



**JUDICIAL COUNCIL  
OF BRITISH COLUMBIA  
ANNUAL REPORT**

2012



## Judicial Council of British Columbia

March 28, 2013

The Honourable Shirley Bond  
Minister of Justice and Attorney General  
Parliament Buildings  
P.O. Box 9044, Stn Prov Govt.  
Victoria, BC V8W 9E2

Dear Attorney General:

I present herewith the Annual Report of the Judicial Council of British Columbia for the year 2012. The work of Judicial Council during the past year includes the review of applications and interviewing of applicants seeking an appointment to the Provincial Court. The activities of the Judicial Council during this period include the review of 46 applications for appointment as Provincial Court Judge. Of those applications, the Council interviewed 21 applicants for the position of Provincial Court Judge.

The Judicial Council continues to fulfill its statutory object of improving the quality of judicial service in the Provincial Court of British Columbia to a standard of judicial excellence to ensure that members of the judiciary are provided with ongoing access to the highest quality of education, and in promoting strict adherence to accepted judicial ethical guidelines.

This report is published in keeping with the Council's tradition of accountability, transparency and public access to information. It is accessible on the Provincial Court website at:  
<http://www.provincialcourt.bc.ca/>.

Sincerely,

The Honourable Thomas J. Crabtree  
Chief Judge  
Presiding Member, Judicial Council of British Columbia

JUDICIAL COUNCIL OF BRITISH COLUMBIA  
SIXTEENTH ANNUAL REPORT  
2012

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## 1. Introduction and Membership to Judicial Council

The Judicial Council of British Columbia is a statutory body created by the [Provincial Court Act](#), R.S.B.C. 1996, c. 379, s. 21. The stated object of the Council is to “improve the quality of judicial service.” Judicial Council’s functions include:

1. considering proposed Lieutenant Governor in Council appointments of Judges, Justices (including Judicial Justices and Justices of the Peace);
2. conducting inquiries respecting Judges, Judicial Justices and Justices of the Peace;
3. considering proposals for improving the judicial services of the Court;
4. continuing the education of Judges and organizing educational conferences for Judges;
5. preparing and revising, in consultation with the Judges, a code of ethics for the judiciary; and
6. reporting to the Attorney General on the matters the Attorney General considers necessary.

The members of the Judicial Council, as prescribed by the *Act*, are the Chief Judge as Presiding Member; an Associate Chief Judge as Alternate Presiding Member; the President of the Law Society of British Columbia or her/his designate; the President of the British Columbia Branch of the Canadian Bar Association or her/his designate; and, by appointment of the Lieutenant Governor in Council for a term of not longer than 3 years, a Judge (who, by convention, is the President of the Provincial Court Judges’ Association, and appointed for a term of 1 year); and not more than 4 other persons (by convention, this has included a Judicial Justice and at least 2 laypersons).

The members of the Judicial Council in 2012 were as follows:

*The Honourable Chief Judge Thomas J. Crabtree, Presiding Member  
Appointed Chief Judge April 8, 2010*

Chief Judge Crabtree was appointed to the Provincial Court in February 1999. He was appointed Chief Judge of the Provincial Court of British Columbia on April 8, 2010, at which time he also became Presiding Member of Judicial Council. During his time on the bench, Chief Judge Crabtree has contributed to a number of committees of the Court, including: the BC Judges’ Association’s Education Committee, including chair of the Committee from 2004 – 2008; member of the Association Executive 2004 - 2008; chair of the 2007 Joint CAPCJ, AJA & BCPCJA Conference Education Committee; and chair of the Education Review Committee. He is a member of the Canadian Council of Chief Judges and currently sits on its Education Committee.

In addition, Chief Judge Crabtree participates in the Provincial Court Students’ Journalism Program; and is the Court’s representative on the CLE Board. Chief Judge Crabtree has also spoken at and participated on a number of panels at judicial education conferences including: the New Judges Program at Lac Carling; the International Conference on Training the Judiciary; and the National Judicial Institute. He has also been involved with the Elder College at the University of the Fraser Valley; Moot Court programs at the UBC Law School; and the Chilliwack Court House, in addition to speaking to various community organizations.

*The Honourable Associate Chief Judge Gurmail S. Gill, Alternate Presiding Member*  
*Appointed to Judicial Council July 1, 2010*

Associate Chief Judge Gill was called to the bar in 1984, and practiced law with the Abbotsford firm of Rosborough & Company until 1987. He then practiced with the firm of Robertson, Peck, Thompson in Vancouver until 1990 and ultimately at his own law firm until the time of his appointment to the Provincial Court of British Columbia in 1994. Judge Gill was appointed as the Administrative Judge for the South Fraser Judicial District in August of 2007. He was appointed Associate Chief Judge of the Provincial Court, in which capacity he presently serves, in February of 2009.

*The Honourable Judge Maris McMillan, President, Provincial Court Judges' Association (2012)*  
*Appointed to Judicial Council December 31, 2011*

Judge McMillan has been a judge of the Provincial Court of BC since December 2006. Since then, she has served not only as a member of Judicial Council for one term by virtue of being the President of the Provincial Court Judges' Association of BC, but also as a member of other Court committees. Judge McMillan is also one of the supervising judges for the Court's student intern program, which is run in conjunction with the Faculty of Law, University of British Columbia. Prior to her appointment, Judge McMillan was a lawyer for 20 years and was honoured with the designation of Queen's Counsel in 2005.

*Administrative Judicial Justice Patricia Schwartz*  
*Appointed to Judicial Council December 31, 2010*

Administrative Judicial Justice Schwartz is currently assigned to the Violation Ticket Centre and traffic courts for the British Columbia Provincial Court. She was appointed as a Judicial Justice of the Peace in 2001 and was previously a Judicial Case Manager. JJ Schwartz was also the Acting Operations Manager in the Office of the Chief Judge. Active in her community, she has served on the Board of Directors for City Hall Daycare, for the Ecole Pauline Johnson After School Care program, and the Vancouver Skating Club. JJ Schwartz attended Capilano College, has completed Government Management Courses and attends biannual JJ seminars. She was appointed to Judicial Council on December 31, 2010 for a three-year term.

