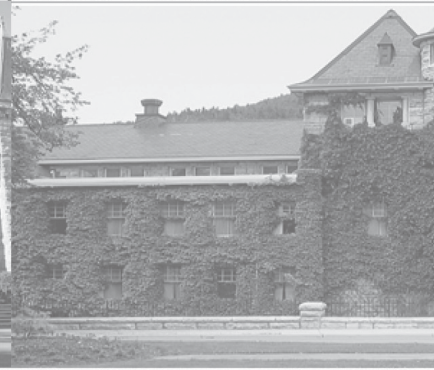




Provincial Court of British Columbia



ANNUAL REPORT
2017/2018



CONTACT THE OFFICE OF THE CHIEF JUDGE

If you have general questions about the Provincial Court of British Columbia or about judicial administration, please contact:

Office of the Chief Judge
Suite 337 - 800 Hornby Street
Vancouver, British Columbia, Canada
V6Z 2C5
Phone: (604) 660-2864
Fax: (604) 660-1108

Responses from the Office of the Chief Judge are for information only and cannot be used as authority in court proceedings or for other purposes.

For information about a case, contact the [Court Registry](#) at the relevant location. The Office of the Chief Judge cannot provide legal advice. If you require legal advice in British Columbia, you can contact the Lawyer Referral Service, a service established by the [British Columbia Branch of the Canadian Bar Association](#). You may also wish to contact the [Legal Services Society](#), [University of British Columbia Law Students' Legal Advice Program](#) in the lower mainland, the [Thompson Rivers University Community Legal Clinic](#) in Kamloops, or [The Law Centre](#) - a service of the University of Victoria Faculty of Law.

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

The Office of the Chief Judge also administers all complaints regarding the conduct of Judicial Officers of the Provincial Court. To file a complaint, please use the [Complaint Process](#).

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MESSAGE FROM THE CHIEF JUDGE

I am pleased to offer this report on the activities and accomplishments of the Provincial Court of British Columbia during the fiscal year 2017/18. The Court, its judicial officers, and staff work hard to deliver a fair, accessible, efficient, and innovative forum of justice for British Columbians and sharing information about our efforts is part of our commitment to transparency.



This report covers the last year of the Honourable Thomas Crabtree's extraordinary tenure as Chief Judge of the Provincial Court of British Columbia. Just five weeks after the 2017/18 fiscal year ended, Chief Judge Crabtree accepted an appointment to the B.C. Supreme Court.

A fearless innovator with a strong commitment to justice for Indigenous Peoples, Chief Judge Crabtree worked tirelessly during his eight-year term in the collaborative process necessary to open six new Indigenous and First Nations Courts in communities around the province. He was dedicated to excellence in judicial education, administrative efficiency, effective use of technology, and public access to the Court. Under his leadership the Court became a justice system leader in the collection and analysis of business intelligence and the use of social media. He even made history in 2016 as the first Canadian Chief Judge to answer tweeted questions from the public in a Twitter Town Hall and repeated that event in 2017.

Chief Judge Crabtree's wide-ranging contributions to the administration of justice were recognized when he was awarded the 2018 [President's Medal](#) by the Canadian Bar Association B.C. Branch, and they are described in more detail [here](#). In addition to all he accomplished, those who worked with him found his

serenity, warmth, fairness and dedication inspiring. We wish him the very best in his new role.

During 2017/18 the Honourable Susan Wishart and I served as Associate Chief Judges, combining administrative responsibilities with sitting assignments around B.C. There was little change in the Court's judicial complement (the number of judges). While 11 Judges were appointed and 2 Senior Judges were reappointed for one year terms, 10 retired, 5 chose to sit part-time in the Senior Judges' Program, 1 was appointed to the B.C. Supreme Court and 1 passed away.

The Court was deeply saddened by the deaths of Judicial Case Manager Candace Goodrich on June 27, 2017 and Judge Randall Callan on November 26, 2017. Candace Goodrich spent her entire career working for the Provincial

Court system, first with the Court Services Branch and then as a Justice of the Peace and Judicial Case Manager. She was known for her professionalism, efficiency, courtesy and ever-present smile.

Before his appointment to the Court in 2012, Judge Callan served with honour and distinction as a member of the Canadian Forces, attaining the rank of Lieutenant-Colonel. Because of his military experience he was sensitive to the needs of people suffering from post-traumatic stress disorder (PTSD) and educated his colleagues and others about the disorder. Large in both stature and personality, Judge Callan served the people of British Columbia and the Provincial Court with dedication, wisdom and compassion. His colleagues miss his welcoming nature and infectious laugh.

On June 1, 2017 legislative amendments increased the Court's civil jurisdiction to \$35,000 and required that most claims for less than \$5001 be taken to the online Civil Resolution Tribunal. A decrease this year in the number of new small claims files appears to be related to the change in jurisdiction.

As part of its ongoing efforts to improve access to justice, the Court adopted Support Person Guidelines in 2017 to make it clear that self-represented litigants in civil and family court trials are generally welcome to bring a support person to court to provide them with quiet help. We also hosted a Media Workshop for journalists in the Okanagan Region and launched a new Media Guide, providing an overview of the Court, its role in the justice system, and its work.

The Court continued to host visiting groups interested in various aspects of our work. In 2017/18 our visitors included a delegation of Maori judges and lawyers, and representatives of Drug Courts from other jurisdictions.

Other highlights of the year included the Court's two education seminars. The first, on sexual assault trials, included an insightful presentation from Sheldon Kennedy. The second was held jointly with the B.C. Supreme Court and Court of Appeal and included sessions on gang-related crime. In addition, the Court coordinated and co-hosted the "Justice and Jails" education program with the National Judicial Institute. Another exciting initiative was the Criminal Law Committee's development of a Criminal Law Boot Camp for newly appointed judges.

Judicial independence and the rule of law depend on the public having trust in their courts and Judges. Judicial accountability is essential to that trust. Judges are accountable through disciplinary processes under the Provincial Court Act as well as through appeals of their decisions to higher courts. To maintain public confidence in the judiciary this report includes the results of investigations of complaints about Judges and Judicial Justices made in 2017. The concerns expressed by litigants offer valuable educational opportunities for judges. Complaints may also reveal areas in which the entire Court would benefit from judicial education.

As we travelled to courthouses around B.C., Associate Chief Judge Wishart and I were able to see first-hand the work of Judges and Judicial Justices who volunteer their own time to contribute to judicial education, serve on committees, and volunteer in their communities. We also met the dedicated Judicial Case Managers and judiciary staff who serve the Court and the public so well in more than 80 court locations and at the Office of the Chief Judge. Their hard work and commitment are impressive and very much appreciated.

Melissa Gillespie

EXECUTIVE SUMMARY

The mission of the Provincial Court of British Columbia as an independent judiciary 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.

One of two trial courts in British Columbia, the Provincial Court is a statutory court dealing with criminal, family, child protection, civil, youth, traffic, and bylaw matters under federal and provincial laws.

This Annual Report describes the Court's work and innovative initiatives in 2017/18. It includes detailed information about caseload and performance metrics, judicial officers' demographics, and complaints about judicial officers.

THE COURT'S JUDICIAL OFFICERS

On March 31, 2018:

- There were 114 full-time Judges, 27 Senior Judges and 1 Judge sitting part-time (equating to 126.75 judicial full-time equivalents).
- 46% of full-time Judges were female while 54% were male (a higher percentage of Senior Judges were male).
- Most Judges were aged between 50 and 64, with an average and median age of 60.

While active male Judges continued to outnumber active female Judges, of the 50 judges appointed in the last 5 years 27 were women and more women than men were appointed in 2017/18.



New Westminster

The Court also had:

- 32 full-time and part-time Judicial Justices (15 female and 17 male), hearing traffic and ticketable offence trials under provincial laws, bail and search warrant applications;
- 6 part-time Justice of the Peace Adjudicators hearing simplified civil trials in Vancouver and Richmond; and
- 51 Judicial Case Managers scheduling trials and presiding in Initial Appearance and Assignment Courts, on a full-time, part-time, or auxiliary basis.

THE COURT'S CASELOAD

More than 200,000 cases were initiated in the Provincial Court of British Columbia in 2017/18:

- 85,990 new traffic and bylaw cases, generally heard by Judicial Justices, up 14% from last year; and
- 114,584 new adult and youth criminal, family, child protection and small claims cases heard by Judges, down by 6% from the previous year.

Adult criminal and child protection caseloads declined between 2016/17 and 2017/18 but are still higher than they were five years ago. Caseload volumes have declined in the other three areas of the Court's responsibility over the past five years.

In 2017/18 adult criminal matters accounted for 55% of the cases heard by Provincial Court Judges, Family Law Act cases for 25%, child protection 9%, small claims 8% and youth criminal 2%.

The Fraser Region continued to have the highest new caseload, followed by Vancouver Island, Interior, Vancouver, Northern and OCJ Regions.

Using telephone and sophisticated video conferencing methods, the Court's Justice Centre in Burnaby heard almost 22,000 bail hearings and processed almost 12,000 applications for search warrants and production orders this year.

OPERATIONAL COURT STANDARDS

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

For adult criminal cases in 2017/18:

- The Court met its standard for pending cases, as it has for the last five years.
- The Court met its completion rate standard within accepted margins.
- On-time case processing of adult criminal cases remained below the Court's standard.

The Court measures "time to trial" from the date a request or order is made for a conference or trial, to the date when cases of that type can typically be scheduled. Average times to trial did not meet the Court's standards. However, in both family and small claims cases, average time to a conference improved over last year. Average time to trial results held steady in both short adult criminal cases and youth criminal cases although it increased for longer adult criminal trials, and for family and small claims trials.



Creston

The number of family and criminal trials that did not proceed due to “lack of court time” (insufficient judicial resources to hear the trial that day) remained relatively steady at 3% and 5% respectively, but the number of small claims trials that did not proceed for that reason hit a five year high of 13%.

RESPONSE TO R. V. JORDAN

In almost all areas of the province the Court is able to offer time for criminal trials well below the 18 month ceiling imposed by the Supreme Court of Canada in [R. v. Jordan](#). Without additional judicial resources any increase in court time for criminal trials necessarily means delays in other areas of the Court’s jurisdiction. Given the importance of timely family and small claims trials, and child protection cases in particular, the Court has not allocated more court time to criminal trials as a response to the *Jordan* decision.

However, the Court has reviewed its case management processes to ensure that court time is used effectively and Judges are enabled to manage longer and more complex cases appropriately, and it continues to closely monitor time to trial and pending case data.

SELF-REPRESENTED LITIGANTS

The number of appearances by litigants without lawyers in 2017/18 was 126,721 – a 6% decrease from last year and the lowest number in five years. Self-representation rates were 18% for criminal matters, 41% for family, and 69% for small claims.

GOVERNANCE AND COURT COMMITTEES

A Governance Committee composed of the Chief Judge, two Associate Chief Judges, and five Regional Administrative Judges provides strategic direction and administrative decision-making for the Court. Sitting as the Judicial Administration Committee, the same group advises the Chief Judge on emerging issues in the judicial regions, policy development, and other administrative matters. A Judicial Justice Administration Committee has a similar role for the Judicial Justice Division.

Many Judges and Judicial Justices volunteer their time to serve on other Court committees. For example, in 2017/18 the Education Committee of the B.C. Provincial Court Judges Association presented two programs: the first on sexual assault trials; the second jointly with the B.C. Supreme Court and Court of Appeal on topics including gang-related crime, sentencing, and mental disabilities. Judicial Justices attended conferences on subjects including bail reform, due diligence and fentanyl.

The contributions of other Court committees included:

- The Criminal Law Committee's development of a Criminal Law Boot Camp for recently appointed judges;
- The Family Law Committee's numerous activities including updating standardized orders and checklists;
- The Civil Law Committee's work to prepare for and monitor the impact of statutory amendments changing the Court's civil jurisdiction on June 1, 2017; and
- The Judges' Technology Working Group's test of a software product to evaluate its usefulness to judges.

INNOVATION

Indigenous Courts

With the opening of the Nicola Valley and Prince George Indigenous Courts in 2017/18, there are now 6 First Nations or Indigenous sentencing courts in B.C. Discussions about the development of new Indigenous Courts are underway with several other communities including Williams Lake, Hazelton, Port Hardy and Port Alberni.

Aboriginal Family Healing Court Conference

2017 was the first year of the three year Aboriginal Family Healing Court Conference (AFHCC) pilot project in New Westminster. Designed to reduce the over-representation of Aboriginal children in foster care, the AFHCC expands a Family Case Conference into a healing circle to allow a more culturally appropriate process.

Specialized Courts

In 2017/2018, Vancouver's Drug Treatment Court:

- approved 38 new intakes (8 women and 30 men);
- accepted 11 people from outside the lower mainland; and
- celebrated graduation of 13 participants who completed all 4 program phases.

On March 31, 2018 there were 51 participants (12 women and 39 men) in the program.

Now in its tenth year of operation, Vancouver's Downtown Community Court (DCC) provides varied on-site programs and classes to help prepare and connect sentenced clients for a return to their communities. It also works with local non-profit agencies that offer low-barrier employment opportunities for clients. In 2017, clients completed over 1,000 hours of Community Work Service, most of which benefited local non-profit agencies.

In 2017/2018, 128 people appeared in Victoria Integrated Court (VIC), up slightly from the previous year. They were supported and supervised in treatment and community service work by integrated teams comprised of police, social workers, health services and community corrections personnel. Efforts were made to have a housing liaison attend court regularly this year.

Domestic Violence Court projects in Duncan and Nanaimo continue to blend an expedited case management process with a treatment or problem-solving court. In Kelowna, Penticton and Kamloops the Provincial Court schedules particular days for domestic violence cases to ensure that they receive early trial dates. In Surrey, the front-end domestic violence remand court established in 2016 continued to operate, with daily lists often exceeding 50 cases.

Video Appearances

The Court continues to use video technology:

- to connect the Justice Centre in Burnaby to remote locations for bail hearings;

- for remand appearances and bail hearings for persons charged with offences and appearing from a remand or custody centre; and
- to maximize the efficient use of judicial resources by allowing Judges and Judicial Case Managers in one courthouse to hear preliminary matters from another.

In 2017/18, the use of video technology saved 34,731 prisoner transports, and the Court continued to expand its use by refreshing or adding equipment at various locations.

UBC Interns Program

The Provincial Court's partnership with the Peter A. Allard School of Law at the University of British Columbia in the Judicial Externship Program continued to benefit both students and Judges. This year, 16 Allard Law students spent a term working with Provincial Court Judges for academic credit. Funding from the Law Foundation of British Columbia enabled each student to accompany a Court party on a "Circuit Court".

Communications

The Provincial Court of B.C. is recognized as a leader among Canadian courts for its active and engaging online communications. The Court's website analytics for 2017 showed more than 940,000 page views by more than 225,000 unique visitors. Page views of [eNews](#), the informal articles posted weekly on the website, increased by 60% over last year, reaching 35,928. In 2017 the Court also held its second live Twitter Town Hall, hosted a workshop for journalists, and published a Media Guide.

Information for Self-Represented Litigants

To help self-represented litigants find information applicable to Provincial Court matters, the Court worked with Courthouse Libraries BC's Clicklaw to produce and distribute three "Where do I start?" pages with concise descriptions of some of the most helpful online resources, along with an explanatory flyer. These resources augment those available on the Court's website.

The Court also distributed a poster explaining its [Guidelines for Using a Support Person in Provincial Court](#), adopted in April 2017 to make it clear that the Court generally welcomes support persons to provide quiet help to self-represented litigants in civil and family court trials.

Access to Justice BC and Justice Summits

Chief Judge Crabtree continued to participate actively in the work of Access to Justice BC, a wide network of justice system stakeholders collectively committed to improving access to justice in family and civil matters. He and other representatives of the Court also attended two Justice Summits dealing with technology and justice in 2017.

FINANCIAL REPORT

The Court completed the 2017/2018 fiscal year within the allocated budget. However, cost pressures were forecast for the next year, and the Court's Finance Department began planning advice and strategies to mitigate them.

COMPLAINTS

From January 1 to December 31, 2017, the Office of the Chief Judge received 352 letters of complaint about a Judge, Judicial Justice or Judicial Case Manager. Of these, 335 matters were found not to be complaints within the authority of the Chief Judge. Most amounted to appeals, and complainants were sent appropriate information about appealing.

Examinations were commenced in the remaining 17 matters. Including complaints carried over from 2016, 16 examinations were completed, 15 resolved at the examination stage, 1 resolved at the investigation stage, and 7 complaints had not been resolved by December 31, 2017.

THE PROVINCIAL COURT OF BRITISH COLUMBIA

The Provincial Court is a statutory court created by the [Provincial Court Act](#). Judges of the Court are appointed by the provincial government and exercise powers given to them by laws enacted by the federal and provincial governments.

The Provincial Court of British Columbia strives to serve the public by providing an accessible, fair, efficient and innovative system of justice. We are committed to providing a forum for justice that:

- is independent, impartial and consistent;
- ensures equal access for all;
- maintains respect for the rule of law;
- enhances confidence in the administration of justice; and
- reflects the core values of independence, fairness, integrity and excellence.

The mission, vision, core values and goals of the Provincial Court of British Columbia guide the judicial officers and administrative staff in all our dealings with the public and those participating in the judicial system.



Main Street, Vancouver



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.
-

JUDICIAL INDEPENDENCE - THE CORNERSTONE

British Columbia's system of government has three branches: judicial, executive, and legislative. The function of the judicial branch is to interpret the law, resolve disputes, and defend the Constitution including the Canadian Charter of Rights and Freedoms. This role requires that the judiciary be distinct from, and operate independently of, all other justice system participants, including the other two branches of government.

Every Canadian has the constitutional right to have his or her legal issues decided by fair and impartial Judges. In Canada, and in British Columbia in particular, our Courts enjoy a high level of public confidence because an independent judiciary has been firmly established.

Judicial independence has many definitions, but ultimately it means that judicial officers of the Court have the freedom to decide each case on its own merits, without interference or influence of any kind from any source. While judicial decisions rarely result in everyone being happy, our justice system is founded on a public confidence that decisions, whether popular or not, are fully heard and fairly made. It is crucial that the judiciary both be independent and appear to be independent so that there is public confidence that judicial decisions are made without bias.

To guarantee the right to an independent and impartial judiciary, the law in Canada has constitutional protections or "essential conditions" that ensure judicial independence. These are security of tenure, financial security and administrative independence.

Security of tenure prevents the arbitrary removal of Judges. Financial security provides an arm's length mechanism, through a special remuneration commission, for determining the salaries and benefits of Judges. Administrative independence enables the Court to manage itself, rather than be managed by others. While these protections pertain to Judges, they are for the benefit of the public. They allow courts to apply the rule of law that Canadians, through the electoral and legislative processes, have decided should govern them.

[Statement on Judicial Independence from the Courts of British Columbia](#) - March 15, 2012

JURISDICTION - THE COURT'S WORK

The Provincial Court is one of two trial courts in British Columbia - the Supreme Court of British Columbia is the other. In addition to conducting trials, Justices of the Supreme Court of B.C. (who are appointed by the federal government) hear appeals of some Provincial Court decisions, but appeals or further appeals of Provincial Court decisions may also be taken to the Court of Appeal of British Columbia and the Supreme Court of Canada.



Vancouver

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

CRIMINAL MATTERS

Over 95% of all criminal cases in the province are heard in Provincial Court. Under the [Criminal Code](#) of Canada, Provincial Court Judges can conduct trials of all criminal matters except adults charged with murder and a few rare offences such as treason and “alarming Her Majesty.”

FAMILY MATTERS

Provincial Court Judges deal with two main areas of family law.

Family Law Act - People seeking court orders for guardianship of children, parenting arrangements, and child and spousal maintenance under the [Family Law Act](#) (FLA) may go to either the Provincial Court or the Supreme Court of British Columbia, since the courts have “concurrent jurisdiction” (shared legal authority) in those matters. However, only a Judge appointed by the federal government can make orders about divorce and division of a family’s property, so the Supreme Court of B.C. has “exclusive jurisdiction” (sole legal authority) in those matters.

Child Protection - All child protection matters under the [Child, Family and Community Service Act](#) (CFCSA) are dealt with in the Provincial Court, although protective intervention orders and restraining orders can also be obtained in the Supreme Court.

YOUTH COURT MATTERS

In Youth Court, Provincial Court Judges deal with young persons aged 12 through 17 who are charged with criminal offences, applying the [Criminal Code](#) and the special procedures for young people established by the Youth Criminal Justice Act. The [Youth Criminal Justice Act](#) designates the Provincial Court as the Youth Court for British Columbia.

SMALL CLAIMS MATTERS

The B.C. Provincial Court’s Small Claims Court generally deals with cases involving from \$5001 to \$35,000. Claims for up to \$5,001 must usually be taken to the online [Civil Resolution Tribunal](#) (CRT). The [Small Claims Act](#) and [Small Claims Rules](#) establish procedures intended to resolve claims in a just, speedy, inexpensive and simple manner, so that people may launch and defend lawsuits without lawyers if they choose.

TRAFFIC & BYLAW MATTERS

The Provincial Court has jurisdiction (legal authority) in all traffic and bylaw offences, as well as all other provincial and municipal offences prosecuted under the [Offence Act](#) and the [Local Government Act](#). Many of these offences are prosecuted by way of a violation ticket or municipal ticket information. Most traffic and bylaw matters are overseen by Judicial Justices (as opposed to Judges) and are typically reported separately from other new cases for this reason.

The Provincial Court’s judicial officers work in more than 80 locations throughout the province to hear approximately 200,000 new cases per year (including traffic and bylaw matters). Figure 1 illustrates the administrative regions and court sitting locations in B.C.

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

Sitting Locations of the Provincial Court - By Region



JUDICIAL OFFICERS

The roles and authority of all judicial officers of the Provincial Court are distinct and well-defined.

CHIEF JUDGE

The head, and official spokesperson, of the Provincial Court is the Chief Judge. The Chief Judge is responsible for the judicial administration of the Provincial Court, with assistance from two Associate Chief Judges, five Regional Administrative Judges, two Administrative Judicial Justices and personnel in the Office of the Chief Judge (OCJ).

Under section 11 of the [Provincial Court Act](#), the Chief Judge has the power and duty to supervise judicial officers, including Judges, Judicial Justices, Justices of the Peace and Judicial Case Managers. This includes the power to:

- designate the case or matter, or class of cases or matters, in which a judicial officer is to act;
- designate the court facility where a judicial officer is to act;
- assign a judicial officer to the duties the Chief Judge considers advisable;
- look into complaints about the conduct of judicial officers; and
- exercise the other powers and perform other duties prescribed by the Lieutenant Governor in Council.

The Chief Judge also supervises the Office of the Chief Judge staff and Judicial Administrative Assistants, administers a budget, and facilitates continuing education for all judicial officers. In addition, the Chief Judge is the Chair of the Judicial Council of British Columbia and the Court's Governance Committee.

Former Chief Judges have helped shape the duties and underscore the prominence of the Chief Judge's position, and all have contributed to the current structure and administration of the Court. The Chief Judge during the 2017/18 fiscal year was the Honourable Thomas J. Crabtree.

