crime Working Group and the Mayor's Taskforce on Homelessness. The Victoria Community Outreach Team and a number of Assertive Community Treatment Teams were created to address the demands placed on the police and other emergency and health service providers by individuals who are homeless and substance-addicted and/or mentally disordered. Virtually all of the individuals serviced by these teams are chronic offenders who place high demands on the criminal justice system.

The Court initiated a discussion that led to the creation of the VIC in March 2010. The VIC takes an integrated approach that strives to improve access to health, social and economic services for offenders, to improve public safety, and to hold offenders accountable for their actions in a timely manner. In its first year, the VIC expanded its services to hear cases for offenders supported by the Community Response Team of Community Living BC. The number of offenders appearing at the VIC has increased since 2010 and the Court currently operates at capacity.

At the VIC, community service is frequently ordered as part of a sentence. In 2012, two new community work service projects were undertaken: a mural and a community garden. The mural project saw clients of the various teams participate in creating the “Lady Justice” mural located at 533 Chatham Street in Victoria. The community garden, cosponsored by Vancouver Island Health Authority (VIHA) and the John Howard Society, is located at VIHA’s Seven Oaks Tertiary Care Facility. Ground broke on the garden in the spring of 2012, leading to a successful harvest of vegetables throughout the summer and fall. The opportunity to work in the garden is available to all clients, not just those completing court-ordered community work service. The garden provides an opportunity for VIHA and Community Living British Columbia clients to learn gardening skills, grow their own produce and share in any profits from produce sold. Both the mural project and the ongoing community garden are funded by donations from the local community, the Bar and individual donors.

Additional information about Victoria’s Integrated Court can be found on the [Provincial Court website](#), including a [report](#) completed after VIC’s first year in operation. A progress [report](#) was issued in June 2012 and a [further progress report](#) was released in late 2013.

Provincial Court Scheduling Project

The Provincial Court continued to develop and implement a new scheduling model for the Court. The changes to scheduling seek to enhance the efficient, effective and equitable use of judicial resources and thereby improve access to justice. Led by the Provincial Court of B.C., stakeholders throughout the British Columbia justice system have continued to provide input and feedback to this multi-year initiative.

On December 1, 2013, the Simplified Criminal Front-end process was implemented throughout B.C. The major changes associated with this part of the reform initiative include:

- An expanded role for all Judicial Case Managers to deal with uncontested and non-adjudicative appearances
- Rescission of parts of the Criminal Caseflow Management Rules and the enactment of a new Criminal Process Practice Directive

On January 1, 2014, the Court implemented other components of the Scheduling Project province-wide, including the use of mixed trial lists; the delayed assignment of Judges to cases and cases to courtrooms; and balanced judicial schedules and court activity calendars. In March 2014, the Court in Port Coquitlam began scheduling cases to the Assignment and Summary Proceedings Courts in advance of the launch of those project components in July 2014. The Court continued to work with the Court Services Branch to develop new computer software to better enable the scheduling of matters before the court.

Interjurisdictional Support Orders Act Reform

In mid-2013, the Court began discussions with representatives from the Ministry of Justice to improve the processing of *Interjurisdictional Support Orders Act* (ISO) files in the Provincial Court.

The Court expects to begin the new process later in 2014, with the following improvements to the workflow supporting the adjudication of these files:

- Case management staff in the Child Support Registry will organize in-coming ISO file material (provided by the parties) to ensure the material is complete and current.
- Before proceeding to Court, the staff will pursue pre-court settlement of ISO disputes.
- A Friend of the Court (*amicus curiae*) will be available to assist the Court, as requested, at all ISO hearings.
- Video technology and the electronic filing of court documents will reduce the time needed for ISO disputes and enable the *amicus* to assist the Court, as appropriate, in court locations outside of major urban areas.
- Standard-form orders will be used to assist with the timely preparation of child support decisions.

Video Appearances

To accommodate remote bail hearings, the Court continues to use video technology that connects the Justice Centre in Burnaby to other locations where links have been established. Video technology also allows Judicial Case Managers and Judges to hear preliminary matters from a remote location. Video technology allows most court locations throughout the province to accommodate remand appearances and bail hearings by persons charged with an offence appearing from a remand or custody centre.

In 2013/14, the use of video technology saved 20,481 prisoner transports for persons required to appear in Court for preliminary matters. Over the past year, video technology was expanded by adding 13 new installations at Correctional Centres and five new installations at Court locations. The Court continues to believe that video in all staffed courthouses and most circuit locations would enhance access to justice and save operational expenses by reducing prisoner and witness transport costs. Although no additional video units were installed in courtrooms, an upgrade and installation of infrastructure will support the current videoconference network and increase its security.

University of British Columbia (UBC) Law School Intern Program

Since January 2007, the Court and the University of British Columbia Faculty of Law have partnered in the delivery of a judicial internship program for third-year law students. The program provides an opportunity unique among Canadian universities for students to spend an entire law school term working with the Provincial Court judiciary throughout the province across an array of legal subject areas and issues.

The program exposes students to all areas of the Court’s work: criminal, family, youth, child protection and civil matters. The interns’ work comprises not only legal research pertaining to issues at the Judges’ request, but also the observation of trials and other court processes and the discussion of issues with the Judges of the Court.

Of particular note, and a very rewarding part of the program for the student interns, is that each intern participates in a Circuit Court. Each accompanies a Judge and a court party to a remote registry in British Columbia in order to witness the delivery of justice first-hand throughout the province. The Circuit Court program broadens the students’ education, exposes them to legal practice outside the Lower Mainland and offers insight into the Court as a “problem-solving” court that operates in geographic areas with significant variations in its extra-legal resources.

The benefits of the intern program were described by Professor Sharon Sutherland in an article in *The Advocate*, Vol. 67, Part 3, May 2009. The Court has been very fortunate to receive ongoing funding from the Law Foundation of British Columbia to cover the costs of intern travel and accommodation, and gratefully acknowledges its contribution in that regard.

REORGANIZATION OF THE PROVINCIAL COURT

The Chief Judge announced a reorganization of the Provincial Court in 2012 in order to improve the effectiveness, efficiency and consistency of administrative processes. Consultations over the months that followed produced a revised administrative and governance structure, which came into effect on April 1, 2013.

The changes included the following:

- Creating five administrative regions: Vancouver Region; Fraser Region; Vancouver Island Region; Interior Region; and Northern Region; along with the Office of the Chief Judge Region (see Figure 12)
- Creating new governance committees to lead and administer the Court
- Creating the role of the Regional Administrative Judge
- Creating the role of Local Liaison Judge

These changes were supported by Government, which made the necessary amendments to the *Provincial Court Act* and changes to judicial compensation.

The administrative headquarters for the Provincial Court is the Office of the Chief Judge (OCJ). The OCJ is responsible for the judicial administration of the Court. The primary function of the OCJ is to support the Chief Judge in the assignment of Judges and cases, as well as to support Judges in the exercise of their judicial function. It is also responsible for engaging with government agencies, media, individuals and organizations that wish to communicate with the Court.