*Mr. Kenneth Walker, Q.C., The Law Society of BC nominee*  
*Appointed to Judicial Council January 14, 2009*

Kenneth Walker, Q.C., was called to the bar in 1974 and practises with his son, Kevin Walker, at Wozniak and Walker. He has a general practice, which includes criminal defence, civil litigation and a component of solicitor's practice. He was appointed Queen's Counsel in 2012. Elected a Bencher in 2007, Walker is currently Vice-chair of the Credentials Committee, Vice-chair of the Finance Committee and Vice-chair of the Legal Service Provider Task Force. He is a member of the Appointments Subcommittee, Executive Committee, Governance Committee and Litigation Subcommittee. Mr. Walker was formerly a member of the Lawyer Education Advisory Committee, Complainants' Review Committee, Finance Committee, Ethics Committee, Discipline Committee, Credentials Committee, Act and Rules Subcommittee, Small Firm Task Force, and Adjudication/Prosecution Task Force. He is a member of the Kamloops Bar

Association and has served that organization in various capacities, including as organizer for the Kamloops Bar Association golf tournament.

*Ms. Sharon Matthews, President, Canadian Bar Association, BC Branch (2012)*  
*Appointed to Judicial Council January 1, 2012*

Ms. Matthews is a partner with the law firm of Camp Fiorante Matthews Mogerman. She acts for plaintiffs in aviation cases and in class actions. She has been counsel at trials and on appeals in British Columbia, Alberta, Ontario and at the Supreme Court of Canada. Ms. Matthews was President of the BC Branch of the Canadian Bar Association for 2011 – 2012. In that role, she worked with dedicated BC CBA volunteers and staff to improve access to justice through public awareness of the crisis in legal aid, and the many other ways the CBA serves its members, including continuing professional development and law reform. In addition to several years of involvement with the CBA in both provincial and national roles, Ms. Matthews has volunteered as a roster lawyer for Access Pro Bono and is a member of the Trial Lawyers Association of British Columbia. She is a frequent speaker at professional development events for the CBA, BC Branch, Continuing Legal Education, BC, the Trial Lawyers Association of British Columbia and Osgoode Professional Development. Ms. Matthews has been honoured with the CBABC President's Medal three times (2003, 2010 and 2012), the UBC Law Alumni Outstanding Young Alumna Award, and in 2012 she was appointed Queen's Counsel.

*Ms. Karin Kirkpatrick*  
*Appointed to Judicial Council July 8, 2011*

Karin Kirkpatrick is the Chief Executive Officer and Registrar for the Private Career Training Institutions Agency, the regulatory agency for private training institutions in BC. Previously, she was the Chief Executive Officer of the Real Estate Foundation of British Columbia and also Director of the Centre for CEO Leadership at UBC. From 2002 to 2008 she held the roles of Assistant Dean and Director of Career Services, Marketing and Communications, and most recently, Executive Education, in the Sauder School of Business at the University of British Columbia. From 1994 to 2002, she was President of the Kirkpatrick Staffing Group, a recruitment company she founded and sold. Ms. Kirkpatrick is a Certified Management Accountant (CMA), holds a Master of Business Administration in Human Resources, teaches Strategic Human Resources in the MBA program at the University of British Columbia, and holds a Certified Human Resource Professional (CHRP) designation. She is a member of the Canadian Council of Administrative Tribunals.

*Dr. Darin Cherniwchan*  
*Appointed to Judicial Council July 8, 2011*

Dr. Darin Cherniwchan is the Medical Director of the Fraser Valley Travel Clinic and works in palliative care with the Fraser Health Authority. Previously, Dr. Cherniwchan worked as a family physician in a private practice. Active in his community, he is a member of the Chilliwack Mt. Cheam Rotary Club, a member of the International Society of Travel Medicine, and a retired Register of the College of Pharmacists of BC. Dr. Cherniwchan is a Fellow with the College of Family Physicians of Canada. He holds his Bachelor of Pharmaceutical Sciences from the University of British Columbia, attended medical school at McGill University, and completed his Family Practice residency at the University of British Columbia.

*Mr. Lorne MacLean, Q.C.  
Appointed to Judicial Council March 8, 2012*

Lorne MacLean, Q.C. is currently the founding partner of Maclean Family Law Group, which has been operating since 1983, and has offices in Vancouver, Surrey, Kelowna and Fort St. John. Mr. MacLean has published on numerous topics relating to BC divorce and BC family law. He is also a frequent guest on radio and television as an expert in his field. Active in his community, he has been a guest lecturer at the University of British Columbia Law School. He holds his Bachelor of Science from the University of British Columbia and his Bachelor of Law from Osgoode Hall.



*Left to right; front row: Judge M. McMillan, Chief Judge T. Crabtree, Associate Chief Judge G. Gill;  
back row: Mr. K. Walker, Q.C., Ms. S. Matthews, Administrative Judicial Justice P. Schwartz, Mr. L.  
MacLean, Q.C., Ms. K. Kirkpatrick, Dr. D. Cherniwchan*

## *Judicial Council Members' Profiles*

Members of the Judicial Council provide an important service to the people of British Columbia through their participation on the Council. Here, three members of Judicial Council provide their perspective, why they choose to participate and the value that this Council brings to the Citizens of British Columbia.

As the alternate presiding member of the Council, **Associate Chief Judge Gurmail S. Gill** supports the Chief Judge by participating in the meetings and deliberations of the Council, as well as chairing meetings that the Chief Judge is unable to attend.

Council is comprised of judicial officers having leadership positions with the Court, representatives of the legal profession and individuals with meaningful community experience. For Judge Gill, this means that: "The qualifications and the wisdom of this broadly constituted membership allows the Council to most effectively meet the mandate given to it by law, striving to ensure that British Columbia is served by a Provincial Court judiciary that is not only of the highest professional calibre, but which also reflects the diversity and strength of its people."

Along with his extensive and wide-ranging responsibilities as an Associate Chief Judge, Judge Gill feels strongly about his participation on the Judicial Council. He said: "Judges make decisions every day that have the potential to impact people's lives in significant ways, touching on their liberties, their family arrangements and their private disputes. It is both inspiring and humbling to participate on a Council mandated to identify judicial candidates through a fair, objective and rigorous process."

Judge Gill believes that the responsibilities of the Judicial Council support one of the key pillars of our justice system – an independent judiciary. He explained: "Our society is one that is based on the Rule of Law. The Rule of Law cannot exist without an independent and impartial judiciary. The responsibility of the Judicial Council, in overseeing the identification and conduct of qualified judicial candidates, is directly connected to supporting this hallowed principle in a very real and tangible way."

In order to provide a balanced perspective, Judicial Council is made up of members who work in the legal and justice system and those in other fields. Appointed by the Provincial Government, through the Board Resourcing and Development office, non-legal members of Judicial Council provide an external viewpoint in their role on the Council. Council member **Karin Kirkpatrick**, Registrar and CEO at the Private Career Training Institutions Agency of BC (PCTIA), is a member of Judicial Council. She says: "I have a background in human resources and recruitment and with that, I bring a somewhat different perspective to the consideration of judicial candidates. I look beyond the candidate's legal qualifications."