ASSOCIATE CHIEF JUDGES

Under section 10(1) of the [Provincial Court Act](#), Associate Chief Judges (ACJs) are designated by the Lieutenant Governor in Council, usually for a term of three years, which may be renewed. Subject to the direction of the Chief Judge, an Associate Chief Judge has the same powers and duties as the Chief Judge. In 2017/18 the Provincial Court's Associate Chief Judges were the Honourable Susan Wishart and the Honourable Melissa Gillespie.

REGIONAL ADMINISTRATIVE JUDGES

Regional Administrative Judges (RAJs) are also designated by the Lieutenant Governor in Council under section 10(1) of the [Provincial Court Act](#), usually for a term of three years which may be renewed. In 2013, the Provincial Court reorganized its 12 districts to form five regions: Vancouver Island, Vancouver, Fraser, Interior and Northern. In addition, the Office of the Chief Judge administers certain small courts in remote locations. On the recommendation of the Chief Judge, the Attorney General designates Regional Administrative Judges to administer each judicial region in the province.

The Regional Administrative Judges in 2017/18 were the Honourable Michael Brecknell (Northern Region); Robert Higinbotham until June 2017 and Carmen Rogers as of July 2017 (Vancouver Island Region); Robert Hamilton (Fraser Region); James Wingham (Vancouver Region); Ellen Burdett (Interior Region).

PROVINCIAL COURT JUDGES

The Lieutenant Governor in Council appoints Provincial Court Judges on the recommendation of the [Judicial Council of B.C.](#), pursuant to section 6(1) of the [Provincial Court Act](#). The Judicial Council's [annual reports](#) provide details of the appointment process, applicants' demographics, and analysis of application trends.

When appointed, each Judge is assigned an office in a particular judicial region, although many Judges are required to travel regularly to other areas in order to meet the demand for Judges in the more than 80 locations where Provincial Court is held.

Most Provincial Court Judges work full-time. However, Judges aged 55 or older, with at least 10 years of

service, may apply to the Senior Judges Program and elect to hold office as a part-time Judge. Judges must retire no later than age 75 or after serving seven years as a Senior Judge.

Judges conduct trials and other proceedings in criminal, youth, family, and civil matters. They also perform judicial mediation in family and civil settlement conferences. Judges also do considerable work outside the courtroom – researching law, judgment writing, public speaking and committee work. See [Appendix 1](#) for a complete list of all Provincial Court Judges as of March 31, 2018.

Judicial Education

The Court has a very active and long-standing commitment to judicial education. Before their appointments, most Judges have worked 15 to 20 years as a lawyer. In addition to expertise in legal subject areas, Judges bring with them a wealth of experience in dealing with people and an understanding of the social issues faced by many people who appear in Provincial Court.

Newly appointed Judges have an orientation period of



Nelson

two to three weeks immediately following their appointment during which they “shadow” colleagues. Informal mentoring from more experienced Judges is made available. During their first year, Judges attend two education programs specifically designed for new Provincial Court Judges from across Canada. Both programs are five days in length with one focusing on criminal law topics and the other focusing on judicial skills such as communication, judgment writing, mediation, dealing with self-represented litigants and judicial ethics.

The Court is also committed to continuing education for all Judges. The Education Committee of the B.C. Provincial Court Judges Association organizes five days of judicial education each year through a spring and fall conference that all Judges attend. The programs are intensive, and education is offered in substantive law, judicial skills, and social context. For a list of conference topics for 2017/18 please see the [Judges’ Education Committee section](#) in this report.

In addition to these five days of judicial education, each Judge is entitled to five days of education leave to attend conferences or programs as the Judge deems appropriate in order to fulfill their particular interests and needs. Costs associated with these five days of education leave are paid from the Judge’s professional development allowance.

Periodically, the Court provides sessions for smaller groups of Judges on topics such as judgment writing and mediation. Other education topics are covered in sessions offered through live online webinars made available to all Judges during a lunch hour. These sessions are organized and developed “in house” and are archived to enable Judges to view them on video at any time. In addition to these formal education programs, Judges spend a considerable amount of time when they are not in court on self-directed learning using various online resources.

JUDICIAL JUSTICES

Appointed under 30.2 of the [Provincial Court Act](#), Judicial Justices may be assigned to a variety of duties by the Chief Judge. These duties are province-wide and include conducting bail hearings and reviewing search warrant applications at the Justice Centre, and presiding in traffic and bylaw courts and small claims payment hearings. Judicial Justices also hear an assortment of preliminary matters, including arraignment hearings in some [specialized courts](#).

Under Section 11 of the [Provincial Court Act](#), the duties of an Administrative Judicial Justice include assisting the Chief Judge and Associative Chief Judge in matters relating to Judicial Justices. In 2017/2018 the Administrative Judicial Justices were Gerry Hayes and Kathryn Arlitt, who were assigned to criminal matters at the Justice Centre and to the traffic division located at Robson Square, respectively. [Appendix 1](#) lists all Judicial Justices as of March 31, 2018.

JUSTICE OF THE PEACE ADJUDICATORS

Justice of the Peace Adjudicators are senior lawyers appointed on a part-time (per diem) basis under the [Provincial Court Act](#). They hear civil cases having a monetary value from \$5,001 to \$10,000 in the Robson Square and Richmond courthouses. As of March 31, 2018, there were six Justice of the Peace Adjudicators of the Provincial Court and they are listed in [Appendix 1](#).

JUDICIAL CASE MANAGERS

Judicial Case Managers (JCMs) are responsible for providing effective, efficient court scheduling and coordination of all matters within a particular judicial region. Judicial Case Managers manage the flow of all Provincial Court appearances and ensure that judicial resources are effectively utilized in a manner that minimizes court downtime and is consistent with the policies and practices of the Court.

Judicial Case Managers must hold a Justice of the Peace Commission and exercise judicial discretion and authority within their assignment. Trial scheduling reforms have expanded their duties to include presiding in Assignment Courts in the province’s seven busiest courthouses, in addition to presiding in Initial Appearance Courts. As of March 31, 2018, there were 32 full-time and 13 part-time JCMs, as well as six auxiliary JCMs. See [Appendix 1](#) for a complete list.

OFFICE OF THE CHIEF JUDGE AND GOVERNANCE

The Office of the Chief Judge (OCJ) is the administrative headquarters for the Provincial Court and is located at the Robson Square courthouse in downtown Vancouver.

Areas of responsibility of the OCJ include:

- judicial and governance administration;
- scheduling administration;
- Justice of the Peace administration;
- judicial resources and business intelligence;
- oversight of the Judicial Justice division;
- Legal Officer advice and research;
- educational conference support and assistance;
- Judicial Council of B.C. support and assistance;
- court policy development and maintenance;
- judgment posting;
- facilities support;
- finance management;
- human resources; and
- information technology.

The OCJ is traditionally the location where Swearing-In Ceremonies are held for new judicial officers. These are private ceremonies for the family, close friends and associates of new appointees. (Public Welcoming Ceremonies are held later in the courthouse to which the new Judge is assigned.)

The OCJ is also the meeting location of the Judicial Council of British Columbia. Information regarding Judicial Council is available on the Court's [website](#).

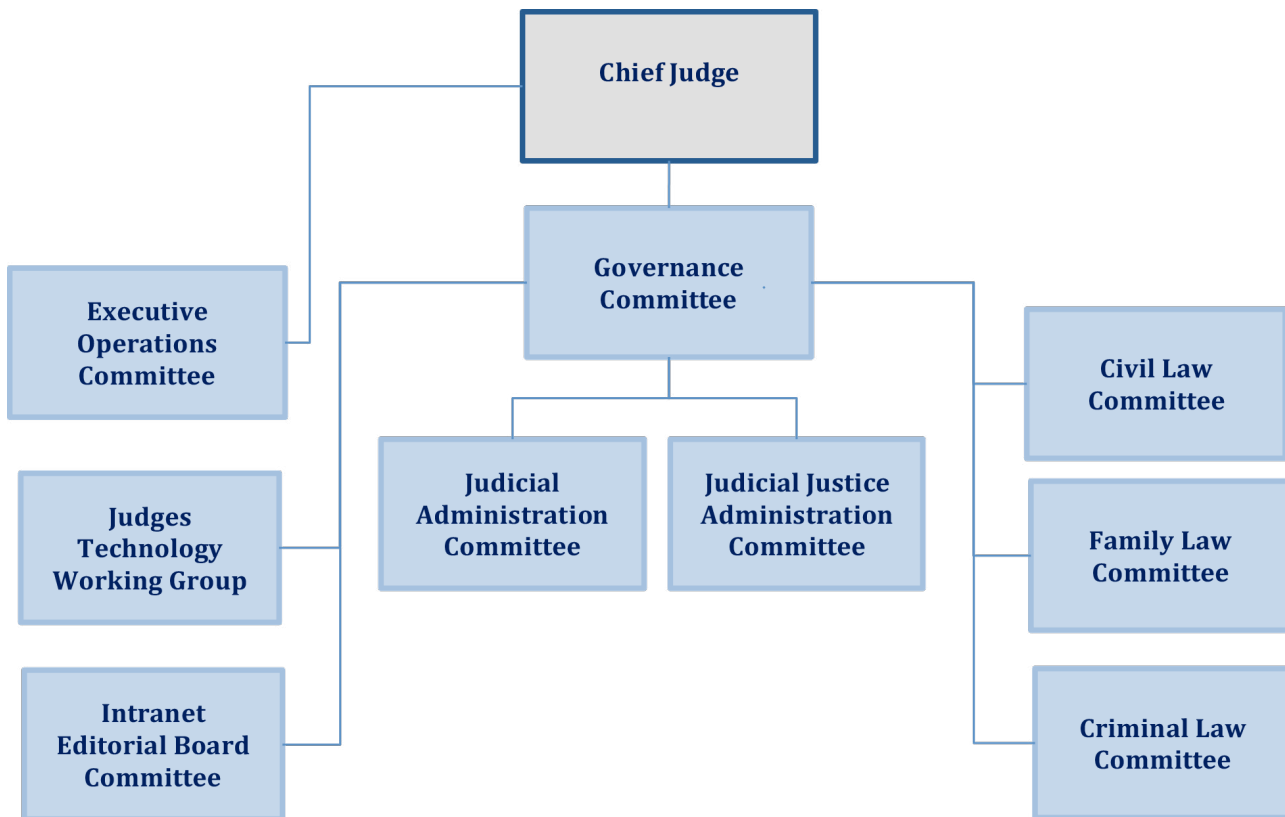
GOVERNANCE

The Chief Judge 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 judicial officers in the exercise of their judicial functions. The OCJ is also responsible for engaging with government agencies, media, organizations and individuals who wish to communicate with the Court.

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

Important court administrative and legal work is also undertaken by Judges and Judicial Justices who sit on working groups and other committees. See the [Court Committees](#) section for more information.

FIGURE 2 - GOVERNANCE STRUCTURE OF THE PROVINCIAL COURT



Governance Committee

The Governance Committee provides strategic direction and decision-making for the Court on administrative and management matters, as well as issues concerning the administrative independence of the Court.

In 2017/18 the Governance Committee was chaired by Chief Judge T. Crabtree and included:

- Associate Chief Judges Wishart and Gillespie;
- the Executive Director of Organizational Services, Mr. Craig Wilkinson; and
- the five [Regional Administrative Judges](#).

Judicial Administration Committee

The Judicial Administration Committee (JAC) provides advice to the Chief Judge on emerging issues occurring in one or more of the province's five judicial regions, policy development and other administrative matters. The JAC meetings are held in-person four times per year at the OCJ, once at each of the Judges' spring and fall conferences, and bi-weekly by videoconference. In 2017/18 the JAC Committee was chaired by Associate Chief Judge Gillespie and its membership was the same as that of the Governance Committee.

In the 2017/18 fiscal year, the JAC:

- continued its ongoing review and development of the Court's policies, including but not limited to the following: use of titles, speaking engagements, unassigned Judges, transcript editing, high profile judgments, conflicts and ethical issues, media inquiries, access to court records, administration of oaths, and updates to finance and human resource policies;
- continued to support access to justice in remote and high volume areas through Judge involvement in the Have a Judge/Need a Judge program;
- continued to review the Provincial Court's time to trial performance measures and addressed coding issues related to reserve judgments and resource shortages resulting in a lack of court time;
- provided guidance on the scheduling of criminal matters facing *R. v. Jordan* deadlines;
- moved to ensure that all Initial Appearance Rooms (IAR) across the province were courts of record.

Informational updates were provided throughout the year to Judges on topics including: the reading of court orders; shortages of Court Service Branch resources that impact on court sitting time and availability, introductory discussions on the Crown-led bail initiative, and the importance of accurate coding.

JAC has endorsed the significant amount of work undertaken by the Criminal Law Committee in its development of standard wording for criminal orders and the Criminal Law Boot Camp program delivering in-depth and practical education for newly appointed judges

The Provincial Court Family Rules are being reviewed by a subcommittee of the Court working with the provincial government. It is anticipated this work will continue in the upcoming year with the support of the JAC.

JAC continues to support the Court's technological advancements. This year, in conjunction with the Court Services Branch, the plan to develop electronic records of proceedings across the province was completed. Working collaboratively with the Court Services Branch, JAC continues to identify court locations that require updated video capacity to enhance access to justice for more remote communities in the province.



Members of the Court's Governance and Judicial Administration Committees (from left to right): RAJ C. Rogers; Executive Director of Organizational Services C. Wilkinson; ACJ M. Gillespie; RAJ M. Brecknell; CJ T. Crabtree; RAJ E. Burdett; RAJ R. Higinbotham; ACJ S. Wishart, RAJ J. Wingham; RAJ R. Hamilton.

Judicial Justice Administration Committee

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 M. Gillespie; Administrative Judicial Justice K. Arlitt; Administrative Judicial Justice G. Hayes; the Justice Centre Manager Ms. L. Hicks; and the Justice of the Peace Administrator Mr. K. Purdy.

Executive Operations Committee

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

JUDICIAL COMPLEMENT

Judicial complement refers to the number of judicial full-time equivalents (JFTEs¹) available to the Provincial Court. This is distinct from the number of Judges, as some work part-time. As of March 31, 2018, there were 114 full-time Judges, 27 Senior Judges, and one Judge sitting part-time in the Provincial Court.² This equates to a complement of 126.75.

During the 2017/18 fiscal year:

- 11 Judges were appointed;
- 2 Senior Judges were re-appointed under [s. 6\(1\)\(b\) of the Provincial Court Act](#)³;
- 10 Judges retired;
- 5 Judges elected to participate in the Senior Judges' Program⁴;
- 1 Judge was appointed to the B.C. Supreme Court; and
- 1 Judge passed away.

Changes to the Provincial Court's complement are reported every month in a [Judicial Complement Report](#) on the Court's website. Figure 3 lists the Judges appointed during 2017/18. A list of complement reductions appears in [Appendix 2](#).

“ Of the 50 Judges appointed during the past five fiscal years, just over half (27) have been women. ”

1 JFTE is calculated based on the number and status of Provincial Court Judges. Full-time Judges are counted as 1, Senior Judges are counted as 0.45, and any part-time Judges are counted according to their sitting time as a proportion of a full-time Judge. Complement numbers do not include Judges on long term disability.

2 Judges are listed in [Appendix 1](#).

3 These one-year reappointments assist the Court to deal with short-term needs such as Judges' illnesses.

4 This program allows Judges 55 years or older with at least 10 years' service to continue sitting on a part-time basis.

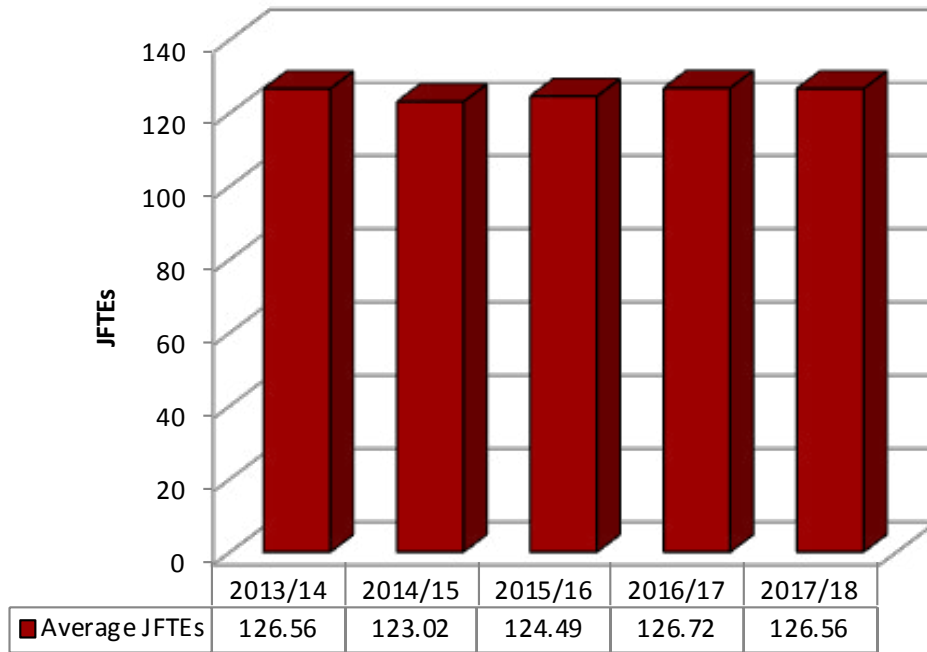
FIGURE 3 - JUDGES APPOINTED IN 2017/18

JUDGE	JUDICIAL REGION	DATE
Judge Wilfred Klinger*	OCJ	21-Aug-17
Judge William G. MacDonald*	OCJ	21-Aug-17
Judge Monica McParland	Interior	28-Aug-17
Judge Mariane R. Armstrong	Interior	06-Sep-17
Judge Michelle Daneliuk	Interior	06-Sep-17
Judge Dawn Boblin	Fraser	06-Nov-17
Judge Andrea Ormiston	Fraser	06-Nov-17
Judge Mark Jetté	Fraser	10-Nov-17
Judge Delaram Jahani	Fraser	02-Jan-18
Judge Peter Whyte	Northern	02-Jan-18
Judge Jeremy Guild	Interior	12-Mar-18
Judge Kristen Mundstock	Fraser	12-Mar-18
Judge George Leven	Northern	27-Mar-18

* Re-appointed for a one year term after completing the Senior Judge Program.

The monthly Judicial Complement Reports represent a snapshot in time, which can be influenced by the timing of appointments or retirements. Average daily complement, calculated over the course of a year, is less likely to be influenced in this way and can therefore provide a more accurate gauge of complement over time. The average daily complement for 2017/18 was 126.56, exactly what it was 5 years ago.

FIGURE 4 - AVERAGE JUDICIAL COMPLEMENT, 2013/14 - 2017/18

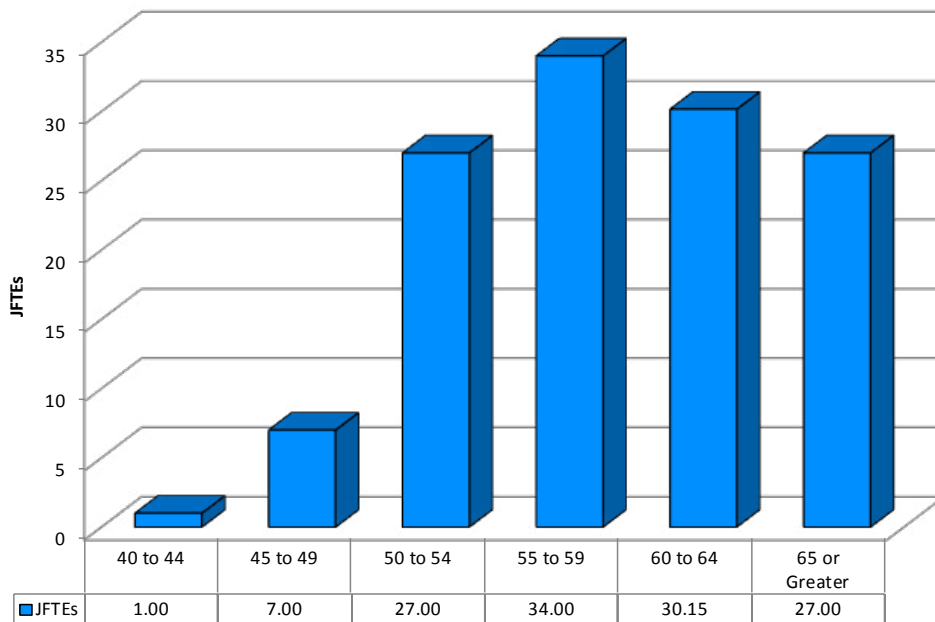


DEMOGRAPHICS OF JUDGES

Age

As of March 31, 2018, most Provincial Court Judges were between the ages of 50 and 64, with an overall average and median age of 60 years - the same as in 2016/17. Figure 5 shows the JFTE⁵ by age category.

FIGURE 5 - JFTE BY AGE CATEGORY

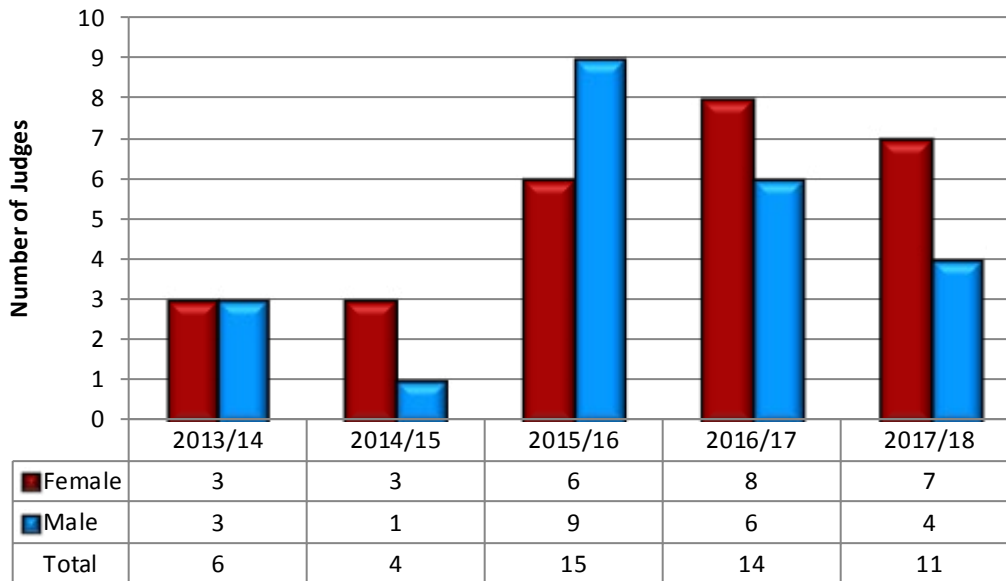


⁵ JFTE can decline with age as more Judges choose to participate in the Senior Judge Program (a Senior Judge is counted as 0.45 of a JFTE).

GENDER

Of the 50 Judges appointed during the past five fiscal years, just over half (27) have been women.

FIGURE 6 - JUDGES BY GENDER AND YEAR OF APPOINTMENT



Active⁶ male Judges continue to outnumber active female Judges in the Provincial Court. As of March 31, 2018, there were 1.4 active male Judges for every active female Judge.