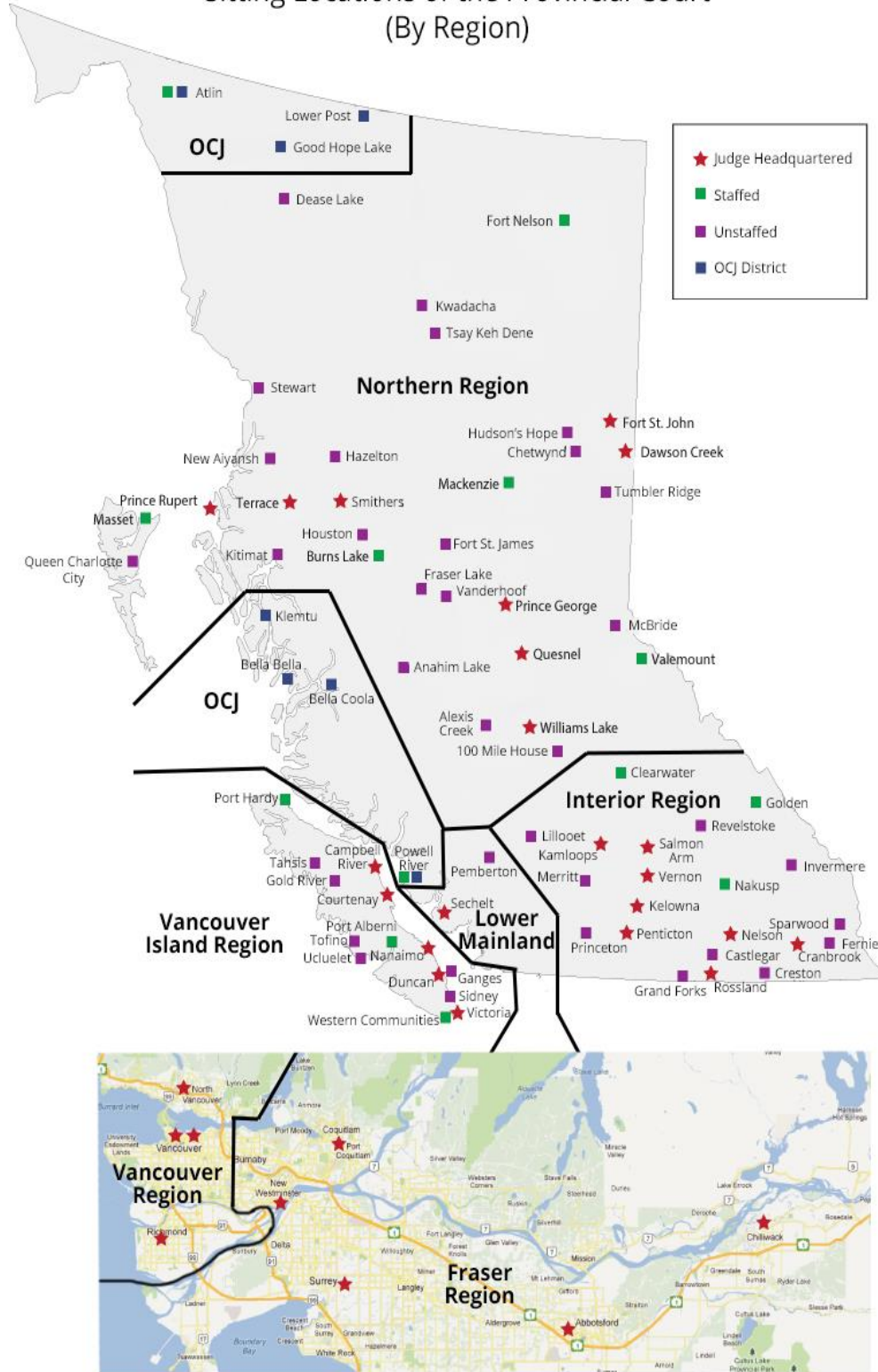
The Associate Chief Judge of Administration assists the Chief Judge in overseeing the administration of the Court's judicial officers, and the new Regional Administrative Judges facilitate and support judicial administration in each of the new regions. The Local Liaison Judges support the Regional Administrative Judges in specific localities.

The administrative work of the Provincial Court is also supported by the Governance Committee, the Judicial Administration Committee, the Judicial Justice Administration Committee and the Executive Operations Committee. [Appendix 4](#) details the membership and responsibilities of these committees.

By revising the governance structure and reconfiguring key leadership roles, the Court has created a simplified structure to better anticipate and meet its organizational and administrative needs, and to improve public access to justice. The Court will continue to review its administration, monitor the impact of the changes and receive feedback from those affected. It will refine the changes as it gains experience in how the changes meet the goals of the reorganization.

FIGURE 12 - FIVE ADMINISTRATIVE REGIONS

Sitting Locations of the Provincial Court (By Region)



THE COURT'S WEBSITE AND JUDGMENT DATABASE

The Court's [website](#) provides detailed information about the Court, as well as announcements regarding the Court and the Judicial Council of British Columbia. The website also provides links to other online resources, such as help guides, rules and forms.

The website also hosts the Court's [judgment database](#), which includes Provincial Court decisions dating back to 1991. The decisions of the Supreme Court and Court of Appeal in British Columbia are available at www.courts.gov.bc.ca.

THE PROVINCIAL COURT'S COMMITTEE WORK

Several committees, in addition to the governance committees described in [Appendix 4](#), provide advice and assistance in the work of the Court and its officers.

Judges' Education Committee

This committee of the Provincial Court Judges' Association is responsible, with the support of the Office of the Chief Judge, for organizing two education conferences for Judges each year. In the 2013/14 fiscal year, the committee members were:

- Judge R. Bowry (Chair as of November 2013)
- Judge C. Bagnall (until November 2013)
- Judge C. Birnie
- Judge D. Potheary (until April 2013)
- Judge R. Mackay
- Judge T. Wood
- Judge M. Shaw
- Judge J. Bahen
- Judge S. Frame (new member)
- Judge R. Harris (new member)
- Chief Judge Thomas Crabtree

The Education Committee delivered two education conferences in 2013, for a total of four and a half days of education programming. The spring conference in Vernon and the fall conference in Vancouver covered a wide range of topics, including:

| Spring | Fall |
|---|--|
| <ul style="list-style-type: none"> • Judicial independence • Driving impairment by a drug: The drug recognition evaluation and other issues of proof • Extra-judicial consequences that befall the impaired driver: What they are and how they can (or should) affect sentencing • <i>R. v. Ipeelee</i> and <i>R. v. Ladue</i> considered • An update concerning selected Supreme Court of Canada jurisprudence in criminal law • Judicial security: Keeping you safe • <i>Family Law Act</i> • The care and control of children under the <i>Family Law Act</i> • Managing litigants and court processes • Family mobility cases | <ul style="list-style-type: none"> • Credibility assessment and selected evidentiary issues • Mental health • The voice of experience • Overnight assessments pursuant to section 672.11, etc. • Sentencing youth with mental health issues • Fetal alcohol spectrum disorder (FASD) • Preventing wrongful convictions • The Charter • The role of the trial judge in the criminal context • The rule of law |

Retiring Chief Justice Lance Finch opened the spring conference with a keynote address on the importance of judicial independence, while at the closing session, Dr. Anthony Doob of the Centre for Criminology and Sociological Studies at the University of Toronto asked, “Are judges responsible for crime?”

The fall conference opened with Dr. Roy O’Shaughnessy providing an overview of psychiatric disorders and diagnoses and guidance on how Judges use psychiatric evaluations and mental health information. Dr. B. MacEwan and a former resident of the streets of downtown Vancouver each provided personal accounts of how the mentally ill are treated within the criminal justice system. A session on overnight assessments provided guidance on how and when an assessment should be ordered and the interplay with the *Mental Health Act*. Dr. D. Smith described what sentencing judges should know about youth with mental health problems. The conference concluded with Dr. O’Shaughnessy examining areas of judicial work that can affect a Judge’s mental health and strategies to help Judges maintain health.

Judicial Justices’ Education Committee

The Judicial Justices Education Committee, in conjunction with Judicial Justice Kathryn Arlitt and the Office of the Chief Judge, creates education programs for Judicial Justices in their adjudicative duties. Fall and winter conferences, combined with evening programs, provide a knowledge base for judicial officers and a forum for discussion and debate about common legal issues.

The two conferences addressed an assortment of issues, but focused on issues relating to family violence and what happens outside of the courtroom, thus helping Judicial Justices to make more informed and meaningful court orders. Other topics included new amendments arising from the forthcoming federal Bill C-13 (the

“Protecting Canadians from Online Crime Act,” currently before the Senate); B.C.’s family law amendments; bail issues; and small claims payment hearings.

For the 2013/14 fiscal year, evening speakers included Appeal Court Justice David Frankel on bail and search warrant issues, as well as Senior Crown Counsel Paul Riley, who reviewed search and seizure in relation to electronic devices.

Judicial Education Review Committee

The Executive Committee continues to review the report of the Judicial Education Review Committee on the delivery of judicial education to judicial officers of the Court. The Executive Committee is developing an action plan to coordinate the delivery of education to all judicial officers.

Family Law Committee

The Family Law Committee of the Court was constituted at the direction of the Chief Judge on November 1, 2013. The committee members are Regional Administrative Judge M. Brecknell (Chair) and Judges G. Brown, J. Saunders, M. Shaw, R. Raven, M. Takahashi and J. Wingham.

The Committee’s mandate is to provide advice and assistance to the Chief Judge and to the Court on matters relating to family law, including the *Family Law Act*, the *Child, Family and Community Service Act*, the *Family Maintenance Enforcement Act*, the *Interjurisdictional Support Orders Act* and any other matters relating to children and the family.