Ms. Kirkpatrick believes that having a strong judicial system is imperative. She says that: "Having a pool of exceptional judicial candidates, with the right experience and qualities, is key. The Attorney General can then confidently draw upon the pool of candidates for Provincial Court Judges recommended by Judicial Council." She adds: "The opportunity for the Council to also consider the appointments of Judicial Justices and approval of Justice of the Peace candidates reinforces the quality of the talent pool in the judiciary."



Participating as a member of Judicial Council takes a strong commitment to the justice system and to the judicial appointment process itself. Ms. Kirkpatrick explains: “The Council invests a significant amount of time and resources to reviewing, meeting with, and adjudicating candidates from which the Attorney General may appoint judges to the British Columbia Provincial Court. Council is committed to improving the judicial services of the Court, supporting the continuing education of Provincial Court Judges, and providing information to the Attorney General.”

Describing why she chose to participate as a non-legal member of Judicial Council, Ms. Kirkpatrick said: “I have an interest in the workings of the judicial system with a particular interest in the role of the Provincial Court. The Provincial Court is where most British Columbians, when in contact with the justice system, find themselves.” Adding: “The work of Provincial Court Judges is diverse and fast-paced and it takes a certain kind of person to carry out those duties. I have found my work with Council to be very educational and eye-opening as I learn more about the practise of law and the day-to-day workings of the Court.”

**Dr. Darin Cherniwchan** sees his role as a lay member of Council as “perhaps a bit different than the lawyers and judges who sit with me. I am a licensed physician with a family practice background. My education and experience allows me to provide insight for the rest of Council regarding an applicant’s medical and psychological well-being based on the medical report provided and from the interview itself.” He adds: “The size of Council seems perfect with members who are sitting judges and practising lawyers, representing the Canadian Bar Association and the Law Society of BC. The two lay members provide additional perspective that helps in the assessment of the candidate.”

Dr. Cherniwchan describes Judicial Council as “an essential body that fairly and thoroughly assesses each applicant before determining whether or not he or she is fit to become a Provincial Court Judge or Judicial Justice.” He believes that it is important for the people of British Columbia to know “that the process of and the role Judicial Council plays is fair, thorough and free of political influence. They should feel confident that the Judges that are selected to sit in our Provincial Courts have met the highest of standards.”

As for his role on Judicial Council, Dr. Cherniwchan says: “I am honoured to be a member of this Council. I feel that my contribution serves to fulfill a duty to my fellow British Columbians to select the best possible candidates.” Similar to the sentiments expressed by Associate Chief Judge Gill and Ms. Kirkpatrick, Dr. Cherniwchan says that he feels strongly about the importance of the work being done by Judicial Council. He describes it as: “both meaningful and rewarding.”

## 2. Meeting Schedule & Business Conducted

Judicial Council meets approximately once monthly in the Judicial Council Boardroom at the Office of the Chief Judge, Provincial Court of British Columbia, 602-700 West Georgia Street, Vancouver, BC, V7Y 1E8. At most meetings, Council reviews applications for appointment of Provincial Court Judges and, when required, reviews applications for Judicial Justices and Justices of the Peace. Council also conducts interviews of applicants for the position of Provincial Court Judge.

The 2012 meeting schedule was as follows: January 20; February 24; March 23; April 13; May 25; June 22; July 27; September 21; October 26; November 9; and December 14.

The number of applications in 2012 for recommendation for appointment as a Provincial Court Judge and Justice of the Peace are shown in the following charts. The figures reflect the Council's activities in the specified year, and therefore may include reviews, interviews, or appointments of candidates who applied in a previous year. Please note: In 2012, there were no applicants or appointments for Judicial Justices.

### Applicants for Recommendation for Appointment as a Provincial Court Judge

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2012	34	18	16	46	23	23	22	9	13	21	9	12	12	7	5

### Applicants for Recommendation for Appointment as a Justice of the Peace

Year	Applications Reviewed	Applicants Recommended
2012	24	21

In addition to interviews and the review of applications, Council attends to ongoing business at its meetings. Topics in 2012 included government's "Green Paper," which proposed a review of BC's justice system; changes to the Judicial Justice division; development of a new "conflict" policy for "politically hot" applicants to the Provincial Court; review of the process of former judges applying for full-time reappointment under s.s.6(1)(b)(i) of *The Provincial Court Act*; reform of the Judicial Code of Ethics and the Complaint Process; review of the Senior Judges program; judicial education; and the ongoing decline of judicial resources in the Provincial Court.

In addition to their monthly meetings, Judicial Council met with Mr. Geoffrey Cowper, Q.C., about government's "Green Paper," and then followed up with a formal written submission to the "Cowper Inquiry." Members of Judicial Council also met with the Canadian Bar Association Judicial Advisory Committee to review their role in the appointment process.

## *Criteria and Competencies for applicants for appointment as a Provincial Court Judge*

### Criteria:

1. At least ten years in the practice of law. Those with less legal practise experience are considered if they have a range of related experience.
2. Superb legal reputation and a professional record review from the Law Society of British Columbia.
3. Experience in mediation or alternative dispute resolution.
4. Respect in the community.
5. Good health.
6. Appreciation of and experience with diversity.
7. Willingness to travel and to sit in all subject areas.

### Competencies:

- A. Knowledge and technical skills:  
*Conscientiousness; commitment to high standards.*
- B. Decision making:  
*Decisiveness; confidence; courage; independence; impartiality*
- C. Communication and authority:  
*Firmness without arrogance; courtesy; patience; tolerance; fairness; sensitivity; compassion; self-discipline.*
- D. Professionalism and temperament:  
*Capacity to handle stress and isolation of judicial role; sense of ethics; patience; honesty; tolerance; consideration of others; personal responsibility.*
- E. Effectiveness:  
*Commitment to public service; commitment to efficient administration; self-discipline.*
- F. Leadership and management for Judges holding administrative positions:  
*Responsibility; imagination; commitment to efficient administration.*

### **3. Appointment Process for Judges**

Pursuant to s.6 of the *Provincial Court Act*, Judges are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council. The process of receiving a recommendation commences with an application to Judicial Council.

#### *Application and Approval Process*

Applications for judicial appointment are submitted on a “Judicial Candidate Application” form, which may be acquired on-line from the Provincial Court [website](#). Also available on-line is a “Judicial Candidate Process Summary,” outlining the entire process from application, through interview, to appointment. Council strives to ensure that applicants understand and consent to the extensive investigation that will be initiated following an application.