FIGURE 7 - PERCENTAGE OF JUDGES BY GENDER AND STATUS⁷

GENDER	FULL-TIME		SENIOR		JFTE	
	#	%	#	%	#	%
Male	61	54%	21	78%	70.45	56%
Female	53	46%	6	22%	55.70	44%

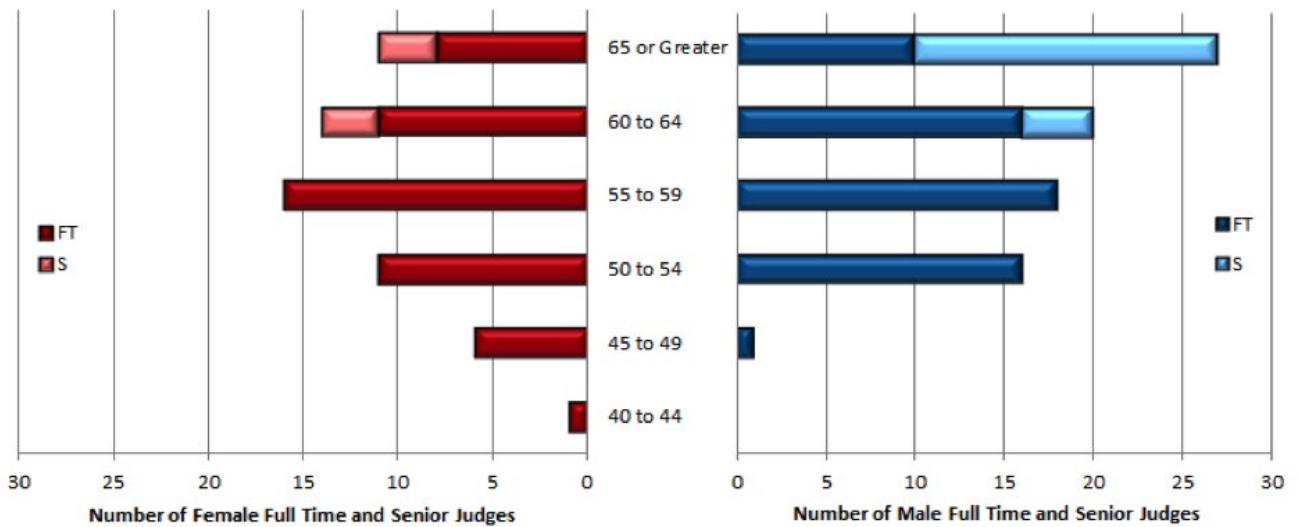
A greater proportion of active male Judges currently sit as seniors (26% vs. 10% of active female Judges). The average female Provincial Court Judge is slightly younger than the average male Judge (58.6 vs. 61.4 years of age).⁸ Figure 8 shows the distribution of Judges by age, gender, and status.

⁶ The term "active" excludes Judges on long term disability.

⁷ The number of Judges is as at March 31, 2018. The (female) part-time Judge is not included in this table.

⁸ Age is measured as at March 31, 2018

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

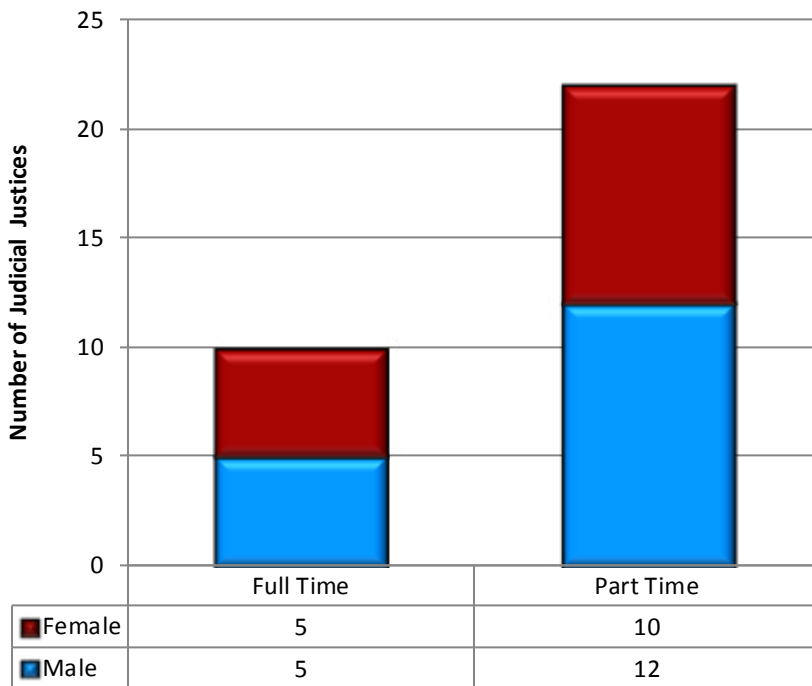


The cultural and ethnic backgrounds volunteered by applicants for judicial appointment are outlined in the [annual reports](#) of the Judicial Council of B.C.

DEMOGRAPHICS OF JUDICIAL JUSTICES

Figure 9 outlines the complement of Judicial Justices (JJs) as of March 31, 2018, including 10 full-time and 22 who work in a part-time (ad hoc or per diem) capacity. There are 17 male JJs and 15 female JJs. The total complement of 32⁹ and the distribution by status and gender is the same as last year.

FIGURE 9 - GENDER DISTRIBUTION OF JUDICIAL JUSTICES, 2017/18

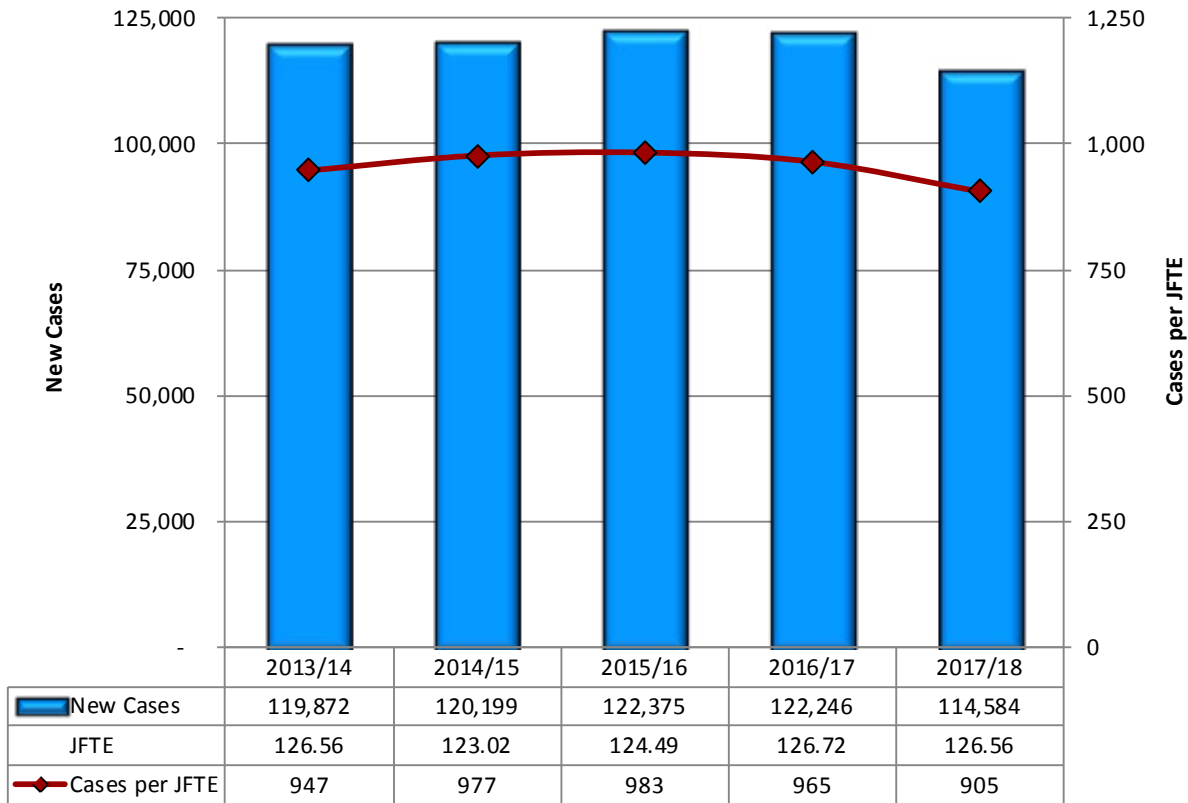


⁹ This includes 3 JJs on full or partial LTD

JUDGES' CASELOADS

Figure 10 shows the five year trend in new cases, as well as new cases per JFTE. This year's figure of 905 is well under the five year average of 955.

FIGURE 10 - NEW CASES AND NEW CASES PER JFTE, 2013/14 - 2017/18



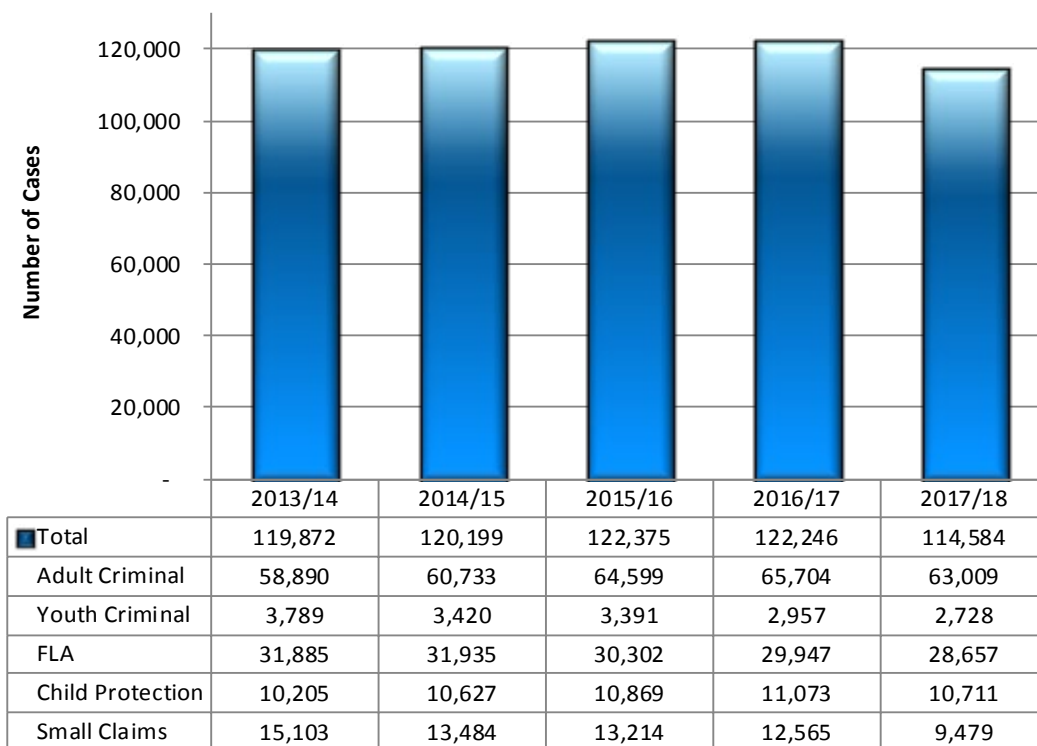
THE COURT'S CASELOAD

NEW CASES BY DIVISION

Excluding traffic and bylaw matters usually dealt with by Judicial Justices, there were 114,584 cases initiated in the Provincial Court of British Columbia in 2017/18.¹⁰ This represents a decrease of 6% from 2016/17. Figure 11 below shows Provincial Court caseloads over the last five years.¹¹

The population of British Columbia was estimated at 4,862,610 on April 1, 2018.¹² Taking that as our basis for 2017/18 would mean the Court handled approximately 24 new cases of this type per 1,000 people during this fiscal year.

FIGURE 11 - NEW CASES BY DIVISION, 2013/14 - 2017/18



10 New case counts include all cases typically overseen by a Judge. Therefore, family subsequent applications are included and traffic and bylaw cases are excluded.

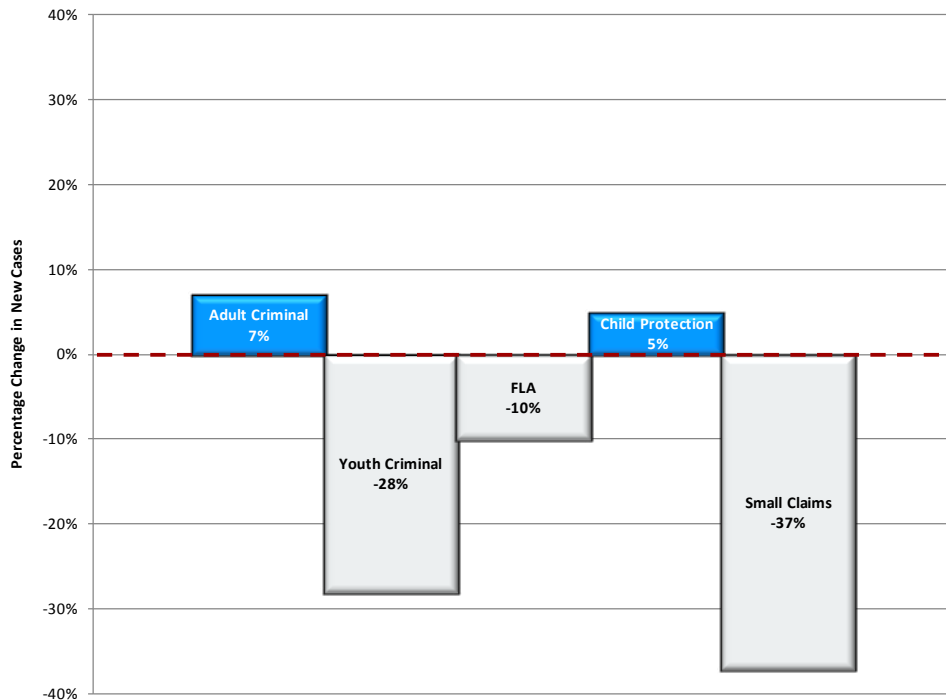
11 Data are preliminary and subject to change - small fluctuations in the reported totals and percentages for new cases are expected due to continuing improvements in data quality.

12 [Quarterly Population Estimates, BC Stats.](#)

Looking at total caseload volumes obscures trends within divisions, as shown in Figure 12 below.

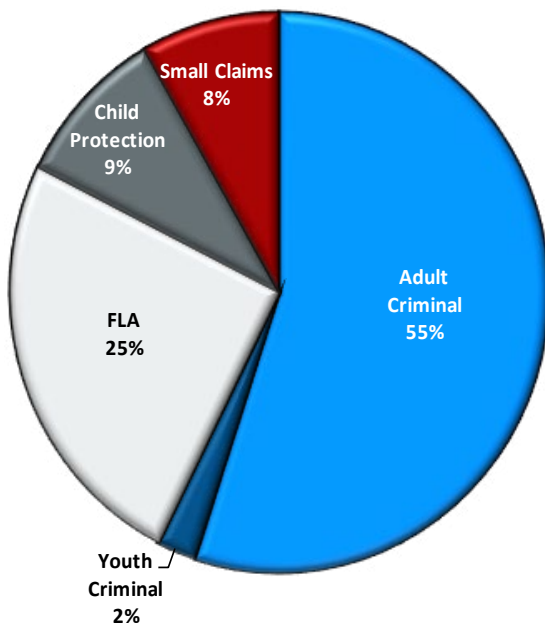
Adult criminal caseloads declined between 2016/17 and 2017/18 but are still higher than they were five years ago, and the same holds true for child protection. Caseload volumes have declined substantially in the other three areas of the Court's responsibility over the past five years.

FIGURE 12 - PERCENTAGE CHANGE IN NEW CASES BY DIVISION BETWEEN 2013/14 AND 2017/18



Excluding traffic and bylaw matters, over the past five years criminal cases have made up over half of the Court's new caseload volume, family cases have made up just over a third, and small claims cases about a tenth. The proportional share of small claims cases has declined in 2017/18. Figure 13 provides a detailed breakdown.

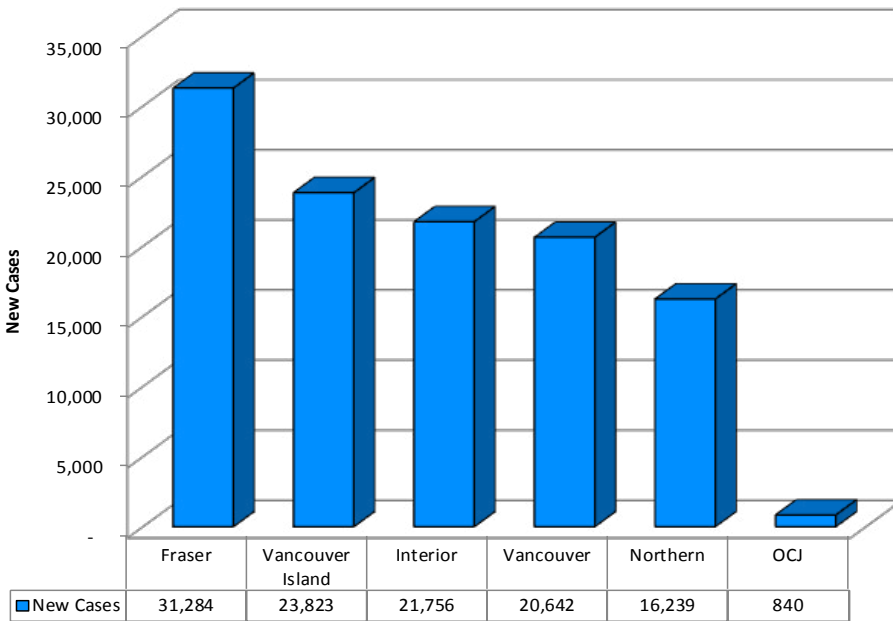
FIGURE 13 - PERCENTAGE BREAKDOWN OF NEW CASES BY DIVISION 2017/18



NEW CASES BY REGION

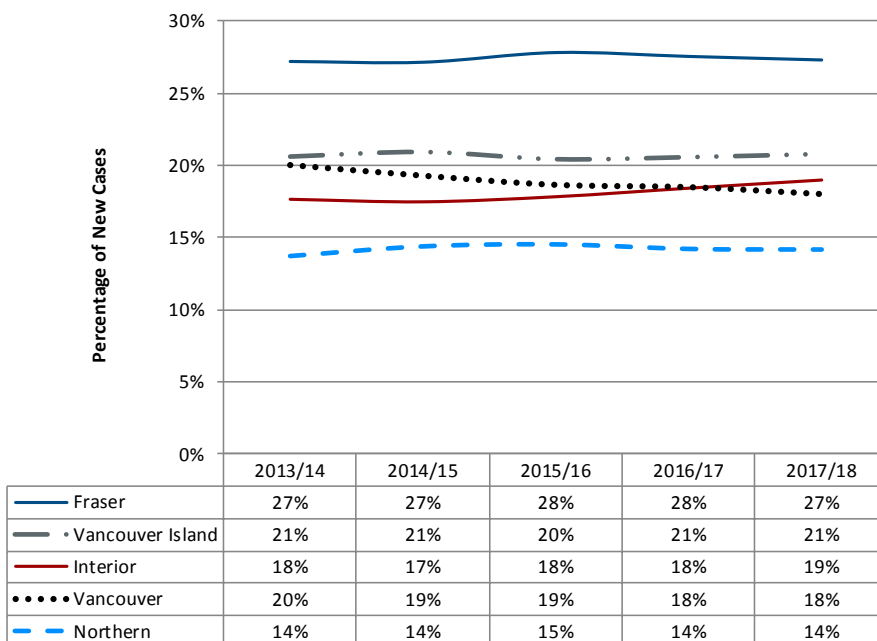
The Fraser Region continued to have the highest new caseload in 2017/18, while the small remote locations administered directly by the Office of the Chief Judge (OCJ) had the lowest.

FIGURE 14 - NEW CASES BY REGION



The distribution of new cases filed by region has been relatively stable over the past five fiscal years - varying by 1-2% at most, as seen in Figure 15 below.¹³

FIGURE 15 - DISTRIBUTION OF NEW CASES BY REGION, 2013/14 - 2017/18

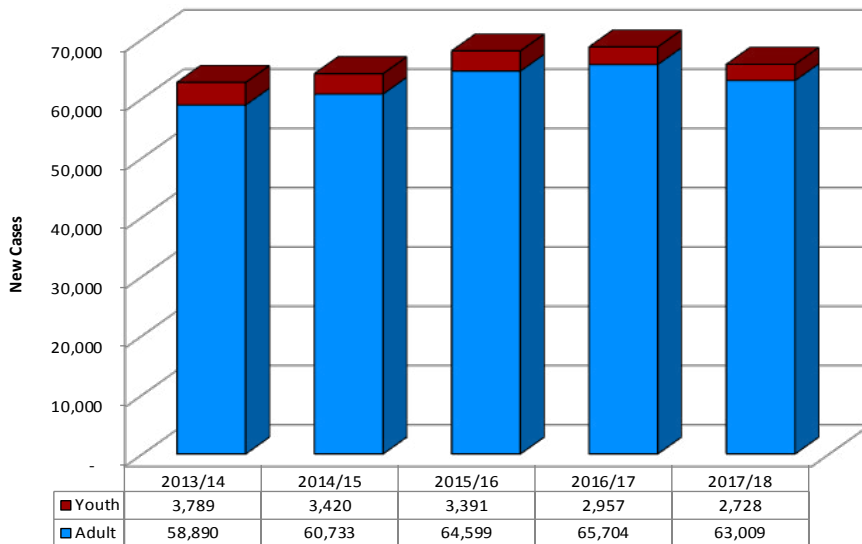


13 The OCJ region has less than 1% of the total provincial caseload in all years and is not included in this figure.

NEW CASES BY TYPE

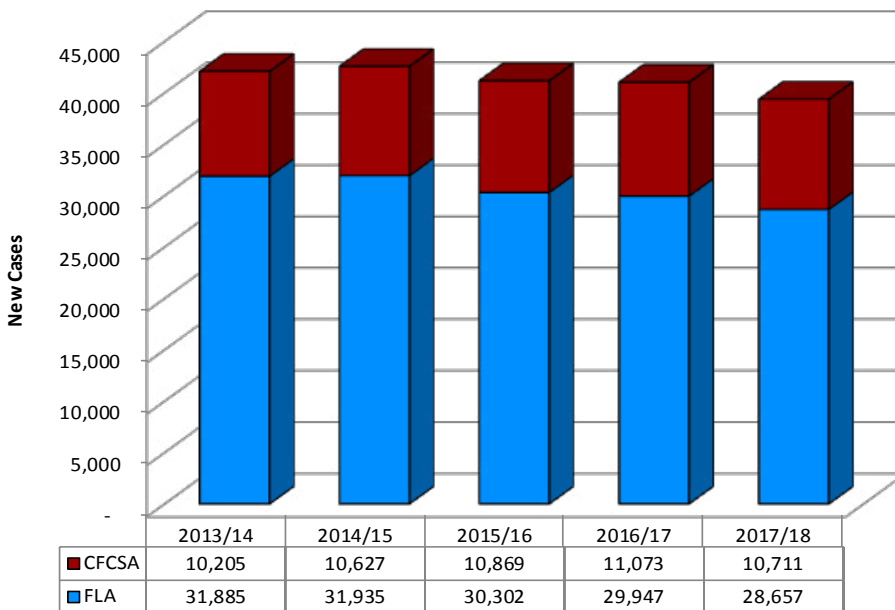
The number of adult criminal cases has increased by 7% since 2013/14 and is at its second highest level in the past five years. Youth criminal cases have decreased every year of the past five. As a result, the youth criminal caseload is 28% lower in 2017/18 than it was in 2013/14.