The Committee undertook activities including:

- Reviewing standardized *Family Law Act* orders
- Drafting an index for the *Family Law Act*
- Reviewing best practices for conducting family case conferences electronically
- Working on improvements to case management of Interjurisdictional Support Orders
- Examining protection order applications by non-spouses
- Responding to queries raised by members of the Court

In the next two years, members of the Family Law Committee will be engaged with government, representatives of the Bar and the public in a comprehensive redrafting of the Provincial Court Family Rules.

Civil Law Committee

In the fall of 2013, the Chief Judge created the Civil Law Committee to provide advice and assistance on matters relating to the Court’s jurisdiction in civil law and procedure. The members of the committee are Associate Chief Judge N. Phillips and Judges J. Challenger, K. Denhoff, S. Frame, K. Lenaghan and D. Senniw.

The committee met in person and by telephone conference on three occasions, including a meeting with senior members of the Ministry of Justice to consider the potential impact of the Civil Resolution Tribunal on the work of the Court.

FINANCIAL REPORT

TABLE 3 - PROVINCIAL COURT 2013-2014 FINANCIAL REPORT

| | Budget | Actual | Variance | Notes |
|----------------------------------|---------------------|---------------------|--------------------|-------|
| Salaries | \$39,346,000 | \$36,718,426 | \$2,627,574 | (1) |
| Supp. Salaries | 30,000 | 58,304 | (28,304) | |
| Benefits | 9,443,000 | 8,806,529 | 636,471 | (2) |
| Judicial Council/Ad Hoc/Per Diem | 1,803,000 | 1,675,207 | 127,793 | (3) |
| Travel | 1,288,000 | 1,381,736 | (93,736) | (4) |
| Professional Services | 157,000 | 384,479 | (227,479) | (5) |
| Information Services | 207,000 | 821,847 | (614,847) | (6) |
| Office Expenses | 905,000 | 1,340,244 | (435,244) | (7) |
| Advertising | 3,000 | 0 | 3,000 | |
| Court Attire and Supplies | 74,000 | 105,880 | (31,880) | (8) |
| Vehicles | 66,000 | 82,013 | (16,013) | (9) |
| Amortization | 249,000 | 193,247 | 55,753 | (10) |
| C.A.P.C.J. Grant | 4,000 | 9,600 | (5,600) | |
| Library | 175,000 | 304,980 | (129,980) | (11) |
| Interest on Capital Leases | 9,000 | 3,598 | 5,402 | |
| General Expenses | 0 | 0 | 0 | |
| Total Operating Expenses | \$53,759,000 | \$51,886,090 | \$1,872,910 | |

- (1) Long-term disabilities and retirements - delays in replacements thereto
- (2) Related to salary savings
- (3) Savings in per diem expenses
- (4) Increased costs for mileage, airfares and accommodation
- (5) Legal fees and contracts related to judicial resources
- (6) Maintenance and enhancements to information systems, computer software and licences
- (7) Education costs and meeting expenses
- (8) Replenishment of judicial attire
- (9) Vehicle repairs and fuel
- (10) Delay in replacement of computer equipment
- (11) Increased costs for judicial reference material

COMPLAINTS AGAINST JUDICIAL OFFICERS: MAINTAINING CONFIDENCE IN THE JUSTICE SYSTEM

The public and litigants must have confidence in our justice system, and that begins with having confidence in the decisions that are made in the courtroom. They must be confident that judicial officers have integrity and are impartial and independent. They must also have an opportunity to formally criticize judicial officers and courts if they believe that justice was not delivered in a fair and independent manner. Not only must justice be done, it must be seen to be done.

Review of Conduct, not of the Decision

Sometimes litigants make a formal complaint to the Chief Judge if they are dissatisfied with the outcome of their trial. The Chief Judge can review only complaints about judicial conduct, not about the merits or “correctness” of judicial decisions. Principles of judicial independence prevent interference by anyone, even a Chief Judge, in the judicial decision-making process. Members of the judiciary must be free to make decisions unfettered by outside influence, fear of sanction or hope of favour, and it is not open to a Chief Judge to review judicial decisions. A party who objects to the merits of judicial decisions would need to pursue such objections through any available avenue of appeal to, or review by, a higher court. When such complaints are received, one of the Court’s legal officers usually provides the litigant with general information about the appeal process.

Supervision of Judicial Misconduct

Under the *Provincial Court Act*, the Chief Judge is responsible for supervising Judges, Judicial Justices and Justices of the Peace, and is required to examine all conduct complaints about members of the judiciary. Complaints must be delivered in writing to the Chief Judge. When a complaint raises a potential issue of judicial misconduct within the Chief Judge’s authority, the Chief Judge or an Associate Chief Judge will review the complaint letter and any relevant material, such as an audio recording of the proceedings, and will invite the Judge or Justice to comment on the complaint. The Chief Judge or an Associate Chief Judge (or a delegate) must report in writing to the complainant and the judicial officer following an examination. Most complaints are resolved with a letter explaining or acknowledging the conduct and in some cases, if appropriate, providing an apology.

The *Act* also requires that the Chief Judge conduct an investigation into the fitness of a Judge or Justice to perform his or her duties if the Chief Judge considers that an investigation is required, or if requested to do so by the Attorney General. The result of an investigation may include corrective action or an order for an inquiry respecting the fitness of the Judge or Justice to perform his or her duties. At the option of the judicial officer at issue, the inquiry would be conducted by a Justice of the B.C. Supreme Court or by the Judicial Council. In the history of the Court, there have been only eight inquiries, and none since 1981.

Summary of Complaints

Table 4 lists complaints since 2004 and their outcomes.

TABLE 4 - COMPLAINTS STATISTICS (2004 TO 2013)

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|---|------|------|------|------|------|------|------|------|------|------|
| Letters received | 118 | 174 | 144 | 258 | 216 | 245 | 280 | 272 | 227 | 253 |
| Non-complaints (those found not to be within Section 11) | 95 | 137 | 123 | 205 | 169 | 207 | 225 | 239 | 206 | 225 |
| Examinations of complaints performed to December 31, 2013 as summarized below or in previous Annual Reports | * 20 | * 34 | 19 | * 53 | 45 | * 35 | * 29 | * 39 | * 21 | * 20 |
| Investigations of complaints performed | * 3 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Files unresolved by December 31 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 14 |

* Indicates that an examination may have dealt with more than one letter from a complainant or more than one complaint about the same matter.

Complaint statistics are reported on a calendar-year basis, as that was the practice prior to 2004, when such statistics and summaries were reported in the Annual Report of the Judicial Council of British Columbia. As explained in the 2004/06 Annual Report of Judicial Council, the decision was then made to report complaints in the Provincial Court's Annual Report, rather than the Judicial Council's Annual Report, because the Judicial Council has a limited role in processing complaints.

During the period from January 1, 2013, to December 31, 2013, the Office of the Chief Judge received 253 letters of complaint. On assessment, 225 matters were found not to be complaints within the authority of the Chief Judge. Examinations were commenced on the remaining matters. Including complaints carried over from 2012, 20 examinations were completed during 2013. All were resolved at that stage.

[Appendix 5](#) summarizes the completed complaint examinations.

APPENDIX 1: JUDICIAL OFFICERS OF THE PROVINCIAL COURT

TABLE 5 - PROVINCIAL COURT JUDGES AS OF MARCH 31, 2014

| Office of the Chief Judge | | | |
|---------------------------|-------------|---------|--------|
| Name | Status | Name | Status |
| Crabtree, T. | Chief Judge | Rae, M. | Senior |

| Vancouver Region | | | |
|------------------|-----------------------|----------------|-----------|
| Name | Status | Name | Status |
| Phillips, N. | Associate Chief Judge | McMillan, M. | Part Time |
| Low, R. | Administrative Judge | Rideout, G. | Full Time |
| Challenger, J. | Full Time | Senni, D. | Full Time |
| Dyer, B. | Full Time | St. Pierre, D. | Full Time |
| Gedye, J. | Senior | Walker, K. | Full Time |
| Merrick, S. | Full Time | Chen, P. | Full Time |
| Milne, J. | Full Time | Denhoff, K. | Full Time |
| Moss, D. | Senior | Dhillon, H. | Full Time |
| Rodgers, W. | Senior | Ehrcke, A. | Senior |
| Bagnall, C. | Full Time | Fratkin, R. | Senior |
| Bahen, J. | Full Time | Gallagher, R. | Senior |
| Bastin, B. | Senior | McKinnon, J. | Full Time |
| Burgess, E. | Full Time | Meyers, P. | Full Time |
| Galati, J. | Full Time | Romilly, V. | Full Time |
| Giardini, M. | Full Time | Schmidt, D. | Senior |
| Gove, T. | Senior | Smith, L. | Full Time |
| Harris, R. | Full Time | Werier, J. | Full Time |
| Howard, F. | Full Time | Wingham, J. | Full Time |
| Kitchen, W. | Senior | Yee, W. | Senior |
| MacLean, M. | Full Time | | |