Upon receipt of an application, the Chief Judge requests a “Canadian Bar Association (CBA) Report” on the applicant from the Judicial Advisory Committee of the BCCBA. Committee members make inquiries of members of the profession and others regarding an applicant’s reputation and suitability for judicial office, a process which may take several months. Council is indebted to the CBA Committee for the diligence it brings to this task.

In addition to the CBA report, the Chief Judge requests reports from the Law Society of BC, detailing any history of complaints against the applicant; and the “Combined Forces Special Enforcement Unit - Police Records Information Management Environment” (CFSEU-BC PRIME Records), listing the applicant’s criminal record, if any. The Chief Judge may also solicit comments from Judges and Judicial Justices who may be familiar with the applicant. Persons identified as references by the applicant, and others not so identified including current colleagues, may be contacted, unless the applicant specifically requests that they not be contacted and provides reasons for that request. Inquiries are conducted discreetly, but strict confidentiality cannot be guaranteed.

Once the inquiries are complete and the above reports are received, Judicial Council reviews the information and determines whether to interview the applicant. If three or more members vote in favour, the applicant is approved for an interview. The timing of the interview depends on the number of applicants recommended for an interview, but generally occurs within a year of receipt of the completed application package. Applicants not approved for an interview are not notified.

Interviews are conducted at the Office of the Chief Judge. At least five members of Judicial Council must be present, although all nine members usually participate. Applicants are asked a series of questions designed to assess their suitability for judicial appointment, and to address any issues raised as a result of the inquiries made concerning the application. Following the interview, Council decides whether to recommend the candidate for appointment by the Lieutenant Governor in Council (LGIC). If two or more members vote against an applicant, the application is not recommended. Reasons are not provided, nor are applicants notified of the outcome of their applications.

The names of recommended applicants are added to a roster for consideration by the Attorney General where they remain for a period of up to three years from the date of their interview. When a vacancy arises, or when the LGIC otherwise determines that an appointment is necessary, the Attorney General may select a candidate from the roster and submit the name to the LGIC for appointment.

In 2012, 11 recommended candidates from the roster were appointed by the LGIC.

An applicant who has been interviewed but who is not appointed within 2.5 years of the date of their interview may reapply for appointment. Interviewed applicants need to advise Council if at any time they wish to remove themselves from consideration for appointment.

Many applicants reapply at least once before being appointed by the LGIC. Given the Council’s statutorily prescribed object of improving the quality of judicial service, the approval process

must ensure that only exceptional applicants who are unquestionably capable of meeting these increasing demands be recommended for appointment.

The following chart shows the history of applications, interviews and recommendations for appointment, by Council, over a 10-year period, and indicates trends in application rates and a comparison of candidate approval rates. (These figures reflect Council's activities in the year specified, which include reviews and interviews of applicants from the prior year, and are not reflective of the results of applications made in a particular year.)

**Applications for Recommendation for  
Appointment as a Provincial Court Judge  
2003 - 2012**

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2012	34	18	16	46	23	23	22	9	13	21	9	12	12	7	5
2011	44	26	18	52	35	17	24	16	8	21	17	4	12	9	3
2010*	47	31	16	48	31	17	15	13	2	28	19	9	17	13	4
2009	59	39	20	86	52	34	27	16	11	21	13	8	7	5	2
2008	54	31	23	67	39	28	28	14	14	21	13	8	13	8	5
2007	89	57	32	81	48	32	27	19	8	25	16	9	11	8	3
2006	55	35	20	47	34	13	19	16	3	15	12	3	7	5	2
2005	41	29	12	41	30	11	20	13	7	28	17	11	16	10	6
2004	47	29	18	58	39	19	34	24	10	29	22	7	10	10	0
2003	51	39	12	53	36	17	29	20	9	33	23	10	19	12	7

\* Subsequent to the publication of this Annual Report, a discrepancy for the figures in 2010 was discovered. The Annual Report has now been updated and the correct figures are published in this Annual Report.

The average number of applications received per year for the last 10 years was 53. The 3 years with the highest number of applications received were 2007, with an all-time high of 89 applications; 2009, with 59 applications; and 2008, with 54 applications.

The average number of applications reviewed for interview over the last 10 years was 58, but on average, only 43%, or 25 applicants per year, were approved for an interview. The average number of applicants interviewed each year was 24, of which, on average, 12 were recommended for appointment, resulting in a 10-year average approval rate of about 50% of those interviewed and about 21% of total reviewed applications.

As mentioned, the number of Judges appointed<sup>1</sup> in 2012 was 11, or about 32% of total applicants and 92% of the annual number recommended for appointment.

<sup>1</sup> "Appointment" date refers to the effective (or the OIC) date of a new appointment, which can often occur several weeks after the date a new appointment is publicly announced. In December 2012, 9 new appointments were publicly announced, but the effective (OIC) date of 7 of them were in January 2013; hence, those 7 appointments will be reported in the 2013 Annual Report.

## Demographics

In 2012, Judicial Council had an average “pool” of 23 candidates recommended for appointment. As of December 31, 2012, this pool consisted of 19 candidates, of which 14 were men and 5 were women.

The roster of recommended applicants included applicants from 9 of the 12 administrative districts of the Court, and most applicants indicated a willingness to be assigned to a judicial district other than their “home” district.

### Applicants to Judicial Council by Age and Gender (2003 – 2012)

As indicated below, the average age of applicants to the Court in the last 2 years was 52, with an average of 25 years in practice. The average age of male applicants has risen slightly, to 55 years, while the average age of women has remained at 51 years.

Year	Total	Male	%	Average Age	Female	%	Average Age
2012	34	18	53%	55	16	47%	51
2011	44	26	59%	52	18	41%	51
2010	47	31	65%	52	16	35%	50
2009	59	39	66%	51	20	34%	47
2008	54	31	57%	51	23	43%	52
2007	89	57	64%	51	32	36%	48
2006	55	35	64%	52	20	36%	45
2005	41	29	71%	54	12	29%	47
2004	47	29	62%	50	18	38%	45
2003	51	39	76%	51	12	24%	47

Female applicants have, on average, three years less practise experience (23 years) than their male counterparts (26 years). Council notes that, according to The Law Society of British Columbia’s 2011 [“Report on Performance,”](#) the profession is comprised of 36% women.

Of the 12 applicants who were recommended for appointment in 2012, 7 (or 58%) were male; 5 (or 42%) were female. Eleven applicants were appointed in 2012 and assigned to the following districts: 3 to South Fraser (Surrey); 2 to North Fraser (Port Coquitlam); 2 to Northwest (Smithers); 2 to Cariboo/Northeast (Prince George); 1 to North Vancouver Island (Nanaimo); and 1 to Okanagan (Penticton).