FIGURE 16 - NEW CRIMINAL CASES, 2013/14 - 2017/18



The majority of family cases in the Provincial Court are governed by the [Family Law Act](#) (FLA) or the [Child, Family and Community Service Act](#) (CFCSA). The two are moving in opposite directions in terms of their caseload, with CFCSA increasing and FLA decreasing in every year but one. Compared to 2013/14, the number of CFCSA cases has increased by 5% and the number of FLA cases has decreased by 10%.

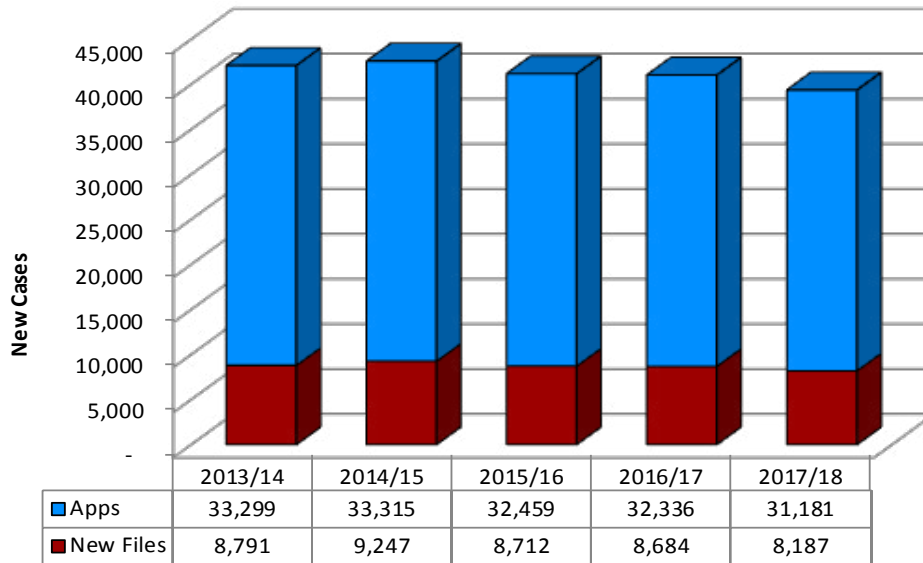
FIGURE 17 - NEW FAMILY CASES, 2013/14 - 2017/18¹⁴



¹⁴ Includes subsequent applications

The bulk of new cases (79%) in the family division come from subsequent applications within existing files.¹⁵ The percentage of new cases from subsequent applications has been slightly higher in CFCSA cases than FLA (85% vs. 77%) over the past five years.

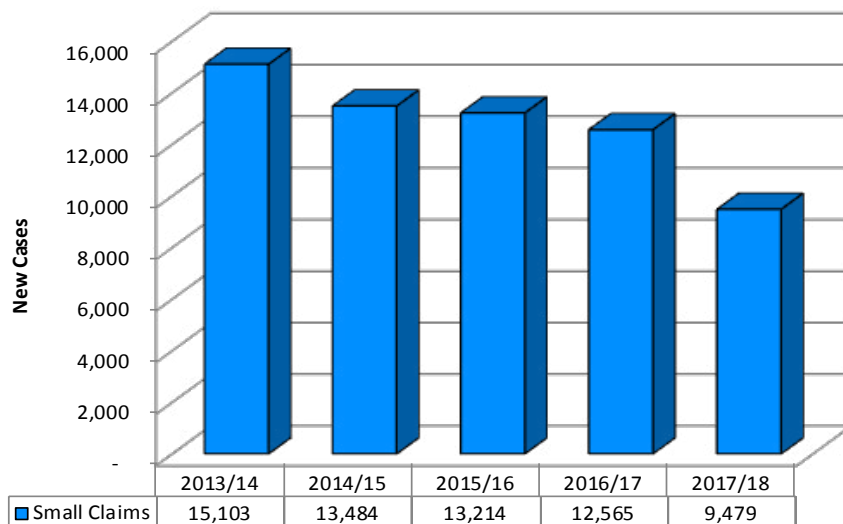
FIGURE 18 - NUMBER OF FAMILY CASES BY SOURCE, 2013/14 - 2017/18



New small claims cases have decreased 37% since 2013/14 and are at their lowest point in the past five years.

There was a change in the Court’s Small Claims jurisdiction during this fiscal year. On June 1, 2017 statutory amendments changed the monetary limit of most civil claims in Provincial Court to between \$5001 and \$35,000. Historically claims under \$5,000 make up approximately 40% of all small claims files and the decrease in the number of new files in 2017/18 is related to these cases now being dealt with by the Civil Resolution Tribunal.

FIGURE 19 - NEW SMALL CLAIMS CASES, 2013/14 - 2017/18

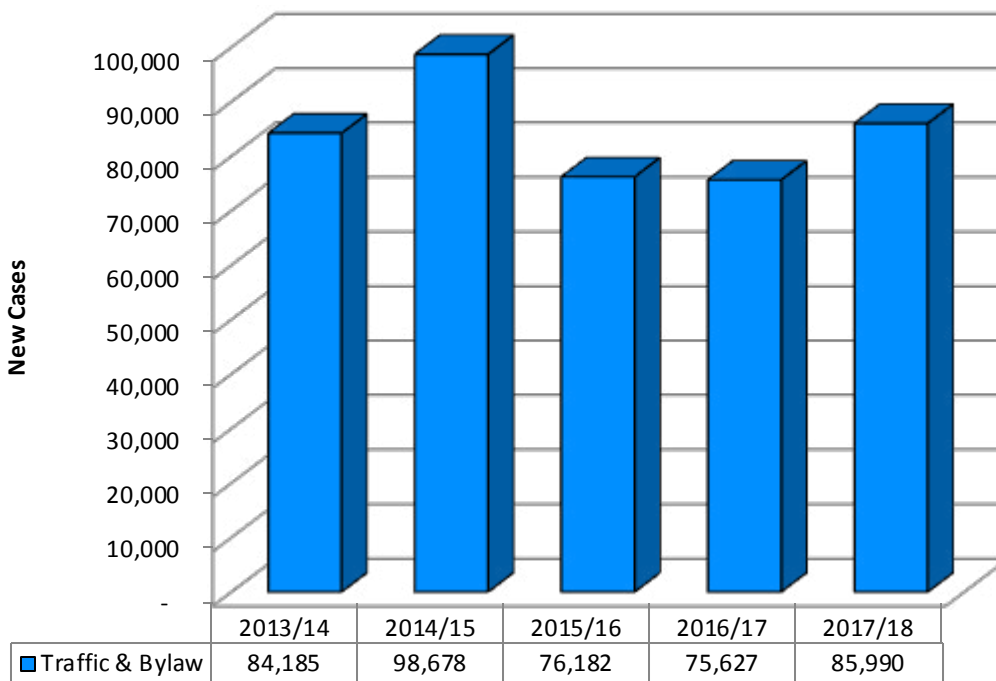


¹⁵ Subsequent applications are additional motions or applications filed in a case after the initial application is filed. Applications to change or enforce an order are a common example of FLA subsequent applications. Under the CFCSA, subsequent applications are required to determine custody of a child who is not returned to a parent.

TRAFFIC AND BYLAW CASES

In addition to the criminal, family, and small claims cases typically dealt with by Judges, the Provincial Court also handles traffic and bylaw cases (typically adjudicated by Judicial Justices). In 2017/18 there were 85,990 new traffic and bylaw cases, up 14% from last year.

FIGURE 20 - NEW TRAFFIC AND BYLAW CASES, 2013/14 - 2017/18



THE JUSTICE CENTRE

The Provincial Court operates a [Justice Centre](#) in Burnaby to provide 24 hour, seven-days-a-week access to Judicial Justices throughout British Columbia. Using telephone and sophisticated video conferencing methods, Judicial Justices at the Centre preside over bail hearings seven days a week from 8:00 a.m. to 11:00 p.m. to bring people who have been arrested and detained before a Judicial Justice as soon as possible.

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

Approximately 25 Judicial Justices work through the Justice Centre, either on site or remotely. A full-time staff of 11 and five auxiliaries supports the Judicial Justices. In 2017/2018 the Centre heard almost 22,000 bail hearings and processed almost 12,000 applications for search warrants and production orders as represented in Figures 21 and 22.

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

FIGURE 21 - SEARCH WARRANTS ISSUED THROUGH THE JUSTICE CENTRE, 2017/18

MONTH	ALL	ALL / # OF DAYS	487 CCC	PRODUCTION ORDER	SEALING ORDER	UNSEALING ORDER	OTHER
Apr 2017	961	32	235	189	199	1	337
May 2017	1074	35	296	199	215	2	362
Jun 2017	1135	38	295	236	228	1	375
Jul 2017	845	27	226	158	171	7	283
Aug 2017	886	29	259	174	175	2	276
Sep 2017	1031	34	302	202	206	3	318
Oct 2017	994	32	264	196	192	6	336
Nov 2017	1005	34	258	233	187	7	320
Dec 2017	869	28	227	205	177	2	258
Jan 2018	1036	33	280	204	210	1	341
Feb 2018	1046	37	322	217	205	2	300
Mar 2018	1046	34	295	205	203	0	343
Max	1135	38	322	236	228	7	375
Average	994	33	272	202	197	3	321
YTD	11928	393	3259	2418	2368	34	3849

FIGURE 22 - BAIL HEARINGS CONDUCTED THROUGH THE JUSTICE CENTRE, 2017/18

MONTH	JUDICIAL INTERIM RELEASE (BAIL)	REMAND	RELEASE	VIDEO BAIL
Apr 2017	2162	1364	777	853
May 2017	1827	1164	665	791
Jun 2017	1734	1145	577	784
Jul 2017	2089	1438	672	927
Aug 2017	1800	1179	625	761
Sep 2017	1850	1226	617	749
Oct 2017	1674	1084	592	730
Nov 2017	1900	1198	649	823
Dec 2017	1753	1024	693	733
Jan 2018	1618	1044	574	685
Feb 2018	1513	887	586	706
Mar 2018	1820	1122	647	813
Max	2162	1438	777	927
Average	1812	1156	640	780
YTD	21740	13875	7674	9355

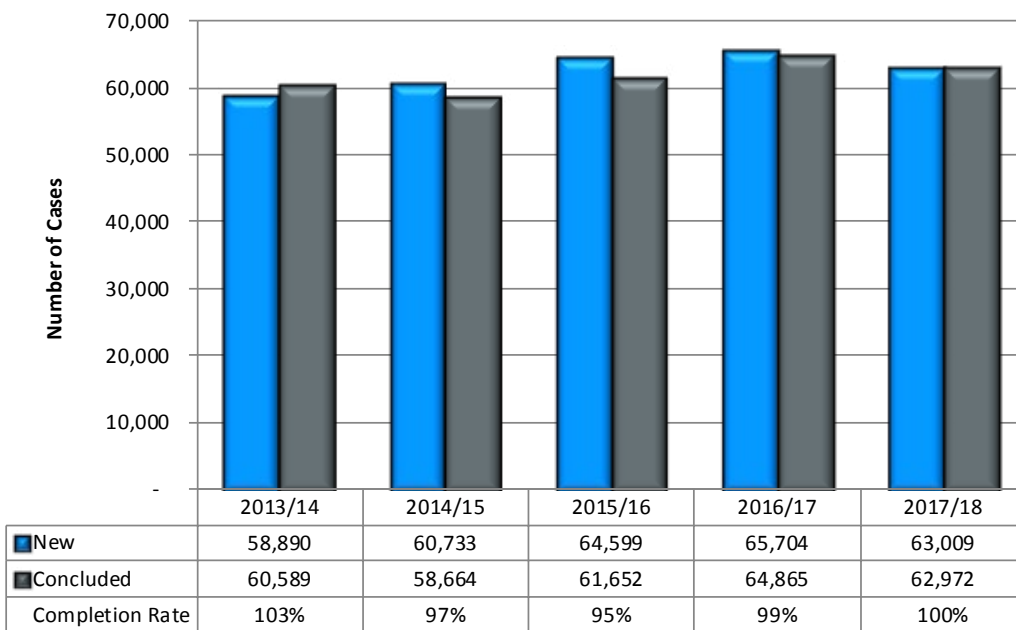
OPERATIONAL COURT STANDARDS

Starting in 2004 the Office of the Chief Judge developed operational standards to assess the ability of the court to effectively manage its caseload. These standards represent objective goals and performance targets that the Court strives to meet with the judicial resources it has available. Where standards are not met the Office of the Chief Judge examines underlying causes, monitors trends, and takes appropriate steps including reallocating available resources where possible.

ADULT CRIMINAL CASE COMPLETION RATES

The Court’s standard for the adult criminal case completion rate is 100% calculated over a fiscal year.¹⁶ This measure provides an indication of the Court’s ability to conclude cases at the same rate that new cases enter the system. The completion rate increased in 2017/18 for the second year in a row and now meets the standard within accepted margins after three years of being just under.

FIGURE 23 - ADULT CRIMINAL CASE COMPLETION RATES, 2013/14 - 2017/18



¹⁶ Data Source: Criminal BI Database. Rates are calculated by dividing the total number of concluded cases in a fiscal year by the total number of new cases in that year. If the numbers are equal, the completion rate is 100%. Concluded case information is only available in the criminal division.

ON-TIME CASE PROCESSING

The purpose of this measure is to assess the timeliness with which Provincial Court cases are concluded. This is accomplished by examining the percentage of cases heard by Judges that reach a final or important interim outcome (disposition or significant event) within established timelines. This information is only currently available for the criminal division.

The Court's standard for criminal cases is to have 90% of cases concluded within 180 days. This standard reflects the Court's goal for early conclusion of criminal cases. The Court has not met this standard during the past five years. Some factors that affect this measure are beyond the Court's control, such as whether an accused sets the matter for trial, the amount of time it takes for the Crown to provide disclosure, and counsel's availability when setting court dates. With improvements in data collection the Court can now track the time between specific events to determine where improvements, if required, can be made. Figure 24 below shows the percentage of cases completed within 180, 365, and 540 days, respectively.

FIGURE 24 - PERCENTAGE OF ADULT CRIMINAL CASES CONCLUDED WITHIN THREE TIMEFRAMES, 2013/14 - 2017/18

PERCENT OF ADULT CRIMINAL CASES CONCLUDED WITHIN...			
Year	180 Days	365 Days	540 Days
FY 2013/14	70%	89%	95%
FY 2014/15	72%	91%	96%
FY 2015/16	73%	91%	96%
FY 2016/17	71%	90%	96%
FY 2017/18	70%	89%	96%
Five Year Average	71%	90%	96%

PENDING CASES

A pending case is a criminal case¹⁷ that has not yet been completed and for which a future appearance has been scheduled. The pending status of a court case is distinct from the total age of the case. However, the two measures are linked, as pending cases that exceed a certain age are of concern due to the possibility of unreasonable delay.

Case age calculations for pending cases count from the date an Information is sworn to the next scheduled appearance occurring after the "as at" date (in this case, March 31, 2018). These calculations exclude inactive time (e.g. bench warrants). The number and age of pending cases provides a general indication of the Court's ability to process criminal cases in a timely manner.

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

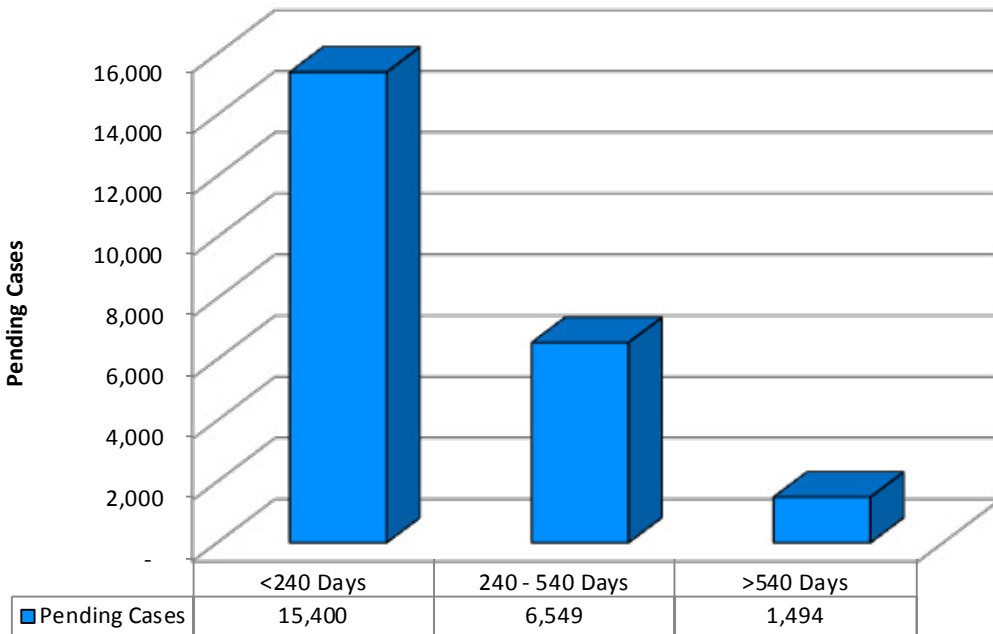
As of March 31, 2018 there were 23,443 adult criminal pending cases, of which 66% had a pending date less than 240 days from the sworn date (that is, there are less than eight months between the date the Information was sworn and the next appearance date).¹⁸ This means that the Court met its standard this year - as it has done for the past five years. The remaining 8,043 (34%) of cases had pending dates greater than 240 days from the sworn date.

¹⁷ Pending case information is currently only available in the criminal division, as there is no agreed upon definition of case conclusion in the family and small claims divisions.

¹⁸ The current report is a snapshot as at March 31, 2018. These results are preliminary. Pending cases are likely to adjust upwards due to delays in compiling the data.

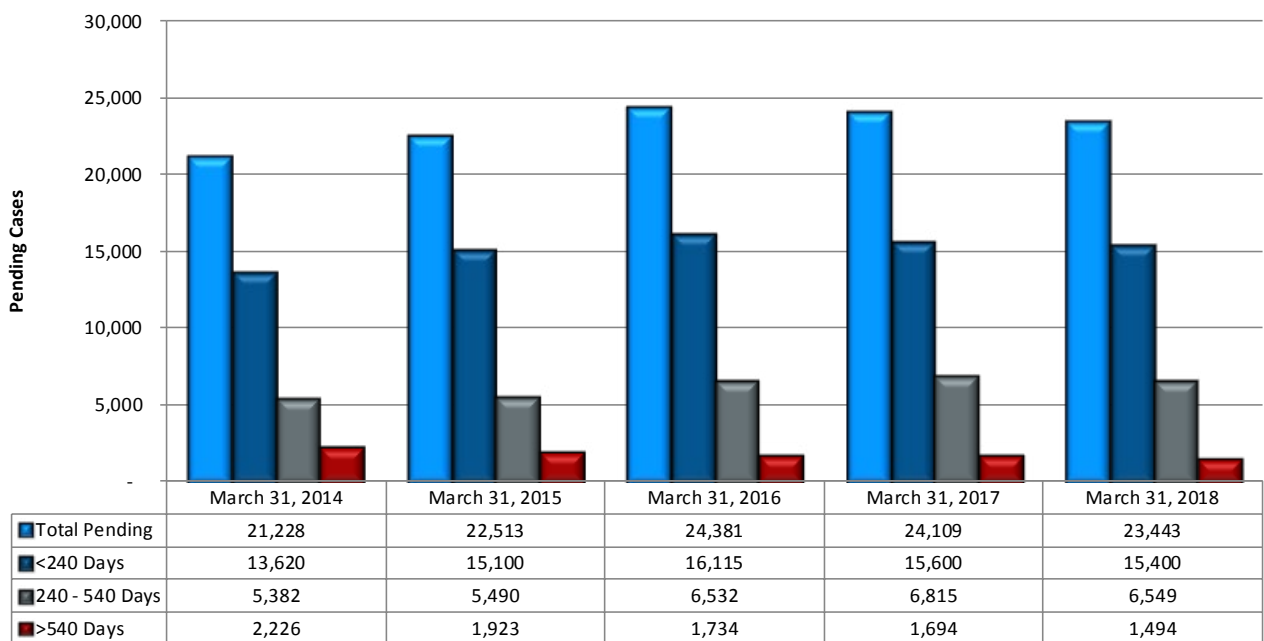
Figure 25 shows the number of adult criminal pending cases in the Provincial Court system on March 31, 2018, broken down by age category.

FIGURE 25 - ADULT CRIMINAL PENDING CASES BY AGE CATEGORY¹⁹



The number of pending cases in every age category declined from last year (total pending cases decreased 3% overall). The number and proportion of pending cases in the oldest age category (>540 days) has decreased every year of the past five. Figure 26 shows these trends.

FIGURE 26 - ADULT CRIMINAL PENDING CASES OVER TIME



¹⁹ Data source: Criminal BI Database

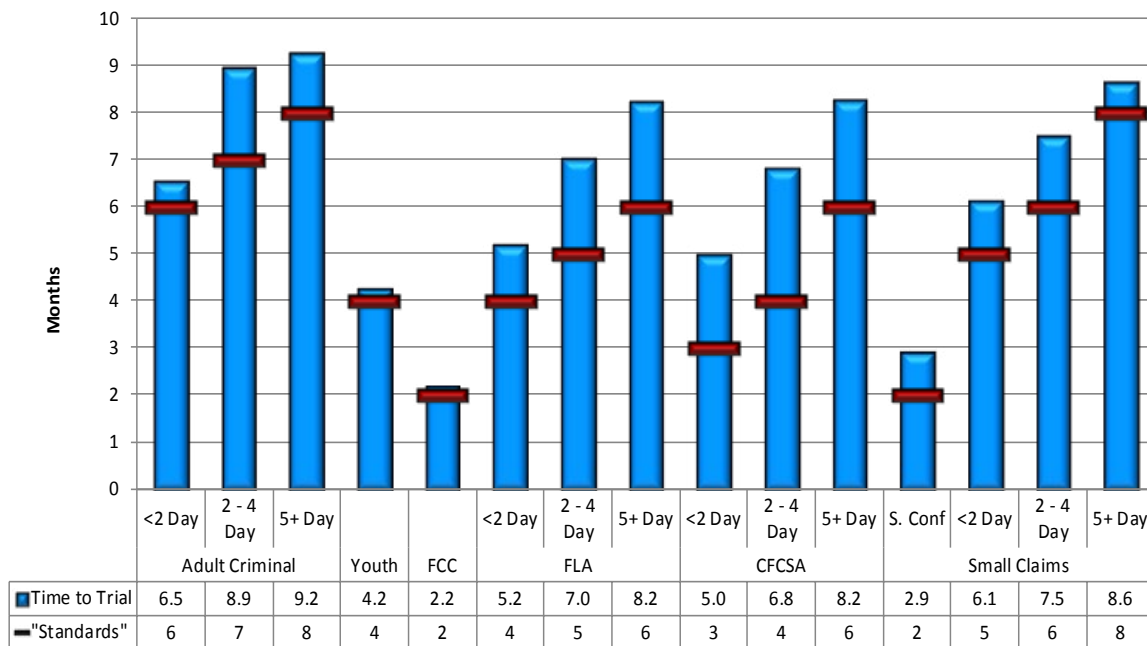
PROVINCE-WIDE TIME TO TRIAL

The Court continues to measure time to trial from the date a request or order is made for a conference or trial, to the date when cases of that type can typically be scheduled. Time to trial does not reflect when cases are actually set as this is dependent on the availability of counsel. Rather, it is an estimate of when court time would be available to schedule a particular activity.²⁰

In 2005, the Court endorsed a number of standards to measure whether dates were being offered for trial in a timely manner. These standards reflect the Court's goals as to when the Court ought to be able to offer time for the specified trial events. In June 2016, those standards, and the time estimates they govern were revised²¹ to better capture longer trials and [Summary Proceedings Court](#) matters.