| Interior Region | | | |
|------------------------|----------------------|---------------|-----------|
| Name | Status | Name | Status |
| Smith, R. | Administrative Judge | Klinger, W. | Senior |
| Burdett, E. | Full Time | Koturbash, G. | Full Time |
| Cartwright, J. | Senior | Marchand, L. | Full Time |
| Chapman, B. | Full Time | McKimm, M. | Full Time |
| Cleaveley, C. | Full Time | Shaw, M. | Full Time |
| de Walle, E. | Senior | Sheard, G. | Full Time |
| Dickey, R. | Full Time | Sinclair, G. | Senior |
| Fabbro, R. | Senior | Sperry, D. | Senior |
| Frame, S. | Full Time | Takahashi, M. | Full Time |
| Harrison, S. | Full Time | Threlfall, J. | Senior |
| Hewson, R. | Full Time | Webb, R. | Full Time |
| Hogan, V. | Senior | Wyatt, L. | Full Time |

| Vancouver Island Region | | | |
|--------------------------------|----------------------|----------------|-----------|
| Name | Status | Name | Status |
| Brooks, A. | Administrative Judge | Lamperson, R. | Full Time |
| Blake, E. | Full Time | MacCarthy, P. | Full Time |
| Jackson, W. | Full Time | Mrozinski, L. | Full Time |
| Keyes, S. | Full Time | Neal, B. | Senior |
| Morgan, D. | Full Time | Palmer, A. | Senior |
| Chaperon, L. | Full Time | Pendleton, D. | Senior |
| Cowling, J. | Senior | Quantz, E. | Senior |
| Doherty, P. | Senior | Saunders, J. | Full Time |
| Dohm, T. | Senior | Saunderson, B. | Senior |
| Gouge, T. | Full Time | Smith, W. | Senior |
| Harvey, J. | Senior | Sutton, R. | Full Time |
| Higinbotham, R. | Full Time | Wishart, S. | Full Time |
| Klaver, B. | Senior | Wood, J. | Full Time |

| Fraser Region | | | |
|----------------------|-----------------------|-----------------|-----------|
| Name | Status | Name | Status |
| Gill, G. | Associate Chief Judge | Janzen, P. | Full Time |
| Gulbransen, P. | Administrative Judge | Jardine, J. | Senior |
| Alexander, T. | Full Time | Lenaghan, J. | Senior |
| Arthur- Leung, K. | Full Time | MacDonald, W. | Senior |
| Bond, P. | Full Time | MacGregor, S. | Senior |
| Brown, G. | Full Time | MacKay, R. | Full Time |
| Brownstone, A. | Full Time | Miller, R. | Senior |
| Buller Bennett, M. | Full Time | Oulton, J. | Full Time |
| Caryer, R. | Senior | Point, S. | Full Time |
| Cohen, G. | Full Time | Pothecary, D. | Full Time |
| Craig, B. | Full Time | Raven, R. | Full Time |
| Cutler, R. | Full Time | Rounthwaite, A. | Senior |
| de Couto, P. | Senior | Rounthwaite, J. | Part Time |
| Dohm, P. | Full Time | Skilnick, K. | Full Time |
| Dossa, S. | Full Time | Smith, G. | Full Time |
| Field, H. | Senior | Spence, A. | Senior |
| Gardner, D. | Full Time | Steinberg, D. | Full Time |
| Gillespie, M. | Full Time | Stone, D. | Senior |
| Gordon, E. | Full Time | Sutherland, J. | Full Time |
| Hamilton, R. | Full Time | Walters, R. | Full Time |
| Hicks, M. | Full Time | Woods, T. | Full Time |
| Hoy, B. | Full Time | Young, W. | Full Time |
| Hyde, P. | Senior | | |

| Northern Region | | | |
|------------------------|----------------------|-------------------|-----------|
| Name | Status | Name | Status |
| Brecknell, M. | Administrative Judge | Daley, B. | Full Time |
| Bayliff, E. | Full Time | Galbraith, V. | Full Time |
| Birnie, C. | Full Time | Gray, M. | Full Time |
| Blaskovits, R. | Full Time | Seidemann III, H. | Full Time |
| Bowry, R. | Full Time | Struyk, C. | Full Time |
| Callan, R. | Full Time | Weatherly, D. | Full Time |
| Church, M. | Full Time | Wright, T. | Full Time |

TABLE 6 - JUDICIAL JUSTICES AS OF MARCH 31, 2014

| Division | Name | Location |
|---------------------------------|----------------------------------|-----------------------------------|
| Long-Term Disability | Kobiljski, M. | Office of the Chief Judge |
| Sitting Division (Full Time) | Hayes, G. (Administrative JJ) | Justice Centre |
| | Schwartz, P. (Administrative JJ) | Violation Ticket Centre |
| | Arlitt, K. | Justice Centre |
| | Blackstone, I. | Abbotsford |
| | Chellappan, J. | Justice Centre |
| | Cyr, B. | Justice Centre |
| | Dodwell, P. | Richmond |
| | Hughes, J. | Kamloops |
| | Joseph-Tiwary, S. | Port Coquitlam |
| Makhdoom, Z. | Robson Square - Vancouver | |
| Per Diem | Adair, B. | Justice Centre/Traffic/Rossland |
| | Beer, B. | Justice Centre |
| | Bowes, E. | Justice Centre |
| | Brown, A. | Justice Centre |
| | Burgess, B. | Justice Centre/Traffic/Vernon |
| | Callegaro, N. | Justice Centre |
| | Campbell, A. | Justice Centre |
| | Edwards, B. | Justice Centre/Victoria Int. Crt. |
| | Gordon, H. | Justice Centre/Traffic/Victoria |
| | Hodge, F. | Justice Centre |
| | Holmes, T. | Justice Centre |
| | Langford, L. | Justice Centre/Traffic/Nelson |
| | Lindsey, H. | Justice Centre |
| | Padron, D. | Justice Centre |
| | Roberts, C. | Justice Centre |
| Schwartz, D. | Justice Centre | |
| Ad Hoc | Harvey, C. | Justice Centre |
| | Maihara, D. | Justice Centre |
| | Mayner, L. | Traffic |
| | Rogers, C. | Justice Centre |
| | Wakefield, J. | Justice Centre |

TABLE 7 - JUSTICE OF THE PEACE ADJUDICATORS AS OF MARCH 31, 2014

| Name | Name |
|----------------|----------------|
| Baynham, B. | Pratchett, M. |
| Borowicz, F. | Saunderson, D. |
| Cornish, B. | Wallace, B. |
| Glasner, K. | Warner, K. |
| Kahn, L. | Yule, D. |
| Nordlinger, K. | |

TABLE 8 - JUDICIAL CASE MANAGERS AS OF MARCH 31, 2014

| Region | Name | Region | Name |
|---------------------------|-----------------------------------|-------------------------|-----------------|
| Office of the Chief Judge | North, D. (Administrative JCM) | Vancouver Island Region | Ballman, C. |
| | Hadfield, Y. (JCM Supervisor) | | Bruce, A. |
| Vancouver Region | Butler, K. E. | | Cole, S. |
| | Brown, B. | | Henry, D. |
| | Caporale, L. | | Locke, Y. |
| | Goodrich, C. | Mitchell, V. | |
| | Hill, T. L. | Interior Region | Bullach, K. |
| | McLarty, S. I. | | Darke, A. |
| | Mihic, J. | | Hadikin, S. |
| | Norton, J. | | Krenz, D. |
| Stokes, L. | McCormack, A | | |
| Fraser Region | deKeruzec, M. L. | Northern Region | Paul, S. |
| | Hodge, D. | | Warwick, M. K. |
| | Holt, H. | | Bigras, D. |
| | Lockyer, L. | | Campbell, F. |
| | MacDonald, L. | | Foerster, C. M. |
| | Mitchell, A. | | Jasper, S. |
| | Schulz, A. | | Lawrence, S. |
| | Scott, M. | | Leonardes, L. |
| | Steele, S. | | MacGregor, S. |
| | Thorne, S. | | |
| | Willock, J. | | |
| | West, B. | | |

APPENDIX 2: NEW CASES BY COURT DIVISION

The following figures compare caseloads over the past five years, by division of the Court's jurisdiction.