### Applicants by Gender and Area of Practice (2008 – 2012)

Type of Practice	Private	Crown Counsel	Other Areas	
2012	Total	19	10	5
	M	10	4	4
	F	9	6	1
2011	Total	27	12	5
	M	16	6	4
	F	11	6	1
2010	Total	30	10	7
	M	22	5	4
	F	8	5	3
2009	Total	32	10	17
	M	24	6	9
	F	8	4	8
2008	Total	34	14	6
	M	21	8	2
	F	13	6	4

#### *Diversity*

In 2012, the Chief Judge, as Chair of Judicial Council, wrote a [letter](#) to the President of the Canadian Bar Association, BC Branch, and the President of the Law Society of British Columbia, seeking their assistance in encouraging a broad range of applicants for judicial office on the Provincial Court of British Columbia. Judicial Council's overall goal was to strengthen the Court by ensuring that there is a diverse pool of applicants from which Council can recommend applicants for appointment to the Court who are representative of the general population in the Province. To this end, Judicial Council acknowledges the work of the Law Society of British Columbia and, in particular, the June 2012 report of the Equality and Diversity Committee, [Towards a More Diverse Legal Profession: Better practices, better workplaces, better results](#). As part of the current application process, all applicants are asked to share information regarding their experiences with cultural and ethnic diversity in the hope that they will assist the Court in learning and more appropriately addressing issues of difference.

### *Comparison of New and Renewed Applications*

As stated above, applicants who are interviewed, but not appointed, may reapply 2.5 years from the date of their interview, and often do. The breakdown of applications based upon the number of new and renewed applicants is shown in the following chart. The figures shown in each column reflect the outcome of applications considered by Judicial Council in the specified year.

#### **New and Renewed Applications by Year and Sector (2003 – 2012)**

	NEW APPLICATIONS:		RENEWED APPLICATIONS:	
	Total	Recommended After Interview	Total	Recommended After Interview
2012	21	5	13	3
2011	28	8	16	4
2010	29	9	18	8
2009	35	6	24	1
2008	33	10	21	3
2007	59	8	30	3
2006	43	6	12	1
2005	34	12	9	4
2004	33	6	14	4
2003	35	13	16	6

*Note: The above figures are incomplete, since not all persons applying in 2012 had been interviewed by the end of the year.*

Though it may be difficult to identify a trend, in light of the low overall numbers, the annual number of new applicants is relatively stable with the exception of a significant spike in 2007, followed by a decline. Applications from individuals in both private practice and the public sector have declined.

There has been a steady decline over the last several years in the number of applicants renewing their applications to Judicial Council after previously being unsuccessful<sup>2</sup>. The number of renewed applications from applicants in private practice has remained steady, while those who were recommended for appointment decreased significantly. Similarly, the number of renewed applications from those in the public sector decreased, as did the number of applicants recommended for appointment.

#### **4. Appointment Process for Judicial Justices**

In addition to Judges, Judicial Justices (JJs) are appointed by the Lieutenant Governor in Council on the recommendation of Judicial Council. They are assigned by the Chief Judge to preside over matters within their statutory jurisdiction, including traffic and other ticket offences, some municipal bylaw matters, payment hearings in Small Claims Court, applications for bail and

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<sup>2</sup> "Unsuccessful" applicants include those not granted an interview, as well as those interviewed but not appointed.



search warrants and, in Victoria's Integrated Court, case managing, hearing preliminary matters and issuing warrants for failure to attend court.

#### *Role of Judicial Council in the appointment of Judicial Justices*

In a process similar to that for Judges described earlier in this Report, the Council reviews applications, conducts interviews, and recommends JJ candidates for appointment. Applications for the office of Judicial Justice may be submitted at any time or may be solicited by a recruitment campaign for a specific vacancy.

When received, applications are initially reviewed by Council, or a Select Committee of Council, to decide whether the applicant will be interviewed. Candidates are not advised of that decision except through receipt of an invitation to attend for interview. Candidates who are interviewed are not advised whether they have been recommended for appointment. Names of applicants recommended for appointment remain on a roster for three years. Applicants are eligible to reapply after three years from the date of their previous application, or the date of their interview, if any.

Due to the large number of appointments in 2007 and 2008, no interviews were conducted in 2011 or 2012. It is anticipated that as JJs retire, resign or their terms of appointment conclude, Council may decide to recruit, interview and recommend applicants again.

#### *Appointment Criteria*

Applicants for appointment as a JJ must meet the following criteria:

1. At least five years of practice with the BC Bar. Those with less legal practise experience or those from a bar outside BC are considered if they have a range of related experience.
2. Superb legal reputation in the legal community and a professional record review from the Law Society of British Columbia.
3. Demonstrated excellence in area of the law.
4. Experience in mediation or alternative dispute resolution.
5. Willingness and ability to learn and demonstrated commitment to continuing professional education.
6. Knowledge of current issues facing the courts, the judiciary, and the justice system, and awareness of the social context within which the Court operates.
7. Ability to listen and communicate effectively.
8. Personal characteristics such as decisiveness, evenness of temperament, fairness, open-mindedness, common sense and courage.
9. Demonstrated compassion for those coming before the Court and an understanding of their circumstances.
10. Respect in the community.
11. Good health.
12. Passion and enthusiasm.
13. Balanced relationships with peers and subordinates.
14. Demonstrated adaptability and flexibility with respect to job changes.
15. Demonstrated balance of confidence and humility.

16. Appreciation of and experience with diversity.
17. Demonstrated dedication to public service.
18. Ability to cooperate and work with others.
19. Understanding of the role of the Court in society and respective roles of the judiciary and other participants in the justice system.
20. Willingness to travel and to sit in all subject areas.

Applications for appointment as a JJ are submitted on a “Judicial Candidate Information Summary,” which may be acquired on-line from the Provincial Court [website](#).

## **5. Appointment Process for Court Services Justices of the Peace**

Court Services’ Justices of the Peace (JPs) work in Court registries throughout the province. In addition to their JP duties, which are assigned by the Chief Judge, they hold various administrative positions in the Court Services Branch of the Ministry of Justice, such as Court Manager, Administrator and Court Clerk.

Court Services JPs perform such functions as:

1. Swearing Informations and arranging for the process to bring accused persons to Court to answer new charges;
2. Attending to the execution of Court orders made by Judges and JJs;
3. Determining whether persons qualify to be a “surety” or to guarantee an accused’s bail; and
4. Generally, performing other duties required of a “justice” in the *Criminal Code*, but being primarily administrative in nature, and not requiring the exercise of material judicial discretion.