Figure 27 shows the average time to trial for this fiscal year. The Court was over standard in all areas.

FIGURE 27 - AVERAGE PROVINCIAL TIME TO TRIAL, 2017/18



Time to a conference improved over last year in both family and small claims, in notable contrast to trial times, which increased across all time estimates for these divisions.

Time to trial results held steady for the shortest adult criminal trials, as well as in the youth division. Time to lengthier adult trials increased over last year.

The Court produces comprehensive time to trial reports twice a year and posts these on the Court Reports page of the Court's website. The reports for September 30, 2017 and March 31, 2018 can be found at <http://www.provincialcourt.bc.ca/news-reports/court-reports>.

²⁰ In order to provide the most accurate data, other cases waiting to be scheduled are factored into the estimates. "Fast track" dates or openings created when other cases collapse are not considered, as these dates are not an accurate reflection of when the case would typically be scheduled.

²¹ A detailed explanation of time to trial definitions, calculations and standards appears in [Appendix 4](#).

DELAYS AND THE COURT'S RESPONSE TO R. V. JORDAN

Every person accused of a crime has a right to have their trial heard within a reasonable time. This right is enshrined in section 11(b) of the [Canadian Charter of Rights and Freedoms](#). If the delay is unreasonable the charges may be subject to a stay of proceedings. On July 8, 2016 the Supreme Court of Canada released its decision in the case of *R. v. Jordan* [2016 SCC 27](#) ("Jordan"). In this case the Supreme Court of Canada made changes to the way in which delay is calculated and imposed ceilings beyond which delay is presumed to be unreasonable. For trials in Provincial Court this ceiling is 18 months from the time the Information is sworn to the conclusion of the trial.

In response to the *Jordan* decision the Court continues to closely monitor time to trial and pending case data. In almost all areas of the province the Court is able to offer court time for trials well below the 18 month ceiling. Those locations with the longest delays are identified in the [Time to Trial reports](#) published by the Court. Without additional judicial resources any increase in court time for criminal trials necessarily means delays in other areas of the Court's jurisdiction (family and small claims). Given the importance of timely trials in these areas, and in particular for CFCSA (child protection) cases, the Court has not re-allocated more court time to criminal trials as a response to the *Jordan* decision.

Court time is not the only factor leading to delays in criminal cases. Some factors are beyond the Court's control such as the length of time it takes for the police to prepare disclosure in complex cases and counsel's availability when setting trial dates. As stated in *Jordan* the Court does have a responsibility to manage cases to minimize unnecessary delay particularly as it relates to pre-trial applications and unrealistic time estimates. After the release of the *Jordan* decision the Court embarked on a review of its case management processes and work continues to ensure that court time is used effectively, and Judges are enabled to manage longer and more complex cases appropriately.

TRIAL EVENTS

The Court tracks outcomes for all cases that were still on the Court list on the date set for trial - in 2017/18 there were 17,338 such trial events²², a 10% increase over 2016/17. Other than this, results in 2017/18 closely resemble those of last year - all categories are within 2% of 2016/17's results.

There are several possible outcomes on the day of trial, one of which is that the trial proceeds.²³ Where a trial does not proceed, this is referred to as a collapse. There are a number of reasons why a trial might collapse. For example, the case might settle on the day of trial before the trial begins. The Court has not established standards for collapse rates but will continue to collect and monitor this data, with particular attention to the number of cases adjourned for lack of court time.²⁴

Proceeding rates capture the percentage of trials that proceeded on the first day of trial.²⁵ There are persistent differences in proceeding rates between divisions. Figure 28 shows the rate for each division in 2017/18.



In response to the Jordan decision the Court continues to closely monitor time to trial and pending case data. In almost all areas of the province the Court is able to offer court time for trials well below the 18 month ceiling.

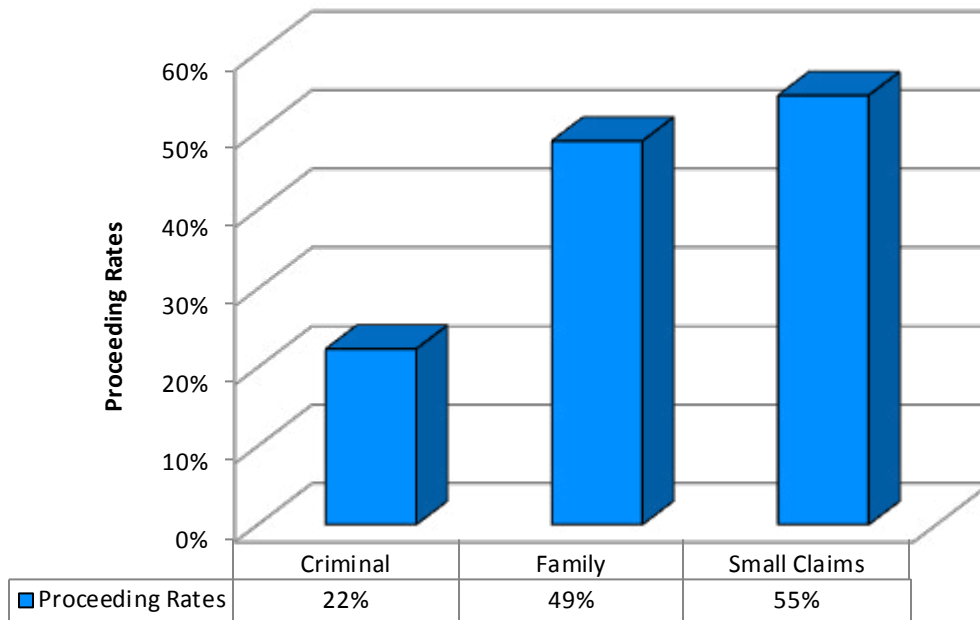
²² Results for cases that were never set for trial, or which did not proceed as scheduled due to adjournment, resolution, or any other reason before their first scheduled trial date are not captured under this system.

²³ Defined as proceeding for trial as scheduled, with evidence or a witness being called - the outcome of the trial appearance is irrelevant from the perspective of whether or not the trial proceeded.

²⁴ Lack of court time refers to a situation in which the Court has insufficient judicial resources to hear a case on the day it was scheduled.

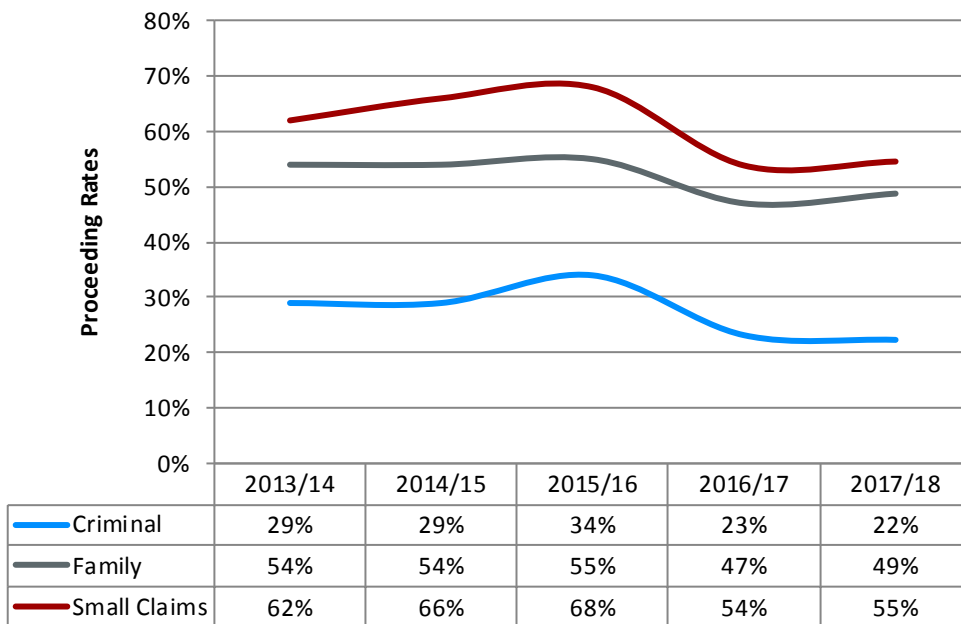
²⁵ Whether the case concluded or not is irrelevant to this determination - all that matters is that the case proceeded (as a trial) on the day it was scheduled for trial.

FIGURE 28 - PROCEEDING RATES BY DIVISION



As shown in Figure 29, proceeding rates in all divisions are close to the 2016/17 results.²⁶

FIGURE 29 - PROCEEDING RATES BY DIVISION, 2013/14 - 2017/18

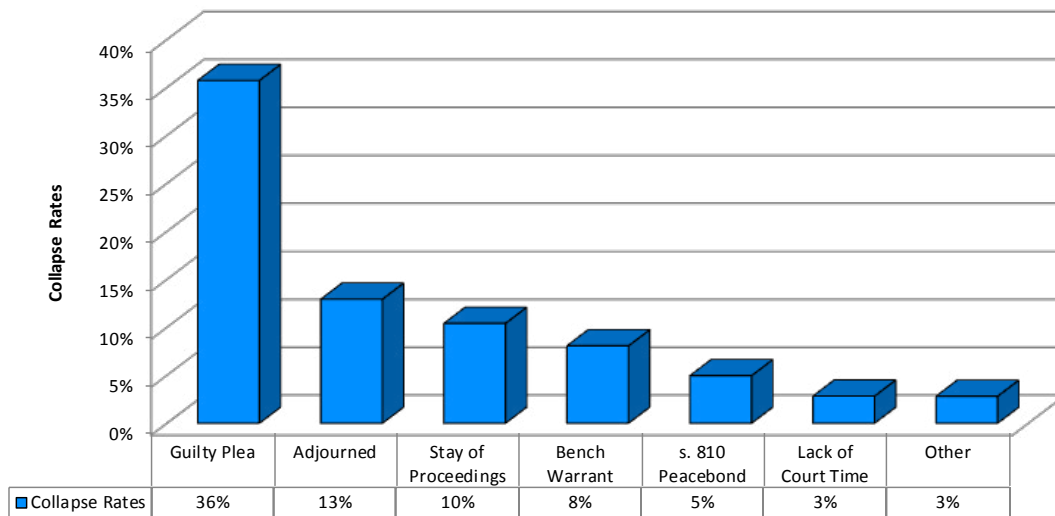


²⁶ This figure includes blended data from three sources: stand-alone trial tracker application, interim tool for Assignment Court, and the Provincial Court Scheduling System (PCSS). While this data is now being captured solely through PCSS, historical reporting will continue to rely on other sources.

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

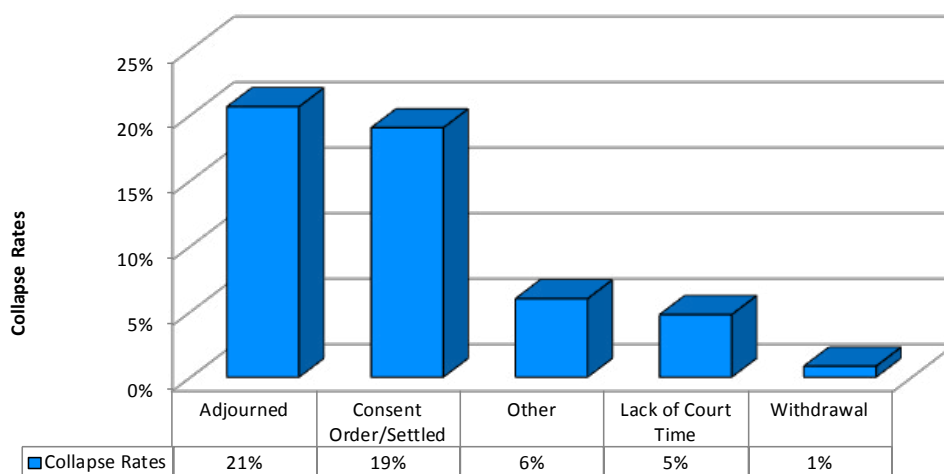
In the criminal division, more than half the cases remaining on the list concluded on the first day of trial (i.e. ended in a guilty plea, stay of proceedings, or s. 810 "peace bond"). Figure 30 shows the distribution of collapse reasons for the criminal division.

FIGURE 30 - COLLAPSE RATES OF CRIMINAL TRIALS BY COLLAPSE REASON



The proceeding rate in the family division remains at historically low levels - 49%, higher than last year's rate (47%), but lower than the proceeding rates for 2011/12 - 2015/16 (54 - 55%). A fifth of family cases remaining on the list concluded on the first day of trial. Figure 31 shows the distribution of collapse reasons in the family division.

FIGURE 31 - COLLAPSE RATES OF FAMILY TRIALS BY COLLAPSE REASON



The majority of small claims trials (55%) remaining on the list proceeded on the first day of trial. Figure 32 below shows the distribution of collapse reasons for small claims trials.

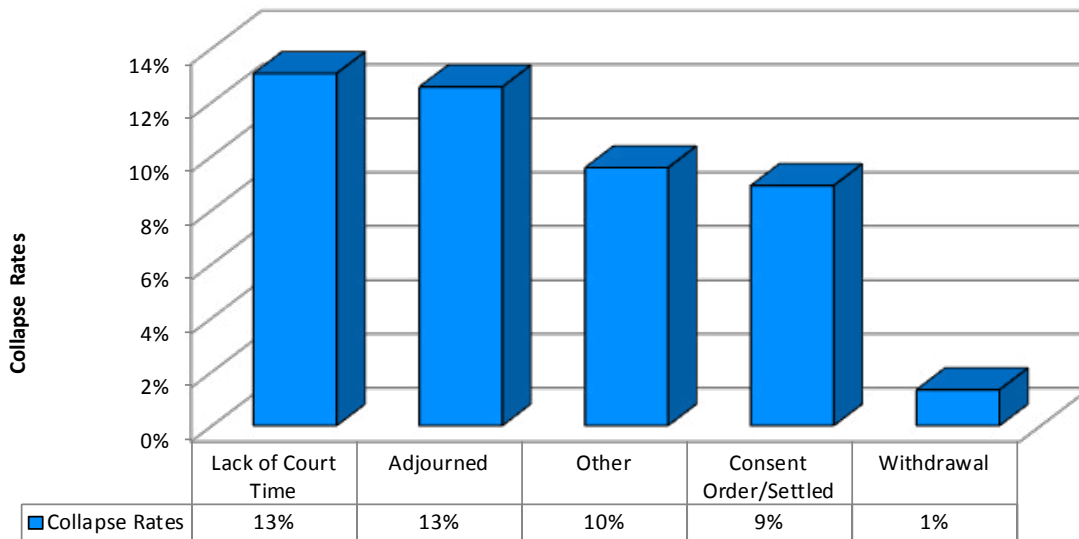
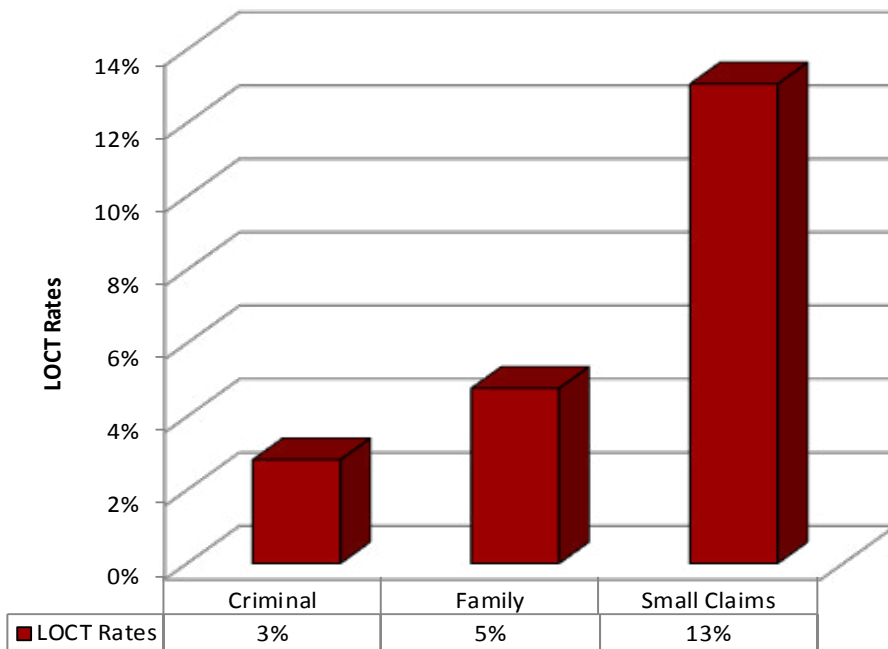
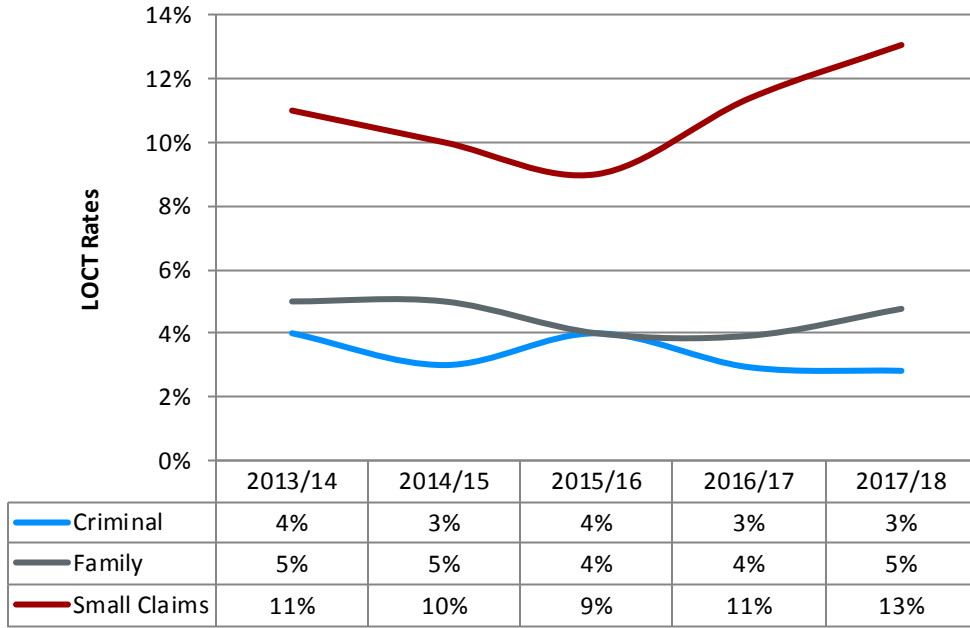
FIGURE 32 - COLLAPSE RATES OF SMALL CLAIMS TRIALS BY COLLAPSE REASON

Figure 33 shows the lack of court time rates for each division in 2017/18. Lack of Court Time (LOCT) rates capture the percentage of trials that were adjourned because the Court did not have sufficient judicial resources to hear a given trial on the day it was scheduled to begin.

FIGURE 33 - LACK OF COURT TIME RATES BY DIVISION

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

FIGURE 34 - LACK OF COURT TIME RATES BY DIVISION, 2013/14 - 2017/18

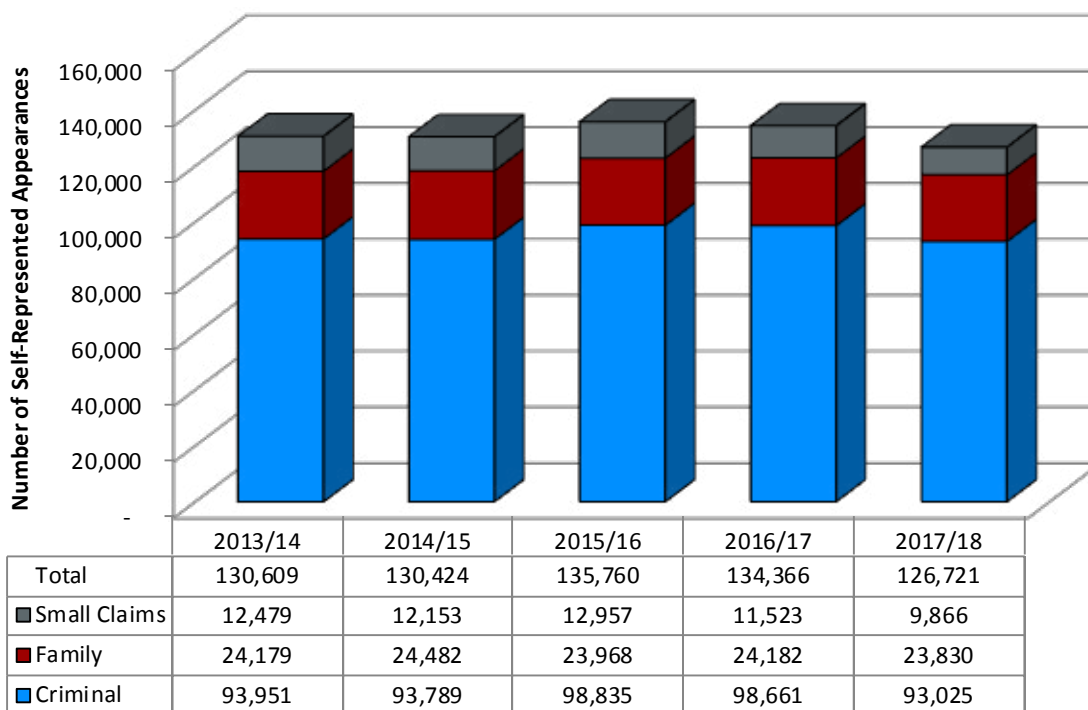


Revelstoke

SELF-REPRESENTED LITIGANTS

The Court oversaw a total of 126,721 self-represented appearances in 2017/18²⁷, representing a 6% decrease compared to last year. Figure 35 below shows the number of self-represented appearances by division over the past five fiscal years.²⁸

FIGURE 35 - NUMBER OF SELF-REPRESENTED APPEARANCES BY DIVISION, 2013/14 - 2017/18

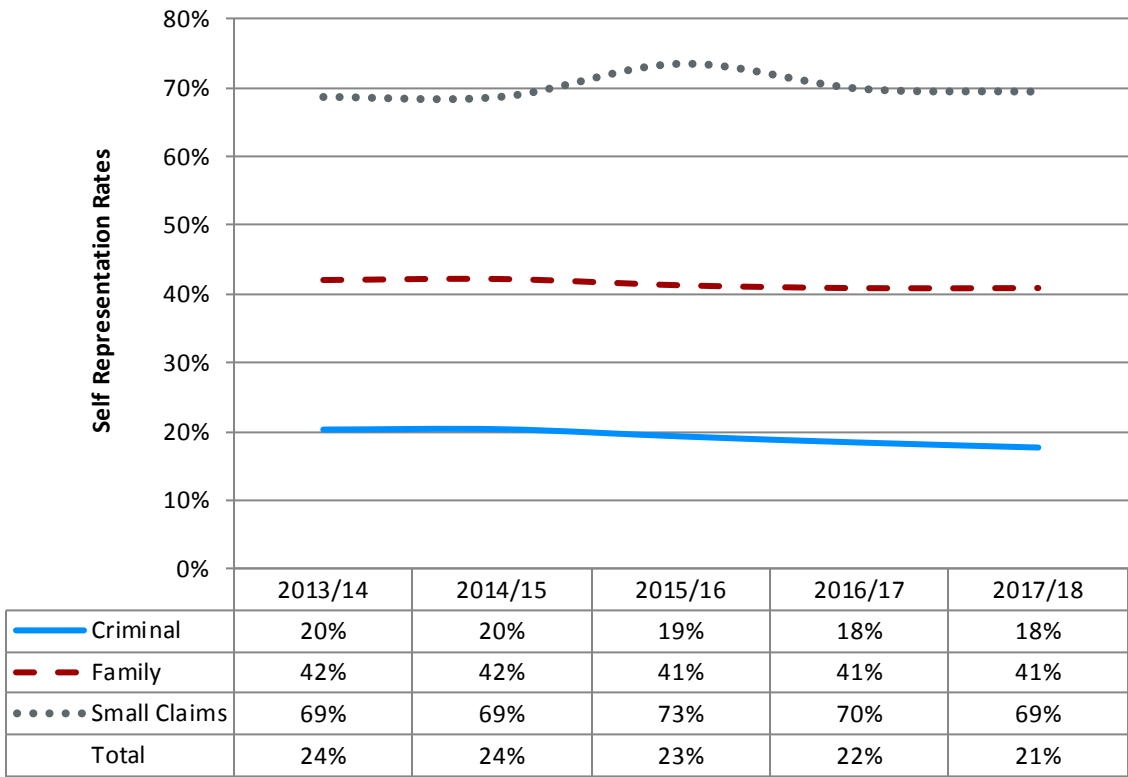


While the number of self-represented appearances is highest in the criminal division, the *rate* of self-representation is lowest. Figure 36 shows the self-representation rate for each division over time. The overall rate of self-representation continues to decline and is currently at its lowest point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

²⁷ A self-represented appearance is when a litigant or accused person is recorded as appearing in court with no counsel or agent present. Data Source: Criminal BI Database. Data are preliminary and subject to change. This analysis counts only appearances that took place, excluding cases that have been adjourned or cancelled before the appearance or that do not have any appearance duration recorded.