FIGURE 13 - ADULT AND YOUTH CRIMINAL CASES - 2009/10 TO 2013/14

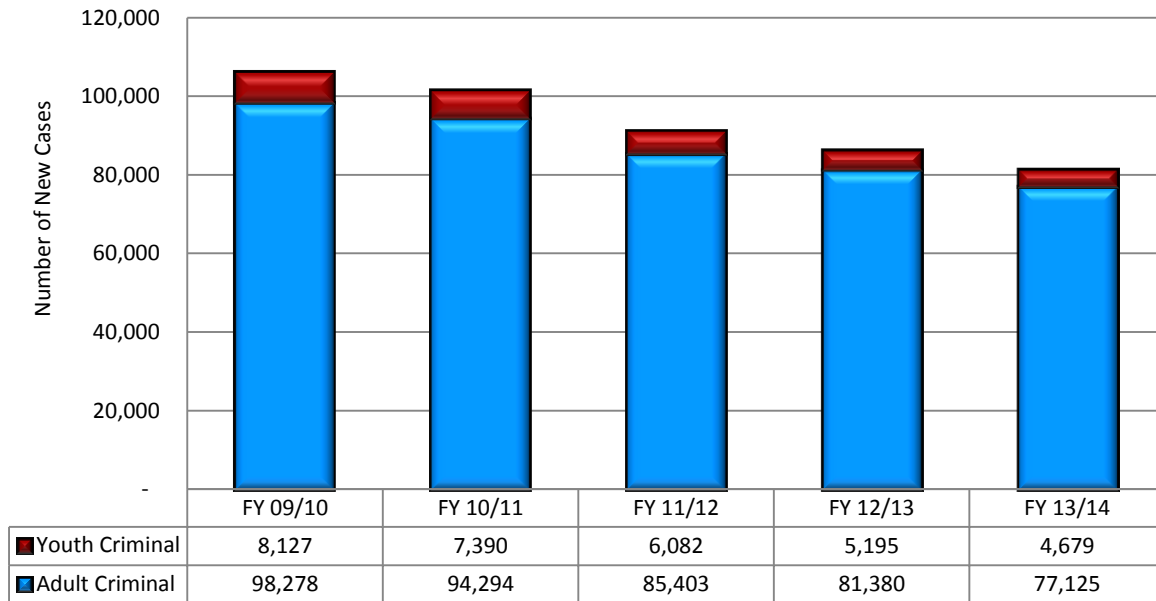


FIGURE 14 - FAMILY AND CHILD PROTECTION CASES - 2009/10 TO 2013/14

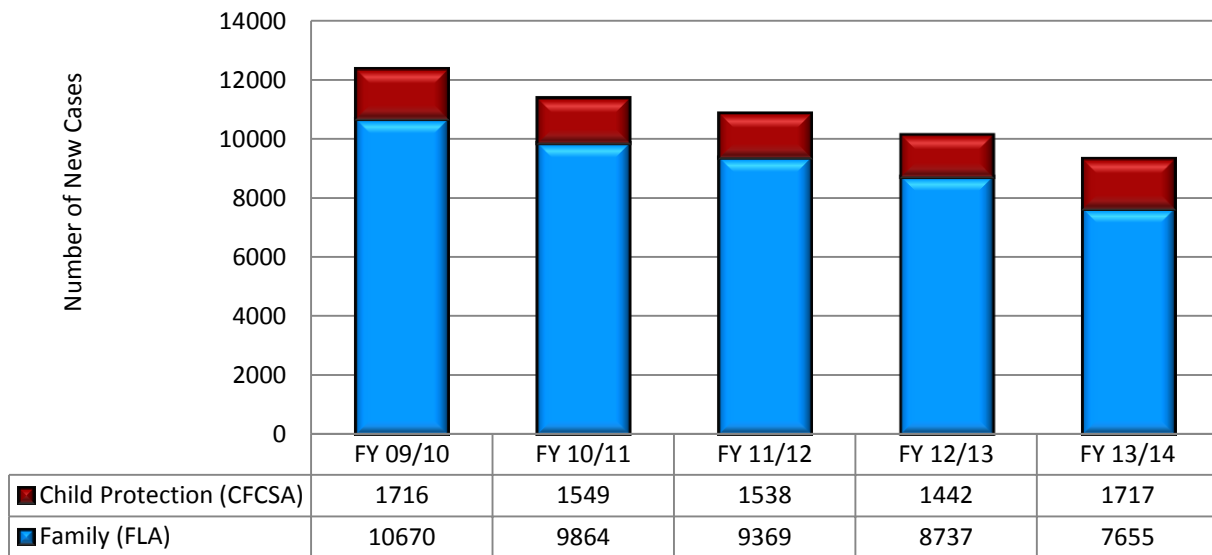
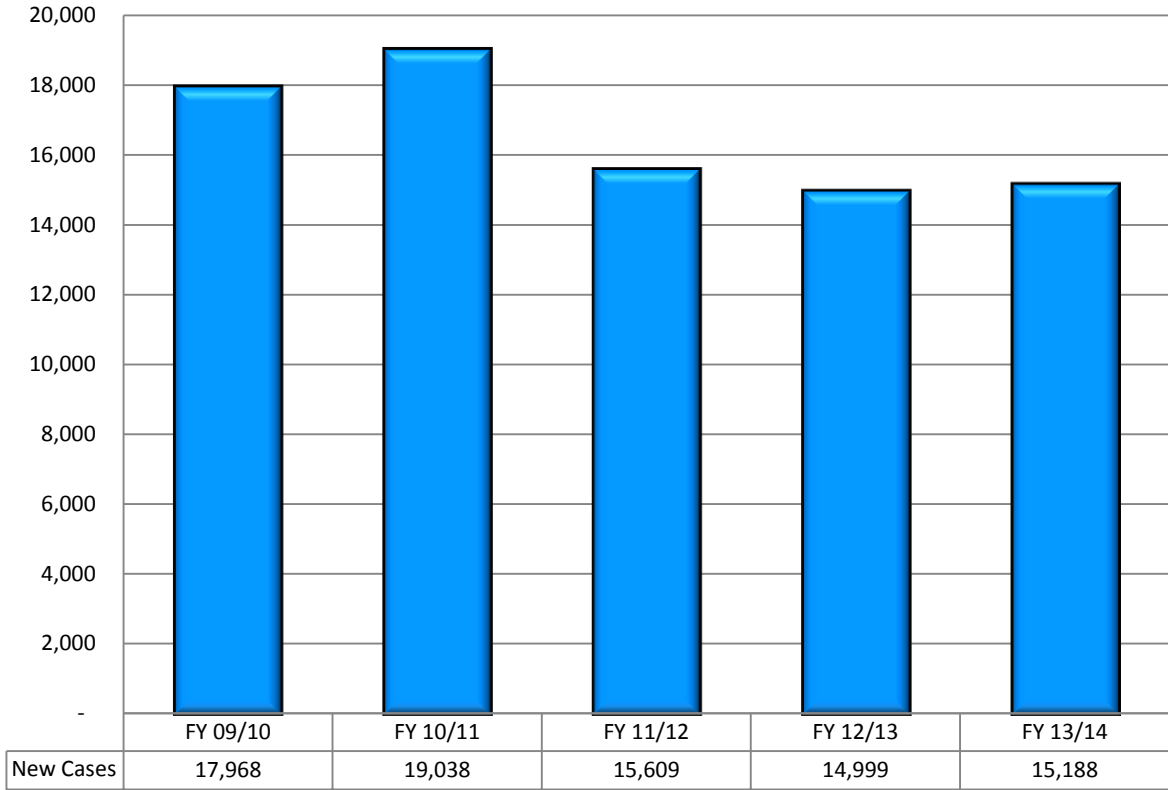


FIGURE 15 - CIVIL CASES - 2009/10 TO 2013/14



APPENDIX 3: NOTES TO FIGURES

Figure 1 – Total Judge Complement (2009/10 – 2013/14)

Provincial Court Judge Complements are as of March 31 of each fiscal year.

JFTE = Judicial Full-Time Equivalent positions. This includes all full-time Judge positions (1 JFTE) + all Senior Judge positions (0.45 JFTE) province-wide. This total does not include Judges on long-term disability. Information regarding the current complement can be found on the [Court Reports](#) page of the Court's [website](#).

Figure 5 – New Cases by Division (2009/10 to 2013/14)

Data Source: CORIN Database

Provincial Court Criminal New Case: One accused person with one or more charges on an information or initiating document that has resulted in a first appearance in Provincial Court. These charges can be *Criminal Code*, *Youth Criminal Justice Act*, other federal statutes or provincial statutes. This does not include traffic or municipal bylaw charges.