The applicable process for a JP appointment is as follows:

1. A Court Manager (or their designate) in the relevant Court location will contact the JP Administrator at the Office of the Chief Judge (preferably in writing) when they require a JP appointment (e.g.: a successful applicant for a position that performs JP duties; the position is usually posted as a government posting, and a competition is held at the local level).
2. The successful candidate will submit an application to Judicial Council for appointment as a JP.
3. When the application is received, it is reviewed by the JP Administrator at the Office of the Chief Judge, and reference letters, a police record check, a credit history and driving record are obtained and reviewed.
4. The candidate is interviewed by the Administrative Judge in the relevant district.
5. The applicant must attend and successfully complete the JP basic training course and the final examination.
6. The complete application is then considered by Judicial Council.
7. The names of recommended applicants are forwarded to the Attorney General for consideration for appointment by the LGIC.

## 6. Appointment Process for Judicial Case Managers

Judicial Case Managers (JCMs) are officers of the judiciary who perform case management or judicial scheduling functions and are assigned responsibilities by the Chief Judge. Judicial Case Managers are required to hold a JP commission as part of their qualifications for the position. When an applicant becomes a potential candidate for employment as a JCM through a government posting process, the applicant must apply for a JP commission. The application proceeds through the Judicial Council approval process in a fashion similar to that for Court Services JP described above.

## 7. Judicial Education

### *Judges' Education*

New Judges receive an orientation program consisting of attendance at new judges' education conferences, travel to various districts in the province, mentoring by experienced Judges, and Court observations. In the first two years following their appointment, Judges attend the New Judges Training Program presented by the Canadian Association of Provincial Court Judges and the Newly Appointed Provincial and Territorial Judges Skills Seminar presented by the National Judicial Institute. In addition, new Judges attend, from time to time, additional seminars organized or sponsored by the Office of the Chief Judge.

Judges also regularly attend the semi-annual education conferences organized by the Education Committee of the Provincial Court Judges' Association.

The Education Committee presents education conferences in the spring and fall for a total of four and a half days of education programming. The sessions in the spring and fall of 2012 covered a wide range of topics, including:

- | <i>Spring</i>                                   | <i>Fall</i>   |
|---|---|
| 1. Contempt: the "last resort" for judges       | 1. Assessing Credibility, Memory, Eyewitness Testimony, Judicial Notice |
| 2. Court Management                             | 2. Criminal Trial Management  |
| 3. Criminal Code Legislative Changes            | 3. Issues in High Conflict Family Law Cases                             |
| 4. Judicial Ethics and Social Media             | 4. Judicial Perspective   |
| 5. Life Management: Doing More With Less Stress | 5. Law, Justice, the Holocaust  |
| 6. Neuroscience, Law, and Neurolaw              | 6. Preventing Wrongful Convictions                                      |
| 7. New <i>Family Law Act</i>                    | 7. Sentencing and Plea Bargaining                                       |
| 8. Prison Visit                                 | 8. The Charter in the Canadian Perspective                              |
|   | 9. The Role of Trial Judges   |
|   | 10. The Rule of Law/the Process of Judging                              |

In addition, Judges of the Court are entitled to five days of education leave to attend education conferences using their professional allowance. In the past year, Judges have attended courses including:

1. 13th International Law Congress
2. ABCDs of Child Development for Family Law
3. AFCC/CCCJ Conference
4. American College of Forensic Psychology Symposium
5. American Judges Association Conference
6. CAPCJ 2012 Judging in the 21st Century
7. CBABC: Lessons Learned for Preventing Wrongful Convictions
8. CCIAWJ Conference
9. CLE-The New Family Law Act: Gearing Up Your Practice
10. CMJA 16th Triennial Conference
11. Commonwealth Law Conference
12. Conference Exploring the International, Transnational, etc.
13. Conference for Problem Solving Courts
14. Crime & Criminal Justice: Exploring the International, Transnational & Local Perspectives Criminal Law Conference
15. Divorcemate software Course
16. e-Courts Conference
17. Family Law Conference
18. FASD Conference
19. Federal Bar Judiciary Conference
20. Federation of Law - Criminal Law Program
21. Federation of Law Societies
22. Forensic Science Conference
23. IALMH Conference Law and Mental Health
24. IAWJ London Conference
25. International Bar Association Conference: Judging in the 21st Century
26. Law & Society Conference
27. NASJE Conference
28. National Bar Association Conference
29. National Criminal Law Conference
30. National Family Law Program
31. National Judicial Institute-Evidence
32. National LGBT Bar Association Conference and Career Fair
33. National Symposium Criminal Law Reform
34. NJI: Judicial Settlement Conferencing
35. NJI: Mediation Settlement
36. NJI: Managing Domestic Violence
37. NJI: Evidence
38. NJI: Hearing and Deciding Charter Issues
39. NJI: Justice & Jails: An In-depth View of Sentencing
40. TLABC Course
41. Vancouver Island Treaties Conference
42. World Bar Conference

The Provincial Court of British Columbia continues to be at the forefront of judicial education for Judges in Canada. The continuing success of the Court's education programs is due to the volunteer efforts of the Provincial Court Judges' Association's Education Committee and the many Judges who participate on a volunteer basis at the conferences. Judges also participate in educational programs, panels and seminars for continuing legal education to assist in educating Judges from other courts and provinces, members of the bar, and the public, on a regular basis.

### *Judicial Justice Education*

When first appointed, Judicial Justices are provided with training and orientation specific to their assignments and experience levels. Generally, this takes the form of courses in law and criminal procedure, as well as observation and on-the-job training, in relation to the conduct of

bail hearings and determining applications for search warrants and other judicial authorizations, and in relation to the conduct of traffic and payment hearings.

Judicial Justices also attend semi-annual education seminars, presented by the JJ Association Education Committee and the Office of the Chief Judge. Together, the Committee and the Office of the Chief Judge arrange presentations by judges, JJs, members of the bar, and other expert speakers.

In 2012, presentations were made to JJs by guest speakers, including Professor Micah Rankin, Law Professor, Thompson Rivers University; and the Honourable Mr. Justice Trotter.

Topics covered at the spring and fall conferences included:

1. The Bail Hearing
2. Tele-Bail: Best Practices
3. Bail Issues: Admission of Criminal Record, Reverse Onus, Duty to Provide Reasons, The Tertiary Ground
4. Social Media and Ethical Concerns
5. The Law of Evidence
6. Hearsay Problems
7. *Voir Dire* Hearing
8. NJI Computer Training/Lexis Nexis
9. Judicial Interim Release
10. Search Warrants
11. New Provincial Court Scheduling System

In addition to the semi-annual conferences, the JJ Education Committee hosts regular “Education Nights” at the Justice Centre. In 2012, sessions were held on various topics relating to bail and search warrants, at which various experts in the field made presentations to the JJs who attended either in person or by telephone.