²⁸ Data are preliminary and subject to change - small fluctuations in the reported totals and percentages for new cases are expected due to continuing improvements in data quality.

FIGURE 36 - RATE OF SELF-REPRESENTED APPEARANCES BY DIVISION, 2013/14 - 2017/18



Cranbrook

COURT COMMITTEES

Many Judges and Judicial Justices volunteer their time to serve on various committees to provide advice and assistance to the work of the Court and its judicial officers.

JUDGES' EDUCATION COMMITTEE

The Education Committee of the Provincial Court Judges' Association, with support from the Office of the Chief Judge, plans and organizes two education conferences each year for the Judges of the Court. These conferences help Judges inform themselves about changes in the law and judicial practice, as well as scientific and social developments that may affect their work.

In the 2017/18 fiscal year, the committee members were:

- Judge R. Bowry (Chair)
- Judge H. Dhillon
- Judge P. Janzen
- Judge T. Wood (until December 2017)
- Judge M. Shaw
- Judge R. Harris
- Judge P. MacCarthy
- Judge G. Brown
- Chief Judge Thomas Crabtree

The spring conference in April 2017 was held in Victoria and covered the topic of Sexual Assault Trials. The keynote address by Manitoba Court of Appeal Justice Freda Steel provided an understanding and compassionate overview of how Judges deal with and decide difficult sexual assault cases. The balance of the conference took the Judges through problems and challenges that typically arise in this type of trial. The conference endnote was provided by a presentation from Sheldon Kennedy who offered insights into factors affecting victims' vulnerability and disclosure.

The fall conference in November 2017 was held in Vancouver, as the British Columbia All Courts Education Seminar hosted by the Court of Appeal, Supreme Court, and Provincial Court of British Columbia. The conference began with a presentation on Understanding and Dealing with Gang-Related Crime, and a look at the violence reduction strategy in Glasgow, Scotland. Supreme Court of Canada Justice Rosalie Abella concluded the conference with a discussion with Canadian authors Lawrence Hill and Joy Kogawa on the themes of law, justice and belonging that arise in their novels.

Other sessions included:

SPRING CONFERENCE	FALL CONFERENCE
<ul style="list-style-type: none"> ■ History of Sexual Assault and Procedure ■ Current Challenges and the Future ■ Reasonable Doubt and Credibility ■ Expert Forensic Evidence ■ Consent and Honest But Mistaken Belief ■ Applications for Third Party Records 	<ul style="list-style-type: none"> ■ Proportionality in Sentencing ■ Aboriginal Sentencing: Gladue in Practice ■ Accommodating Mental Disability in Your Courtroom ■ The Effect on the Judges: Managing Your Mental Health in Difficult Cases

JUDICIAL JUSTICES' EDUCATION COMMITTEE

The Judicial Justices of B.C. have a flourishing educational program that includes attending webinars, bi-yearly Court education conferences and other conferences.

The 2017/2018 session included education evenings with B.C. Court of Appeal Justice David Frankel and Associate Chief Judge Melissa Gillespie, while individual Judicial Justices used their professional development allowances to attend conferences on topics ranging from criminal law to giving oral judgments.

The bi-yearly education conferences attended by all Judicial Justices included information on fentanyl and presentations from retired Alberta Court of Queen's Bench Chief Justice Neil Wittmann on bail reform and counsel Robert LeBlanc on due diligence.

Education is a coordinated effort amongst many Judicial Justices. It is organized predominantly by Administrative Judicial Justice Kathryn Arlitt, assisted by Judicial Justice Anna-Maya Brown, Administrative Judicial Justice Gerry Hayes and Judicial Justice Association Education Chair Hunter Gordon, with the support of Associate Chief Judge Gillespie.

The Judicial Justices are particularly grateful for the support provided by Chief Judge Crabtree who encouraged a level of education enabling Judicial Justices to excel in their duties.

CRIMINAL LAW COMMITTEE

The mandate of the Criminal Law Committee is to support the work of the Chief Judge and the other committees of the Court. In addition, the Committee works to support the individual Judges of the Court in their criminal law work.

In 2017/2018 the primary work of the Criminal Law Committee was to develop an introductory course on criminal law with accompanying materials for Judges recently appointed to the Court. The first three day Criminal Law Boot Camp, an intensive interactive course covering practical aspects of bail, trials and sentencing, was scheduled to be held in April 2018.

The balance of the Committee's work was to provide advice on particular issues as they arose. As an example, the Committee provided input into the development of case management tools to assist Judges to manage trials effectively.

The members of the Criminal Law Committee for 2017/18 were:

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

FAMILY LAW COMMITTEE

The Family Law Committee provides advice and assistance to the Chief Judge and members of the Court on matters relating to family law, including the [Family Law Act \(FLA\)](#), the [Child, Family and Community Service Act \(CFCSA\)](#), the [Family Maintenance Enforcement Act](#), the [Interjurisdictional Support Orders Act](#), the [Adult Guardianship Act](#) and any other matters relating to children and the family.

Members of the Family Law Committee for 2017/18 were:

- Regional Administrative Judge M. Brecknell (Chair)
- Judge P. Bond
- Judge G. Brown
- Judge R. McQuillan
- Judge J. Saunders
- Judge M. Shaw
- Judge R. Raven
- Judge M. Takahashi
- Judge J. Wingham
- Judge K. Whonnock

- Judge L. Wyatt
- Senior Legal Officer C. Berkey
- Legal Officer K. Leung

In the 2017/18 fiscal year, Committee members undertook activities including:

- updating standardized [Family Law Act orders](#);
- preparing an updated Without Notice Application [checklist form](#) for litigants;
- reviewing government plans for expanded delivery of the online Parenting After Separation Program and making recommendations to the Chief Judge;
- continuing work on flow charts for CFCSA and FLA cases to assist judges, counsel and litigants;
- receiving information about and advising the Chief Judge on Court appearances on CFCSA matters by articulated students or paralegals;
- acting as the designated Judges to hear emergency after-hours applications;
- advising on Hague Convention protocol issues;
- forwarding information and recommendations on FLA file commencement locations to the Family Rules Working Group;
- reviewing issues and monitoring implementation of the service of FLA Protection Orders by third party contractors;
- advising on revising the Request to be Heard by Teleconference Form;
- meeting with representatives from the Child and Youth Legal Centre and disseminating related information to Judges;
- responding to queries raised by members of the Court; and
- updating and editing materials on the Court's internal and public websites.

Some members of the Family Law Committee continue to participate in a working group with government, representatives of the bar and the public on a comprehensive re-drafting of the Provincial Court Family Rules and Forms. They expect the work to be concluded in the foreseeable future.

CIVIL LAW COMMITTEE

The mandate of the Civil Law Committee is to provide advice and assistance to the Chief Judge and the Court on matters relating to the Court's jurisdiction in civil law and procedure. The Committee considers those matters referred to it by the Chief Judge and the Governance Committee. The role of the Committee is advisory in nature and the Committee reports to the Chief Judge.

The members of the Civil Law Committee for 2017/18 were:

- Judge J. Milne (Chair)
- Associate Chief Judge S. Wishart
- Judge N. Phillips
- Judge J. Challenger
- Judge K. Denhoff
- Judge D. Senniw
- Judge K. Skilnick

In 2017/18, the Committee continued to be actively engaged in consultations with the provincial government Working Group regarding changes brought about by the implementation of the Civil Resolution Tribunal, including reviewing proposed [changes](#) to the [Small Claims Rules](#). After June 1, 2017, when legislative amendments took effect, the Committee began to monitor the impact of changes in the Court's civil jurisdiction.

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

JUDGES TECHNOLOGY WORKING GROUP

As part of the Court's continued commitment to utilize technology where appropriate, Chief Judge Crabtree created the Judges Technology Working Group. One of the mandates of the working group is to review the utility and desired features of software applications to aid judicial officers in the performance of their duties.

In February of 2018 committee members tested an existing software product to evaluate its suitability for use by Provincial Court Judges. Key features evaluated included the ability of Judges to access court file material electronically (before, during and after a court proceeding) and a calendaring function to assist Judges in accessing file content in matters with a continuation date. Work continues to enhance access to digital court file content.

The following Judges are members of the working group:

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

INNOVATION

The Provincial Court of B.C. has developed a reputation for using innovative solutions in its continuing efforts to improve the services it offers to the citizens of the province. Several key initiatives have begun or moved forward during the 2017/18 fiscal year with the goal of providing timely, effective and equitable justice.

INDIGENOUS COURTS

Two new Indigenous Courts opened in 2017 and early 2018 bringing the total to 6 across the province dealing with criminal matters:

- New Westminster (established in 2006)
- North Vancouver (2012)
- Kamloops (2013)
- Duncan (2013)
- Nicola Valley (2017)
- Prince George (2018)

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

Indigenous and First Nations Courts are developed in consultation with local Indigenous communities, the community at large, the police, community corrections, Crown counsel, the defence bar, Legal Services Society, and many support and service groups such as the Native Courtworker and Counselling Association of British Columbia.

The official opening of the Nicola Valley Indigenous Court took place on October 10, 2017 at the Shulus Arbour on the lands of the Lower Nicola Band, near Merritt.



Chief Judge Thomas Crabtree and Elders Muriel Sasakamoose of the Kamloops Indian Band and Kowaintco Michel of the Nootch Band (from left to right). Photo Credit: CFJC Today

On March 23, 2018 the community gathered in Prince George for the opening of the Prince George Indigenous Court.



Lhiedli T'enneh Elder Violet Bozoki being wrapped in a ceremonial blanket at the opening of the Prince George Indigenous Court. Photo Credit: James Doyle/Prince George Citizen

The success of the Provincial Court's Indigenous Courts initiative is due in large part to the efforts of stakeholders, including communities as a whole, Elders and the Legal Services Society. The Provincial Court continues to work with stakeholders as the initiative evolves in order to meet the needs of the communities involved. Discussions are also underway with several other communities including Williams Lake, Hazelton, Port Hardy and Port Alberni regarding the development of new Indigenous Courts.

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

Aboriginal Family Healing Court Conference

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

The project launched in January, 2017 and court conferences have been held monthly since March 2017. The AFHCC is an expansion of the Family Case Conference into a healing circle, to allow for a more culturally appropriate process. An Aboriginal family can tell their stories in an environment that is attentive to both their cultural practices and their unique personal situation. Families work with Elders to develop a Healing and Wellness Plan. Where appropriate, aspects of the Healing and Wellness Plan may be included in any consent order that a Judge makes at the case conference.

A cultural ceremony is held for families when they achieve the goals set out in their Healing and Wellness Plan to honour their hard work and success.

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

SPECIALIZED COURTS

Drug Treatment Court of Vancouver

Created in 2001, the Drug Treatment Court of Vancouver (DTCV) provides a fully integrated treatment program for all its participants.

The DTCV provides an alternative to the regular criminal court process for individuals who commit drug offences or minor [Criminal Code](#) offences arising from their addiction to cocaine, heroin or other controlled substances. The program's goal is to help offenders achieve:

- abstinence from illicit drug use;
- reduced or eliminated future contact with the criminal justice system;
- improved overall well-being, including improved housing;
- employment and education; and
- pro-social use of their time.

For a minimum of 14 months, DTCV participants undergo drug addiction treatment 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 (not proceed with) their charge.

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

- abstained from consuming all illicit intoxicants for the three-month period immediately preceding graduation;
- secured stable housing, approved by the DTCV Judge;
- not been charged with a new criminal offence in the six months immediately preceding graduation; and
- engaged in secure employment, training or volunteering for the three months immediately preceding graduation.

In the 2017/2018 fiscal year, DTCV approved 38 new intakes as eligible to participate in the drug treatment program. Of this cohort, 8 (21%) were women. Eleven persons from outside the lower mainland were accepted into the Court's treatment program on charges waived into Vancouver Provincial Court from other jurisdictions. As at March 31, 2018 there were 51 participants (12 women and 39 men) in the program. Of note, 13 participants completed all four phases of the program and graduated from the treatment program in fiscal year 2017/2018.

Members of the DTCV team have engaged in a number of outreach initiatives, including presentations at the Justice Institute of B.C., Q/A sessions with defence counsel in Vancouver and Victoria, and at the National Criminal Law Conference. The Court Team has held information sessions for visitors from Drug Courts in other jurisdictions, judicial law clerks, and students from local schools and colleges. Additionally, there was community engagement with local businesses and stakeholders concerning the transition of the Treatment Centre to 255 East 12th Avenue, Vancouver in March 2018.

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

Vancouver's Downtown Community Court

Canada's first and only Community Court, the Downtown Community Court (DCC) in Vancouver is a unique collaboration between the Provincial Court and the Government of British Columbia. Now in its 10th year of operation, DCC and its 14 partner agencies



Prince Rupert

with justice, social and health care services provide an integrated and restorative justice approach to effectively address root causes of crime.

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

Assessments are completed daily on new and returning clients, and often include a mental health assessment by an on-site forensic liaison worker, and when necessary, a psychiatrist. If clients are found to be appropriate for the programs at DCC, they can be referred to one of three specialized teams: The Case Management Team, a dedicated team of probation officers and health workers for sentenced offenders; the Mental Health Program, a bail team comprised of a probation officer, a forensic liaison worker, and a Watari Counselling and Support Services Society Systems Navigator; and the Alternate Measures Program, which includes a program offered to DCC Aboriginal (Indigenous) clients through the Vancouver Aboriginal Transformative Justice Services Society .

DCC clients are, when appropriate, given an opportunity to perform community work service as an alternative measure which may result in a stay of the charges. Community Work Service is also often imposed as part of a sentence, and whenever possible, this is done in a way which benefits the local community. Through community work service, clients are often linked to outside agencies such as the Downtown Eastside Women's Centre, Coast Mental Health and the Carnegie Centre. In 2017, clients sentenced to perform Community Work Service through the DCC completed over 1,100 hours of community work, most of which benefited local non-profit agencies within the community.



Port Alberni

DCC also works with a number of local non-profit agencies that offer low-barrier employment opportunities for clients. Some of these agencies include Eastside Works, the Binnars Association, and Mission Possible.

The DCC provides on-site programs and classes to help prepare and connect sentenced clients for a return to their communities. Programming available at DCC includes Community Kitchen, Life Skills, Dealing with Triggers, Naloxone training, *Self-Management and Recovery Training* (SMART), and Art Therapy.

The needs of victims of crime are addressed through onsite victim support case workers, who provide information, support and referrals to programs and services, and ensure that victims' voices are heard in court.

DCC and the various agencies associated with it provide a timely, coordinated and meaningful response to offenders. With an integrated focus, DCC looks to build relationships with partners in the community, and to find new and innovative ways to solve complex problems. One way the DCC achieves this goal is through the Community Advisory Council, which had representation in 2017 from the Chinatown Business Improvement Association, Harbour Lights Detox, the Vancouver Aboriginal Policing Community Centre, University of British Columbia, First Nations Mental Health, a local business and representatives from the DCC.

Located in the heart of the downtown eastside of Vancouver, DCC serves the communities of Chinatown, Coal Harbour, Strathcona, Gastown, Yaletown, the West End (including Stanley Park) and the Downtown Eastside.

As the first and only community court in Canada, DCC continues to serve as a model of court innovation both nationally and globally.

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

Victoria Integrated Court

Victoria Integrated Court (VIC) was created in 2010 to address street crime in Victoria by adopting an integrated approach to chronic offenders with mental health and substance abuse issues.

VIC is focused on addressing the health, social and economic needs of chronic offenders; improving public safety; and holding offenders accountable for their actions in a timely manner.

Integrated teams comprised of members from service providers including police, health, social workers, and community corrections deliver emergency and health services to homeless, mentally disordered and addicted individuals in Victoria. For the most part, VIC deals with people supported by one of these teams.

VIC is not a trial court. Eligible individuals may have bail hearings or plead guilty and be sentenced in VIC. Those who plead not guilty are tried in the regular court system, but if found guilty and given a community-based sentence, they may have that sentence supervised in VIC.

Crown counsel, defence counsel, and integrated team members including community outreach workers, social workers, probation officers and police meet to plan support and supervision for an offender while in the community. Given VIC's unique approach to offenders, a dedicated Crown counsel is assigned to work in the court and certain defence counsel tend to become more involved with offenders appearing there.

Judges are told about housing, medical and other issues affecting an offender and receive recommendations for orders to help a team support and supervise the offender, including engaging in treatment and in community work service.

The teams closely monitor participants while they are in the community and bring participants back to VIC for "reviews" as needed. This is one of the features that contribute to VIC's effectiveness.

In the 2016/2017 year, 122 people appeared in VIC. In the 2017/2018 year, that number increased to 128.

A Working Group collaborates on issues impacting the work of the Court and meets periodically throughout the year. Over the last couple of years, the Working Group has focused its attention on housing for those

involved in VIC. Efforts have been made to have a regular housing liaison attend court each Tuesday to better address VIC's clients' housing problems.

Over the last year, the Working Group learned of the proposed development of a long-term therapeutic treatment centre for those battling homelessness and addiction. The Therapeutic Recovery Community is expected to become operational in the fall of 2018 and to provide an additional resource for VIC clients.

More information about VIC, including previous reports, is available on the Court's [website](#).

Domestic Violence Courts

The Cowichan Valley Domestic Violence Court Project has operated in Duncan since March 2009. It was the first dedicated system in B.C. courts to address issues of domestic violence.

This Court blends an expedited case management process with a treatment or problem-solving court. By bringing domestic violence cases to the disposition stage as soon as possible, either by plea or when trial results in conviction, the project targets several goals: it helps reduce the rate of victim recantation or other witness related problems; it offers a less punitive approach for those willing to accept responsibility for their actions and seek treatment; and it ensures the safety of victims and the public.

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

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

In 2013 a similar court was established in Nanaimo through the collaborative effort of the local coordinating committee for domestic safety. In Kelowna, Penticton and Kamloops, particular days are scheduled for domestic violence cases to ensure that they receive early trial dates and can proceed through court without delay.

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

take less than 30 minutes are heard in one courtroom. Unfortunately, the volume of domestic violence cases makes this courtroom very busy, with its daily lists often exceeding 50 cases.

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

VIDEO APPEARANCES

To accommodate bail hearings in remote locations, the Court continues to use video technology that connects the Justice Centre in Burnaby to those locations where links have been established. In addition, video technology allows most court locations throughout the province to accommodate remand appearances and bail hearings for persons charged with offences and appearing from a remand or custody centre. In 2017/18, the use of video technology saved 34,731 prisoner transports for persons required to appear in court for preliminary matters.

Video technology also allows Judicial Case Managers and Judges in one courthouse to hear preliminary matters from another, thereby maximizing efficient use of judicial resources.

The Court continues to expand its use of video technology. In 2017/18 videoconference equipment was refreshed at four locations. 16 additional units were deployed to locations with existing videoconferencing. Five new units were deployed at locations with no videoconferencing. Further expansion to circuit and satellite court locations is planned for 2018/19 with specific locations to be determined.

UBC INTERNS PROGRAM

Since January 2007, the Provincial Court and the Peter A. Allard School of Law at the University of British Columbia have partnered in a Judicial Externship Program. The program provides an opportunity, unique in Canadian law schools, for third-year students (eight students in each of the fall and winter terms) to spend a term working with Provincial Court Judges for credit towards the completion of their law degree.

Students are assigned to a courthouse (or a rotation of courthouses to ensure exposure to all aspects of the Court's work) and work with Judges from Monday through Thursday of each week. Friday mornings are devoted to a workshop held at UBC. Students receive training from Judges on topics including judicial independence, judgment writing, sentencing, Youth Court, civil law, cultural competency, family law, and child protection. Students' work includes research,

memorandum preparation, attendance at trials and other judicial processes and other tasks to assist the judiciary.

Of particular note, and a very rewarding part of the program, is that each student accompanies a presiding Judge and Court party to a remote registry in British Columbia for a "Circuit Court." This opportunity 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 extra-legal resources.

The [eNews article](#) posted on March 15, 2016 entitled, "An intern's perspective on Circuit Court" provides a first-hand account, as does this 2011 [video](#).