Provincial Court Small Claims New Case: The number of Notices of Claim filed in the Court registry.

Provincial Court Child Protection and Family New Cases: A Provincial Court registry filing under the *Family Relations Act (FRA)*, *Family Maintenance Enforcement Act (FMEA)*, *Family and Child Services Act (FCSA)*, or *Child, Family and Community Services Act (CFCSA)*. Prior to August 1994, new cases included an initial filing and any subsequent applications requiring an appearance. Since August 1994, new cases only include initial filings and subsequent applications are counted separately.

A management information system latency factor for approximately three months after the data is extracted from the case management systems can produce inconsistent totals. In order to maintain consistency, the Court Services Branch Strategic Information and Business Application group creates periodic frozen datasets on a three-month delay. This data is used for all data requests for the period covered by the frozen dataset (e.g. calendar year 2012).

Figure 7 – Adult Criminal Caseloads Pending over 180 Days

Data Source: CORIN Database

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

Pending caseloads are subject to change. Cases without a next scheduled appearance are not counted as pending. As unscheduled cases are scheduled, pending caseloads are recalculated. Pending caseload data for earlier years included in this report may not match that reported in previous annual reports due to this recalculation process.

The current report is as of the end of the last calendar year, and represents a snapshot of the pending case inventory for all cases over 180 days. The chart breaks these cases into four different timelines: 6 -10 months, 10-12 months, 12-18 months and over 18 months. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

A management information system latency factor for approximately three months after the data is extracted from the case management systems can produce inconsistent totals. In order to maintain consistency, the Court Services Branch Strategic Information and Business Application group creates periodic frozen datasets on a three-month delay. This data is used for all data requests for the period covered by the frozen dataset (e.g. calendar year 2012).

Figure 9 – New Cases and Cases per Provincial Court Judge (2009/10 to 2013/14)

Number of New Cases – Data Source: CORIN Database

Provincial Court Criminal New Case: One accused person with one or more charges on an information or initiating document that has resulted in a first appearance in Provincial Court. These charges can be *Criminal Code*, *Youth Criminal Justice Act*, other federal statutes or provincial statutes. This does not include traffic or municipal bylaw charges.

Provincial Court Small Claims New Case: The number of Notices of Claim filed in the Court registry.

Provincial Court Child Protection and Family New Cases: A Provincial Court registry filing under the *Family Relations Act (FRA)*, *Family Maintenance Enforcement Act (FMEA)*, *Family and Child Services Act (FCSA)*, or *Child, Family and Community Services Act (CFCSA)*. Prior to August 1994, new cases included an initial filing and any subsequent applications requiring an appearance. Since August 1994, new cases include only initial filings and subsequent applications are counted separately.

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three-month delay. This data is used for all data requests for the period covered by the frozen dataset (e.g. calendar year 2012).

Provincial Court Judge Complement

Provincial Court Judge Complements are as of March 31 of each fiscal year.

JFTE = Judicial Full-Time Equivalent positions. This includes all full-time Judge positions (1 JFTE) + all Senior Judge positions (0.45 JFTE) province-wide. This total does not include Judges on long-term disability. Information regarding the current complement can be found on the [Court Reports](#) page of the Court's [website](#).

Figure 10 – Province-Wide Time to Trial by Division

Data Source: Judicial (Quarterly) Next Available Date Surveys

All locations in the province were weighted based on calendar year 2013 new caseloads as a percentage of the provincial total. The current reported delays are as of March 31, 2014.

These charts represent weighted province-wide delays for each area of the Court's jurisdiction. They set out the average provincial wait time in months, from the time a request is made to the "first available date" for various types of proceedings. First available dates do not include those that have opened up due to cancellations, since this 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.

The result for each Court location is weighted by the percentage of the province's new cases for that division. These weighted results are then summed to yield a single number for the whole province to more accurately capture the typical delay for proceedings of the listed type. Results are rounded to the nearest month.

For adult criminal trials, this wait time represents the number of months between an Arraignment Hearing/Fix Date and the first available court date that a typical half-day or two-day (or longer) adult criminal trial can be scheduled into.

For family hearings, this wait time represents the number of months between the initiating document and first appearance *plus* the number of months between the first appearance and the first available court date for a case conference *plus* the number of months between the case conference and the first available court date that a typical half-day or two-day (or longer) Family Hearing can be scheduled into.

For child protection hearings, this wait time represents the number of months between the initiating document and first appearance *plus* the number of months between the first appearance and the first available court date for a case conference *plus* the number of months between the case conference and the first available court date that a typical half-day or two-day (or longer) child protection case can be scheduled into.

For civil trials, this wait time represents the number of months between the final document filing and the first available court date that a typical settlement conference can be scheduled into *plus* the number of months

between a settlement conference and the first available court date that a typical half-day or two-day (or longer) trial can be scheduled into.

The chart also includes the Office of the Chief Judge (OCJ) standard for wait times. In order to meet the OCJ standard, 90 per cent of cases must meet the listed time to trial. The OCJ standards are listed on the following page.

OCJ Standard for Adult Criminal Trials

Six months to criminal half-day trial availability

Eight months to criminal two-day (or longer) trial availability

OCJ Standard for Family Hearings

One month to first appearance

One month from first appearance to case conference

Four months from case conference to half- or two-day trial

OCJ Standard for Child Protection Hearings

One month to first appearance

One month from first appearance to case conference

Three months from case conference to half-day trial

Four months from case conference to two-day trial

OCJ Standard for Civil Trials

Two months to settlement conference availability

Four months from settlement conference to half-day trial

Six months from settlement conference to two-day trial

Figure 11 – Self-Represented Appearances

Data Source: CORIN Database (SIBA Tables)

Data are preliminary and subject to change.

This analysis counts only held appearances, excluding cases that have been adjourned or cancelled prior to the appearance or do not have any appearance duration recorded.

Small Claims include both court class "C" (Small Claims) and "M" (Motor Vehicle Accidents).

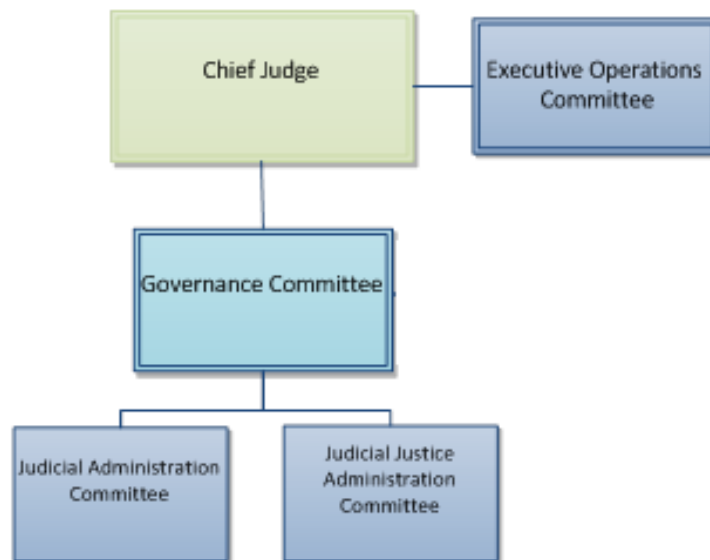
A Self-represented appearance is one in which at least one of the parties was not represented by counsel.

APPENDIX 4: GOVERNANCE OF THE PROVINCIAL COURT

The administrative headquarters for the Provincial Court is the Office of the Chief Judge (OCJ). The OCJ is responsible for the judicial administration of the Court. The primary function of the OCJ is to support the Chief Judge in the assignment of Judges and cases, as well as to support Judges in the exercise of their judicial function. It is also responsible for engaging with government agencies, media, individuals and organizations that wish to communicate with the Court.

The administrative work of the Provincial Court is conducted by the Governance Committee, the Judicial Administration Committee, the Judicial Justice Administration Committee and the Executive Operations Committee.

FIGURE 16 - GOVERNANCE STRUCTURE OF THE PROVINCIAL COURT



The Governance Committee provides strategic direction and decision-making for the Court on administrative and management matters, as well as issues concerning the administrative independence of the Court. It is chaired by Chief Judge Thomas Crabtree and includes:

- Associate Chief Judges N. Phillips and G. Gill
- The Executive Director of Organizational Services, Mr. C. Wilkinson
- The five Regional Administrative Judges designated by the Chief Judge, Judges M. Brecknell (Northern Region); R. Smith (Interior Region); A. Brooks (Vancouver Island Region); P. Gulbransen (Fraser Region); and R. Low (Vancouver Region).