From time to time, JJs are also approved to attend educational conferences presented by other agencies on topics relevant to their jurisdiction.

#### *Court Services Justice of the Peace Education*

Court Services JPs receive training through a basic JP course prior to their appointment, and then receive ongoing on-the-job training and experience in the conduct of their duties, as well as support in the form of a JP manual issued by the Office of the Chief Judge and available assistance from a legal officer to the Chief Judge.

In 2012, JP basic training programs were held in February, April and October at the Office of the Chief Judge.

#### *Judicial Case Manager Education*

The JCMs of the Court generally have an annual conference presented by the Office of the Chief Judge under the supervision of the Administrative JCM. Ongoing on-the-job training and support is also provided by the Administrative JCM.

### **Victoria - Spring JCM Conference - April 19 and 20, 2012**

The focus of this two-day conference, attended by all of the Court's JCMs, was to solicit ideas and input from the JCMs to help build and develop the new proposed scheduling model. The concept was to develop a "straw-man" to help build the foundation for the project moving forward. This involved discussing and reviewing the current business model and conceptualizing what a new business model might look like, using process maps. Presentation topics included: reviewing current business models using B-G Methodology Approach; reviewing scheduling models from other provinces; defining case management processes from first appearance to sentence; building of the "straw-man"; discussion on delayed assignment court and small workshops and group exercises focused on the development of updating scheduling priorities and identification of "best practices" in terms of the effective use of resources. Speakers included Chief Judge Crabtree; Associate Chief Judge Phillips; Ben Graham from B-G Methodology/Process Maps; Dawn North, Administrative JCM; Grant Marchand, Manager of Judicial Resource Analysis and Management Information; Andrew Clark, PCSP Project Manager.

### **Burnaby - Fall JCM Conference - November 15 and 16, 2012**

The focus of this two-day conference, attended by all of the Court's JCMs, was to primarily focus on the Provincial Court Scheduling Project. This involved the continued discussion of effective scheduling of judges and cases and to look at simplified processes for criminal case management. Presentation topics included: PCSP workflow and project update; an overview of the new scheduling model; PCSS Development update using a design studio format; an e-Court project update; Senior Judge scheduling; and a review of scheduling models from other provinces. Workshops and small group exercises focused on the development of updated scheduling priorities and identification of "best practices" in terms of the effective use of resources. Speakers included Chief Judge Crabtree; Associate Chief Judge Phillips; Dawn North, Administrative JCM; Grant Marchand, Manager of Judicial Resource Analysis and Management Information; Andrew Clark, PCSP Project Manager; Andrew Wright, nForm User Experience Consulting.

### **Formation of JCM working group**

In 2012, a JCM working group was formed consisting of Dawn North, Administrative JCM, and other JCMs representing most regions of the Province. On a monthly basis (or when required), the group would meet to discuss case scheduling models, ROTA design, and business proposals for a new PCSS (Provincial Court Scheduling System). Discussion topics included: current scheduling practices; challenges to the effective use of judge time; value of delayed assignments; and prioritization in case scheduling.

## 8. Complaints

Under the *Provincial Court Act*, the Chief Judge has the power and the duty to supervise Judicial Officers (Judges, JJs, JPs) of the Court, and is required under s.11(2) to examine all complaints respecting Judicial Officers. The Chief Judge must report, in writing, to the complainant and the Judicial Officer following an examination.

The *Act* also requires, in s.11(3), that the Chief Judge conduct an investigation respecting the fitness of a Judicial Officer to perform his or her duties if the Chief Judge considers that an investigation is required, or if directed to do so by the Attorney General. The result of an investigation may include corrective action or an order for an inquiry respecting the fitness of the Judicial Officer to perform their duties.

Judicial Council's role with respect to public complaints involving judicial officers is twofold: first, Council has a statutory object of improving the quality of judicial service and, second, in the event the Chief Judge or the Attorney General orders an inquiry into the fitness for office of a Judicial Officer, the Judicial Officer may elect, under section 24 of the *Act*, to have Council act as the tribunal for that inquiry. The alternative tribunal is a judge of the Supreme Court to be designated by the Chief Justice of the Supreme Court.

As Presiding Member of Judicial Council, the Chief Judge reports to Council as needed regarding certain complaints as they bear upon Council's interest in the overall quality of judicial service.

In 2012, no formal inquiries into the fitness for office of a Judicial Officer came before Judicial Council.

## 9. Financial Expenses Incurred by Judicial Council of British Columbia

Support services, boardroom and catering expenses are provided to Judicial Council by the Office of the Chief Judge, Provincial Court of British Columbia.

For the year 2012, travel expenses were paid to eligible<sup>3</sup> non-judicial members\* of Judicial Council to enable them to attend the meetings at the Office of the Chief Judge.

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<sup>3</sup> Members of Council must travel a distance in excess of 32 kilometres from their place of residence in order to be eligible for travel expense reimbursement.

The following table details all “meeting fees” paid to members of Judicial Council in 2012.

Name	Allowable Meeting Fees Per Meeting	Meetings Attended	Total Remuneration
The Honourable Chief Judge T. Crabtree	0	15	0
The Honourable Associate Chief Judge G.S. Gill	0	14	0
The Honourable Judge M. McMillan (PCJA President, 2012)	0	13	0
Administrative Judicial Justice P. Schwartz	0	13	0
Mr. K. Walker, Q.C. * (Law Society of BC Nominee)	\$250	11	\$2750
Ms. S. Matthews (CBABC President, 2012)*	\$250	14	\$3500
Ms. K. Kirkpatrick*	\$250	9	\$2250
Dr. D. Cherniwchan*	\$250	11	\$2750
Mr. L. MacLean, Q.C.*	\$250	11	\$2750
<i>The Honourable Judge K. Skilnick (PCJA President, 2013)<sup>4</sup></i>	0	1	0
<i>Ms. K. Simmons (CBABC President, 2013)*</i>	\$250	1	\$250

## 10. Public Access to the Judicial Council

Any member of the public who has a question that they wish to direct to the Chief Judge as Presiding Member of Judicial Council, or to Judicial Council as a whole, whether arising from this Report or for any other reason, may do so in writing addressed to:

Judicial Council of the Provincial Court of British Columbia,  
602-700 West Georgia Street,  
Vancouver, British Columbia V7Y 1E8

<sup>4</sup> Judge Skilnick and Ms. Simmons attended Council as incoming members in December 2012 for an orientation session.