The Court has been very fortunate to receive ongoing funding from the Law Foundation of British Columbia to cover the costs of student travel and accommodation while on circuit, and gratefully acknowledges its contribution in that regard.

COMMUNICATIONS

The Provincial Court of B.C. is recognized as a leader among Canadian courts for its active and engaging online communications. In 2017 Canadian administrative tribunals and courts at all levels consulted the Court about its eNews bulletins and use of social media, and the Nova Scotia Courts followed our lead with their own Twitter Town Hall, tweeting, "They say imitation is the sincerest form of flattery."

Ann Rounthwaite, a retired Judge, continued to act as the Court's Digital Communications Co-ordinator, responsible for the Court's internal and public websites, [eNews](#) articles posted on the website, and tweeting from [@BCProvCourt](#).

Media Workshop and Media Guide

In September 2017 the Court hosted a [workshop](#) for 22 journalists from radio, television, digital and print media in the Okanagan Region. Judges and journalists discussed the Rule of Law, criminal court procedure, publication bans, and access to court documents. All participants found it useful - journalists expressed appreciation for the Court's openness, and Judges benefitted from hearing journalists' concerns and how the Court can facilitate access to its proceedings. The Court hopes to offer similar workshops in other regions in the future.

The Court also published a colourful [Media Guide](#) providing a readable overview of the Court and its work for the public as well as for media.

Website

Visitors to the Court's website can learn about the type of cases handled by the Court, discover court locations and contact information, search past judgments, and get the latest news about the Court. The website is constantly being updated to make its language plainer and its contents ever-more useful and user-friendly.



...www.ProvincialCourt.bc.ca is one of the most popular legal information websites in B.C. It's a great site with a broad range of information for the public, the legal community and the media."

**Dave Nolette, Digital Program Director,
B.C. Justice Education Society**

Additions in this fiscal year included:

- an online [application system](#) for judicial appointments – the first such system in Canada
- infographics and flow charts to explain procedures
- comprehensive information about the June 2017 changes in B.C.'s Small Claims law – the only detailed plain language information available at the time the law changed
- daily announcements about court closures due to wildfires
- [Common Questions](#) – answers to the questions most often received by the Office of the Chief Judge, added in an effort to reduce repetitive enquiries

The Court's website analytics for 2017 showed more than 940,000 page views by more than 225,000 unique visitors.

FIGURE 37 – THE NUMBER OF VISITORS TO THE PROVINCIAL COURT WEBSITE IN 2017

UNIQUE VISITORS	TOTAL VISITORS	PAGE VIEWS	AVERAGE TIME ON SITE
226,331	412,791	941,090	2.25 Minutes

eNews

The Court continued to publish [eNews](#) – short, informal articles - weekly on its website until October 2017 and weekly or bi-weekly thereafter. The articles contain news about Court innovations, judicial officers' activities and work, B.C. justice system resources, and explanations of Court procedures.

eNews articles earned positive reviews and 35,928 page views in 2017 – an increase of 60% over 2016. Those interested can [subscribe](#) to receive email notice when an eNews is published.

Twitter

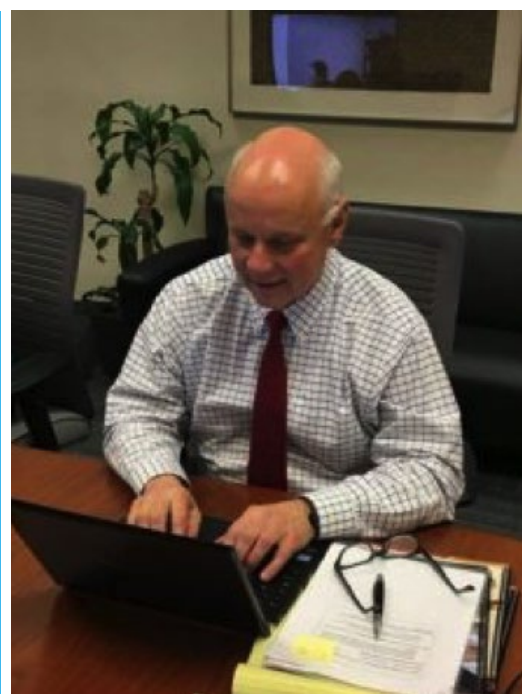
The Court's Twitter account [@BCProvCourt](#) is part of its two-way engagement with the public: it not only shares information with the public; it provides an opportunity for the Court to listen. The Twitter account also provided B.C. residents with timely information about court closures due to wildfires in the summer of 2017.

The Court held its second live Twitter Town Hall, [#AskChiefJudge](#), in April 2017, with Chief Judge Crabtree issuing 138 responses to 176 tweeted questions and comments. Both local and national media carried enthusiastic reports on the event and legal tech writer David Bilinsky wrote:



...@BCProvCourt is a very active Twitter handle and tweets regularly on topics related to the courts, law and related developments. ... **This is one of the most open and transparent courts in the world and it is setting an example of how a traditional institution does not have to be locked into a traditional mindset.** Of course this all comes from leadership at the top and staff that support an innovative approach to courts, dispute resolution and the role of courts in society."

SLAW, Canada's Online Legal Magazine, 2017/03/29



Chief Judge Crabtree responding to questions from the public via twitter

Public engagement

The Court sees its online communications as part of a continuum of interaction with the public. From a Judge speaking to a community group, spending lunch hour with students on a courthouse visit, or sharing perspectives in an eNews article, to the Chief Judge hosting a Twitter Town Hall, the Court is committed to transparency and meaningful engagement with the public.

To this end, Chief Judge Crabtree maintained a very active speaking schedule and many Judges attended public speaking engagements where they could hear from their communities.

Information for self-represented litigants

Self-represented litigants may be overwhelmed by all the legal information available online. To help them find information applicable to Provincial Court matters, the Court partnered with Courthouse Libraries B.C.'s [Clicklaw](#) online platform to produce three "Where do I start?" pages with concise descriptions of some of the most helpful online resources for Provincial Court [family](#), [criminal](#), and [small claims](#) matters.

Designed to be used as handouts or posters, the pages feature a short URL that people can copy and use to access a Clicklaw page with convenient links to the featured resources. In 2017/18 the Court worked with Clicklaw to distribute these pages and an explanatory poster to Court Registries, legal service providers, libraries, and others who deal with self-represented litigants. These resources augment those available on the Court's website.

The Court also distributed a poster explaining its [Guidelines for Using a Support Person in Provincial Court](#), adopted in April 2017 to make it clear that the Court generally welcomes support persons to provide quiet help to self-represented litigants in civil and family court trials.

DO YOU GET QUESTIONS ABOUT SMALL CLAIMS FAMILY CASES CRIMINAL CASES IN PROVINCIAL COURT?

An easy way to share key resources:

Please share widely.

STEP ONE
Go to:
Family Court: bit.ly/clicklawpcf
Small Claims: bit.ly/clicklawpcs
Criminal Court: bit.ly/clicklawpcc

STEP TWO
Click “Download PDF handout”

STEP THREE
Print and distribute the handout:

- Display racks
- Bulletin boards
- At a reference counter

....or write down & share bit.ly links



ACCESS TO JUSTICE BC AND JUSTICE SUMMITS

Chief Judge Crabtree was an active member of the Steering Committee and Leadership Group of Access to Justice BC (A2JBC), a wide network of justice system stakeholders chaired by the Chief Justice of British Columbia and collectively committed to improving access to justice in family and civil matters by supporting collaborative, innovative, user-centered and evidence-based initiatives.

In 2017/18 A2JBC launched a new website at accesstojusticebc.ca. It continued to support the unbundling legal services project, a family justice pathfinder program, and a presumptive consensual dispute resolution project. Its Measurement Working Group developed an [Access to Justice Measurement Framework](#).

Other initiatives included supporting a project led by the Cowichan Tribes and the Lalum’utul’ Smun’eem Child and Family Services to integrate the Tribes’ legal traditions into the existing child protection justice system. This project is also supported by the Aboriginal Justice Council of B.C. and the Law Foundation of B.C.

The Chief Judge, Associate Chief Judge Wishart and the Court’s Legal Officers attended the eighth Justice Summit held in June 2017 and the ninth Justice Summit in November 2017. The Summits were hosted by the Attorney General and the Solicitor General with representation from the leadership of the justice and public safety sectors, police agencies, Indigenous organizations, non-governmental organizations and service agencies, and technology subject matter experts. The themes for both meetings involved technology and justice. Topics included the use of technology to enhance access to justice across the province and manage high volumes of digital information.

UNIQUE PERSPECTIVES ON FIRST NATIONS COURT

In a 2017 eNews article, Thompson Rivers University law students Aanchal Mogla, Kaitlin Hardy, Laurel Sleigh, and Kateri Koster shared their perspectives on the Cknúcwentn First Nations Court in Kamloops after they visited the Court with the Indigenous Law Students Association.

The students explained the significance of the smudge ceremony performed by an Elder to open every Cknúcwentn Court session. "In court, the ceremony serves as an acknowledgement of traditional Indigenous practices, an engagement with cultural norms, and a grounding for the long day ahead of those involved in the process."

They appreciated the Court's emphasis on synergy and collaboration, facilitated by seating that places offenders in a circle with the judge, counsel, the victim, community Elders, and support people. "A dialogue is created allowing those involved to share the impact the incident has had on them, thereby enabling reconciliation and a way forward supported by the community."

The students saw empathetic dialogue between Elders and the offender as a key element of First Nations Court. "On the day of our attendance, an offender's battle with alcoholism was addressed by the Elders, who each shared their encounters with substance abuse and their own personal triumphs over addiction ... (and) reflected on the impact it had on their communities and relationships."



TRU Indigenous Law Students Association and guests at Kamloops Courthouse



They emphasized the central importance of the healing plan devised by the group – "a plan that can include both traditional and developmental forms of sentencing ... It balances the rigour and requirements of the traditional court system with Indigenous ways of doing and being."

And they recognized the value of the blanket ceremony held on completion of the healing plan - "rooted in traditional Indigenous healing practices ... it denotes a new chapter and ... represents strength against vulnerabilities and the unknown. ... This ritual often elicits much emotion as, to many, it signifies forgiveness for harm caused and acceptance back into their community."

For more of the students' perspectives, read the [article](#).

FINANCIAL REPORT

The Finance department continued to provide financial and administrative support to judicial officers and staff of the Provincial Court of B.C. throughout the 2017/2018 fiscal year.

The Finance department at the Office of the Chief Judge is responsible to:

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

The Court completed the 2017/2018 fiscal year within the allocated budget. However, there are cost pressures forecast in the coming year and the Finance department will help provide strategies and advice to mitigate these pressures. Figure 38 gives an overview of the budget allocated, and expenses incurred, by the Court for the 2017/2018 fiscal year.



Sparwood



Nelson

FIGURE 38 - PROVINCIAL COURT 2017/2018 FINANCIAL REPORT

	BUDGET	ACTUAL	VARIANCE	NOTES
Salaries	\$ 40,122,323	\$ 45,004,346	(\$ 4,882,023)	(1)
Supplemental Salaries	\$ 87,000	\$ 127,101	(\$ 40,101)	(2)
Benefits	\$ 9,791,641	\$ 11,024,502	(\$ 1,232,861)	(1)
Total Salaries and Benefits	\$ 50,000,964	\$ 56,155,950	(\$ 6,154,986)	
JJ and Jud Council Fees & Exp	\$ 1,874,672	\$ 2,414,293	(\$ 539,621)	(1)
Travel	\$ 1,445,164	\$ 1,526,941	(\$ 81,777)	(3)
Centralized Mgmt Support	\$ -	\$ 17,783	(\$ 17,783)	(4)
Professional Services	\$ 378,000	\$ 369,440	\$ 8,559	
IT/Systems	\$ 690,200	\$ 705,081	(\$ 14,881)	
Office Expenses	\$ 1,619,000	\$ 1,336,844	\$ 282,155	(5)
Advertising	\$ 3,000	\$ -	\$ 3,000	
Judicial Attire/Dry Cleaning	\$ 96,000	\$ 100,885	(\$ 4,885)	
Vehicles	\$ 60,000	\$ 58,734	\$ 1,265	
Amortization	\$ 492,000	\$ 287,793	\$ 204,206	(6)
Renovations and Rent	\$ 200,000	\$ 334,958	(\$ 134,958)	(6)
CAPCJ & CCCJ	\$ 17,000	\$ 17,200	(\$ 200)	(7)
Total Operating Expenses	\$ 6,875,036	\$ 7,169,956	(\$ 294,920)	
Grand Total	\$ 56,876,000	\$ 63,325,906	(\$ 6,449,906)	
JCC Funding	\$ -	(\$ 6,771,127)	\$ 6,771,127	(1)
Adjusted Total	\$ 56,876,000	\$ 56,554,779	\$ 321,220	

Notes

- (1) Government decision on 2016 Judicial Compensation Committee (JCC) submission.
- (2) Two parental leaves and statutory holiday/second shift premiums at Justice Center.
- (3) Higher Travel costs are the result of increasing hotel costs.
- (4) Legal expenses.
- (5) Significant decrease in temporary staffing and lower than forecasted office expenses.
- (6) Amortization on tenant improvements coded to Renovations and Rent by Centralized Management Services Branch.
- (7) Canadian Association of Provincial Court Judges & Canadian Council of Chief Judges

COMPLAINTS

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

If the complaint asserts judicial misconduct, it is examined by the Chief Judge. As part of this examination, the judicial officer who is the subject of the complaint is provided with a copy of the complaint and an opportunity to respond. The Chief Judge, after examining the complaint, any other relevant materials and any response received from the judicial officer, may determine that: (a) the complaint lacks merit; (b) the complaint can be resolved through corrective or remedial measures; or (c) that an investigation is warranted. The Chief Judge then advises the complainant and the judicial officer of the result of the examination.

During the period from January 1, 2017 to December 31, 2017, the Office of the Chief Judge received 352 letters of complaint. While that is an increase over the previous year, on assessment 335 matters were found not to be complaints within the authority of the Chief Judge. Most of these complaints were not about judicial conduct, but rather were expressions of concern about the outcome of the litigation. Those concerns are not within the jurisdiction of the Chief Judge but may be in the nature of an appeal depending on the issue raised. Those individuals were provided with information about how to appeal a decision of the court. Examinations were commenced in the remaining matters. Including complaints carried over from 2016, 16 examinations were completed, 15 resolved at the examination stage, and one resolved at the investigation stage during 2017.

When the Chief Judge considers that an investigation is advisable, they conduct an investigation of the fitness of the judicial officer to perform their duties (see [section 22.1\(2\)](#) of the Provincial Court Act) and send a written report to the complainant, the Attorney General, and the judicial officer.

Summaries of the completed complaint examinations and the investigation can be found in [Appendix 3](#). Figure 39 tracks complaint statistics and outcomes for the last decade. Since 2008, almost all complaints have been resolved at the examination stage.



FIGURE 39 - COMPLAINTS STATISTICS, 2008-2017 ²⁹

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Letters received	216	245	280	272	227	253	273	204	336	352
Non-complaints (those found not to be within Section 11 of the PCA)	169	207	225	239	206	225	254	164	313	335
Examinations of complaints performed to December 31, 2017	45	* 35	* 29	* 39	* 21	* 20	* 28	* 19	* 26	* 16
Investigations of complaints performed	0	0	0	0	0	0	0	0	0	1
Files unresolved by December 31, 2017	0	0	0	0	0	0	11	23	7	16

²⁹ * Indicates that an examination may have dealt with more than one letter from a complainant or more than one complaint about the same matter.

APPENDIX 1: JUDICIAL OFFICERS

FIGURE 40 - LIST OF JUDGES AS OF MARCH 31, 2018

PROVINCIAL COURT JUDGES, 2017/18	
OFFICE OF THE CHIEF JUDGE	STATUS
Chief Judge Thomas Crabtree	
Associate Chief Judge Melissa Gillespie	
Associate Chief Judge Susan Wishart	
Judge Nancy Adams	Full Time
Judge Jeremy Guild	Full Time
Judge Wilfred Klinger	Senior
Judge William MacDonald	Senior
FRASER REGION	STATUS
Regional Administrative Judge Robert Hamilton	
Judge Therese Alexander	Full Time
Judge Kimberley Arthur-Leung	Full Time
Judge Dawn Boblin	Full Time
Judge Patricia Bond	Full Time
Judge Gregory Brown	Full Time
Judge Richard Browning	Full Time
Judge Andrea Brownstone	Full Time
Judge Valliammai Chettiar	Full Time

PROVINCIAL COURT JUDGES, 2017/18	
Judge Gary Cohen	Full Time
Judge Pedro de Couto	Senior
Judge Paul Dohm	Full Time
Judge Shehni Dossa	Full Time
Judge Kathryn Ferriss	Full Time
Judge Deanne Gaffar	Full Time
Judge Gurmail S. Gill	Senior
Judge Peder Gulbransen	Senior
Judge Robert Gunnell	Full Time
Judge Brent G. Hoy	Senior
Judge Delaram Jahani	Full Time
Judge Eugene Jamieson	Full Time
Judge Patricia Janzen	Full Time
Judge Mark Jetté	Full Time
Judge Peter LaPrairie	Full Time
Judge Robin McQuillan	Full Time
Judge Kristen Mundstock	Full Time
Judge Andrea Ormiston	Full Time
Judge Deirdre Potheary	Senior
Judge Edna Ritchie	Full Time
Judge Jill Rounthwaite	Part Time
Judge Kenneth Skilnick	Full Time
Judge Garth Smith	Full Time
Judge Jay Solomon	Full Time

PROVINCIAL COURT JUDGES, 2017/18	
Judge Patricia Stark	Full Time
Judge Daniel Steinberg	Full Time
Judge Danny Sudeyko	Full Time
Judge Daniel Weatherly	Full Time
Judge Alexander Wolf	Full Time
Judge Thomas Woods	Senior
Judge Wendy Young	Full Time
INTERIOR REGION	STATUS
Regional Administrative Judge Ellen Burdett	
Judge Mariane Armstrong	Full Time
Judge Robert Brown	Full Time
Judge Jane Cartwright	Senior
Judge Christopher Cleaveley	Full Time
Judge Michelle Daneliuk	Full Time
Judge Edmond de Walle	Senior
Judge Roy Dickey	Full Time
Judge Lynal Doerksen	Full Time
Judge Stella Frame	Full Time
Judge Stephen Harrison	Full Time
Judge Cathaline Heinrichs	Full Time
Judge Richard Hewson	Full Time
Judge Gregory Koturbash	Full Time
Judge D. Mayland McKimm	Full Time
Judge Monica McParland	Full Time

PROVINCIAL COURT JUDGES, 2017/18	
Judge R. Dennis Morgan	Full Time
Judge Philip Seagram	Full Time
Judge Meg Shaw	Full Time
Judge William Grant Sheard	Full Time
Judge Robin R. Smith	Senior
Judge Mark Takahashi	Senior
Judge Lisa Wyatt	Full Time
NORTHERN REGION	STATUS
Regional Administrative Judge Michael Brecknell	
Judge Elizabeth Bayliff	Senior
Judge Richard Blaskovits	Full Time
Judge Rita Bowry	Full Time
Judge Brian Daley	Full Time
Judge Judith Thorne Doulis	Full Time
Judge Victor Galbraith	Full Time
Judge Michael Gray	Senior
Judge William Jackson	Full Time
Judge Shannon Keyes	Full Time
Judge George Leven	Full Time
Judge Cassandra Malfair	Full Time
Judge Susan Mengerling	Full Time
Judge Herman Seidemann III	Senior
Judge Dwight Stewart	Full Time
Judge Calvin Struyk	Full Time

PROVINCIAL COURT JUDGES, 2017/18	
Judge Karen Whonnock	Full Time
Judge Peter Whyte	Full Time
Judge Terence Wright	Full Time
VANCOUVER REGION	STATUS
Regional Administrative Judge James Wingham	
Judge James Bahen	Full Time
Judge Laura Bakan	Full Time
Judge Elisabeth Burgess	Senior
Judge Joanne Challenger	Full Time
Judge Patrick Chen	Senior
Judge Bonnie Craig	Full Time
Judge Kathryn Denhoff	Full Time
Judge Harbans Dhillon	Full Time
Judge Patrick Doherty	Full Time
Judge Bryce Dyer	Senior
Judge Joseph Galati	Full Time
Judge Maria Giardini	Full Time
Judge Ellen Gordon	Full Time
Judge Thomas Gove	Senior
Judge Reginald Harris	Full Time
Judge Wilson Lee	Full Time
Judge Malcolm MacLean	Full Time
Judge Steven Merrick	Full Time
Judge Paul Meyers	Full Time

PROVINCIAL COURT JUDGES, 2017/18	
Judge John Milne	Full Time
Judge Douglas Moss	Senior
Judge Jennifer Oulton	Full Time
Judge Nancy Phillips	Full Time
Judge Rose Raven	Full Time
Judge Gregory Rideout	Full Time
Judge William Rodgers	Senior
Judge Donna Senniw	Full Time
Judge Lyndsay Smith	Full Time
Judge David St. Pierre	Full Time
Judge James Sutherland	Full Time
Judge Jodie Werier	Full Time
VANCOUVER ISLAND REGION	STATUS
Regional Administrative Judge Carmen Rogers	
Judge Jennifer Barrett	Full Time
Judge Evan Blake	Senior
Judge Adrian Brooks	Full Time
Judge Loretta Chaperon	Senior
Judge J. Douglas Cowling	Senior
Judge Catherine Crockett	Full Time
Judge Roger Cutler	Full Time
Judge Peter Doherty	Senior
Judge Barbara Flewelling	Full Time
Judge Ted Gouge	Full Time

PROVINCIAL COURT JUDGES, 2017/18	
Judge Brian Harvey	Full Time
Judge Robert Higinbotham	Senior
Judge Frances Howard	Senior
Judge Brian Hutcheson	Full Time
Judge Ronald Lamperson	Full Time
Judge Christine Lowe	Full Time
Judge J. Parker MacCarthy	Full Time
Judge Lisa Mrozinski	Full Time
Judge Justine Saunders	Full Time
Judge Ronald Webb	Full Time

FIGURE 41 - LIST OF JUDICIAL JUSTICES AS OF MARCH 31, 2018

JUDICIAL JUSTICES, 2017/2018	
SITTING DIVISION (FULL TIME)	ASSIGNMENT
Administrative Judicial Justice Kathryn Arlitt	Justice Centre/Traffic
Administrative Judicial Justice Gerry Hayes	
Judicial Justice Irene Blackstone	Traffic
Judicial Justice Joseph Chellappan	Justice Centre/Traffic
Judicial Justice Brad Cyr	Justice Centre
Judicial Justice Patrick Dodwell	Traffic
Judicial Justice Joan Hughes	Traffic
Judicial Justice Susheela Joseph-Tiwary	Traffic
Judicial Justice Maria Kobiljski	Traffic
Judicial Justice Zahid Makhdoom	Traffic
SITTING DIVISION (PART TIME)	ASSIGNMENT
Judicial Justice Brent Adair	Justice Centre/Traffic
Judicial Justice Bradley Beer	Justice Centre/Traffic
Judicial Justice Edward Bowes	Justice Centre/Traffic
Judicial Justice Anna-Maya Brown	Justice Centre
Judicial Justice Brian Burgess	Justice Centre/Traffic
Judicial Justice Norman Callegaro	Justice Centre
Judicial Justice Alison Campbell	Justice Centre
Judicial Justice Hunter Gordon	Justice Centre/Traffic
Judicial Justice Fraser Hodge	Justice Centre
Judicial Justice Tim Holmes	Justice Centre

JUDICIAL JUSTICES, 2017/2018	
Judicial Justice Laurie Langford	Justice Centre/Traffic
Judicial Justice Holly Lindsey	Justice Centre/Traffic
Judicial Justice Christopher Maddock	Justice Centre/Traffic
Judicial Justice Carmella Osborn	Justice Centre/Traffic
Judicial Justice Debra Padron	Justice Centre
Judicial Justice Carol Roberts	Justice Centre
Judicial Justice Peter Stabler	Justice Centre/Traffic
Judicial Justice David Schwartz	Justice Centre
Judicial Justice Dave Maihara	Justice Centre
Judicial Justice Linda Mayner	Traffic
Judicial Justice Candice Rogers	Justice Centre

FIGURE 42 - LIST OF JUSTICE OF THE PEACE ADJUDICATORS AS OF MARCH 31, 2018

JUSTICE OF THE PEACE ADJUDICATORS, 2017/18
Frank Borowicz Q.C.
Kenneth Glasner Q.C.
Karl Warner Q.C.
Karen Nordlinger Q.C.
Marina Pratchett Q.C.
Dale Sanderson Q.C.