The Judicial Administration Committee provides advice to the Chief Judge on emerging issues in judicial regions, policy proposals and administrative matters. The committee has the same members as the Governance Committee, but it is chaired by Associate Chief Judge G. Gill.

The Judicial Justice Administration Committee provides advice to the Chief Judge on administrative issues involving the Judicial Justice Division. The committee is chaired by the Executive Director of Organizational Services, Mr. C. Wilkinson. It includes Associate Chief Judge G. Gill; Administrative Judicial Justices P. Schwartz and G. Hayes; the Justice Centre Manager, Ms. L. Hicks; and the Justice of the Peace Administrator, Mr. K. Purdy.

The Executive Operations Committee consists of the Chief Judge, Associate Chief Judges and Executive Director of Organizational Services. It meets informally to support the day-to-day administration of the Court.

APPENDIX 5: COMPLAINTS

Complaints against Judges

Complaint: *A Judge had fallen significantly behind in releasing reserved judgments in a timely manner.*

Review: The Judge had experienced a number of personal difficulties during the relevant period. Remedial steps were taken with the Judge to assist in completing the backlog of decisions and to assist in avoiding such timeliness issues in the future.

Complaint: *A Judge attended meetings with police as the Judge's spouse pursued a complaint against an individual. The police officer felt in an awkward position in light of the Judge's interactions.*

Review: The Judge recognizes the interactions placed the officer in an awkward position and led to misperceptions unintended by the Judge. As part of the remedial action taken by the Office of the Chief Judge, a meeting was arranged between the Judge and the police officer so that the Judge could personally apologize for being present at meetings that created an awkward situation. The officer accepted the apology. The Judge also undertook further ethical education and the matter was resolved on that basis.

Complaint: *The complainant in a small claims matter was seeking to set aside a default judgment that resulted when the complainant did not attend the trial date. Mental health issues had prevented attendance at the trial. The complainant asserted that the Judge treated the mental health issue in a dismissive and stigmatizing manner. A separate complaint regarding the same matter was received from the complainant's psychologist.*

Review: The audio recording of the proceedings was reviewed. The presiding Judge questioned the complainant's assertion that there was "no possible way" the complainant could have attended the trial in light of her mental health issue. The Judge indicated that the complainant could have contacted the Court Registry to notify it of her inability to attend. There was no psychological evidence tendered to support the assertion of a mental health issue. The Judge concluded that if treatment and psychological reasons were being put forward to explain an inability to seek an adjournment of the trial date, further evidence in support would have been necessary. Review of the audio recording did not indicate any judicial misconduct in the manner in which the Judge dealt with the complainant. Both complainants were so advised in a closing letter.

Complaint: *The complainants were co-parties in a small claims matter. They suggested that the Judge had presided over the matter with "hostility, aggressiveness, [and] sarcasm." Further, they asserted that the Judge "made them look like incompetent fools in a Canadian court."*

Review: The audio recording of the proceedings was reviewed and a response was received from the Judge. The Judge expressed frustration at court time lost during the hearing day as a result of concerns that the complainants had not provided the other party with documents in advance. Once proceedings began, it became

apparent that the complainants were not presenting their case in a manner that the Judge found helpful. While the Judge sought to give direction to the complainants, those instructions were not being followed. The Judge became exasperated as the day progressed, noting on the record certain efforts to assist the complainants. From this point in the proceedings, the Judge at times spoke in a raised voice and seemed to hit the bench for emphasis on more than one occasion. The Judge, in response to the complaint, expressed regret that the complainants' perception of their experience was so negative and that the Judge was open to any comments the Office of the Chief Judge might have on how similar circumstances could be managed in the future. This experience was instructive for the Judge to avoid any future repetition, and the complainant was so advised in a closing letter.

Complaint: *A party in a contested family matter complained that the Judge refused to control abusive questioning from the other party. The complainant stated that the Judge also showed obvious dislike for the lawyer of the complainant, cutting counsel off when he was trying to say things and making several sarcastic comments to him. The Judge was also said to be disrespectful towards the Court clerks.*

Review: The Judge responded to the complaint indicating there were certainly times during the course of the 16-day hearing that counsel were interrupted so as to focus questions or submissions. The Judge was not aware of having spoken in a sarcastic or disrespectful manner but if she did she apologized without reservation. The complainants were asked to identify specific instances of disrespect and sarcasm that occurred during the course of the hearing. The complainants did not respond to that request and the file was closed on that basis.

Complaint: *A self-represented litigant in a family matter felt humiliated and belittled by a Judge during the course of questions by the Judge.*

Review: The audio recording of the proceeding was reviewed and it did not support the complainant's characterization. The Judge asked questions which were open to him to ask. A presiding Judge has discretion to direct that a witness confine his or her evidence to a matter that Judge considers relevant to an issue the Judge needs to decide. The Judge was not rude or discourteous in his comments to the litigant in exercising control over the proceedings.

Complaint: *A litigant at a small claims settlement conference indicated that he felt intimidated and unduly rushed by the presiding Judge.*

Review: Judges take an evaluative approach in seeking to mediate small claims cases during a settlement conference. In contrast, Judges at trials adjudicate, not mediate. Much of the complainant's concerns related to a misunderstanding of the Judge's role at a settlement conference. The Judge responded to the complaint by explaining that he regrets that the party left the settlement conference feeling intimidated or bullied and it was not his intention to cause such a feeling. The Judge indicated that nothing in the party's manner suggested that he felt bullied into a settlement. The Judge assured the party that if it had appeared otherwise he would not have allowed the party to withdraw the claim. There was not a basis for a finding of judicial misconduct.

Complaint: *The complainant and her spouse were attending a settlement conference by telephone. The complainant stated that the presiding Judge acted inappropriately by expressing a view as to the merits of the respective claims of the parties and asserting that the complainant's spouse should make a payment to the other party to settle the claim. The interaction between the Judge and the complainant became heated, with the Judge indicating that the complainant could be found in contempt and the complainant indicating that she was not prepared to continue participating in the telephone conference.*

Review: Much of the complaint related to a misunderstanding of the Judge's role in settlement conferences, which is very different from that at a trial. The complainant was informed that, at a settlement conference, the Judge will engage in a summary evaluative process in an effort to determine whether a settlement between the parties is possible without the necessity of a full trial. If a settlement is not possible, a new Judge would be assigned to preside over any trial. The Judge in this instance had a considered view of the merits of the respective claims and pressed what the Judge considered was a fair resolution of the matter. The participation of the complainant by telephone created certain limitations to communication, since neither the Judge nor the complainant could take visual cues, such as body language, to accompany what was being said. From the Judge's perspective, the complainant acted in a very angry, forceful and disrespectful manner, ultimately hanging up on the Judge and the other parties to the telephone conference call. The settlement conference proved to be an unpleasant experience for both the complainant and the Judge and, while the Judge likely wished the matter had proceeded more smoothly, it is not apparent that the Judge's conduct in the circumstances raised an issue of judicial misconduct. A reporting letter was sent to the complainant from the Office of the Chief Judge and the matter was closed on that basis.

Complaint: *The complainant indicated that the Judge presiding at a small claims settlement conference used to be the complainant's neighbour with whom the complainant had a long-standing disagreement about a dog that the Judge had owned. The complainant suggested the Judge had given him a "very odd look" at the settlement conference and the complainant was dismayed to see this Judge as the presiding Judge. The complainant indicated that this Judge should not have presided in the matter.*

Review: The Judge responded to the complaint indicating that he did not recognize the complainant as his prior neighbour from a decade before and that there was no suggestion from the complainant that he was concerned about the Judge presiding at the settlement conference. The Judge indicated that, had the complainant indicated the earlier relationship and mentioned any concern, the Judge would have been content to withdraw from the case. A copy of the Judge's response in this regard was provided to the complainant, who was informed that the circumstances did not raise any issue of judicial misconduct. The file was closed on that basis.

Complaint: *The claimant at a settlement conference in a small claims case complained that the Judge was "very rude" and had told the claimant to "shut up" during the settlement conference.*

Review: The Judge denied ever having told a litigant to "shut up." While the Judge was firm in explaining to the claimant that if she were to proceed with her claim she would need to provide a necessary expert report, the Judge indicated that this was not communicated in a rude manner. The Judge had declined to dismiss the claimant's claim, as advocated by opposing counsel. Upon review, no judicial misconduct was found.