## APPENDIX "A": Procedure Bylaw

In this bylaw:

- (1) "Applicant" means an applicant for appointment as a Provincial Court Judge.
  - (2) "Council" means the Judicial Council of British Columbia.
  - (3) "Chair" means the Chief Judge or the alternate presiding member, appointed under the *Provincial Court Act*, where the Chief Judge does not attend a meeting of the Council.
1. The Council is a continuing body notwithstanding any change in membership. The Council may complete any proceedings commenced before a change in membership.
  2. The majority of the members of the Council are a quorum. A quorum must be present to hold any meeting, or to pass any resolution.
  3. All powers of the Council may be exercised by resolution. An act or proceeding of the Council is valid when authorized or adopted by resolution at a meeting of the Council, provided that:
    - (a) A resolution to approve an applicant for appointment will be defeated if any two members vote against approval. A resolution that an applicant not be approved for appointment will succeed if two or more members vote in favour of the resolution. Members present for such resolutions may not abstain.
    - (b) A resolution to approve an applicant for interview will succeed if any three members vote in favour of the resolution.
    - (c) To pass any other resolution at a meeting of the Council there must be a majority vote of the quorum in favour of the resolution. Each member has one vote but in the event of a tie, the Chair must cast a second and deciding vote.
  4. Where any member has a conflict with respect to an applicant, or where there may be a reasonable apprehension of bias in respect of a member, that member shall be disqualified from participating in the interview of the applicant, and shall not participate in any vote with respect to the applicant. Such member shall refrain from involvement in all proceedings or discussions relating to the applicant. Any question regarding whether a member is in conflict or whether there is a reasonable apprehension of bias shall be resolved by general resolution. If disqualification of a member through conflict or bias reduces the number of members present below a quorum, the interview or vote in respect of the applicant must be adjourned to a time when a quorum is present.
  5. The Chair will preside at all meetings of the Council, except when the Chair is not available, in which case, the alternate presiding member must preside.

6. The Council will meet approximately 10 times per year, as scheduled from time to time by the members at a meeting. Notice of the time and place of meetings will be given by the Chair to each member. Any member may attend any meeting of the Council.
7. The Council and its committees may meet in person, via telecommunications or a combination of both. All in-person meetings of the Council will be held in Vancouver unless the Council resolves to hold a meeting elsewhere within British Columbia. All in-person meetings of committees of the Council will be held in British Columbia at a place resolved by each committee. Notwithstanding the above, all meetings involving interviews of candidates or matters of discipline of Judges shall be done in person.
8. Meetings of the Council will be private and confidential, but the Council may invite non-members to attend all or part of a meeting of the Council, except a meeting or a part of a meeting at which candidates are interviewed or votes are taken.
9. The Chair will preserve order at meetings and decide all points of order which may arise, subject to an appeal of any other member present. If an appeal is taken by a member from a decision of the Chair, the question will be decided without debate by a majority vote of the quorum.
10. A bylaw relating to the procedure of the Council may be made or amended by a general resolution passed at a meeting of the Council of which written notice was given in advance to all members.
11. The minutes of all meetings of the Council will be distributed to the members, adopted by resolution at the next meeting of the Council, and then signed by the Chair.
12. Where appropriate, the agenda of meetings of the Council will include:
  - (a) minutes of previous Council meetings or committee meetings;
  - (b) matters arising out of the minutes;
  - (c) communications and inquiries;
  - (d) reports from the Chair, or a committee;
  - (e) applications for appointment;
  - (f) disciplinary matters;
  - (g) new business;
  - (h) approval of expenses; and
  - (i) next meeting.
13. The Council may from time to time by general resolution establish standing committees, as required. The chair of each standing committee will be named by the Chief Judge, and the Chair and the members will be approved by the Council.
14. In addition to the standing committees, the Chair or Council by general resolution, may establish a select committee to consider any matter. The Chair will name the chair of

such committees and the Council may name its members. A select committee may only consider the matter specifically referred to it by the Council or by the Chair.

15. The proceedings of all committees will be subject to the approval of the Council. The minutes of all committee meetings will be circulated to all members of the Council in advance of the Council meeting next following the meeting of the committee.
16. Minutes of a committee and resolutions set out in a committee's minutes will be deemed approved by the Council as of the date of the next Council meeting following their circulation, unless a Council member requests the Chair to call a vote at such meeting. The effective date of a committee resolution must be no earlier than the date of the next Council meeting following the meeting of the committee.
17. Except for judicial members, a member attending a meeting of the Council, a meeting of a committee or other business on behalf of the Council as authorized by the Chair, is entitled to receive payment of an allowance in such amount the Lieutenant Governor in Council considers appropriate, and any travel or out-of-pocket expenses.
18. This bylaw does not apply to the Council acting as a tribunal of inquiry under the *Provincial Court Act*.
19. With respect to procedural issues not covered by this bylaw, *Roberts Rules of Order* shall govern.

Procedure Bylaw adopted this 23rd day of March, 2001 at a meeting of the Judicial Council of British Columbia.

## APPENDIX "B": Excerpt from *Provincial Court Act*

### PROVINCIAL COURT ACT

#### [RSBC 1996] CHAPTER 379

#### Judicial council

- 21 (1) The judicial council of the court is continued.
- (2) The members of the council are the following:
- a. the Chief Judge as presiding member;
  - b. the Associate Chief Judge as alternate presiding member or, if 2 or more Associate Chief Judges are designated, the Associate Chief Judge designated as alternate presiding member by the Lieutenant Governor in Council;
  - c. the president of the Law Society of British Columbia or a person nominated by the president;
  - d. the president of the British Columbia Branch of the Canadian Bar Association or a person nominated by the president;
  - e. by appointment of the Lieutenant Governor in Council for a term of not longer than 3 years, a Judge and not more than 4 other persons.
- (3) If the Chief Judge does not attend a meeting of the judicial council, the alternate presiding member must preside.
- (4) If in a proceeding before the council there is no majority decision, the presiding member must cast a second and deciding vote.
- (5) The Lieutenant Governor in Council may authorize payment to council members who are not Judges an allowance for their duties on the council in an amount the Lieutenant Governor in Council considers appropriate.

## Object of council

22 The object of the council is to improve the quality of judicial service, and its functions include the following:

- a. considering proposed Lieutenant Governor in Council appointments of Judges and justices;
- b. conducting inquiries respecting Judges and justices;
- c. considering proposals for improving the judicial services of the court;
- d. continuing the education of Judges and organizing conferences of Judges;
- e. preparing and revising, in consultation with the Judges, a code of ethics for the judiciary;
- f. reporting to the Attorney General on the matters the Attorney General considers necessary.