FIGURE 43 - LIST OF JUDICIAL CASE MANAGERS AS OF MARCH 31, 2018

JUDICIAL CASE MANAGERS, 2017/18	
OFFICE OF THE CHIEF JUDGE	STATUS
Administrative JCM Yvonne Hadfield	Full Time
JCM Supervisor Laura Caporale	Full Time
OCJ JCM Longine Chung (as of August 2017)	Full Time
FRASER REGION	STATUS
JCM Michelle Danyluk	Part Time
JCM Marylynn deKeruzec	Part Time
JCM Sheryl Gill	Auxiliary
JCM Heather Holt	Full Time
JCM Lana Lockyer	Full Time
JCM Lila MacDonald	Full Time
JCM Amy Mitchell	Part Time
JCM Andrea Schultz	Full Time
JCM Maureen Scott	Full Time
JCM Suzanne Steele	Full Time
JCM Sandra Thorne	Full Time
JCM Bianca West	Part Time
JCM Julie Willock	Full Time
INTERIOR REGION	STATUS
JCM Kathy Bullach	Part Time
JCM Sandra Hadikin	Part Time
JCM Dalene Krenz	Full Time
JCM Arlene McCormack	Part Time

JUDICIAL CASE MANAGERS, 2017/18	
JCM Sheila Paul	Full Time
JCM Lori Stokes	Full Time (to March 2, 2018)
JCM Betty Vincent	Auxiliary
JCM Marj Warwick	Part Time
NORTHERN REGION	STATUS
JCM Donna Bigras	Auxiliary (Retired March 31, 2017) (Auxiliary Nov 27, 2017)
JCM Faye Campbell	Full Time Retired March 29, 2018
JCM Crystal Foerster	Part Time
JCM Ronda Hykawy	Full Time
JCM Sherry Jasper	Auxiliary
JCM Sarah Lawrence	Full Time
JCM Lyne Leonardes	Full Time
JCM Hillary Lewis	Full Time (Temporary Assignment ended May 19, 2017)
JCM Sharon MacGregor	Part Time
JCM Deb Pillipow	Auxiliary
JCM Elesha Saunders	Full Time
VANCOUVER ISLAND REGION	STATUS
JCM Jill Appleton	Full Time
JCM Alison Bruce	Auxiliary
JCM Cindy Smith	Full Time (As of Sep 18, 2017)

JUDICIAL CASE MANAGERS, 2017/18	
JCM Delaine Carey	Auxiliary
JCM Lori Dhillon	Full Time
JCM Shannon Cole	Full Time
JCM Deborah Henry	Auxiliary (As of May 29, 2017)
JCM Tracey Hall	Auxiliary (As of Dec 2017)
JCM Lisa Harrison	Part Time Full Time (As of July 2017)
JCM Veronica Mitchell	Full Time
JCM Arlene Sutton-Atkins	Part Time
VANCOUVER REGION	STATUS
JCM Kelly Butler	Full Time (Retired March 2, 2018)
JCM Sarah Calla	Full Time
JCM Rachel Fujinami	Full Time
JCM Mathew Fong	Part Time March 5, 2018
JCM Candace Goodrich	Full Time (Retired May 29, 2017)
JCM Teresa Hill	Auxiliary (As of March 2017)
JCM Karoline Marcher	Part Time
JCM Jovanka Mihic	Part Time
JCM Heather Wullum	Part Time (Sep 5, 2017) Full Time (As of March 5, 2018)
JCM Judi Norton	Full Time Part Time (As of Nov 27, 2017)
JCM Barbara Sayson	Full Time
JCM Dennis Toy	Full Time (Temporary Assignment Feb 2017 - Aug 4, 2017)

APPENDIX 2: REDUCTIONS TO THE JUDICIAL COMPLEMENT

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

FIGURE 44 - LIST OF JUDGES WHO LEFT THE COURT OR ELECTED TO SIT PART-TIME BETWEEN APRIL 1, 2017 AND MARCH 31, 2018

JUDGE ³⁰	JUDICIAL REGION	DATE	REASON ³¹
Judge David Pendleton	Vancouver Island	18-Apr-17	Retirement
Judge Leonard Marchand	Interior	23-Jun-17	Appointed to the Supreme Court
Judge Vincent Hogan	Interior	30-Jun-17	Retirement
Judge Ernest Quantz	Vancouver Island	30-Jun-17	Retirement
Judge Robert Higinbotham	Vancouver Island	01-Aug-17	Senior Election
Judge James Threlfall	Interior	31-Oct-17	Retirement
Judge Randall Callan	Northern	27-Nov-17	Deceased
Judge Bradford Chapman	Interior	31-Dec-17	Retirement
Judge Raymond Low	Vancouver	31-Dec-17	Retirement
Judge Rory Walters	Fraser	31-Dec-17	Retirement
Judge Michael Gray	Northern	22-Jan-18	Senior Election

³⁰ Does not include the two Judges who were re-appointed after completing the Senior Judges' Program.

³¹ The last sitting day of a retiring Senior Judge is recorded as a retirement.

JUDGE³⁰	JUDICIAL REGION	DATE	REASON³¹
Judge Donald Gardner	Fraser	31-Jan-18	Retirement
Judge Elisabeth Burgess	Vancouver	31-Jan-18	Senior Election
Judge Thomas Woods	Fraser	31-Jan-18	Senior Election
Judge Richard Miller	Fraser	31-Mar-18	Retirement
Judge Gale Sinclair	Interior	31-Mar-18	Retirement
Judge Gurmail Gill	Fraser	31-Mar-18	Senior Election

APPENDIX 3: COMPLAINT SUMMARIES

COMPLAINTS AGAINST JUDGES	
#	Summary
1	<p>Complaint: The complainant asserted that the Judge shouted “[t]hat is inflammatory” during a small claims settlement conference and acted unprofessionally.</p> <p>Review: The Judge’s response was sought. (Settlement conferences are generally not recorded.) The Judge denied making the alleged statement and denied having acted unprofessionally. The complainant’s concerns appeared related to a misunderstanding of the Judge’s role at a settlement conference. In seeking to mediate small claims cases during a settlement conference, Judges take an evaluative approach as to the likelihood of success of a claim, and it is expected that the Judge will be frank with the parties as to the Judge’s summary view of the strengths and weaknesses of each party’s case. As well, a Judge presiding over a proceeding must ensure the effective management of court proceedings.</p> <p>A review of the complaint and the Judge’s response in the context of a settlement conference led to the conclusion that further action on the complaint was not warranted. The complainant and the Judge were so informed, and the matter was closed on that basis.</p>
2	<p>Complaint: The complaint arose out of a family law hearing. The complainant alleged that the Judge used the word “stupid” and laughed at the complainant.</p> <p>Review: The audio recording of the proceedings as well as a response from the Judge were reviewed. The Judge acknowledged that she had laughed during the proceedings, although she was not laughing at the complainant. However, she agreed that it was inappropriate to laugh in court and it was ill-advised to use the word “stupid” when speaking about an email that had been sent. The Judge expressed regret and offered an apology. The complainant was informed of the apology and the complaint was resolved on that basis.</p>

3	<p>Complaint: The complainant asserted that a Judge, during a lunch in 2016, asked the complainant in a voice loud enough for others to hear how long it had been since he was reported to the Law Society. The complainant further alleged that the Judge asked whether judgment had been paid with respect to a case that the complainant had defended.</p> <p>Review: A response was sought from the Judge. The Judge denied that he made the comment about the Law Society. With respect to asking about the case, the Judge, in responding to the complaint, acknowledged that the subject of the case did come up but disputed that anything inappropriate was said.</p> <p>There was no audio recording as the matter occurred outside of court. It was determined that beyond receipt of a copy of the complainant's letter by the Judge, no further examination was warranted. The file was closed on that basis.</p>
4	<p>Complaint: The complainant alleged that the Judge was "very unprofessional" in complimenting the opposing party's clothing during a family law hearing.</p> <p>Review: A response was sought from the Judge, and the audio recording was reviewed. The audio recording confirmed that the Judge did make a complimentary statement about the party's clothing. The Judge noted that the exchange occurred within the context of trying to establish some rapport with the party at the beginning of the hearing. The Judge extended her sincere apologies for anything said during the hearing that caused the complainant to believe she was behaving in an unprofessional manner. The complainant was informed of the apology by letter, a copy of the letter was provided to the Judge for her information, and the complaint was resolved on that basis.</p>
5	<p>Complaint: The complaint arose out of a family law hearing. The complainant made a number of allegations, including that the Judge yelled at him, discussed the case with the other party while the complainant was not there, told the complainant he should force his daughter to talk to her mother, and made other inappropriate comments.</p> <p>Review: A response was sought from the Judge and the audio recording was reviewed. Review of the audio recording confirmed that at times the Judge did raise his voice. The Judge was reminded of the responsibility on judicial officers to seek to maintain a level of calm and serenity, even in the face of challenging circumstances, so as to provide confidence to parties and observers that judicial authority is being exercised fairly and in an evenhanded manner. The Judge stated that if the complainant felt that raising his voice was not appropriate he unreservedly apologized for having done so.</p> <p>With respect to the other assertions: some were not supported by the audio recording, some were in the nature of an appeal, and others related to the Judge's need to ensure the effective management of court proceedings.</p> <p>A review of the complaint, the audio recording and the Judge's response led to the conclusion that further action on the complaint was not warranted. The complainant was so informed, and the matter was closed on that basis.</p>

6	<p>Complaint: The complaint arose out of a small claims settlement conference. The complainant, who was the defendant in the matter, asserted that the Judge made inappropriate comments, including “I have no sympathy for you”, “berated [the complainant] the entire time”, and suggested that “everything [the complainant] said was a lie; everything [the complainant] sent was ‘made up’”, and that the Judge stated in regards to the claimant that “I have worked with them before and they are very fair”.</p> <p>Review: A response was sought from the Judge. (Settlement conferences are generally not recorded.) The Judge stated that during the settlement conference it became clear that, contrary to the defendant’s Reply, the defendant was aware of the debt and demands for payment issued by the claimant. The Judge further noted that she likely did state that the claimant would want to see documentation that supported some of the defendant’s assertions, otherwise there would be no way for a creditor to know if a summary was “made up” by a debtor. The complainant’s concerns appeared related to a misunderstanding of the Judge’s role at a settlement conference. The Judge expressed regret that the complainant perceived her conduct to be inappropriate.</p> <p>A review of the complaint, against the background of the complainant’s letter and the Judge’s response in the context of the settlement conference process, led to the conclusion that there was no judicial misconduct. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.</p>
7	<p>Complaint: The complainant asserted that the Judge used stereotypes when dealing with a family law matter. As well, concerns were received that the Judge made statements critical of staff and inappropriate comments to parties in small claims and family proceedings. There were also complaints received about excessive delay in issuing Reasons for Judgment.</p> <p>Review: As the Judge had retired since the making of the complaint, the Chief Judge had no continuing authority over the Judge and complaints against the Judge’s conduct. Accordingly, the complaint file was closed.</p>
8	<p>Complaint: The complainant asserted that the Judge made inappropriate statements during a small claims settlement conference about the complainant and “mocked” her, “engaged in inappropriate intimidation” and tried to force the complainant to sign a release she had never seen, did not allow the complainant to fairly respond, “snapped” at the complainant and tried to convince the defendant to start a defamation action in B.C. Supreme Court against the complainant.</p> <p>Review: The Judge’s response was sought. (Settlement conferences are generally not recorded.) The Judge denied the assertions. He stated that he had to be firm with the complainant about her conduct during a settlement conference, including interrupting the other party’s counsel. The Judge added that the defendant made an offer to settle, and the claimant was interested. Therefore, the Judge requested that the parties schedule a continuation of the settlement conference in hope of a resolution. The Judge advised the complainant that the B.C. Supreme Court has jurisdiction to hear claims of defamation and has the jurisdiction to make higher awards than the Provincial Court.</p> <p>In light of the evaluative role of a Judge at a settlement conference, and against the background of the complainant’s letter and the Judge’s response, it was concluded that further action on the complaint was not warranted. The complainant was so informed, and the matter was closed on that basis.</p>

9	<p>Complaint: The complaint arose out of a small claims settlement conference. The complainant asserted that the Judge “asked why [the complainant] had even bothered attending”, told the complainant that she had “wasted” tax payers’ money, “did absolutely nothing to facilitate any kind of settlement”, and pressured the complainant to make a monetary offer.</p> <p>Review: The Judge’s response was sought. (Settlement conferences are generally not recorded.) The Judge indicated that the complainant stated she had no intention of making a settlement offer, and in light of that inflexibility the Judge reminded her that court time was precious and that they had not convened to simply allow the complainant to examine the other party. The complainant was unmoved, and this resulted in the settlement conference ending. The Judge apologized if his language and effort to persuade the complainant to discuss a compromise caused offence and noted that his intention was to focus the complainant on the purpose of the conference.</p> <p>A review of the complaint and the Judge’s response led to the conclusion that further action on the complaint was not warranted. A report that there was no judicial misconduct was sent to the complainant, and the file was closed.</p>
10	<p>Complaint: The complaint arose out of proceedings related to a family law matter. The complainant asserted that the Judge acted unprofessionally, was rude, came across as being “rushed, irritated and volatile”, interrupted the complainant and her counsel, used a condescending tone and body language, made sarcastic and brusque comments, and made the complainant feel she would not be heard.</p> <p>Review: Audio recordings of the proceedings were reviewed, and the Judge was asked for a response. The Judge expressed that she empathized with the complainant’s frustration about the length of time the proceedings had been ongoing. The audio recordings indicated that the Judge was frustrated with the complainant and was forceful and abrupt in her manner. The Judge was reminded that there is a responsibility on judges to seek to maintain a level of calm and serenity, even in the face of challenging circumstances, so as to provide confidence to parties and observers that judicial authority is being exercised fairly and in an evenhanded manner. While maintaining control of proceedings, Judges should treat everyone with appropriate courtesy. With that reminder to the Judge, the complaint was closed.</p>
11	<p>Complaint: The complaint arose out of a family case conference. The complainant asserted that the Judge’s tone and volume gave the complainant the impression he was not at all interested in justice. The complainant also felt that the Judge had mocked and made jokes about him.</p> <p>Review: The Judge was asked for a response. (Family case conferences are generally not recorded.) The Judge indicated that he did not raise his voice, nor could he think of anything said that could be construed as mocking or joking about the complainant. The Judge noted that he tries at all times to be courteous, patient, and respectful to all litigants. He was focused on the interests of the children and was happy that the parties were able to reach a consent resolution of their dispute at the family case conference.</p> <p>A review of the complaint and the Judge’s response led to the conclusion that, other than providing the Judge with a copy of the closing letter, further action on the complaint was not warranted. The complainant was so informed, and the matter was closed on that basis.</p>

12	<p>Complaint: The complainant asserted that the Judge during a small claims settlement conference “spoke forcefully” and in a brusque manner, and “snapped” at the complainant. The complainant felt “under attack” and was “astonished at [the Judge’s] courtroom behaviour” and statements the Judge made.</p> <p>Review: The Judge was asked for a response. (Settlement conferences are generally not recorded.) The Judge disagreed with the assertions that he was brusque, rude and disrespectful. The Judge recalled that he explained the purpose of a settlement conference and provided the complainant with an opportunity to outline the nature of the complaint. The defendant, through counsel, proposed a solution to address the issue in the small claims matter. Both the complainant and the defendant signed the record agreeing to the proposal.</p> <p>A review of the complaint and the Judge’s response led to the conclusion that further action on the complaint was not warranted. The complainant was so informed, and the matter was closed on that basis.</p>
<h3 style="color: red;">COMPLAINTS AGAINST JUDICIAL JUSTICES</h3>	
13	<p>Complaint: Information was received about a Judicial Justice (JJ) who, without advising the parties of his concerns or inviting arguments from the parties, issued a decision entering a stay of proceedings. Information was further received that after the decision was issued, the JJ, representing himself as a judicial officer, contacted a public advocacy group and suggested they consider representing a particular group of litigants in the review hearing of the JJ’s decision.</p> <p>Review: An examination and investigation under s. 22.1 of the <i>Provincial Court Act</i> were conducted. The JJ’s sitting duties were restricted pending the outcome of the investigation.</p> <p>The matters identified could be addressed through corrective action, which were completed as directed, including meeting with the Chief Judge, continuing legal education and an ethics review. The matter was closed on that basis.</p>
14	<p>Complaint: The complaint arose out of a traffic proceeding. The complainant alleged that the Judicial Justice (JJ) stated that “all my officers are here” and that made the complainant feel that the court and police were together, and he was “separated as a public”.</p> <p>Review: Review of the audio recording confirmed that before beginning the proceeding the JJ said, “Okay, great, so all my officers are here.”</p> <p>The JJ explained that she was taking a roll call and acknowledged that the words “my officers” may have given the incorrect impression and that going forward she will make appropriate changes to the words she uses. Judicial officers should strive to ensure that their conduct is such that any reasonable, fair minded and informed member of the public would justifiably have confidence in the impartiality of the judicial officer. They should avoid comments, expressions, gestures, or behaviour which reasonably may be interpreted as showing bias towards anyone. This was a helpful reminder to the JJ regarding how a judicial officer’s comments during proceedings may be perceived by litigants. On that basis the matter was closed.</p>

COMPLAINTS AGAINST JUDICIAL CASE MANAGERS

15	<p>Complaint: The complainant lawyer raised concerns that protocol was not followed with respect to the fixing of a hearing date and a case conference date in a family matter by a Judicial Case Manager (JCM). The lawyer’s client attended at the JCM’s office in the afternoon at the scheduled time but found that the JCM had set dates earlier that morning in her absence.</p> <p>Review: The JCM was asked for a response. The JCM noted that she set the date earlier in the morning because she did not expect the client to appear in person that afternoon at the scheduled time, as opposing counsel had told her he did not expect the complainant to attend. She noted in her response that she should have left the matter to be dealt with at its scheduled time. A closing letter was sent to the JCM reminding her about the importance in scheduling matters to minimize inconvenience to all parties. On that basis the matter was closed.</p>
16	<p>Complaint: The complainant alleged that the Judicial Case Manager (JCM) was “rude” to the complainant on the phone and “abruptly hung up” on the complainant.</p> <p>Review: A response was sought from the JCM. The JCM did not recall hanging up on the complainant. As there was no recording of the call, there was no way to review exactly what happened.</p> <p>The JCM did acknowledge that she was frustrated when speaking with the complainant and apologized. The JCM was reminded of the responsibility on judicial officers to seek to maintain a level of calm and serenity, even in the face of challenging circumstances, so as to provide confidence to people with whom they interact that judicial authority is being exercised fairly and in an even-handed manner. This was also communicated to the complainant, and the matter was closed on that basis.</p>

APPENDIX 4: TIME TO TRIAL DEFINITIONS, WEIGHTING AND STANDARDS

TIME TO TRIAL DEFINITIONS SPECIFIC TO TYPES OF CASES

Adult criminal - Time to an adult criminal trial is defined as the number of months between an Arraignment Hearing/Fix Date Appearance³² and the first available court date for typical trials of various lengths. These results do not take into account the time between a first appearance in Court and the Arraignment Hearing/Fix Date Appearance.

Youth criminal - Time to trial for youth criminal trials is not broken down by trial length but is otherwise the same as for adult criminal trials.

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

Small claims - Time to a small claims trial is defined as the number of months between a settlement conference and the first available court date for typical small claims trials of various lengths. These results do not take into account the time between the filing of a reply and the settlement conference. Results for settlement conferences count from the date of the reply.

WEIGHTED TIME TO TRIAL CALCULATIONS

Time to trial information is collected at the location level. It is then weighted using each location's caseload. This is done at both the regional and the provincial level. For example, if a location has 50% of its Region's caseload and 11% of the provincial caseload in a given type of case, their results are multiplied by 0.5 during the calculation of the regional weighted time to trial, and by 0.11 when calculating provincial weighted time to trial.

STANDARDS

The current standards came into effect on June 30, 2016 and were developed based on changes to the estimated trial length categories.

The Court now collects information on three different lengths of trial - less than 2 days, 2-4 days, and 5 or more days - in addition to Summary Proceedings Court³³ matters and conferences. The precise information collected

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

³³ Summary Proceedings Court matters are generally less complex cases with historically high collapse rates and a time estimate of less than half a day. Several of these cases are set for the same time in a Summary Proceedings Courtroom.

varies based on the type of case (e.g. no conference information is collected for criminal matters). Time to Trial data is collected by surveying Judicial Case Managers, who report when events of various types can typically be scheduled.

FIGURE 45 - TIME TO TRIAL MEASURES AND STANDARDS

JURISDICTION	NEW MEASURES AND STANDARDS	
	New Measure	OCJ Standard
Small Claims	Settlement Conference	2 months
	Summary Proceedings Court (SPC)	4 months
	<2 Day Trial (non-Assignment Court locations ³⁴)	5 months
	2-4 Day Trial	6 months
	5 Days or More Trial	8 months
Family (CFCSA)	Family Case Conference (FCC)	2 months
	SPC	2 months
	<2 Day Trial (non-Assignment Court locations)	3 months
	2-4 Day Trial	4 months
	5 Days or More Trial	6 months
Family (FLA)	FCC	2 months
	SPC	3 months
	<2 Day Trial (non-Assignment Court locations)	4 months
	2-4 Day Trial	5 months
	5 Days or More Trial	6 months
Criminal	SPC	4 months
	<2 Day Trial (non-Assignment Court locations)	6 months
	2-4 Day Trial	7 months
	5 Days or More Trial	8 months
	Youth Trial	4 months

34 Surrey, Abbotsford, Vancouver Criminal and Civil, Port Coquitlam, Kelowna, and Victoria have Assignment Courts that people attend on the day set for trial to confirm their readiness to proceed before being sent to a trial court. "Non-Assignment Court locations" refers to the other courthouses in B.C.



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