Complaints against Judicial Justices

Complaint: *A disputant in a violation ticket proceeding complained that a Judicial Justice acted in a rude, sarcastic and mocking manner while the complainant was cross-examining the police officer during the trial. The complainant challenged the Judicial Justice on this basis and the Judicial Justice disqualified himself from the case. Another Judicial Justice was later assigned to preside over a new trial.*

Review: Review of the audio recording of proceedings revealed that during the complainant's cross-examination of the police officer, the Judicial Justice needed to interrupt the complainant from time to time to direct that the complainant question the officer rather than provide the complainant's own comments. The Judicial Justice also assisted the complainant's understanding of the evidence during other parts of the proceedings. These were appropriate actions by the Judicial Justice in exercising control over proceedings. At one point it became apparent that the Judicial Justice was frustrated with the number of times he needed to guide the complainant. The Judicial Justice admits that his comments to the complainant at that time appeared glib, or inappropriately casual for the proceedings. While judicial officers are responsible for maintaining control over proceedings, control must be exercised in a manner that shows the judicial officer's continued serenity and abiding respect for the parties appearing before them. The Judicial Justice in this instance briefly fell below the acceptable standard. The complainant was advised that the standard of conduct was brought to the judicial officer's attention, and the Judicial Justice agreed that the conduct would not recur.

Complaint: *A disputant in a violation ticket matter complained that the presiding Judicial Justice yelled at him during the proceeding, telling the disputant to "sit down." The complainant indicated that the Judicial Justice's manner intimidated and scared him.*

Review: Review of the audio recording of proceedings revealed there was a moment after the Judicial Justice had taken the plea that the Judicial Justice asked the complainant to have "a seat." The comment was made in a conversational manner without any suggestion of tone or raised voice. The complainant indicated this was the first time he had attended Court and it may be that he felt nervous, thus heightening his reaction to comments made by the Judicial Justice during the proceedings. Review of the audio recording, however, did not support an assertion of any judicial misconduct. A report was sent to the complainant and Judicial Justice and the file was closed.

Complaint: *A disputant in a violation ticket matter complained that the Judicial Justice treated her with disrespect and disregarded her evidence, causing the disputant to feel humiliated and disrespected.*

Review: Review of the audio recording of proceedings revealed that the disputant had been provided an opportunity to submit evidence and cross-examine the police officer/prosecutor. During the course of the disputant's evidence, the Judicial Justice interrupted the disputant to say that the disputant's evidence constituted an admission of the offence. Judicial officers should await the completion of all evidence before stating a conclusion on the evidence. The Judicial Justice had indicated on the record that she would continue listening to the evidence but thought the disputant should be aware of the admissions she had made. It was not

apparent that by doing so the Judicial Justice acted in a manner that could be considered disrespectful. A report that there was no judicial misconduct was sent to the disputant, and the file was closed.

Complaint: *A Judicial Justice presiding at a violation ticket proceeding refused to hear the disputant's case because of the casual manner in which the disputant was dressed. The disputant asserted in a complaint that he was dressed respectfully in a short-sleeved shirt, shorts and sandals.*

Review: The audio recording was reviewed and a response received from the Judicial Justice. It is apparent that the Judicial Justice took significant offence to the manner in which the disputant was dressed. The Judicial Justice indicated that the disputant's attire was significantly more casual than the disputant stated in his complaint. Judicial officers have a responsibility to control proceedings and judicial officers can seek to preserve the dignity and decorum of a courtroom by controlling the manner in which parties or their counsel present to the Court. While it is not common for judicial officers to comment on how a party physically presents, it is open to them to do so. However, they must be very careful to exercise that discretion in a manner that reasonable people would consider fair and even-handed. The Judicial Justice acted within the range of appropriate conduct for a judicial officer in similar circumstances. Some judicial officers may have responded by providing the disputant with an appropriate rebuke and guidance for the future but may not have refused to hear the case on that date. However, the Chief Judge has no authority to revisit such judicial decisions made in the course of a proceeding. On that basis, the complaint file was closed.

Complaint: *A disputant in a violation ticket matter complained that the presiding Judicial Justice raised his voice with the complainant, told him not to speak anymore and to sit down and be quiet. The Judicial Justice then proceeded to verbally attack the disputant and his family.*

Review: The audio recording of proceedings was reviewed, together with a response from the Judicial Justice. The disputant pleaded guilty to having tinted windows. The Judicial Justice made comments expressing concern that the disputant had not cleared the windows prior to appearing in Court, many months after the violation ticket was issued. The Judicial Justice provided the disputant with an opportunity to explain his position and, after the disputant's comments were completed, the Judicial Justice began to express his reasons for sentence. During this portion of the proceedings, the disputant continued to seek to raise arguments. The Judicial Justice indicated that the time for argument was over and that he was providing his reasons for sentence. The Judicial Justice asked the disputant in a direct and respectful manner to be seated. The manner in which the Judicial Justice presented his reasons for sentence was clearly forceful, with the apparent intent of emphasizing to the complainant the importance of complying with the law. While judicial officers may vary the force with which they express their reasons, the manner in expressing reasons does not normally raise a conduct issue. A letter expressing that conclusion was sent to the complainant.

Complaint: *A debtor at a payment hearing before a Judicial Justice complained that the Judicial Justice's comments caused the debtor and her mother embarrassment and that they were humiliated and frustrated by the way in which the Judicial Justice treated them during the payment hearing.*

Review: The audio recording of the payment hearing was reviewed, together with the response of the Judicial Justice. During the course of the proceedings, the Judicial Justice began to lose patience and exhibited a level of frustration in reviewing financial information that the complainant was presenting. At times, the Judicial Justice raised her voice or used a tone that exhibited frustration. While the manner in which the debtor presented her evidence gave some cause for frustration, it is nevertheless the responsibility of judicial officers to maintain serenity, calm and courtesy in the face of frustrating circumstances. There were moments when the Judicial Justice fell below the appropriate level of serenity and calm, and the Judicial Justice agreed to address this in dealing with frustrating circumstances. Accordingly, the complainant was informed of the result and the complaint was resolved.

Complaint: *A disputant in a traffic violation matter complained that the presiding Judicial Justice gave only pro forma introduction to the rules of evidence and court process for self-represented litigants. The complainant found it difficult to represent himself in the Court and was left with the impression that the Judicial Justice found his efforts to represent himself to be an annoyance.*

Review: The audio recording of the proceeding was reviewed, as well as a response from the Judicial Justice. The audio recording supports the Judicial Justice's explanation that the complainant presented as a competent communicator, although unfamiliar with the Court process. The Judicial Justice had wrongly assumed that the self-represented complainant was comfortable and did not need further explanation of the process. The complaint is a helpful reminder that the process may be challenging for those inexperienced in Court and that litigants may feel out of their depth. The Judicial Justice expressed extreme regret that the disputant felt he had been treated badly and she will reflect upon this matter when presiding over future cases. The complainant was so informed and the complaint was resolved on that basis.

Complaint: *A complaint was received that a Judicial Justice had gone too far in editing the transcript of oral reasons for judgment. The edited reasons were qualitatively different from the judgment that was articulated at the hearing of the violation ticket.*

Review: A review of the unedited transcript in comparison to the edited reasons showed that substantial additions were made to three paragraphs in the reasons. The additional sentences could reasonably be suggested as being intended to enhance or support the conclusions reached by the judicial officer. Such changes go beyond what is generally considered acceptable editing of transcribed reasons for judgment or reasons for sentence, which should be limited to minor grammatical corrections. The complainant was informed of this conclusion and that there would be an education session for Judicial Justices with respect to editing practices.

Complaints against Judicial Case Managers

Complaint: *A party attending at the Judicial Case Manager's office to set a hearing date complained that the Judicial Case Manager was rude and disrespectful but did not provide details to explain the complaint.*

Review: The comments of the Judicial Case Manager were obtained, indicating that the complainant was impatient and angry. The Judicial Case Manager had assumed that the complainant's conduct related to having just appeared in Court, where she was directed to the Judicial Case Manager to set a new date. The complainant

eventually stated to the Judicial Case Manager that she thought the Judicial Case Manager was rude and that she would be filing a complaint. The Judicial Case Manager indicated that she was not going to further engage with the complainant in light of the complainant's demeanour. The complainant then directed a derogatory term against the Judicial Case Manager as she left the office. In light of the explanation provided by the Judicial Case Manager, and in the absence of details from the complainant as to how the Judicial Case Manager was rude and disrespectful, the complaint was resolved by forwarding to the complainant the Judicial Case Manager's explanation.